

Notice of Non-key Executive Decision

Subject Heading:	Approval to a direct award to DABD for the commissioning of Independent Travel Training Programme within Havering.
Decision Maker:	Tara Geere – Statutory Director of Children Services
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 'Havering you want to be part of' vision. This plan sets out how the Council intends to deliver on its People's principle in relation to things that matter for residents 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>

Non-key Executive Decision

	<p>effective form of travel assistance to children and young people within Havering Council.</p>
<p>Financial summary:</p>	<p>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 £145,100 (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 £435,300, excluding VAT (£522,360 including VAT).</p> <p>The initial outlay for travel training 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.</p> <p>Due to the potential demand for travel training, this contract is being commissioned in addition to an existing contract with another supplier.</p>
<p>Relevant OSC:</p>	<p>People's OSSC</p>
<p>Is this decision exempt from being called-in?</p>	<p>The decision will be exempt from call in as it is a Non key Decision</p>

Non-key Executive Decision

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

This decision paper seeks approval:

1. For a waiver from the Council's Contract Procedure Rule (CPR) 9.9, which requires officers to undertake an open procurement where the value of the contract is in excess of £100,000; and
2. Subject to 1 above being approved, for the direct award of a contract with an estimated value of £522,360 (including VAT) to Disablement Association of Barking and Dagenham (DABD), for the provision of Independent Travel Training Programme (ITTP), for an initial term of 12 months (with the option to extend for 12 months and a further 12 months), commencing on 15th April 2024 until 14th April 2027.

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3 of the Council's Constitution

3.3 Powers of members of the Senior Leadership Team

General powers

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

Contract powers

- (b) To award all contracts with a total contract value of between £500,000 and £5,000,000 other than contracts covered by Contract procurement Rule 16.3.

STATEMENT OF THE REASONS FOR THE DECISION

1. Background

In accordance with 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 duty for local authorities 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

Non-key Executive Decision

Havering, and capable upon assessment and travel training to independently travel between home address and school address.

The ITTP Providers work 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.

At the recent Transport Project Operational Group Meeting on 8th January 2024, discussions took place as to a potential award of a travel training programme contract to DABD, as the other ITTP provider was already in a contract with the Council. 12 referrals have already been shared with this other ITTP Provider, and travel training assessment and training have commenced for some of these students. However, 29 additional students have been identified (10 students from Havering commissioned taxi services and 19 students from Havering passenger bus) as potential ITT candidates. The award of this contract would allow the Council to provide for the additional students as well as, support a proactive targeting of suitable students to undertake travel training programme. This service therefore provides a benefit to the Council as the long term costs may be reduced, and it will also support students by allowing them to gain an important life skill.

In addition, this contract provides a long term value for money at an average cost of £7,255 per student. 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. Majority of students who successfully completed their travel training resulting in independent travel.

Comparatively, this contract at an estimated value of £7,255 per student, also offers value for money, as the average annual cost per student on Havering passenger bus is £8,452, and the average annual cost per student on Havering commissioned taxi services is £12,388. Therefore, this contract represents a one-off investment in students referred for this programme compared to other form of travel assistance, where the Council is still expected to provide long term travel assistance for eligible students.

DABD previously provided ITTP contract for Havering Council until the contract expired on 31th July 2023, having exhausted the option to extend this contract. An ITTP contract was awarded to another ITTP Provider in October 2023, however, there is a need to meet an increasing demand in the service by bringing in another provider due to limited capacity of ITTP Providers. It is not in the Council's interest to undertake a full commissioning exercise at this stage, as market research and previous engagements with ITTP Providers reveal that local providers have limited service capacity to engage in a tender process. One of the Council's neighbouring borough undertook a tender process to identify local travel trainer providers, and only one supplier with capacity was identified. It appears as though ITTP providers struggle to recruit local travel trainers who are not within proximity to Havering Council.

Two providers with capacity have been identified to be operating in the local market for the delivery of the required services. DABD have requested for a 2 months lead time in

Non-key Executive Decision

order to recruit and train additional travel trainers in order to increase their capacity and deliver this contract. The other provider has been awarded an ITTP contract with Havering Council.

Therefore, a waiver has been obtained of the Council's Contract Procedure Rule (CPR) 9.9, which requires officers to undertake an open procurement where the value of the contract is in excess of £100,000 as the market is very niche with limited availability of providers and only one suitable provider has been identified.

OTHER OPTIONS CONSIDERED AND REJECTED

Commissioners did explore other options which are:

Option 1 – Commission one external provider to deliver the travel training contract.

This option was rejected, as findings show that better value for money may be established, but not guaranteed due to limited capacity of ITTP Providers. Also, sustainability risks were explored, and there was also uncertainty as to whether to have block or spot purchase with one external provider.

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

Option 3 – 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, 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 4 – 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. Schools may have greater flexibility to work with the students, as the school teachers would be familiar with the students. However, staff may refuse to provide the service as it is not part of the contracted hours and it is not included in their standard training.

PRE-DECISION CONSULTATION

Non-key Executive Decision

No formal consultation is required for this activity. The request to directly award this contract to DABD has been presented and approved at the Gateway meeting held on 08/01/2024.

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

Name: Adeolu Adesanya

Designation: Travel Assistance Assessment Officer

Signature: *Adeolu Adesanya*

Date: 21/02/2024

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has the power to directly award this contract under the general power of competence under section 1 of the Localism Act 2011 to do anything an individual may generally do, subject to any statutory constraints on the Council's powers. None of the constraints on the Council's s.1 power are engaged by this decision.

Officers seek authorisation to make a direct award to DABD for the provision of travel assistance for young people.

The proposed value of the direct award is estimated to be £522,360 (including VAT) which is below the threshold for light touch services (£663,540) under Schedule 3 of the Public Contracts Regulations 2015 (PCR).

Therefore, the procurement process will not be subject to the full PCR regime. Whilst the procurement does not fall under the full PCR regime, when considering whether to approve procurement of this contract, the Council must comply with the procurement requirements of the Council's Contract Procedure Rules.

The Council's Contracts Procedure Rules (CPR) 9.9, requires officers to undertake a formal tender exercise in conjunction with SPU to award a contract valued £100,000 or above (unless stated [as permitted] elsewhere in CPR or for reasons of extreme urgency). CPR 14 permits exceptions to the competitive requirements where it does not infringe any applicable procurement laws; and meets the criteria set out in CPR 14.3. The body of this report confirms that the award of this contract is in the Council's best interest by providing suitable home to school travel arrangements and facilitating the children's attendance at the relevant educational establishment.

A tender exercise was not carried out as required by the Contract Procedure Rules (CPR) and the contract will need to be directly awarded to the provider. In accordance with CPR 14 a waiver is being sought to authorise the direct award. Subject to the waiver being approved, officers seek to award the contract to DABD.

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 £145,100 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 £435,300 excluding VAT (£522,360 including VAT).

This contract is being commissioned in addition to an existing contract, due to the demand for Travel Training outstripping the current supplier's capacity.

The initial outlay for training (£7,255 per student), will be an additional cost to the Children's Services revenue budget, with the aim that it will reduce transport costs in

Non-key Executive Decision

the longer term. However, the reduced long term costs 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.

There is also a risk that a direct award will not achieve best value for money, but given the very small number of suitable providers available, and that a contract with another supplier is already in place, it is considered that a full tendering exercise would not achieve an improved outcome.

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

Non-key Executive Decision

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.

BACKGROUND PAPERS

Havering Travel Assistance Policy 2024-25

APPENDICIES


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



Details of decision maker

Name: Tara Geere

Cabinet Portfolio held: Director of Starting Well
SLT Member title: Statutory Director of Children Services
Head of Service title
Other manager title:

Date: 06/03/24

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 _____