

# Equality Analysis

## Birmingham City Council Analysis Report

<b>EA Name</b>	PO285 Transport Framework Agreement (Pupil Guides)
<b>Directorate</b>	People
<b>Service Area</b>	Children With Complex Needs
<b>Type</b>	New/Proposed Function
<b>EA Summary</b>	Review of commissioning strategy for the procurement of pupil guides via the proposed T/23 Framework (Education Transport Service).
<b>Reference Number</b>	EA000889
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### Introduction

The report records the information that has been submitted for this equality analysis in the following format.

#### **Overall Purpose**

This section identifies the purpose of the Policy and which types of individual it affects. It also identifies which equality strands are affected by either a positive or negative differential impact.

#### **Relevant Protected Characteristics**

For each of the identified relevant protected characteristics there are three sections which will have been completed.

- Impact
- Consultation
- Additional Work

If the assessment has raised any issues to be addressed there will also be an action planning section.

The following pages record the answers to the assessment questions with optional comments included by the assessor to clarify or explain any of the answers given or relevant issues.

## 1 Activity Type

The activity has been identified as a New/Proposed Function.

## 2 Overall Purpose

### 2.1 What the Activity is for

<p>What is the purpose of this Function and expected outcomes?</p>	<p><b>Aims:</b> The City Council Transport Framework Agreement will be used to procure a range of specialised home to school transport services for young people with Special Educational Needs. The Framework Agreement will provide a group of licensed transport providers who have been selected based on the quality of their service evidenced in their tenders. The length of the procurement process is reduced as the service quality will have been assessed in advance of contracts being called off. The framework will enable the Council to provide transport services which are safe, reliable and timely and competitive. The framework agreement will contribute towards the City Councils key priority to safeguard vulnerable children and adults and will support the Councils budget savings plan.</p> <p><b>Objectives:</b> The City Council must achieve efficiencies whilst ensuring the most vulnerable young people in our society are kept safe whilst the Education Act 1996 (Section 508B) places a duty on Local Authorities to make travel arrangements for eligible children in their area. The Framework will enable contracts to be procured for the provision of specialised vehicles to provide home to school transport for pupils with special educational needs. Operators will be external private hire/public service licensed operators who will provide a variety of vehicles including cars/cabs/minibuses and wheelchair accessible vehicles.</p> <p>It is proposed to organise the framework into Lots that includes the provision of escorts within lots 3 and 5. The purpose of including escorts within the contract is to provide flexibility in workforce planning for the service and to future-proof the service, as this workforce is difficult to recruit to and will need to respond to the changes in service delivery. There are no changes to the terms and conditions of staff employed by the Council and there are unlikely to be any TUPE implications as the provision will be used to respond to a natural decrease in workforce and reduce the need for redundancies with the implementation of alternative methods of travel assistance.</p> <p><b>Outcomes:</b> The framework agreement will provide a wide range of transport providers who can be used to enable young people with special educational needs to access learning at an Educational establishment. It will ensure contracts are tendered fairly to all areas of the community. The evaluation of tenders will take into account transport operators compliance and commitment to equal opportunities of employment as well as ensuring services provided adequately meet pupils needs. The framework will aim to measure the performance of transport operators and use day to day experience to improve future contract specifications. This is measured in the annual customer survey.</p>
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For each strategy, please decide whether it is going to be significantly aided by the Function.

Public Service Excellence	Yes
A Fair City	Yes
A Prosperous City	Yes
A Democratic City	Yes

## 2.2 Individuals affected by the policy

Will the policy have an impact on service users/stakeholders?	No
Will the policy have an impact on employees?	No
Will the policy have an impact on wider community?	No

## 2.3 Analysis on Initial Assessment

The City Council will be able to continue to provide home to school transport assistance for pupils resident within the Birmingham area with special educational needs. Services will enable them to attend special schools, specialist units, and mainstream schools as well as respite care provision. The range of vehicle types required including cars, cabs, minibuses and wheelchair accessible vehicles across 190 school term time days or as required. Trips may be on a daily basis, or on a regular but less frequent basis, or this service may be required on an ad-hoc basis. It has the specific objective of increasing equality of opportunity for all vulnerable children and adults that live in the Birmingham area.

The renewal of the Framework Agreement will continue to provide the additional transport services to enable pupils with special educational needs to attend school. It will therefore not change the services currently being provided and there is no potential adverse impact. The framework enables appropriate contract specifications to be managed and maintained. Feedback from service users is already obtained as follows and demonstrates a high level of satisfaction.

The renewal of the Framework Agreement will also allow for the provision of pupil guides as part of the commissioning process. In such cases as and when required pupil guides may form part of the transport provision and therefore be provided by external suppliers within the conditions of the Framework Agreement.

At present the Escort Liaison Service manage the allocation of 500+ pupil guides to home to school transport routes operated under the terms and conditions of the current T23 Framework. Since September 2015 a pilot exercise has been implemented in which an external contractor (WMSNT) has agreed to supply 8 pupil guides in addition to the 8 service vehicles and 8 drivers that had previously formed part of the commissioned service.

The workforce of pupil guides is predominantly female (approximately 90%) and is aged between 20-70 years with approximately 60% of the workforce being over 50 years of age.

The success of this pilot exercise will inform any future commissioning models that include the supply of pupil guides by external contractors that tender for work under the future Framework Agreement (from September 2016).

The purpose of including escorts within the contract is to provide flexibility in workforce planning for the service and to future-proof the service, as this workforce is difficult to recruit to and will need to respond to the changes in service delivery. There are no changes to the terms and conditions of staff employed by the Council and there are unlikely to be any TUPE implications as the provision will be used to respond to a natural decrease in workforce and reduce the need for redundancies with the implementation of alternative methods of travel assistance.

### **3 Concluding Statement on Full Assessment**

Statutory legislation specifies the duty upon the Local Authority to consider what is necessary to ensure pupils can attend school. The ability to use the framework enables the Authority to ensure the appropriate type of vehicle/driver can be provided.

The service is designed to impact positively on those who require assistance with specialised transport services contracted under the City Council Transport Framework. No negative impacts are identified for those who qualify for assistance under the service. Access to the services for those pupils who require assistance has not changed under this framework. Scope for additional providers would increase provision of suitable vehicles at more competitive prices.

The Framework Agreement will provide a wide range of transport providers who can be used to enable young people with special educational needs to access learning at an Educational establishment. It will ensure contracts are tendered fairly to all areas of the community. The evaluation of tenders will take into account transport operators compliance and commitment to equal opportunities of employment as well as ensuring services provided adequately meet pupils needs. The framework will aim to measure the performance of transport operators and use day to day experience to improve future contract specifications. This is measured in the annual customer survey.

The proposal within the future Framework Agreement regarding the supply of pupil guides by external contractors does not consider TUPE. This change to current commissioning, where applied, will rely on the natural attrition rates of the pupil guide workforce and the current gap in the workforce that potentially effects supply to the service user.

Advice regarding this change in commissioning arrangements has been sought from the City Council's Human Resource Service and Legal Services. Both services have agreed that consultancy with the existing workforce of pupil guides is not necessary in-light of this proposed commissioning arrangement. However, advice has been consistent in that 'conversations' need to take place between management, pupil guides and their trade union representatives in order to clarify the City Council's position. In addition, other stakeholders including SEN and mainstream head teachers and management within SENAR will be informed of this proposed commissioning arrangement.

### **4 Review Date**

### **5 Action Plan**

There are no relevant issues, so no action plans are currently required.