

Notice of Non-key Executive Decision

Subject Heading:	Approval to commence a direct award for the commissioning of Independent Travel Training Programme within Havering.
Decision Maker:	Barbara Nicholls– Strategic Director of People
Cabinet Member:	Councillor Oscar Ford – Cabinet Member for Children and Young People.
SLT Lead:	Trevor Cook – Assistant Director of Education, Learning and Achievement Services
Report Author and contact details:	Adeolu Adesanya, Travel Assistance Assessment Officer, T: 01708 433231 E: Adeolu.adesanya@havering.gov.uk
Policy context:	<p>At the local level, this contract supports Havering Council to meet its Communities Theme priorities in its 2019/2020 Corporate Plan. 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. It also empowers and promotes independence for children and young adult to safely travel from home to school.</p> <p>In summary, this contract ensures the Council fulfils its statutory obligation by providing sustainable and cost</p>

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	<p>effective form of travel assistance to children and young people within Havering Council.</p>
Financial summary:	<p>The budget for this contract will come from existing revenue social care budgets. The proposed is to award a twelve months contract (with a one plus one year extension option). The contract will be set at a maximum cost of £160,000 per annum (excluding VAT) with the actual cost being based on usage. In total over the 3 years period, the budget will be set at a maximum of £480,000, excluding VAT (£576,000 including VAT).</p> <p>The initial outlay for travel training will be an additional cost to the Childrens Services revenue budget, with the aim that it will reduce transport costs in the longer term. However, the level of the reduction will depend on the circumstances of each individual case.</p>
Relevant OSC:	People's OSSC
Is this decision exempt from being called-in?	The decision will be exempt from call in as it is a Non key Decision

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

People - Things that matter for residents X

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

For the reasons stated in this report, the Director of Education is recommended to approve the direct award of a contract to Deluxe Healthcare a twelve months contract (with a one plus one year extension option) for the provision of Independent Travel Training Programme (ITTP), at estimated value of £160,000 per annum from 4th September 2023 to 3rd September 2024. Over the 3 years period, the budget will be set at a maximum of £480,000 excluding VAT (£576,000 including VAT).

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 of the Council's Constitution

3.4 Powers of Second Tier Manager

General Powers

- (a) To take any steps necessary for proper management and administration of allocated portfolios.

Contract Powers

- (a) To approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000.

STATEMENT OF THE REASONS FOR THE DECISION

1. Background

With the implementation of the; Education Act (1996), Special Educational Needs and Disabilities 0-25 years Code of Practice (2014), Travel to School for Children of Compulsory School Age Statutory Guidance for Local Authorities (2023), Post 16 Transport to Education and Training (2019); there is a need for local authority to make such suitable and free travel arrangements for eligible children and young people as they consider necessary to facilitate attendance at school.

One of the travel assistance options is the Independent Travel Training Programme which is delivered to all eligible children and young people aged 10-25 years, living in Havering, and capable upon assessment and travel training to independently travel between home address and school address.

In this current 2022/23 academic year, 10 students have been referred for the Independent Travel Training Programme, 5 of these students have successfully completed their travel training and they are now independent travellers. This service

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therefore provides a cost avoidance benefit to the Council, and it also supports students to gain an important life skill.

The ITTP Provider works with families, schools, communities, and statutory and voluntary agencies to identify students who are eligible to undertake this programme. Following an initial assessment, the Provider will offer a tailored travel training programme that takes into consideration the student's ability, SEN needs, family circumstances, and school support.

This contract will support Havering Council to meet its Communities Theme priorities in its Corporate Plan. This plan sets out how the Council intends to invest and transform the borough with an emphasis on empowering and promoting independence for children and young adults to safely travel from home to school. In summary, this contract ensures the Council fulfils its statutory obligation by providing sustainable and cost effective form of travel assistance to children and young people within Havering Council.

The current contract we have in place is due to expire on 31th July 2023, and there is a need to expand the offer by bringing in other providers as the current provider has limited capacity. It is not in the Council's interest to undertake a full commissioning exercise due to the niche nature of the service.

In addition, most of the students that have successfully completed their Independent Travel Training Programme end up travelling independently to school. As a result, they are less likely to incur any future transport cost to the Council.

OTHER OPTIONS CONSIDERED AND REJECTED

Commissioners did explore other options which are:

Option 1 – Recommission an external provider to deliver the travel training contract.

This option was rejected, as the following findings were made.

- Better value for money may be established, but not guaranteed as there is a niche market
- Limited market interest (for example Barking and Dagenham Council received one bid for their tender when procured for the same service)
- Sustainability risks
- Uncertainty as to whether to have block or spot purchase

Option 2 – Set-up the service in-house via PTS.

This option was rejected, because despite the overall control of the cost of travel training, the local authority is inexperienced in providing this type of service in-house.

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Additional cost would be incurred for recruiting travel trainers and setting up the system internally to manage the service.

Option 3 – Commission more than one external providers

Three providers have been identified to be operating in the local market for the delivery of the required services. These include, DABD, Deluxe, and Redbridge Council. DABD has reduced capacity and Redbridge Council has no capacity.

Option 4 – Deliver part in-house travel training and part use of external provider

This option was rejected. Although, this method would be a hybrid approach and would allow the Council to develop an in-house service while continuing to spot purchase from external providers. However, additional fees would be incurred in the mentoring of the staff and the overall recruitment challenges would make it difficult to establish and nurture a long term internal team.

Option 5 – Commission schools to deliver travel training

This option was rejected. This option involved the Council entering into an agreement with schools in the borough to provide travel trainers for students requiring travel assistance, as schools would have greater flexibility to work with the students during school hours. However, staff may refuse to provide the service as not part of the contracted hours and it is not included in their standard training.

Option 6 - Do nothing, let the contract expire and have no travel training provision this year

This option was rejected and not recommended. The Council has a legal duty to provide the service. There are benefits both in terms of outcomes for residents, the local community and financially, for the local authority by providing travel training.

PRE-DECISION CONSULTATION

No formal consultation is required for this activity. The request to directly award this contract to Deluxe has been presented at the Gateway meeting held on 15/03/2023.

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

Name: Adeolu Adesanya

Designation: Travel Assistance Assessment Officer

Signature:

Adeolu Adesanya

Date:06/06/2023

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 considered necessary in order to secure that suitable home to school travel arrangements, for the purpose of facilitating the child's attendance at the relevant educational establishment are made and provided free of charge in relation to the child.

Furthermore, the Council has the power to award a contract for these services under Section 111 of the Local Government Act 1972, which allows the Council to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.

Additionally, through its general power of competence under Section 1 of the Localism Act 2011, the Council can do anything that individuals generally may do, subject to statutory limitations.

Officers seek authorisation to make a direct award to Deluxe Healthcare Service Limited for the provision for travel assistance for young persons and to comply with the above duties.

The proposed value of the direct award is estimated to be £480,000, which is below the threshold for light touch regime under Schedule 3 of the Public Contracts Regulations 2015 (PCR). Accordingly, it is not subject to the full PCR regime.

Although the Council's Contract Procedure Rules (CPR) require each procurement valued £100,000 or above to be subject to a formal tender exercise, officers have obtained a waiver of the relevant Rule in accordance with the procedure set out in the Rule.

FINANCIAL IMPLICATIONS AND RISKS

The proposal is to award a twelve month contract (with a one plus one year extension option). The contract will be set at a maximum cost of £160,000 per annum (excluding VAT), with the actual cost being based on usage. In total over the 3 year period, the budget will be set at a maximum of £480,000 excluding VAT (£576,000 including VAT).

The initial outlay for training (£8,100 per student), will be an additional cost to the Children's Services revenue budget, with the aim that it will reduce transport costs in the longer term. However the level of the reduction will depend on the circumstances of each individual case.

There is a risk that the cost of training will not be recovered. However in most cases, once the training is complete, the student will not require Home to School transport, which should result in reduced costs. Furthermore, the need for transport could be avoided completely.

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There is also a risk that a direct award will not achieve best value for money, but the report sets out why this is mitigated.

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

There are no HR implications or risks associated with the recommendations in this report.

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;
- (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, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

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.

The action undertaken will include monitoring how the service meets the needs of all eligible users, including those from ethnic minority communities and the disabled. The Council will also ensure that potential providers have undertaken equality training and adhere to the Council's Fair to All Policy or their own equivalent.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The Council's Social Value will be used to assess the environmental impact and plans of those suppliers bidding for this contract. As a result, suppliers will be required to describe how they intend to minimise impact on the environment by:

- Ensuring that all waste is correctly recycled
- Utilising public transport
- Employing locally wherever possible to reduce the environmental impact of travelling to work
- Employing digital solutions to reduce the need for manual recording and disposable materials.

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BACKGROUND PAPERS

Havering Travel Assistance Policy 2023-24

APPENDICIES

None

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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: Barbara Nicholls

Cabinet Portfolio held:

SLT Member title: Strategic Director of People

Head of Service title

Other manager title:

Date:

Lodging this notice

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____