

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Extend the contract with Disablement Association of Barking and Dagenham (DABD) for Independent Travel Training Programme for a period of up to 24 months, following the approval of the Competition Financial Thresholds Exceptions Form
<b>Cabinet Member:</b>	Councillor Robert Benham, Cabinet Member for Education, Children and Families and Deputy Leader of the Council
<b>SLT Lead:</b>	Robert South, Director of Children's Services
<b>Report Author and contact details:</b>	Sandy Foskett, Commissioner and Project Manager <a href="mailto:sandy.foskett@havering.gov.uk">sandy.foskett@havering.gov.uk</a> 01708 434742
<b>Policy context:</b>	At a local level, this contract supports Havering Council meet its priorities in its Corporate Plan 2019/20. This plan sets out how the Council intends to invest and transform the borough with an emphasis on improving the lives of vulnerable children, adults and families. In summary, this contract ensures the Council fulfils its aim of ensuring that the needs of the most vulnerable are met and that people are supported to be healthy and active.
<b>Financial summary:</b>	The value of the contract extension will be up to £60,000 for the 24 month

**Non-key Executive Decision**

	period. The costs will be met from existing Children's Service budgets allocated to Transport Services.
<b>Relevant OSC:</b>	Children and Learning
<b>Is this decision exempt from being called-in?</b>	No

**Non-key Executive Decision**

**The subject matter of this report deals with the following Council Objectives**

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This paper seeks authorisation to:

Extend the contract with Disablement Association of Barking and Dagenham for Independent Travel Training Programme for a period of up to 24 months with an option to give 3 or 6 months' early termination notice, following the approval of the Competition Financial Thresholds Exceptions form.

### AUTHORITY UNDER WHICH DECISION IS MADE

For an extension with a value between the EU Threshold for Supplies and Services and £5,000,000, approval of a member of SLT is required.

### STATEMENT OF THE REASONS FOR THE DECISION

#### 1. Impact of COVID-19

Due to re assignment of Joint Commissioning Unit (JCU) resources as the 'Provider Emergency Contact Centre' and Vaccination rollout programme, during the outbreak of COVID19 and subsequent lockdowns during wave one and wave two, a number of recommissioning exercised had to be put on hold. This included the Independent Travel Training Programme.

In normal circumstances, a full review of options would have been undertaken but this has not been possible. As a result, this is a request to extend this contract beyond normal extension dates with a view to re-commissioning as soon as possible.

#### 2. Current Contract

The Independent Travel Training programme is provided as part of the Council's Home to School Travel Assistance Services to children and young people with special educational needs and disabilities who require support and encouragement to travel independently.

The service involves the provision of Independent Travel Trainers, and an Independent Travel Training Programme, to enable current and future service users to travel independently; promoting independence, with a view to enabling independent travel, so service users are able to build confidence and learn skills to use the options of using various modes of transport or walking to reach any destination safely.

## **Non-key Executive Decision**

The Council originally contracted with the Service Provider, DABD, from 31 August 2016 via a Call-Off from a Framework Agreement operated by London Borough of Redbridge. Following expiry of the participating contract on 31 August 2020, approval was granted to directly award a further 12 months contract with DABD until 31 August 2021 in order to support the Council in providing this service.

The current contract with DABD is due to expire on 31st August 2021. DABD are meeting its contractual requirements with the provision of the service. A tender exercise was planned for spring 2020 however due to the ever-changing situation with the pandemic and additional work around Covid this was delayed. The intention is to plan for future delivery of the service within the next 24 months providing the restrictions regarding Covid will permit.

During Covid lockdown, the travel training programme had to be temporally paused until schools reopened and transport restrictions eased. As a result there is a backlog of seven students from 2019/20 academic year, and a further three students from this academic year who are on the waiting list to receive independent travel training.

Due to the lockdown, the Travel training expenditure in 2020/21 was £13,298, which is well below the usually expenditure of around £30k per annum. It is recommended that the Council carryover the surplus funding to accommodate those students who were unable to undertake the training.

### **3. Extension Period and Costs**

An extension to the contract for up to 24 months will cost up to £60,000. This is based on approximately 20 students receiving up to 12 weeks travel training.

The Council has no obligation to guarantee the level of work awarded to the Service Provider, however the budget for the contract enables the expenditure of up to £30,000 per annum for Independent Travel Training Services.

The budget for the service provision will be met through existing Transport budgets for special educational needs and disabilities (A33900 and A33920).

## **OTHER OPTIONS CONSIDERED AND REJECTED**

### **1. Retender the Independent Travel Training Programme Service Immediately**

Given the timescales and the impact of COVID-19, this would prove a challenge. Furthermore, the proposed extension of up to 24 months will enable the Council sufficient time to review the current service, develop a new specification drawing on the findings and recommendations from the Passenger Transport board. The documentation for the tender and contract will be produced jointly by a tender board to ensure it meets the needs and expectations of all stakeholders.

**Non-key Executive Decision**

**2. Do nothing and let the contract expire**

Do nothing would mean the contract would expire on 31<sup>st</sup> August 2021, there are no live frameworks that offer the services the Council requires. The Council does not have capacity to bring the service in house.

**PRE-DECISION CONSULTATION**

The contract has been discussed at the Passenger Transport Board and with the current service provider, procurement colleagues and operational colleagues.

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Sandy Foskett

Designation: Commissioner and Project Manager

Signature:

Date: 28 May 2021

## **Part B - Assessment of implications and risks**

### **LEGAL IMPLICATIONS AND RISKS**

Under Section 508B of the Education Act 1996, the Council has a duty to make travel arrangements for eligible children (as defined under the Act) in order to secure that suitable home to school travel arrangements are made and provided free of charge in relation to the child.

Officers seek to extend the Council's contract to Disablement Association of Barking and Dagenham for the provision of this duty.

The value of the proposed extension together with the value of the original contract (£73,298) is well below the threshold for public service contracts under the Public Contract Regulations 2015. The Council is therefore under no obligation to advertise the contract opportunity on Find a Tender.

Although the Council's Contracts Procedure Rules require each procurement valued between £25,000 and £99,999.99 to obtain at least 3 comparable written quotations using the e-tendering suite Request for Quotation procedure, Officers have obtained a waiver of the relevant Contract Procedure Rule (CPR 9.8) in accordance with the procedure set out in CPR14.

### **FINANCIAL IMPLICATIONS AND RISKS**

For this contract, the council pays on activity based on students taking up the training. During 2020-21, because the service stopped due to Covid 19 the travel training expenditure was only £13,298. The aim of this project is to reduce the demand on council home to school transport services by supporting young people to become independent travellers. The project is funded by the Home to School Transport Budget.

The Home to School transport budget has pressures, however there are no known financial risks to the budget because of this contract.

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

### **Non-key Executive Decision**

- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

### **BACKGROUND PAPERS**

N/A



**Non-key Executive Decision**

**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

*Delete as applicable*

**Details of decision maker**

Signed



Name: Robert South

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title: Director of Children's Services

Date: 23.07.21

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_