

BIRMINGHAM CITY COUNCIL

PUBLIC

Report to: CABINET

Report of: Corporate Director Children & Young People
Corporate Director Adult Social Care & Health

Date of Decision: 26th June 2018

SUBJECT: TRAVEL ASSIST SERVICE

Key Decision: Yes **Relevant Forward Plan Ref:** 005164/2018

If not in the Forward Plan: Chief Executive approved
(please "X" box) O&S Chair approved

Relevant Cabinet Member(s) or Relevant Executive Member: Cllr Jayne Francis - Education, Skills & Culture
Cllr Kate Booth - Children's Well-being
Cllr Paulette Hamilton - Health & Social Care
Councillor Brett O'Reilly - Finance & Resources

Relevant O&S Chair: Cllr Mariam Khan - Learning, Culture & Physical Activity
Cllr Mohammed Aikhlaq – Children's Social Care
Cllr Rob Pocock - Health & Social Care
Cllr Sir Albert Bore - Resources

Wards affected: All

1. Purpose of report:

- 1.1 This report provides details of proposals to proceed on three key areas required to modernise and improve the Council's Home to School Transport Service (Travel Assist). These are:
- Consultation on a new draft 0-25 Policy for Home to School Transport, replacing three separate existing policies.
 - Development of a new evidence-based Commissioning Strategy for the service to determine the optimum delivery models (see **Appendix 1**).
 - An extension via Single Contract Negotiation, to the current Transport Services Framework and all associated call off order under the Framework with the current suppliers. The proposed extension is for a 14 month period, commencing 1st September 2018 for call offs 1,2,3,4,5,6 and expiring on 31 October 2019.
- 1.2 The report on the private agenda contains confidential information in relation to proposals. The two reports - public and private - must be read together, as this public report does not repeat information contained in the private report.

2. Decision(s) recommended:

That Cabinet:

- 2.1 Approves the principles and timescales in the commissioning plan (attached as **Appendix 1**) outlining the approach to be taken in commissioning and procuring new service delivery.
- 2.2 Agrees to a consultation on a new draft 0-25 policy for Home to School Transport.
- 2.3 Notes that a further Cabinet report will be presented in the autumn seeking approval for the new policy and proposed procurement strategy.

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3. Consultation:

Consultation should include those that have an interest in the decisions recommended

3.1 Internal

3.1.1 Consultations have taken place with the following:

- The Interim Assistant Director for SEND, Children & Young People Directorate
- The Director of Commissioning & Procurement, Strategic Services Directorate
- The Interim Assistant Director for Commissioning, Children & Young People Directorate
- Council Management Team
- The Travel Assist Manager
- The Head of Service, SENAR, Children & Young People Directorate
- The Commissioning and Contract Management Board
- Service Manager, Funerals and Protection of Property/Transport Operations Service

3.1.2 This report has been drafted in consultation with officers from Legal and Governance, Finance and Corporate Procurement and Commissioning.

3.2 External

- All current suppliers listed in **Appendix 1 of private report.**
- Special School Head-teachers.
- Full consultation with service users, including children, families and schools will be undertaken as part of the policy development process and procurement

4. **Compliance Issues:**

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

4.1.1 The recommended decisions are consistent with the Council policies, plans and strategies; and the Education Improvement Plan 2017-18.

- The Council has a statutory duty to make transport arrangements for eligible children with Special Educational Needs and Disabilities (SEND) and to provide free transport to eligible children based on distance, safe walking routes and low income. Some children and adults have needs that require specialist vehicles and escorts; this can be provided under the proposed contract.
- Having access to appropriate travel assistance ensures every child is supported to attend school. Regular reviews of travel plans will support the development of increased independence where appropriate.
- Supporting educational attainment and independence helps to tackle the causes of deprivation and inequality through improving educational performance and confidence. Supporting families with caring responsibilities for vulnerable adults enables carers that are of working age to be in employment and have access to affordable day care for relatives.
- Due to the nature of the work, the suppliers are based locally

4.1.2 Birmingham Business Charter for Social Responsibility (BBC4SR)

Due to the value of spend for some suppliers being below £200,000, the Birmingham Business Charter for Social Responsibility will not apply to them.

For those suppliers with whom we spend £200,000 or more per annum, as part of the contract review and extension we will seek to put in place new charter actions plans for all contractors

The design of a new contract will include consultation on what social value can be sought from the contract. In part this will be through pre-market engagement to determine the social value opportunities.

4.2 Financial Implications

(How will decisions be carried out within existing finances and Resources?)

4.2.1 The Travel Assist Service continues to face severe financial pressures in 2018/19 which it is seeking to address. It is therefore important that any renegotiation and extension of the existing contract reflects value for money and any future changes to the service and

commissioning strategy is set within the context of a robust financial plan for the whole service.

4.3 Legal Implications

4.3.1 The Council has a duty under Section 508A Education Act 1996 to promote sustainable modes of travel.

4.3.2 The Council also has a duty under Section 508B Education Act 1996 to make suitable home to school travel arrangements for eligible children.

4.3.3 The Council is under a duty to have regard to statutory guidance issued by the Department for Education when carrying out its duties in relation to home to school travel and transport, including when making and consulting on policy changes

4.3.4 As a part of the negotiations of any extension the contracts will be reviewed to ensure they are up to date with current legal requirements, e.g. GDPR. A contract variation will be agreed with these improved terms as part of the process

4.4 Public Sector Equality Duty (see separate guidance note)

4.4.1 An Equality Impact Assessment will be completed alongside the final Cabinet report and will inform the consultation for a new policy and commissioning strategy.

5. Relevant background/chronology of key events:

5.1 Background

5.1.1 Birmingham's Travel Assist Service provides a variety of transport options to over 4,200 children on a daily basis, with an additional 1,500 receiving bus passes and has an overall budget of £18.4m for 2018/19. The majority of the children using the service have requirements related to SEND but the service also supports looked after children; children in temporary accommodation and other vulnerable groups. The service operates more than 590 routes and has a range of support options including: 1-to-1's; mini bus/coach transport; Travel Guides; Personal Transport Budgets; Bus Passes and Independent Travel Training. The latter has been introduced over the last 18 months and has been extremely well received by schools with many developing their own complimentary programmes.

5.1.2 Since 2016 the service has been the subject of a root and branch review, delivering 90% of planned changes. Consequently complaints have reduced, operational efficiency has improved (lower number of staff and a faster turn-around for applications) through better use of IT and lean processes and external relationships have improved with key stakeholders such as Headteachers.

5.1.3 However, these changes have been incremental, and there are now two outstanding issues that, if addressed, could make the step change required to improve the service,, ensure resources are best used to support children and families and generate potential cost savings. These are a new commissioning process and a new 0-25 travel policy.

- 5.1.4 Travel Assist is part of a group of services that support families with children with SEND. These include SENAR, Early Support and Access to Education. The SEND and Inclusion Commission looked at the whole life-cycle of support and made recommendations that will ultimately impact upon transport provision. One key proposal is to develop more local provision within the city, reducing the need for children to travel long distances to a suitable education placement. Another important aspect of the Commission findings is the need to focus on independence, working with families and young people much earlier in the child's life to develop important skills (such as travelling independently) and preparing for adulthood.
- 5.1.5 Travel Assist is experiencing an increase in demand. Over 330 additional families successfully applied for specialist transport during the 2017/18 academic year and the numbers of children being transported across the city have grown year on year, in line with an increase in Education, Health and Care Plans. The increase in the number of children on mini-buses has put the service under enormous strain, particularly with regards to travel guides and sufficient and suitable tail hoist vehicles to allow for wheelchair access. The service simply cannot continue to provide transport in the manner it has to date, and the full range of options available, including Personal Transport Budgets and bespoke solutions for families must be developed and considered.
- 5.1.6 Using regularly updated service data and evidence, including examples of best practise from elsewhere, new small scale models of delivery (school ownership of transport; joint working with the Adults fleet; pick-up points) have been launched in recent months and have subsequently impacted positively upon market conditions. All these changes present, for the first time since August 2016, an opportunity to transform how the service operates across the city and supports children and families by introducing a hybrid model of delivery. A new commissioning strategy and plan will outline what this could look like, alongside the development of a new policy informed through consultation with families, schools and stakeholders.

5.2 0-25 Travel Policy

- 5.2.1 At present the Council has three different policies/approaches for transport based on the ages of children: 4/5-16; 16-18; 19+. There has been a lack of consistency and clarity in their application, for example, what is meant by terms such as 'discretionary' and 'exceptional circumstances'.
- 5.2.2 The Council has a duty under Section 508A Education Act 1996 to promote sustainable modes of travel. The Council also has a duty under Section 508B Education Act 1996 to make suitable home to school travel arrangements for eligible children.
- 5.2.3 When considering existing policies from other Local Authorities, Birmingham should be doing more to help families consider and adopt independent travel options. Too many of our children are still on buses for far too long which affects their readiness to learn and, in some cases, school attendance and behaviour. The service is still too reactive and does not provide enough support, working with other SEND-focused services, early in a child's life to plan for and support families as their children grow older.
- 5.2.4 The key principles proposed in the new policy (to be consulted upon) will be in line with the SEND and Inclusion Commission recommendations and reflect national good practice. Proposed changes include:

- A focus on independent travel training and alternative modes of transport
- Support for parents with transitions and reducing dependency on the system and the Council
- A review of transport where families live very close to school (in line with other local authorities and national guidance)
- Changing the appeals process
- Greater clarity of the application process and eligibility for parents (what we will and won't do)
- Clarity concerning the rights and responsibilities of parents, schools, BCC and the transport provider
- Transparency regarding budgets
- Packages of support with other SEND-related services
- The green transport agenda/emission reductions in line with the Councils clean air strategy

5.2.5 The draft policy and consultation process will include comprehensive modelling of future demand across the city, to better plan transport options, reduce travel times, build and move provision in line with the SEND and Inclusion Strategy and inform the new commissioning and procurement process. It will include working with the market to understand how we can improve the logistics of the service and if appropriate adopt the expansion of pick-up points. This work will require close working across teams including: Travel Assist; Finance; Legal and Governance; Commissioning and Procurement, SENAR, Early Support, data and performance.

5.3 Extension of the existing contract and new Commissioning Plan

5.3.1 The existing contract has been in place since 2009 and expires in August 2018.

5.3.2 A new commissioning strategy will address issues that have hindered previous procurement attempts and ensure that the market can respond adequately to demand, including the requirement for accessible vehicles.

5.3.3 The 0-25 policy consultation will inform the commissioning process. Greater focus will be placed on support for children and families to develop independence from an early age, and through key transition periods. Any new procurement process will also need to be in line with the Green Agenda.

5.4.4 In the short term the existing contract needs to be extended to ensure there is no break in provision and the Council can continue to deliver its statutory duties.

5.4 Next steps

- Clear Commissioning Plan, Governance Structure (Commissioning Strategy Board) to be developed over the summer 2018.
- Review and re-negotiation of the terms of the existing contract from September 2018 in order to reflect value for money and the use of a range of new delivery models.
- A further Cabinet report will be presented in the autumn seeking approval for the new policy following consultation, describing the commissioning approach for the service and to approve the procurement strategy with appropriate delegations for the award.

6. Evaluation of alternative option(s):

- 6.1 There is insufficient time to procure a new framework that will be suitably effective in addressing any issues in the market, such as meeting the air quality standards, to enable mobilisation to start before the 2018/19 academic year.
- 6.2 The extension period will allow a travel strategy for young people with SEND to be developed, encompassing a whole review of the service requirements. It will allow Commissioning and Procurement to have early engagement with the market to seek innovative solutions to meet the outcomes identified. If the service were to enter directly into a procurement process, without a comprehensive commissioning plan, the likelihood is that this process will not result in the desired outcomes for children and families, and may lead to a repeat of previous unsuccessful procurement attempts.
- 6.3 The council could opt not to consult upon a new policy and continue with the existing three policies/approaches. However, this would not support the intention to reduce ambiguity with regards to the application and appeals process, and would undermine efforts to move towards greater individual independence.

7. Reasons for Decision(s):

- 7.1 To enable time for a new commissioning strategy and plan for the Travel Assist service to be put in place and the resulting procurement from the strategy to be completed.
- 7.2 To allow for the commissioning process to be informed by a new 0-25 policy for travel assistance.

Signatures

Date

Councillor Jayne Francis
Cabinet Member for Education,
Skills and Culture

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Councillor Kate Booth
Cabinet Member for Children's
Well-being

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Councillor Paulette Hamilton
Cabinet Member for Health
& Social Care

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Councillor Brett O'Reilly
Cabinet Member for Finance
& Resources

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Colin Diamond
Corporate Director Children
& Young People

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15/06/2018

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Graeme Betts
Corporate Director Adults Social
Care & Health

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List of Background Documents used to compile this Report:

Home to school travel and transport guidance – Statutory guidance for local authorities - July 2014

Post -16 transport to education and training – Statutory guidance for local authorities - October 2017

List of Appendices accompanying this Report (if any):

1. Timescales and Milestones for a Commissioning Approach

Overview of a Commissioning Approach for Travel Assist

1. Outline Timescales and Phases

DEFINE AND DESIGN - June to October 2018 – establish programme, develop the commissioning strategy, initial supply market testing and Cabinet approval

DEVELOP – October to March 2019 – Pre-procurement: modelling, specification, supply market development and invitation to tender

DEPLOY – Start March 2019 – procurement (assuming a 6 month OJEU procurement following the restricted procedure, Supplier Qualification, tender and evaluation, preferred supplier, agree contract terms and contract award)

DELIVER – Start November 2019 - mobilisation and implementation, stabilise into BAU.

2. Outline Plan – Define and Design

Establish the programme and governance (programme board) and key workstreams/ subject matter experts for:

- The **SRO/ Business Lead**
- **Programme Management**
- **HR-potential TUPE** implications and to oversee consultation and union engagement
- **Communications and Engagement**-internally and with partners, the voice of the child, parent and school
- **Commissioning/procurement**-pre procurement market testing/engagement, stimulation and development, manage the full procurement process, assess and mitigate residual impacts of any services that may stop and/or move to the supplier and/or specify any BCC services that the supplier will be reliant upon
- **Contract Management** – review and update existing contracts to ensure fit for purpose for continuing delivery and maintain on-going service improvements
- **New policy development and approvals**-will require full consultation
- **Data Modelling**-service demand now and in the future and profile of demand based on current locations, children and schools

- **Buildings and School Planning**-part of demand/data modelling based on current locations of schools and where they should ideally be in the future. Explore potential invest to save opportunities. Link to the SEND/Inclusion and Placement strategies
- **Finance**-service modelling, evaluation of suppliers, opportunities for invest to save
- **Legal**-legal compliance with statutory duties, new policy and procedures and new contract
- **Equality Assessment**
- **ICT**-for any technology changes, including applications
- **Mobilisation/implementation**-to include establishing the **Intelligent Client Function** (contract management).
- **Green Agenda/Air Quality**

Modelling of the Service:

- Options Appraisal including “do nothing” or “de minimus” using the evidence base
- Evaluation of best practice elsewhere
- Links to the existing SEND, Inclusion and Placement Strategies
- Understanding the current baseline demand and performance of the service
- Future (next 3-5 years and 10yrs+) projected demands and performance (based on assumptions of what will be changing in the future)
- Opportunities for joint working, for example with neighbouring local authorities
- Design and development of the performance KPIs for the service
- Assess risks and retain a robust register with appropriate mitigations through the commissioning and procurement life-cycle

3. Develop

- Supply market evaluation, development and stimulation to ensure a broad supply base and not a reliance on a single supplier (or if there is one main supplier then it is a hybrid delivery with other parties and partners involved in delivery) to seek innovative solutions to meet our outcomes.
- Mitigation of the risk that the existing supplier will be the only tender submitted for this service (and validation of their capacity, capability, safety and financial soundness).
- Produce (and agree) Service Specification and Invitation to Tender (procurement) documentation

4. Proposed principles for the Commissioning process

1. A 5-7 year contract with the supplier (or suppliers) rather than 2 years, allowing provider(s) to invest in new, cleaner vehicles

2. Must be in line with the SEND and Inclusion Strategy and the Admissions Strategy
3. In the future more children will travel independently
4. There will be shorter assisted journeys (in terms of distance and time) with children being placed in schools as near to their home and community as possible
5. Demand for the service will reduce over time (as more children travel independently and the SEND/Inclusion and Placements strategies are implemented)
6. The service will deliver within budget and the cost per child will reduce over time
7. We will have a hybrid delivery model which will ensure:
 - No reliance on a single supplier
 - Introduce flexibility so one supplier can cover for another
 - No single supplier can overstretch and not deliver
 - The quality and reliability of the service will improve
8. There will be joined up delivery options with partners, providing economy of scale but also opportunities to work differently with partners. For example, health, other local authorities, Combined Authority, adults and the Children's Trust
9. We will have a supplier (or suppliers) and service which can deliver to an agreed set of performance measures around:
 - Capacity
 - Quality (reliability)
 - Safety
 - Being, and remaining, financially sound
 - Improved efficiency and performance
10. A service designed which can meet the current and future demand and will flex to meet the projected profile and needs of families and their children in the future
11. Subject to full consultation, there will be a revised and modernised policy for evaluation of what the service provides and the appeals process:
 - It will create a service that is clear and transparent, with consistent approvals and appeals processes (that everyone can understand)
 - The new policy will support the modelling of the numbers of children using the service and enable effective demand profiling & management
 - A broader range of provision will be included – taking into account the new models (in-house; school-led; school to pick-up)
 - It will be underpinned by an extended Independent Travel Training programme
12. The contract will ensure delivery of the Council's Social Value Policy through:
 - Pre-market engagement to determine the social value opportunities
 - Adherence to the Birmingham Business Charter for Social Responsibility

- Adoption of the Birmingham Living Wage by the supply chain

13. There will be compliance with the green agenda and delivery options which ensure ongoing compliance