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06 December 2019

To: All Members of the Cabinet

Dear Member,

Cabinet - Tuesday, 10th December, 2019

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the agenda:

**7. MATTERS REFERRED TO CABINET BY THE OVERVIEW AND SCRUTINY COMMITTEE (PAGES 1 - 72)**

The 12<sup>th</sup> of November Cabinet decision on the Award of Contract for the provision of SEND Transport Transformation Consultancy Services was subject to call in and considered by a special meeting of the Overview and Scrutiny Committee meeting on the 3<sup>rd</sup> of December.

The Call-in Procedure rules require the Cabinet, as the decision maker, to reconsider the key decision by 5 working days. Considering the Overview and Scrutiny recommendations and Cabinet report on the provision of SEND Transport Transformation Consultancy Services, as items of late urgent business at item 7 will allow this constitutional requirement to be met.

**29. NEW ITEMS OF EXEMPT URGENT BUSINESS (PAGES 73 - 76)**

To consider any items admitted at Item 3 above.

Yours sincerely

Ayshe Simsek, Acting Democratic Services & Scrutiny Manager

## **LATE BUSINESS SHEET**

**Report Title: Agenda Item 7 - Matters referred to Cabinet by Overview and Scrutiny**

**Committee: Cabinet**

**Date: 10 December 2019**

### **Reason for lateness and reason for consideration**

The 12<sup>th</sup> of November Cabinet decision on the Award of Contract for the provision of SEND Transport Transformation Consultancy Services was subject to call in and considered by a special meeting of the Overview and Scrutiny Committee meeting on the 3<sup>rd</sup> of December.

At this meeting, the Overview and Scrutiny Committee considered a report from the Monitoring Officer and Section 151 officer on whether the decision was within the policy and budgetary framework. The Committee considered a report from the Director for Children's Services responding to the call in, the Cabinet report on Award of Contract for the provision of SEND Transport Transformation Consultancy Services, as well as representations from 3 parents and a Head teacher.

The Overview and Scrutiny Committee determined that this Cabinet decision was within the Policy Framework and within the Budget Framework and further agreed under part 4, rules of procedure – Section H - Call in procedure rules paragraph 10 section [b] that the decision on be referred back to Cabinet along with some additional recommendations for the Cabinet to consider.

The Call-in Procedure rules require the Cabinet, as the decision maker, to reconsider the key decision by 5 working days. Considering the Overview and Scrutiny recommendations and Cabinet report on the provision of SEND Transport Transformation Consultancy Services, as items of late urgent business at item 7 will allow this constitutional requirement to be met.

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**Report for:** Cabinet – 10 December 2019

**Title:** Call In – Award of Contract for the provision of SEND Transport Transformation Consultancy Services

**Report**

**Author:** Councillor Lucia das Neves, Chair of Overview and Scrutiny Committee

**Ward(s) affected** N/A

**Report for Key/**

**Non Key Decision:** Key decision

## **1. Describe the issue under consideration**

- 1.1 This report sets out the outcome of the Overview and Scrutiny Committee's consideration of the Cabinet's decision on the Award of Contract for the Provision of SEND Transport Transformation Consultancy Services on 12<sup>th</sup> November 2019,

## **2. Introduction**

- 2.1 The Overview and Scrutiny Committee considered the Cabinet's decision at a special meeting on 3<sup>rd</sup> December 2019. The Committee heard representations from the following:

- Brian and Sue Leveson - Parents and service users of SEND transport;
- Marta Garcia de la Vega – sendPACT founder and parent/carers representative; and
- Paul Murphy – Head Teacher of Lancastrian School.

- 2.2 Consideration was given to the views expressed by the signatories of the call-in, as follows;

- It was acknowledged that SEND Transport needed drastic improvement. The objection was to the bringing in of a private, profit making company to determine and manage the changes. These included reductions in the operational budget for the service and the vast majority of the savings that arose would be given to the private company in the first two years;
- The private company in question had been brought in to conduct a scoping exercise that had resulted in a recommendation for an external partner to be appointed for change management. The company appointed for this was the same company that had undertaken the scoping exercise;
- The private sector did not have a magic wand nor an ethos that was superior to that of the public sector. Any genuine efficiencies which could be made in the service could be identified without giving £600k plus to a private company;
- There was unlikely to be any improvement in the genuine involvement of parents and carers by bringing in the private sector at this level. The addition of a company motivated by profit was more likely to cause a further diminution in the input and influence of service users;

- The gainshare arrangement, whereby a further 40% of the savings above the expected level would be given to the company, added to the concern that the company would push through the most swingeing cuts possible in order to maximise its income;
- It was far from clear if or how it would be ensured that the changes were genuine efficiency savings and not merely service cuts or adverse changes for staff;
- The changes brought about by the contractor appointed when it had worked in Brighton had resulted in disruption of service and adverse changes being implemented, which had been objected to by schools, parents and trade unions. The Deputy Council Leader had needed to issue two separate public apologies as a result and the Council had set up an independent inquiry in response;
- At least one of the changes in Brighton was a service reduction as the escorts were no longer allowed to accompany the children and young people from vehicles to the school doors;
- Based on its practice in Brighton, there was a likelihood that the contractor would have an operational role;
- It was unclear what the financial consequences would be if all or part of the changes proposed by the company were rejected or if the contract was terminated early;
- The decision represented a large transfer of resources from the public to the private sector and might:
  - Lead to changes which are not in accordance with the Council's values;
  - Not represent value for money compared with alternative ways forward; and
  - Lead to reputational damage to the Council and its present leadership, which would be blamed for any adverse effects resulting from the involvement of the company.

2.3 The Committee considered the views expressed by parents and carers and, in particular, the following issues:

- There were new officers in the Children and Young People's Service as well as a new Cabinet Member for Children and Families. They had shown an increased interest in working jointly with parents and carers but there had not yet been any significant level of behaviour change within the service. In particular, co-production had not been implemented fully;
- Parents and carers had been involved in large-scale events, such as the one that had taken place as part of the Fairness Commission, and had mentioned their wish to be consulted on the development of SEND transport services. In addition, transport had been mentioned in passing as part of the engagement process for the recent Scrutiny Review that had focussed on children and young people with Social, Emotional and Mental Health (SEMH) issues and autism. However, the references to transport in such discussions were incidental and did not represent co-production or collaboration, which was an integral part of the SEND Code of Practice;
- Parents and carers who would be affected by changes to SEND transport needed to be fully involved. Their views on the issue had been taken out of context. Hearsay should not be presented as consultation.

- 2.4 In addition, the Committee heard from Paul Murphy, the Headteacher of Lancasterian School. The school shared a site with the Vale Special School. There had been continual issues with transport which included arrival times and the difficulties experienced by some parents and carers in arriving at the school on time. This had been raised but little progress had been made.
- 2.5 Cllr Brabazon, the Cabinet Member for Children and Families, and officers from the Children and Young People's Service responded to the representations and call-in as follows:
- She did not disagree with many of the sentiments that had been expressed but the decision that had been called in concerned a very narrow area that specifically concerned the procurement process;
  - The cost of the procurement was not coming out of the budget for the service;
  - The intention was that the change process would include the explicit involvement of parent and carer representatives, who would collaborate in its management and be an integral part of its Steering Group. There was a genuine commitment to co-production. This would begin once the contract began and continue for its duration;
  - The change process that was being adopted had worked very well elsewhere. The service would remain in-house. The involvement of the private company would cease after two years;
  - The transformation process had a broad scope. Efficiencies would be in the background and would not impact directly on service;
  - Due diligence had been undertaken in respect of the contractor appointed. The problems referred to in Brighton had not arisen from the involvement of the contractor. Positive feedback had also been received from elsewhere;
  - The service could not remain as it was. Improvements needed to be implemented.
- 2.6 The Committee noted that the scope of the transformation process had been based on internal and external feedback on the service from a wide range of sources. These included parents, carers, schools, complaints and blogs. Parent and carer representatives felt that these had been taken out of context and did not constitute meaningful engagement. Some parents present at the meeting stated that they did not have any particular view on the contractor who had been appointed.
- 2.7 In answer to a question, officers stated that they were of the view that the percentage split of savings that were achieved with the contractor was reasonable. The Council would also benefit from the savings and increased savings on a long-term basis.
- 2.8 The Cabinet Member reported that the contractor appointed had specialised expertise that was not available in-house. The service was very complex and there were a wide range of inter-related issues to be considered. There was also a need to collaborate with parents and carers and this would be built in to the process. The changes would be managed by the Council. The process did not constitute outsourcing but was change management. The Invest to Save funding that had been obtained had been directly linked to service transformation and would not have been provided otherwise. The service would continue to be

provided in-house. Only the drivers and the buses were provided externally and the option of bringing them in house as well would be considered in due course. The Committee was given and discussed exempt information as provided to Cabinet in formulating its views.

- 2.9 The Committee deliberated on the evidence that it had received and views expressed. It was of the view that no evidence had been presented to suggest that the decisions taken were outside the budget or policy framework. It had received clear evidence on the need for change within SEND Transport Service and that the decision taken by Cabinet sought to address this matter. The Committee discussed evidence concerning whether alternative options had been considered and received the Director of Children's Services views on these.
- 2.10 In determining its conclusions, the Committee took advice from the Monitoring Officer. It agreed to the matter refer back to Cabinet, as the decision maker, as in paragraph 10(b) of the Call-In Procedure rules set out in Part 4 Section H of the Council's Constitution. In particular, it emphasised the key role of co-production and the need for meaningful engagement with families and carers given their feedback on the process so far.
- 2.11 The Committee was aware of examples of co-production in commissioning and delivery of these type of services. It felt strongly that Cabinet should consider how all commissioning in the borough incorporates co-production. The Committee was disappointed that families had not been engaged with significantly since it had scrutinised the Invest to Save projects in Children's Services as part of the Medium Term Financial Strategy (MTFS) update in July 2019. Co-production has been a weakness across the Council and the Committee noted that this is an area that parents and carers would like the Council to continue to improve upon.

### **3. Recommendations**

- 3.1 That Cabinet strengthens co-production in the SEND transport transformation process prior to phase 1 of the contract;
- 3.2 That Cabinet follow best practice in good governance in formulating the Steering Group referred to during the meeting and in doing so that it refer to parent and carer advocates and respected co-production organisations;
- 3.3 That Cabinet co-produce the terms of reference for the Steering Group and that the membership of the group follow best practice examples;
- 3.4 That Cabinet asks its chosen external partner to sign up to an agreement or charter which clearly sets out the participation and role of parents and carer representatives within the transformation process;
- 3.5 That Cabinet acknowledge and understand that parents should be seen as equals and given confidence that they will be listened to; and
- 3.6 That any decision on phase 2 of this contract should also fully involve parents, carers and service users on the same basis as within the formulation of the Steering Group.



#### 4. Appendices

Appendix 1 Call in submission

Appendix 2 Officer response to call in

Appendix 3 Monitoring Officer report

Appendix 4 Excerpt of Cabinet minutes 12<sup>th</sup> of November

Appendix 5 Cabinet report on Award of Contract for the provision of SEND Transport Transformation Consultancy Services

Appendix 6 – Exempt cabinet Minutes on Award of Contract for the provision of SEND Transport Transformation Consultancy Services

Appendix 7 – Exempt appendix on Award of Contract for the provision of SEND Transport Transformation Consultancy Services

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**'CALL IN' OF DECISIONS OF THE CABINET**

This form is to be used for the 'calling in' of decisions of the above bodies, in accordance with the procedure set out in Part 4 Section H.2 of the Constitution.

<b>TITLE OF MEETING</b>	Cabinet
<b>DATE OF MEETING</b>	12/11/2019
<b>MINUTE No. AND TITLE OF ITEM</b>	<b>75. SEND TRANSPORT INVEST TO SAVE BUSINESS CASE</b>

**1. Reason for Call-In/Is it claimed to be outside the policy or budget framework?**

It is not claimed that the decision is outside the policy or budget framework.

The decision externalises a change design and management function of the Council, in the SEND Transport service, to a private company. The company promises to achieve large savings in the cost of the SEND Transport service (while improving quality), out of which a minimum of £600,000 will be paid to the company itself.

The following are not made clear in the report:-

- How it will be ensured that the changes pushed through by this company are purely genuine efficiency savings and not cuts to the level or extent of services delivered, reductions in the numbers of children receiving a service, or adverse changes to the working patterns, staffing levels, conditions or workload of staff.
- Whether the company will have an operational / management role or merely an advisory role during their 2 year contract period.
- What would be the financial consequences should the Council reject all or part of the changes proposed by the company.
- What would be the financial consequences should the Council decide to terminate its contract with the company earlier than stipulated.

We are concerned that this decision:

- Represents a large transfer (£600,000+) of resources from the public to the private sector;
- May lead to changes which are not in accordance with our values;
- May not represent value for money compared with potential alternative ways forward;
- May lead to reputational damage to the Council and its present leadership, which will be blamed for any adverse effects of changes resulting from the involvement of this company.

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## **2. Variation of Action Proposed**


The decision to award this contract be rescinded. Instead, in house work to be undertaken, supported if an external resource is required by a non profit making and pro-public sector organisation such as APSE of which this council is a member, and in consultation with the trade unions and service users, to identify and progress genuine efficiency savings and service improvements. This to include consideration of bringing the supply of drivers and vehicles in house.

**Signed:**

Councillor:  (Please print name): NOAH TUCKER

**Countersigned:**

1. Councillor:  (Please print name): DANIEL STONE

2. Councillor:  (Please print name): MATT WHITE

3. Councillor:  (Please print name): PRESTON TABOIS

4. Councillor:  (Please print name): JAMES  
CHIRITANKANDATH

**Date Submitted:**

**Date Received :**

(to be completed by the Democratic Services Manager)

**Notes:**

1. Please send this form to:

Ayshe Simsek (on behalf of the Proper Officer)  
Acting Democratic Services and Scrutiny Manager  
5th Floor  
River Park House  
225 High Road, Wood Green, London N22 8HQ  
Tel: 8489 2920  
Fax: 020 8881 5218

This form must be received by the Acting Democratic Services and Scrutiny Manager by 10.00 a.m. on the fifth working day following publication of the minutes.

2. The proper officer will forward all timely and proper call-in requests to the Chair of the Overview and Scrutiny Committee and notify the decision taker and the relevant Director.
3. A decision will be implemented after the expiry of ten working days following the Chair of Overview and Scrutiny Committee's receipt of a call-in request, unless a meeting of the Overview and Scrutiny Committee takes place during the 10 day period.
4. If a call-in request claims that a decision is contrary to the policy or budget framework, the Proper Officer will forward the call-in requests to the Monitoring Officer and /or Chief Financial Officer for a report to be prepared for the Overview and Scrutiny Committee advising whether the decision does fall outside the policy or budget framework.

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**Report for:** Special Overview and Scrutiny Committee, 3<sup>rd</sup> December 2019

**Title:** Call-In of a Decision taken by the Cabinet on 12<sup>th</sup> November 2019 to approve the award of a contract for the provision of SEND Transport Transformation Consultancy Services to the successful tenderer in accordance with the Council's Contract Standing Order (CSO) 9.07.1(d), for a period of two (2) years commencing end of October 2019 and at a total value of up to £600,000 over the 2 years period, with a further gainshare reward dependent upon demonstrable value of savings delivered in excess of £635,000 per annum

**Report authorised by:** Ann Graham, Director of Children's Services

**Lead Officer:** Peter Featherstone, Programme Director, Children's Services

**Ward(s) affected:** All

**Report for Key/  
Non-Key Decision:** Key Decision

## 1. Describe the issue under consideration

1.1 On 12<sup>th</sup> November 2019, the Council Cabinet resolved:

- To approve the award of a contract for the provision of SEND Transport Transformation Consultancy Services to the successful tenderer in accordance with the Council's Contract Standing Order (CSO) 9.07.1(d), for a period of two (2) years commencing end of October 2019 and at a total value of up to £600,000 over the 2 years period, with a further gainshare reward dependent upon demonstrable value of savings delivered in excess of £635,000 per annum;
- That the date of commencement of the contract will follow immediately after five working days of the publication of the Cabinet decision to approve, plus a further ten working days standstill period as per public procurement contract regulations; and
- That exploration of a further phase (phase 2) of transformation to insource vehicles and drivers is considered once the transformation of the SEND transport service and the associated savings is secured.

1.2 Following a Call-In of that decision made in accordance with Council procedures, this report provides further information to support the

Overview and Scrutiny Committee's (OSC) consideration of the issues raised in the Call-In.

## **2. Cabinet Member Introduction**

- 2.1 My introduction to the original report considered by Cabinet on 12<sup>th</sup> November 2019 sets out the case as I see it for that decision. This report deals with the specific points raised in the Call-In, and I now simply and clearly confirm my view that nothing raised in the Call-In or set out in this report changes my view that the decision taken on 12<sup>th</sup> November 2019 was the right one.

## **3. Recommendation**

- 3.1 It is recommended that the Committee takes into account the information in this report when considering its decision on this matter.

## **4. Reasons for decision**

N/A

## **5. Alternative options considered**

N/A

## **6. The Decision and the Call-In**

- 6.1 On 12<sup>th</sup> November 2019, Cabinet approved the recommendations set out in a report entitled 'SEND Transport Invest to Save Business Case'. The decision and the report are available on the Council's website, at the link given in section 11 below.
- 6.2 Following the issuing of the draft minutes for the Cabinet meeting, a Call-In of that decision was received and validated, in line with agreed Council procedures. Accordingly, the matter is now to be considered by the Overview and Scrutiny Committee. Section 7 of this report describes and responds to each of the reasons given for the Call-In.



**7. Call-In from Councillor Noah Tucker**

**How will it be ensured that the changes pushed through by this company are purely genuine efficiency savings and not cuts to the level or extent of services delivered, or reductions in the number of children receiving a service?**

- 7.1 The changes that the transformation partner would be commissioned to deliver will support both an improved service to children, young people, and families, and also genuine efficiency savings. These changes will not cut the level or extent of the services currently being delivered, nor reduce the number of children receiving a service.
- 7.2 The background information detailed within Appendix B of the report presented to Cabinet on 12<sup>th</sup> November details the scope of the changes that are required to be delivered by the transformation partner. The areas of focus for these savings cover:
- Overhauling the routing of all journeys holistically across the service in a way that best considers the needs of children and young people and the most effective resources available, including the commissioning and implementation of a routing software package;
  - using strategic sourcing methodologies to develop the provision and improve the competition and value achieved from private hire providers at procurement and throughout the life of the contract;
  - improving the overall performance of the Transport team and how it operates alongside wider SEND teams and other teams involved, including the performance of contracted suppliers;
  - introducing a widespread cultural change and management of the expectations of parents, carers, schools, transport users and internal services such as SEND. The aim is that our provision for travel support meets identified needs. Our intention is that Haringey's offer of specialist and / or supported transport is delivered to meet need, but in a manner that is efficient, cost effective, and builds on the already significantly good work in this area. Wherever is appropriate we will make our focus on passenger independence, and our policy framework will always reflect national guidance; and
  - in the context of changing expectation and drive to independence, carry out a re-evaluation of all passengers to ascertain their travel eligibility and bespoke requirements.
- 7.3 The Council has a statutory requirement to have a Sustainable Modes of Travel Strategy and a Transport Policy Statement in place.

- Nationally safe and efficient school transport and travel is a primary need for families of children with SEND. Locally we offer, and will continue to offer, transport for children in line with our travel policy which includes the aspirations to promote independence as far as possible, whilst ensuring children can attend school in a timely way.

7.4 It is not proposed that there will be any substantive changes to the existing SEND Transport policy as a result of any transformation delivered by the proposed transformation partner. The travel policy is clear but there is challenge from families and professionals on the application of the policy both within the Council and from wider professionals. The process for determining travel eligibility and then determining the best form of travel for individuals requires review so that consistent decisions can be made, and that families and professionals are clear on travel and transport eligibility. Whilst revisions to the policy will be made in regard to addressing issues regarding clarity, parents, carers and Members can be assured that the Council will comply with all statutory requirements. If any changes were to be proposed at any point in the future, it would be achieved through co-production work, consultation and with the best needs of our children and young people at its heart. The areas for improvement that were identified within the scoping review and which will be considered in consultation with parents / carers, are detailed below:

- Whilst the policy is robust and set within statutory guidelines, it was not consistently adhered to and was not widely understood outside the SEND Transport team.
- The policy is not concise or clear and lacks customer focus.
- The policy does not provide clear accountability for determining travel eligibility between the SEND Transport team and the wider SEND service.
- The policy needs to clarify use of personal budgets for travel and also needs to set clear expectation in regard to the allocation of 'travel escorts'.
- Families are keen for a review of the processes, including application and the way that routes are planned, to take place. This is because many of our families have been negatively affected by the way that the service is currently delivered.

7.5 In conclusion, the proposal does not mandate cuts to the level or extent of services delivered, or reductions in the number of children receiving a service.

**How will it be ensured that there are no adverse changes to the working patterns, staffing levels, conditions or workload of staff?**

- 7.6 It is not expected that the changes that the transformation partner would be commissioned to deliver will adversely change the working patterns, staffing levels, conditions or workload of staff who are Council employees.
- 7.7 The background information detailed within Appendix B of the report presented to Cabinet on 12<sup>th</sup> November details the scope of the changes that are required to be delivered by the transformation partner. The scoping review highlighted several important observations in respect of the Travel team's current capacity and their need for support to improve service delivery. It was reported that the current team structure/resources are insufficient to operate and effectively drive forward the necessary service transformation, and the structure of the team does not clearly identify accountabilities for key tasks or allow for the deputising of the Team manager when required. This lack of accountability and flexibility in the team needs to be addressed if the service is to deliver to a high standard and support the wider aims of the SEND service. Furthermore, the recommendation is that the transformation partner both develops and redefines the existing team so that the structure, capacity and skills within that team are able to improve service levels and ensure improvement becomes an intrinsic and continuing part of the service.
- 7.8 As is normal practice, Children's Services will consult with the Unions when developing any recommendation to the Council to increase the establishment of the SEND Transport team to address this lack of capacity and to redesign how the service delivers the transport needs. The consultation will include consideration of the job description, pay grade, working conditions and working patterns.
- 7.9 Around 110 escorts and travel buddies are directly employed by the Council to support children and young people to travel to and from school or college. In this regard, the number of escorts and travel buddies is determined solely by the total number of children and young people who have been assessed as requiring that support.

**Whether the company will have an operational / management role or merely advisory role during their 2-year contract period?**

- 7.10 The transformation partner will be responsible for deploying their own staffing resource who will be working alongside the existing SEND Transport team to support the delivery of the recommendations of the scoping review and who will not have any line management responsibility over staff during their two-year contract period. The transformation partner will at all times operate in accordance with the assurance framework detailed later in this report at 7.23.1.
- 7.11 The overall management of the service will remain as present: Head of SEND service, overseen by the Assistant Director for Schools and

Learning. All managerial responsibilities and decision making will fall to officers (including, for example, HR and performance management matters) and not to the transformation partner.

**What would be the financial consequences should the council reject all or part of the changes recommended by the company?**

- 7.12 The required changes have essentially been detailed within the scoping review (Appendix B of the 12<sup>th</sup> November 2019 Cabinet report) and were the basis upon which the Invitation To tender was issued to the marketplace for competitive bids. Changes recommended by the transformation partner will be considered and must fall within the terms of the scoping review and the contract agreement.
- 7.13 Any additional activity proposed by the transformation partner to that detailed within the scoping review is, by definition, out of scope.
- 7.14 If changes that had been identified in the scoping review are not implemented, then this will have a direct impact on a reduction of savings to the Council.
- 7.15 Upon approval to proceed with the appointment of the transformation partner, a contract will be prepared that will address:
- Governance and decision making;
  - financial mechanism; and
  - contract exit.

**What would be the financial consequences should the council decide to terminate its contract with the company earlier than stipulated?**

- 7.16 If the Council chooses not to award the contract to the recommended transformation partner and also not to otherwise proceed with the tender, then there are no financial consequences to the Council.
- 7.17 However, it should be noted that the Council cannot then go back out into the marketplace to tender for the same scope of activity. If the Council were to do so with the same, or largely similar specification, then the recommended transformation partner could seek compensation in regard to their costs in submitting the bid, and a sum reflecting the amount by which the transformation partner would be worse off.
- 7.18 The contract will be awarded under the CCS framework RM6008 MCF2 Call Off terms and conditions. There are two circumstances whereby the Council could terminate a contract with a provider earlier than stipulated:
- i. Failure to Perform  
In instances such as material default, financial standing as defined in the terms the onus would be upon the Council to prove that the

provider has not delivered outcomes in accordance with the agreed contract. In such instance, the Council would not be liable for compensation to be paid to the provider and if proven the Council may be able to recover costs for placing the contract and expenditure for the alternate arrangement during the period of the contract.

ii. Termination without cause

In such instance, the Council would be liable to reimburse the provider for proven losses as a direct result of the termination and for which the provider cannot seek compensation from other sources such as insurance. The provider has an obligation to mitigate its losses due to the termination.

7.19 The Council would have to have some specific justification under a contract provision to terminate the contract without risk of being in breach of contract.

- If the Council were to terminate the contract or to try to do so without being able to rely on contractual or otherwise lawful ground, it could be held liable to compensate the Supplier for the resulting losses suffered by the Supplier. The amount of the loss would have to be calculated based on general principles of contract law, essentially the losses that could reasonably be expected to flow from the breach of contract.
- Exactly what loss would be determined based on the T&Cs such as the agreed pricing provisions that would determine how much the Supplier could have expected to be paid if the contract had not been terminated prematurely.
- This would normally not be the full amount payable under the contract but a lower figure reflecting the amount by which the Supplier would be worse off.

**Concern that this decision:**

**7.20 Represents a large transfer of resources from the public to the private sector**

- 7.20.1 The recommendation to commission an external transformation partner represents a one-off transformation opportunity cost that lasts for a duration of two years and it does not represent a large transfer of capital resources from the public to the private sector.
- 7.20.2 The capital resources deployed represent a risk-free investment to the Council since payments to the transformation partner are directly related to the delivery of savings back to the Council. Upon successful delivery of the contract, the resultant cost of

the consultancy would be paid back by the end of year three following initiation of contract, leaving in place sustainable savings of at least £635,000 per annum.

## **7.21 May lead to changes that are not in accordance with our values**

- 7.21.1 Our values are consistent with the Council in that children, young people, and families remain our foremost concern in regard to service standards, service improvement and the promotion of independent living wherever possible.
- 7.21.2 Responding to the issues previously raised by the Overview and Scrutiny Committee on 4<sup>th</sup> July 2019 (and reported within the Cabinet minutes of 9<sup>th</sup> July 2019) that “the voice of users should be at the heart of the service and that it should be co-designed, where possible”, it was agreed by Children’s Services that the approach to change must consider and engage with both parents and schools. To provide assurance, the Assistant Director for Schools and Learning will ensure that during all stages of the partnership with the transformation partner, parents, carers, schools and all relevant stakeholders will be involved in the transformation process.

## **7.22 May not represent VFM compared with alternative ways forward**

- 7.22.1 As detailed within the Cabinet report of 12<sup>th</sup> November 2019, the procurement process that was undertaken to identify a transformation partner assured value for money for the Council.
- The tender was conducted via the Crown Commercial Services (CCS) Management Consultancy Framework 2, lot 1, which contained 275 suppliers. A shortlisting exercise was carried out, based on the Council’s minimum requirements for the service, which narrowed the suppliers down to 57. All 57 suppliers were contacted with an invitation to submit an Expression of Interest, of which 11 suppliers expressed interest in bidding for the service.
  - The Competitive Tender was in accordance with the framework conditions, which was based on an evaluation weighting of:
    - Price 40%
    - Quality 60%
- 7.22.2 As a competitive tender, providers submitting bids are not aware of other competitors who may choose to bid, nor the value of any other potential bids. It is a reasonable assumption that the providers submitting bids will offer a competitive bid.



- 7.22.3 The recommended transformation partner has a proven track record in delivering SEND Transport savings, and who was prepared to offer 100% contract fee at risk for non-delivery of savings.

**7.23 May lead to reputational damage to the Council and its present leadership, which will be blamed for any adverse effects of changes resulting from the involvement of this company**

- 7.23.1 There will be four levels of assurance in regard to the delivery of the SEND Transport transformation project:
- i. On-going and robust child / young person / parent carer consultation / engagement at the heart of every step of the process.
  - ii. Service level operational governance through a monthly steering group who can take 'business as usual' decisions that do not require escalation:
    - Including assurance of 'upskilling' and supporting the development of SEND Transport staff.
    - The steering group will include representation from parents and carers to inform and co-produce service improvements.
  - iii. Robust internal governance and assurance of benefits realisation through the monthly Children's Improvement Board:
    - Projected financial savings to be assured by the Council Finance Team;
    - review of 'People Plan' to assure staff development and knowledge transfer.
  - iv. Monthly update to Lead Member for Children's Services

**Variation of Action Proposed**

**7.24 In-house work to be undertaken, supported if an external resource is required by a non-profit making and pro-public sector organisation such as APSE of which this council is a member, and in consultation with the trade unions and service users, to identify and progress genuine efficiency savings and service improvements**

- 7.24.1 The Options Appraisal within the 12<sup>th</sup> November Cabinet report considered an option that included the appointment of an additional staff member with SEND Transport experience alongside internal transformation / change management experience. However, this option was rejected - the disadvantages of this option being:

- A lack of SEND transport transformation / change management experience impacts delivery of service improvements;
- inability to flex the necessary additional SEND transport related experience during expected 'resource-heavy' periods;
- step change in cultural and operating practice is not realised; and
- savings are only partially realised.

7.24.2 In regard to consultation to identify and progress genuine efficiency savings and service improvements, the scoping review was indeed informed by the voice of parents, carers and schools. Some of this feedback was critical of the current service, and the criticism is in line with the evidence provided to the Fairness Commission earlier this year, and evidence provided to the Children and Young People's Scrutiny Panel.

7.24.3 Furthermore, as stated within the 12<sup>th</sup> November Cabinet report, the transformation partner has assured the Council in the application and through communication with schools that they will work with local parent and carer groups, SEND service, individuals and settings such as schools to co-produce proposed changes. The transformation partner has a track record of engagement with settings and family groups and would be able to use the SEND service's current established communications as well as proposing a specific working party around progression of the transport changes.

7.24.4 In regard to potential external resource by a non-profit making and pro-public sector organisation is concerned, and in addition to the reasons stated above (7.24.1):

- There is a high risk that should the Council re-run the tender to include such an organisation, that the existing recommended transformation partner would be able to claim costs from the Council in regard to the first tender.
- Support provided by an external organisation would not be provided free of charge, and that day rates charged for such consultancy services would be at minimum commensurate with that of the recommended transformation partner, or even potentially higher.

## **7.25 This is to include consideration of bringing the supply of drivers and vehicles in house**

7.25.1 As detailed within the Cabinet report of 12<sup>th</sup> November, the proposed transformation has two phases. The first phase, that



was recommended to the Cabinet for approval, is to award a contract for an external transformation business partner who has extensive experience working with other authorities, to improve their SEND transport arrangements.

- 7.25.2 Once complete, the second phase as previously stated within the Cabinet report, is to review the current arrangements for provision of vehicles with a view to consider insourcing. This external review would involve parents and carers alongside officers. The outcome of the review will be discussed with the Lead Member for Children's Services, with relevant Cabinet approval for any further changes proposed by the second phase.

## **8. Contribution to strategic outcomes**

- 8.1 The contribution of the decision in regard to strategic outcomes was set out in the report to 12<sup>th</sup> November Cabinet.

## **9. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **Chief Finance Officer**

- 9.1 The financial information reported in November remains consistent with that reported in July.
- 9.2 The current strategy is included in the agreed medium-term financial strategy savings proposals.

### **Strategic Procurement**

- 9.3 In accordance with the Council's constitution the proposed provider has not been advised of the outcome of the procurement process. The Cabinet decision will not be notified to the proposed provider until completion of the Call-In procedure at which point the decision will be advised to proposed provider.
- 9.4 The procurement was undertaken as a further competition under the CCS framework RM6008 MCF2 and in compliance with the rules of that framework.
- 9.5 The contract would be subject to the framework terms and conditions and provide for the consequences of termination by either the Council or the Provider.

### **Assistant Director of Corporate Governance**

- 9.6 This is set out in the accompanying Monitoring Officer report in the agenda pack

## **Equalities**

9.7 As detailed within the report to 12<sup>th</sup> November Cabinet. The call in comments on the contractual agreement and there are no further equalities comments to add in relation to these points.

## **10. Use of Appendices**

## **11. Local Government (Access to Information) Act 1985**

N/A

**Report for:** Special Overview and Scrutiny Committee  
3<sup>rd</sup> December 2019

**Title:** Joint report of the Monitoring Officer and the Chief Finance Officer on the Call-In of a Decision taken by the Cabinet on 12<sup>th</sup> November 2019 relating to the SEND transport to invest business case

**Report authorised by:** Bernie Ryan, Monitoring Officer and Jon Warlow, Chief Finance Officer & Section 151 Officer

**Lead Officer:** Raymond Prince, Deputy Monitoring Officer

**Ward(s) affected:** N/A

**Report for Key/  
Non Key Decision:** N/A

**1. Describe the issue under consideration**

To advise the Overview and Scrutiny Committee on the call-in process, and in particular whether the decision taken by Cabinet on 12<sup>th</sup> November 2019 relating to the contract award for the provision of the SEND transport service, is within the policy and budgetary framework.

**2. Cabinet Member Introduction**

N/A

**3. Recommendations**

That Members note:

- a. The Call-In process;
- b. The advice of the Monitoring Officer and Chief Financial Officer that the decision taken by the Cabinet was inside the Council's policy and budgetary framework.

**4. Reasons for decision**

The Overview and Scrutiny Committee is expected to take its own decision with regard to whether a called-in decision is outside or inside the policy and budgetary framework when considering action to take in relation to a called-in decision.

**5. Alternative options considered**

N/A

**6. Background information**

### Call-in Procedure Rules

- 6.1** The Call-In Procedure Rules (the Rules) appear at Part 4, Section H of the Constitution, and are reproduced at Appendix 1 to this report.
- 6.2.** The Rules prescribe that once a validated call-in request has been notified to the Chair of Overview and Scrutiny Committee (OSC), the Committee must meet within 10 working days to decide what action to take. In the meantime, all action to implement the original decision is suspended.
- 6.3** If OSC Members determine that the original decision was within the policy framework, the Committee has three options:
- (i) to not take any further action, in which case the original decision is implemented immediately.
  - (ii) to refer the original decision back to Cabinet as the original decision-maker. If this option is followed, the Cabinet must reconsider their decision in the light of the views expressed by OSC within the next 5 working days, and take a final decision.
  - (iii) to refer the original decision on to Full Council. If this option is followed, Full Council must meet within the next 10 working days to consider the call-in. Full Council can then decide to either:
    - take no further action and allow the decision to be implemented immediately, or
    - to refer the decision back to the Cabinet for reconsideration. The Cabinet's decision is final
- 6.4** If OSC determine that the original decision was outside the budget/policy framework, it must refer the matter back to the Cabinet with a request to reconsider it on the grounds that it is incompatible with the policy/budgetary framework.
- 6.5** In that event, the Cabinet would have two options:
- (i) to amend the decision in line with OSC's determination, in which case the amended decision is implemented immediately.
  - (ii) to re-affirm the original decision, in which case the matter is referred to a meeting of full Council within the next 10 working days. Full Council would have two options:
    - to amend the budget/policy framework to accommodate the called-in decision, in which case the decision is implemented immediately, or
    - to require the decision-maker to reconsider the decision again and to refer it to a meeting of the Cabinet, to be held within five working days. The Cabinet's decision is final.

## The Policy Framework

- 6.6** A definition of The Policy Framework is set out in the Constitution at Article 4 of Part Two (Articles of the Constitution) which is reproduced as follows:

### ***“Policy Framework***

*These are the plans and strategies that must be reserved to the full Council for approval:*

- *Annual Library Plan*
- *Best Value Performance Plan*
- *Crime and Disorder Reduction (community safety) Strategy*
- *Development Plan documents*
- *Youth Justice Plan*
- *Statement of Gambling Policy*
- *Statement of Licensing Policy*
- *Treasury Management Strategy*

*Any other policies the law requires must be approved by full Council.*

*Such other plans and strategies that the Council agrees from time to time that it should consider as part of its Policy Framework:*

- *Housing Strategy”*

- 6.7** The policy framework is intended to provide the general context, as set by Full Council, within which decision-making occurs. In an Executive model of local government, the majority of decisions are taken by the Executive – in Haringey’s case this being the Cabinet/Leader/Cabinet member. Under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 the determination of a matter in the discharge of an Executive function nonetheless becomes a matter for the full Council if the proposed determination would be contrary to a plan or strategy adopted or approved by Full Council in relation to the function in question. Case law makes it clear that it would not be a proper use of a full Council approved plan or strategy to seek to make it a means for Full Council to micro-manage what ought to be Executive decisions.

## **7. Current Call-In**

- 7.1** On 21<sup>st</sup> November 2019, a call-in request was received in relation to the Cabinet decision taken on 12<sup>th</sup> November 2019 on the recommendation to approve the award a contract for the provision of SEND Transport Transformation Consultancy Services to the successful tenderer for a period of two years. A copy of the Cabinet report dated 12<sup>th</sup> November 2019; the published draft minutes and the call-in request all form part of the published Agenda pack distributed to Members of the OSC, and so are not reproduced again here as appendices to this report.
- 7.2** The request does not assert that the decision was outside the policy or budgetary framework, and in any event, the Chief Financial Officer also confirms his view that the Cabinet decision is within the budgetary framework.

**7.3** In summary, a key concern in the call-in, is the assertion that the report to Cabinet was not clear on a number of matters namely:

- How it will be ensured that the contractor will deliver genuine efficiency savings as opposed to cuts to service delivery / a reduction in the number of children using the service / adverse implications for staff currently employed to deliver the service.
- Whether the contractor will have an operational or management role as opposed to an advisory role
- The financial consequences which would flow from a decision made by the Council to reject all or part of service delivery changes put forward by the contractor
- The financial consequences which would flow from a decision made by the Council to terminate the contract early

**7.4** The call-in also expressed concern that the decision:

- Represents a large transfer of resources to the private sector
- May lead to changes which are not in accordance with Council's values
- May not represent value for money when compared with other potential alternative options
- May lead to reputational damage to the Council and its leadership for any adverse effects of changes to service delivery implemented by the contractor

**7.5** The request also detailed alternative courses of action, namely for the contract to be rescinded and replaced by an in house project – with such external “non profit making and pro-public sector organisation such as APSE of which this council is a member” resource(s) as required, and in consultation with the trade union and service users – to “identify and progress genuine efficiency savings and service improvements. This to include consideration of bringing the supply of drivers and vehicles in house”.

## **8. Monitoring Officer's Assessment**

**8.1** The Call-In Procedure Rules require that:

*“The [Overview and Scrutiny] Committee shall consider any report of the Monitoring Officer / Chief Finance Officer as to whether a called-in decision is inside or outside the policy / budget framework. The Overview and Scrutiny Committee shall have regard to that report and any advice but Members shall determine whether the decision is inside or outside the policy/ budget framework.”*

**8.2** The Monitoring Officer considered the request on 21<sup>st</sup> November 2019, and determined that it met the 6 criteria for validity as set out in the Call-In Procedure Rules. Following investigation and consideration, the Monitoring Officer made an assessment of whether the decision was outside the policy framework and

concluded that it was not because the subject matter of the call-in is not contrary to the list of plans and strategies which comprise the policy framework set out at paragraph 6.6 above.

**9. Conclusion**

- 9.1** For the above reasons, the Monitoring Officer concludes that the Cabinet's decision was not outside of the policy framework.

**10. The Section 151 Officer's Assessment**

- 10.1** The Section 151 Officer's assessment is that the decision taken by Cabinet on the 12<sup>th</sup> of November 19 is within the financial framework of the authority.

**11. Contribution to strategic outcomes**

N/A

**12. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities) Finance and Procurement**

The Chief Finance Officer's comments are set out above.

**Legal implications**

The Monitoring Officer's views are set out above.

**Equality**

N/A

**13. Use of Appendices**

Appendix 1 Call-In Procedure Rules

**14. Local Government (Access to Information) Act 1985**

N/A

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## **Part Four, Section H**

# **Call-In Procedure Rules**

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1. When a key decision is made by the Executive (that is, the Leader, Individual Cabinet Members or the Cabinet) or a committee of the Cabinet, the decision shall be published and shall be available for inspection at the Civic Centre and on the Council's website, normally within 2 working days of being made. The right to Call-In does not apply to a decision by way of an appeal hearing or a quasi-judicial procedure.
2. The notice of the key decision will be dated and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless a valid request has been received objecting to the decision and asking for it to be called-in. This does not apply to “urgent” decisions.
3. The Monitoring Officer will deem valid a request that fulfils all of the following 6 criteria:
  - (a) it is submitted by any five Members of the Council.
  - (b) it is received by the Democratic Services Manager by 10am on the fifth day following publication.
  - (c) it specifies the decision to which it objects.
  - (d) it specifies whether the decision is claimed to be outside the policy or budget framework.
  - (e) it gives reasons for the call-in and outlines an alternative course of action.
  - (f) it is not made in relation to a decision taken in accordance with the urgency procedures in paragraph 18 below.
4. The Democratic Services Manager will forward all timely and proper call-in requests, once deemed valid by the Monitoring Officer, to the Chair of the Overview and Scrutiny Committee and the Overview and Scrutiny Manager and will notify all Cabinet Members including the decision maker and the relevant Chief Officer.
5. A key decision will be implemented immediately after a call-in request is deemed invalid by the Monitoring Officer or after the expiry of ten working days following the receipt of a valid call-in request by the Chair of the Overview and Scrutiny Committee, unless a meeting of the

PART FOUR – RULES OF PROCEDURE  
Section H– Call-In Procedure Rules

Overview and Scrutiny Committee takes place during the 10-day period.

6. If a call-in request is deemed valid, the Democratic Services Manager will forward the call-in request to the Monitoring Officer and/or Chief Financial Officer for a report to be prepared for the Overview and Scrutiny Committee advising whether the decision does fall inside or outside the policy or budget framework.
7. Unless a key decision is designated "urgent" pursuant to paragraph 18, when it shall be implemented immediately, no action shall be taken to implement the decision until 5 working days have elapsed after the date of the publication of the decision. In the event that a call-in request has been received, no action shall be taken until the Monitoring Officer has determined the validity of the request.
8. Subject to paragraph 5, when a request for call-in is deemed valid, all action to implement the key decision is suspended until the Overview and Scrutiny Committee has met to decide what action to take. The Committee must meet no later than 10 working days after the Chair has received a valid call-in request.
9. Discussion of any called-in decisions shall precede all other substantive items on the agenda of the Overview and Scrutiny Committee. Any reports of the Monitoring Officer and Chief Financial Officer shall be part of that agenda.
10. The Committee shall consider any report of the Monitoring Officer / Chief Finance Officer as to whether a called-in decision is inside or outside the policy / budget framework. The Overview and Scrutiny Committee shall have regard to that report and any advice but Members shall determine whether the decision is inside or outside the policy / budget framework. If the Overview and Scrutiny Committee determine that the decision was within the policy / budget framework, the Committee has three options:
  - (a) The Overview and Scrutiny Committee may decide not to take any further action, in which case the key decision is implemented immediately.
  - (b) The Overview and Scrutiny Committee may decide to refer the decision back to the decision maker, in which case the decision maker has 5 working days to reconsider the key decision before taking a final decision.
  - (c) The Overview and Scrutiny Committee may decide to refer the decision to Full Council.
11. When the Overview and Scrutiny Committee refers a decision to Council (when the decision is deemed to fall within the policy / budget

PART FOUR – RULES OF PROCEDURE

Section H– Call-In Procedure Rules

framework), any Council meeting must be held within 10 working days (with an extraordinary meeting being called if necessary) of the date of the Overview and Scrutiny Committee's referral.

12. When considering a called-in decision (when this decision is deemed to fall within the policy / budget framework) the Council has two options:
  - (a) The Council may decide not to take any further action, in which case the decision is implemented immediately.
  - (b) The Council may refer the decision back to the decision maker, in which case the decision maker has 5 working days to reconsider the decision before taking a final decision.
13. Once a final decision has been made there is no further right of call-in. This decision or any other key decision having the same effect may not be called-in again for a period of six months following the date at which the final decision was taken.
14. If the Overview and Scrutiny Committee determines that the decision is outside the policy / budget framework, the Committee shall refer the decision to the decision maker and with a request to reconsider it on the grounds that it is incompatible with the policy / budget framework. The decision maker shall have 5 working days in which to reconsider the decision.
15. The decision maker has two options:
  - (a) Amend the decision in line with the Overview and Scrutiny Committee's determination, in which case the decision is implemented immediately.
  - (b) Reaffirm the original decision, in which case the decision goes to a Council meeting which must convene within 10 working days of the reaffirmation of the original decision.
16. When considering a called-in decision where a decision maker fails to amend a decision in line with the Overview and Scrutiny Committee's determination, that it falls outside the policy / budget framework, the Council has two options:
  - (a) Amend the policy / budget framework to accommodate the called-in decision, in which case the decision is implemented immediately.
  - (b) Require the decision maker to reconsider the decision again and refer it to a meeting of the Cabinet to be held within 5 working days of the Council meeting. The Cabinet's decision is final.

**17. Abuse of Call-in**

PART FOUR – RULES OF PROCEDURE  
Section H– Call-In Procedure Rules

- (a) Members are expected to ensure that call-in is not abused, or causes unreasonable delay to the functioning of the Cabinet.
- (b) The call-in procedure is to be reviewed annually (see paragraph 18 g), if such a review leads to the conclusion that the call-in procedure is being abused, the Constitution may be amended to include greater limitations.

**18. Call-In and Urgency**

- (a) The call-in procedure set out above shall not apply when the action being taken is urgent or time-critical in terms of (b) below.
- (b) A key decision will be urgent if any delay in implementation likely to be caused by the call-in procedure would seriously prejudice the Council's or the public's interests.
- (c) A key decision which has not been given the requisite publicity for a key decision or a private meeting and which the Chair of Overview and Scrutiny Committee has agreed is 'urgent and cannot reasonably be deferred' is not regarded as urgent for the purposes of call-in unless it fulfils the criteria of paragraph (b) above.
- (d) If a key decision is urgent and therefore not subject to call-in, this will be stated on the record.
- (e) In order for a key decision to be deemed urgent, the Chair of the Overview and Scrutiny Committee must agree that the decision is both reasonable in all circumstances and that it should be treated as a matter of urgency. In the absence or unavailability of the Chair the consent of the Mayor is required. In the absence of both, the consent of the Deputy Mayor shall be required.
- (f) Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (g) The operation of the provisions relating to call-in and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.

**19. Call-In and the Forward Plan**

- (a) The Overview and Scrutiny Committee should consider the Forward Plan as its chief source of information regarding forthcoming Cabinet decisions.

PART FOUR – RULES OF PROCEDURE

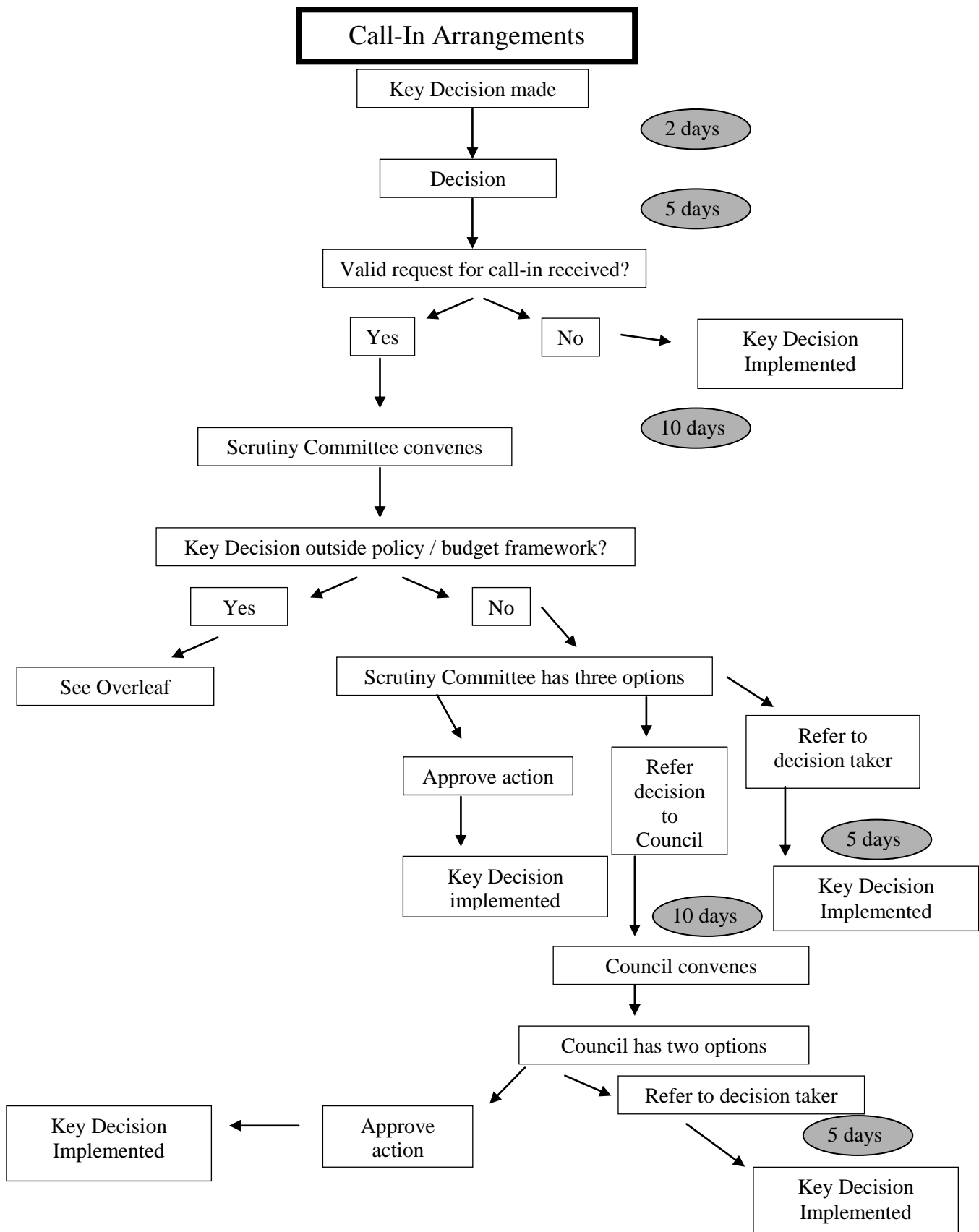
Section H– Call-In Procedure Rules

- (b) The Overview and Scrutiny Committee may select a forthcoming decision and examine the issues around it.
- (c) In order not to obstruct the Council in its business, the Overview and Scrutiny Committee may call-in a key decision in advance of its actually being taken. In such a situation all the time-limits apply as above, except that a key decision cannot actually be implemented any sooner than it would have been had the Overview and Scrutiny Committee not called it in.
- (d) Where the Overview and Scrutiny Committee has called-in a key decision from the Forward Plan before its due date, the decision cannot be called-in again after the final decision has been taken.

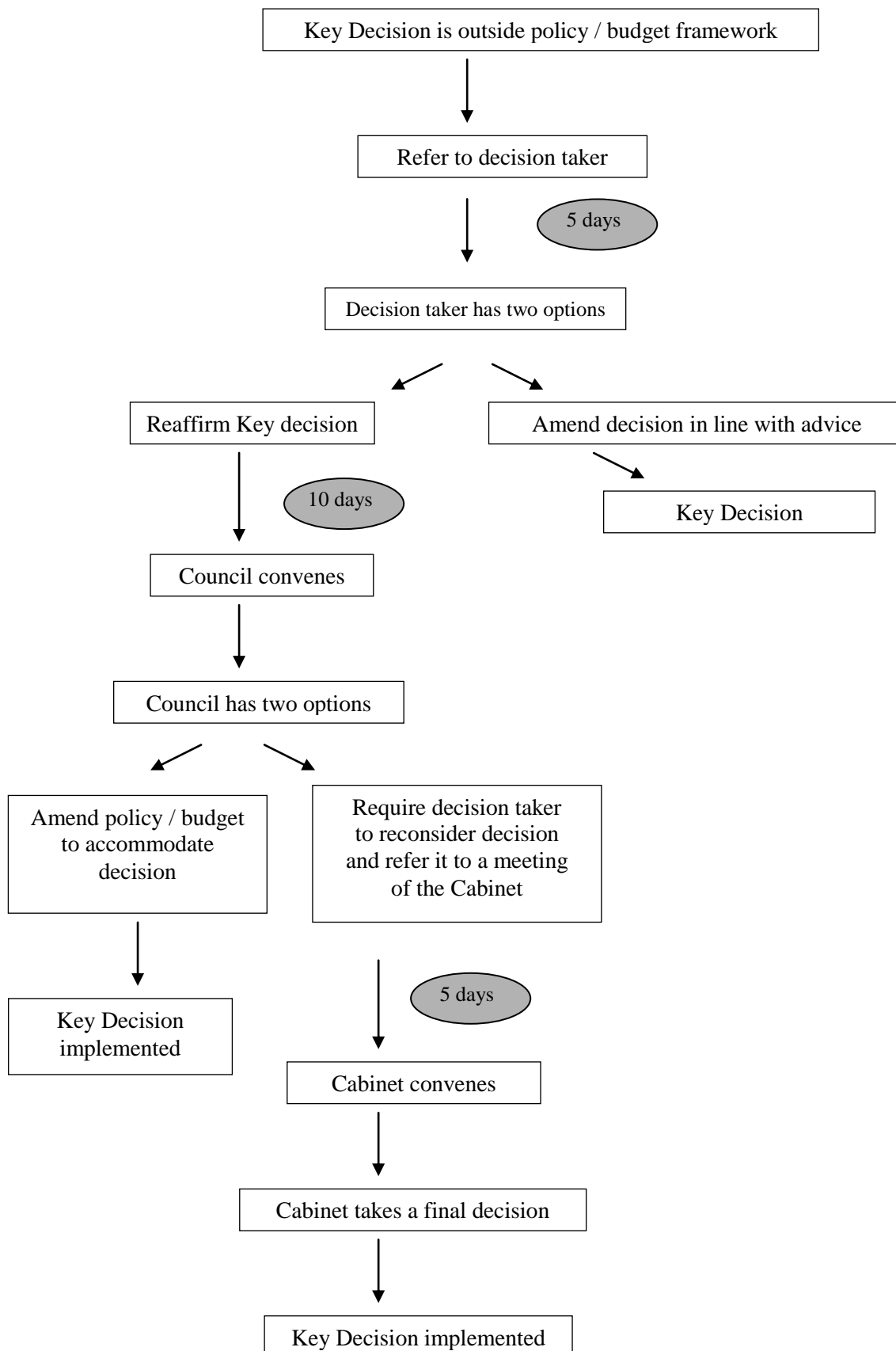
**20. Monitoring Arrangements**

The operation of the provisions relating to call-in and urgency shall be monitored by the Democratic Services Manager, and a report submitted to Council annually with proposals for review if necessary.

PART FOUR – RULES OF PROCEDURE  
Section H– Call-In Procedure Rules



PART FOUR – RULES OF PROCEDURE  
Section H– Call-In Procedure Rules



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**Cabinet Minutes 12th November 2019 – Item 11: Award of Contract for the provision of SEND Transport Transformation Consultancy Services.**

The Cabinet Member for Children and Families introduced the report which set out a proactive and positive plan to improve the SEND transport service. There had been a review of the service, partly initiated by the scrutiny review by the Children and Young People's scrutiny Panel on SEND over a year ago where parents highlighted the problems faced in transport services. In responding to this, the service undertook this invest to save project forward to find solutions for this much depended upon service.

The Cabinet Member outlined that with the service currently costing approximately £4.8m per annum, this was a vital service for families with children who have a range of special educational needs and disabilities. It is essential that this vital operational service was efficient, effective, and able to adapt and to accommodate a variety of individual needs. It was noted that this was an in-house service where the management and administration of SEND transport is run directly by the local authority. In addition, the escorts and travel buddies, some 110 staff, were all directly employed by the Council. The transport vehicles were currently provided by a range of contractors.

The proposed transformation had two phases. The first phase is to award a contract for an external transformation business partner who has extensive experience working with other authorities, to improve their SEND transport arrangements. This first phase will have a specific requirement for a team who will work alongside the Council's in-house officers to implement much needed changes.

This work would involve detailed review of how the service is organised and administered to ensure the Council's in-house service meets needs of children and families, and is cost-effective. Once complete, the second phase will be to review the current arrangements for provision of vehicles with a view to insourcing.

This external review would involve parents and carers alongside officers. This was central to delivering the cultural change within the team in relation to service planning and delivery for the longer-term development and sustainability of this essential in-house service.

Payment of this contract was contingent on the savings being made.

In response to questions from Cllr Tucker and Cllr Ibrahim the following information was noted:

The Cabinet Member outlined that many authorities had problems with SEND transport, including Enfield, Camden and Hillingdon. It was noted that Enfield had worked with this particular organisation and saved £7m. The Cabinet Member had spoken with Hillingdon Council who had commented positively on this initiative and improvement to the contract. Noted that this service area was one of the most technically difficult areas of the Council which required an overhaul. The Children's Services had completed its research on this matter.

It was clarified that the drivers were not employed by the Council. This was the result of a historical decision when the Council had previously outsourced

all their vehicle drivers. To insource these drivers would require an additional process which was not feasible at this stage.

It was underlined that this was not an outsourcing decision and the services of an external transformation expert were being commissioned to provide specialist support for transforming this service. There was a need to enlist experience of robust delivery of this particular service. The expert team would be working alongside existing officers and would not be taking over the team. This was a particular area of the Council which required transformation activity urgently.

The contractor would be held to the agreed contract and savings.

Further to considering exempt information at item 29,

## **RESOLVED**

1. To approve the award of a contract for the provision of SEND Transport Transformation Consultancy Services to the successful tenderer in accordance with the Council's Contract Standing Order (CSO) 9.07.1(d), for a period of two (2) years commencing end of October 2019 and at a total value of up to £600,000 over the 2 years period, with a further gainshare reward dependent upon demonstrable value of savings delivered in excess of £635,000 per annum;
2. That the date of commencement of the contract will follow immediately after five working days of the publication of the Cabinet decision to approve, plus a further ten working days standstill period as per public procurement contract regulations; and
3. That exploration of a further phase (phase 2) of transformation to insource vehicles and drivers is considered once the transformation of the SEND transport service and the associated savings is secured.
4. To note that details of the successful tenderer is outlined in Part B (exempt information) of the report.

## **Reasons for decision**

A scoping review of SEND Transport provision was undertaken during April and May 2019 that reported opportunities to improve service, customer focus and confidence, resilience and provide a real and evidenced opportunity to deliver net savings of at least £600,000 per year. The review also found that:

Expectations from parents and schools are (rightly) high and that they wish for their services to be improved if they are to meet need.

In meetings with Head teachers and parents there was strong feedback that suggested poor communication, poor responsiveness and lack of proper consultation on changes, other than big events, by Haringey's Transport team.

An apparent lack of understanding across parents of the Council's obligations and policy in respect of transport.

Having considered the findings of the Scoping Review Report, in specific regard to the potential to improve services for families and to achieve significant sustainable savings, it was agreed to proceed with an Invitation to Tender exercise to identify a suitable external transformation partner.

This decision was reached after due consideration was given to the option of an in-house delivery model, where it was agreed that:

- A lack of SEND transport transformation/change management experience would impact adversely on the delivery of service improvements;
- the necessary step change in cultural and operating practice would not be realised;
- savings would only partially be realised;
- the inability to flex the necessary additional SEND transport related experience during expected 'resource-heavy' periods would impact delivery and incur additional staffing costs; and that
- an external SEND Transport transformation partner would strengthen the service offer to families and the in-house team.

In deciding to seek an experienced external transformation partner, and with due regard to feedback received from the Overview & Scrutiny Committee in July 2019 who requested that 'the voice of users should be at the heart of that service and that it should be co-designed, where possible', it was further agreed that:

- The approach to change must consider and engage appropriately and robustly with both parents and schools and, where possible, with our children and young people;
- the Assistant Director for Schools and Learning will ensure that during the early stages of the partnership with the transformation partner, parents, children and schools will be involved during the transformation process;
- the changes must be sustainable, and robust demand management and innovative travel solutions be established to best deal with new and any increasing demand or need for travel;
- to reduce the financial risk and to achieve best value for money for the Council and our residents, the preferred bidder must provide a guarantee of cost savings by being prepared to place contract fees at risk for non or partial delivery; and that;
- a monthly steering board made up of officers, parents and Members as appropriate, will review progress and provide assurance of 'signed off' savings against target. Savings will be signed off by the Council's financial team every month.

As well as the financial savings, this programme will be tasked to deliver a critical new and high performing travel operation for Haringey which is fit for purpose to meet current and future demand. The service will fit with a wider SEND strategy to improve services and make best use of resources.

In undertaking the restricted tender exercise to identify a suitably experienced external transformation partner to support the change process, prospective bidders needed to demonstrate:

- Evidence of very specific operational knowledge and transformation experience of SEND transport services; and
- guarantee of projected savings that are sustainable, by putting their consultancy fees at risk.

Subsequent to the tendering exercise, a bid has been received from a prospective supplier that promises a sustainable £635,000 per annum saving against a baseline 2018/19 expenditure of approximately £4,800,000 and that is guaranteed against provider delivery costs. This work would transform how the service is delivered and embed strong management and delivery.

The contract value is up to £600,000, subject to the full delivery of agreed savings (as set out in paragraph 8.1 below), with a further gainshare reward dependent upon value of savings delivered in excess of £635,000 per annum.

The contract value is £180,000 below the budget envelope approved by Cabinet in July 2019 of £780,000, representing a 23% saving on the budget envelope.

### Outcome of Tender Process

In order to ensure compliance with EU procurement legislation and to ensure value for money, a mini-competition exercise in accordance with CSO 7.01(b) was conducted. The tender was conducted via the Crown Commercial Services (CCS) Management Consultancy Framework 2, lot 1, which contained 275 suppliers. A shortlisting exercise was carried out, based on the Council's minimum requirements for the service, which narrowed the suppliers down to 57. All 57 suppliers were contacted with an invitation to submit an Expression of Interest, of which 11 suppliers expressed interest in bidding for the service. The Competition was in accordance with the framework conditions, which was based on an evaluation weighting of:

- Price 40%
- Quality 60%

Following the receipt of 11 Expressions of Interest, a single bid was received that has been independently evaluated by three Council officers in accordance with the pre-determined evaluation criteria and subsequently moderated with procurement colleagues. The bid passed the minimum requirements and scored a total of 45% from the available 60% for quality.

### Assessment of bidder response to the Service Specification

A low number of bids was expected because SEND Transport is a highly specialised service and a prerequisite for any bid to be considered was that the supplier would be able to demonstrate a deep and clear understanding of the service, the depth of the transformation needed and be able to show a proven track record in having delivered the transformation, including stipulated savings, in other local authorities. The examples of this to support the supplier we are recommended as part of this report can be found at Part B of this report.

### **Alternative options considered**

Appendix A details options that were appraised by the Children's Services Directorate, together with the respective advantages and disadvantages of each option.

The recommendation arising from the option appraisal is to:

- Procure a specialist external transformation partner through a competitive restricted tender to support the change process, with:
- sustainable savings guaranteed against consultancy charges; and

- a gainshare agreement regarding additional sustainable savings that may be realised above contractual agreement.

Once transformation is underway and improvements begin to be secured and embedded, officers will begin a 'Phase 2' of the process which will give full consideration as to if and how vehicles might be procured and drivers employed by the Local Authority to further support the transformation process.

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**Report for:** Cabinet, 12 November 2019

**Title:** Award of Contract for the provision of SEND Transport Transformation Consultancy Services

**Report authorised by:** Ann Graham Director, Children's Services

**Lead Officer:** Peter Featherstone, 020 8489 4214,  
[peter.featherstone@haringey.gov.uk](mailto:peter.featherstone@haringey.gov.uk)

**Ward(s) affected:** All

**Report for Key/  
Non-Key Decision:** Key Decision

## 1. Describe the issue under consideration

- 1.1. At the Cabinet meeting of 9<sup>th</sup> July 2019, it was resolved:
- to approve the revenue budget variations associated with the Children's Services Invest to Save Programme....; and
  - to delegate to the Director of Children's Services in consultation with the Cabinet Member for Children & Families future decisions on the invest to Save Programme (except for SEND Transport) subject to the outcomes of any necessary Equalities Impact Assessment and consultation and any other relevant consideration
- 1.2. The report presented to the July Cabinet detailed the proposal to commission external change management capacity to deliver the recommendations from a comprehensive review of Haringey SEND transport, which would be procured through a restricted tender route and that the outcome would be subsequently presented to Cabinet for approval.
- 1.3. The SEND Transport review identified a number of service delivery improvement measures that are expected to secure improved value for money for Haringey, and introducing new systems to extend and build on the high level of service currently offered to our children and young people with special educational needs and disability, and their families.
- 1.4. A revenue budget variation was agreed by Cabinet of £780,000 to deliver the two-year change management programme and service transformation.
- 1.5. This October 2019 report details the outcome of that tendering process and makes a recommendation to award the tender to a provider with the requisite capability and expertise to develop a new and high performing travel operation for Haringey which is fit for purpose to meet current and future demand.

## **2. Cabinet Member Introduction**

- 2.1 This report sets out a proactive and positive plan to improve our SEND transport service. A review of the service has led to the need to take this radical step without delay.
- 2.2 With the service currently costing approximately £4.8m per annum, this is a vital service for families with children who have a range of special educational needs and disabilities. It is essential that this vital operational service is efficient, effective, able to adapt and to accommodate a variety of individual needs. This is an in-house service where the management and administration of SEND transport is run directly by the local authority. In addition, the escorts and travel buddies- some 110 staff – are all directly employed by the Council. The transport itself is provided by a range of contractors.
- 2.3 The proposed transformation has two phases. The first phase is to award a contract for an external transformation business partner who has extensive experience working with other authorities to improve their SEND transport arrangements. This first phase will have a specific requirement for a team who will work alongside our in-house officers to implement much needed changes and savings which are set out in detail in the report below.
- 2.4 This work will involve detailed review of how the service is organised and administered to ensure our in-house service meets needs of children and families, and is cost-effective. Once complete, the second phase will be to review the current arrangements for provision of vehicles with a view to insourcing.
- 2.5 This external review will involve parents and carers alongside officers. This is central to delivering the cultural change within the team in relation to service planning and delivery for the longer-term development and sustainability of this essential in- house service.
- 2.6 Payment of this contract is contingent on the savings being made.

## **3. Recommendations**

- 3.1. This report recommends that Cabinet:
  1. Approves the award of a contract for the provision of SEND Transport Transformation Consultancy Services to the successful tenderer in accordance with the Council's Contract Standing Order (CSO) 9.07.1(d), for a period of two (2) years commencing end of October 2019 and at a total value of up to £600,000 over the 2 years period, with a further gainshare reward dependent upon demonstrable value of savings delivered in excess of £635,000 per annum;
  2. that the date of commencement of the contract will follow immediately after five working days of the publication of the Cabinet decision to



approve, plus a further ten working days standstill period as per public procurement contract regulations; and

3. that exploration of a further phase (phase 2) of transformation to insource vehicles and drivers is considered once the transformation of the SEND transport service and the associated savings is secured.
- 3.2. Notes the details of the successful tenderer is outlined in Part B (exempt information) of the report.

#### **4. Reasons for decision**

- 4.1. A scoping review of SEND Transport provision was undertaken during April and May 2019 that reported opportunities to improve service, customer focus and confidence, resilience and provide a real and evidenced opportunity to deliver net savings of at least £600,000 per year. The review also found that:
- 4.1.1. Expectations from parents and schools are (rightly) high and that they wish for their services to be improved if they are to meet need.
  - 4.1.2. In meetings with Headteachers and parents there was strong feedback that suggested poor communication, poor responsiveness and lack of proper consultation on changes, other than big events, by Haringey's Transport team.
  - 4.1.3. An apparent lack of understanding across parents of the Council's obligations and policy in respect of transport.
- 4.2. Having considered the findings of the Scoping Review Report, in specific regard to the potential to improve services for families and to achieve significant sustainable savings, it was agreed to proceed with an Invitation to Tender exercise to identify a suitable external transformation partner.
- 4.3. This decision was reached after due consideration was given to the option of an in-house delivery model, where it was agreed that:
- A lack of SEND transport transformation/change management experience would impact adversely on the delivery of service improvements;
  - the necessary step change in cultural and operating practice would not be realised;
  - savings would only partially be realised;
  - the inability to flex the necessary additional SEND transport related experience during expected 'resource-heavy' periods would impact delivery and incur additional staffing costs; and that
  - an external SEND Transport transformation partner would strengthen the service offer to families and the in-house team.
- 4.4. In deciding to seek an experienced external transformation partner, and with due regard to feedback received from the Overview & Scrutiny Committee in July 2019 who requested that 'the voice of users should be at the heart of that

service and that it should be co-designed, where possible', it was further agreed that:

- The approach to change must consider and engage appropriately and robustly with both parents and schools and, where possible, with our children and young people;
  - the Assistant Director for Schools and Learning will ensure that during the early stages of the partnership with the transformation partner, parents, children and schools will be involved during the transformation process;
  - the changes must be sustainable, and robust demand management and innovative travel solutions be established to best deal with new and any increasing demand or need for travel;
  - to reduce the financial risk and to achieve best value for money for the Council and our residents, the preferred bidder must provide a guarantee of cost savings by being prepared to place contract fees at risk for non or partial delivery; and that
  - a monthly steering board made up of officers, parents and Members as appropriate, will review progress and provide assurance of 'signed off' savings against target. Savings will be signed off by the Council's financial team every month.
- 4.5. As well as the financial savings, this programme will be tasked to deliver a critical new and high performing travel operation for Haringey which is fit for purpose to meet current and future demand. The service will fit with a wider SEND strategy to improve services and make best use of resources.
- 4.6. In undertaking the restricted tender exercise to identify a suitably experienced external transformation partner to support the change process, prospective bidders needed to demonstrate:
- Evidence of very specific operational knowledge and transformation experience of SEND transport services; and
  - guarantee of projected savings, that are sustainable, by putting their consultancy fees at risk.
- 4.7. Subsequent to the tendering exercise, a bid has been received from a prospective supplier that promises a sustainable £635,000 per annum saving against a baseline 2018/19 expenditure of approximately £4,800,000 and that is guaranteed against provider delivery costs. This work would transform how the service is delivered and embed strong management and delivery.
- 4.8. The contract value is up to £600,000, subject to the full delivery of agreed savings (as set out in paragraph 8.1 below), with a further gainshare reward dependent upon value of savings delivered in excess of £635,000 per annum.
- 4.9. The contract value is £180,000 below the budget envelope approved by Cabinet in July 2019 of £780,000, representing a 23% saving on the budget envelope.

## 5. Outcome of Tender Process

5.1. In order to ensure compliance with EU procurement legislation and to ensure value for money, a mini-competition exercise in accordance with CSO 7.01(b) was conducted. The tender was conducted via the Crown Commercial Services (CCS) Management Consultancy Framework 2, lot 1, which contained 275 suppliers. A shortlisting exercise was carried out, based on the Council's minimum requirements for the service, which narrowed the suppliers down to 57. All 57 suppliers were contacted with an invitation to submit an Expression of Interest, of which 11 suppliers expressed interest in bidding for the service. The Competition was in accordance with the framework conditions, which was based on an evaluation weighting of:

- Price 40%
- Quality 60%

5.2. Following the receipt of 11 Expressions of Interest, a single bid was received that has been independently evaluated by three Council officers in accordance with the pre-determined evaluation criteria and subsequently moderated with procurement colleagues. The bid passed the minimum requirements and scored a total of 45% from the available 60% for quality.

## **6. Assessment of bidder response to the Service Specification**

6.1. A low number of bids was expected because SEND Transport is a highly specialised service and a prerequisite for any bid to be considered was that the supplier would be able to demonstrate a deep and clear understanding of the service, the depth of the transformation needed and be able to show a proven track record in having delivered the transformation, including stipulated savings, in other local authorities. The examples of this to support the supplier we are recommended as part of this report can be found at Part B of this report.

## **7. Alternative options considered**

7.1. Appendix A details options that were appraised by the Children's Services Directorate, together with the respective advantages and disadvantages of each option.

7.2. The recommendation arising from the option appraisal is to:

- Procure a specialist external transformation partner through a competitive restricted tender to support the change process, with:
- sustainable savings guaranteed against consultancy charges; and
- a gainshare agreement regarding additional sustainable savings that may be realised above contractual agreement.

7.3. Once transformation is underway and improvements begin to be secured and embedded, officers will begin a 'Phase 2' of the process which will give full consideration as to if and how vehicles might be procured and drivers employed by the Local Authority to further support the transformation process.

## 8. Potential for additional benefits realisation / future service development

### Transformation of adult services transport provision

8.1. Implementing lessons learnt from a transformation of Children's Services SEND Transport provision could potentially reduce the travel costs to Adult Services, improve outcomes and increase mobility for adult service users – including, for example:

- Improved provision of travel training to increase levels of independent travel which would reduce the spend in adults as those young people move from Children's into Adults Services;
- best practice in terms of escorts to ensure safer and less stressful journeys;
- improved purchasing systems for travel framework and providers which can be used across services; and
- improved vehicle tracking for adult service users including reducing time spent travelling and increasing time spent in funded provisions such as day opportunities.

8.2. Specific examples of how the supplier has supported transformation of adult services transport provision can be found at Part B of this report.

### Insourcing of vehicles and drivers

8.3. In the past, the Council has provided a portion of its own vehicles. However, with such 'insourcing' of vehicles comes considerations that include:

- Purchase/lease cost;
- upkeep and maintenance;
- garaging/parking facilities overnight, at weekend and across holiday periods;
- vehicle insurance and tax;
- fluctuation in service demand (including during holiday periods); and
- employment and management of drivers.

8.4. A cost benefit analysis of insourcing some/all vehicles would need to be carried out to understand if insourcing on any scale is financially prudent and presents best value (in monetary and in service delivery terms), and it is recommended that such a phase should be picked up only at the point where we are satisfied that our management and delivery of the SEND Transport Service is able to operate at the very highest level.

8.5. Once the transformation process is well underway, we will be in a strong position to robustly consider if and how to insource either all or selected elements of the transport provision – for example, we could proceed with an initial consideration of insourcing wheelchair accessible vehicles to meet the needs of those families in the borough who require this service.

## 9. Conclusion

- 9.1 In conclusion, this report has set out the tender process carried out to secure a specialised consultant with the experience and proven outcomes to take the transformation of our SEND transport Service to a level where we are confident that it robustly meets the needs of all of our families. The recommended supplier has a proven, high performing track record across the country (see Part B of this report) in transforming such services and reducing costs by a significant sum.
- 9.2 The recommended provider will bring much needed, critical and immediate capacity to the service and the savings outlined across this report can be delivered very quickly. Most importantly, this transformation will be enabled via a proven methodology that the supplier brings to the table, together with extensive experience that doesn't currently exist in-house to transform the service and all of its processes to ones where service is unanimously fit for purpose and delivery is of the very highest quality. This is what our families deserve for the service.

## 10. Contribution to strategic outcomes

- 10.1. **Outcome 5:** Happy childhood: all children across the borough will be happy and healthy as they grow up, feeling safe and secure in their family, networks and communities.
- 10.2. **Outcome 6:** Every young person, whatever their background, has a pathway to success for the future.

## 11. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

### 11.1. Finance

- 11.1.1. This is one of the Children's Services Invest to Save programmes as described in the MTFS update report to Cabinet on 9th July 2019.
- 11.1.2. The proposal seeks to utilise the council's flexible capital receipts to improve efficiencies and reduce demand pressures within the Children's Services budget as agreed by Cabinet in February 2019.
- 11.1.3. The base cost of the contract is estimated at £600,000 over 2 years to deliver savings of £240,000 in year one, rising to £510,000 in year two, and to £635,000 in subsequent years.
- 11.1.4. There are further costs for software and other operating costs for the transport team that are included in the Invest to Save programme and not impacted by the consultancy fee.

11.1.5. The table below details the costs and anticipated savings over the contract period

Period	Consultancy Fee	Target Savings	Annual Net Savings	Other Non-Contract related costs	Net Saving after Non-contract costs
Year One	£240,000	£240,000	£0	£51,500	(£51,500)
Year Two	£360,000	£510,000	£150,000	£41,500	£108,500
Year Three	£0	£635,000	£635,000	£43,000	£592,000
Year Four	£0	£635,000	£635,000	£43,000	£592,000
Year Five	£0	£635,000	£635,000	£43,000	£592,000
Total	£600,000	£2,655,000	£2,055,000	£222,000	£1,833,000

11.1.6. The table below shows how these costs and savings are to be realised by financial year.

Period	Consultancy Fee	Target Savings	Annual Net Savings	Other Non-Contract related costs	Net Saving after Non-contract costs
2019/20	£60,000		(£60,000)		(£60,000)
2020/21	£270,000	£240,000	(£30,000)	£51,500	(£81,500)
2021/22	£270,000	£510,000	£240,000	£41,500	£198,500
2022/23	£0	£635,000	£635,000	£43,000	£592,000
2023/24	£0	£635,000	£635,000	£43,000	£592,000
2024/25	£0	£635,000	£635,000	£43,000	£592,000
Total	£600,000	£2,655,000	£2,055,000	£222,000	£1,833,000

11.1.7. The financial year 2019/20 has an MTFS target of £125,000. The contract is due to start November 2019 and it is estimated that the saving delivered by the contract to March 2020 will be approximately £100,000. The remainder of the MTFS saving will be delivered during the financial year 2020/21.



11.1.8. Should savings exceed the thresholds detailed above in the first two years, 40% of the additional saving in the respective years will be paid to the contractor, with the remaining balance being a benefit to the Council.

11.1.9. Full payment of contract fees will have been made by the Council at the end of Year Two, subject to the agreement between the Council and the provider that the practices in place at the end of Year Two are reasonably expected to deliver £635,000 savings in Year Three.

11.1.10. In regard to sustainability of savings:

- The provider will provide a full sustainability sign-off at the end of year 2 to ensure that: savings are sustainable; all plans are implemented; and the SEND Transport team has been developed in accordance with any plans agreed during the contract period.
- A quarterly audit through Year Three, at no additional cost to the Council, to support the Council to identify any possible item or management practice which has moved off track or has the potential to move off track that may impact savings delivery.
- In the event of any year three shortfall of savings, deemed to not be by fault of the Council, the provider will refund the value of the shortfall from paid fees and/or gainshare paid within years one and two.
- In the event of a shortfall in savings realised in Year Two, then a rebate will be due from the Provider to the Council. The rebate will be calculated based upon the percentage shortfall in savings delivery and applied directly to the overall cost of the transformation contract. That is to say, a 10% shortfall to the agreed savings target of £635,000 will incur a 10% rebate from the provider – in such instance, £60,000.
- In the event of a surplus in savings in Year Two, then a gainshare reward will be due from the Council to the Provider. The gainshare will be calculated based upon 40% of additional savings achieved in the contract period. That is to say, a surplus to the agreed savings target of £635,000 of £60,000 (that is to say, overall savings of £695,000) will result in a £24,000 reward payment to the provider.
- The upper limit of savings to which a gainshare award will be considered is set at £1,000,000, such that the maximum gainshare award that can be rewarded to the Provider is set at £146,000.

11.1.11. The contract period in regard to consideration of savings terminates at the end of Year Two. Savings after that point are out of scope for reward / rebate.

## 11.2. Procurement

- 11.2.1. CSO 9.07.1 (d) allows Cabinet to award a contract valued at £500,000 or more
- 11.2.2. CSO 7.01(b) allows for the Council to select a supplier from a Framework or similar arrangement.
- 11.2.3. CCS framework RM6008 Part 2 is a suitable framework that complies with CSO 7.01(b)
- 11.2.4. A further competition under the Framework rules was undertaken and a bid was received and evaluated.
- 11.2.5. The award of the contract to the winning bidder under the Framework is a compliant route to procure the contract.

### **11.3. Legal**

- 11.3.1. The Assistant Director of Corporate Governance notes the content of the report.
- 11.3.2. Strategic Procurement has confirmed that the service was procured under the Crown Commercial Service (CCS) Management Consultancy Framework (RM6008) Part 2.
- 11.3.3. Pursuant to the Council's Contract Standing Order (CSO) 7.01(b) and Regulation 33 of the Public Contracts Regulations 2015, the Council may select one or more Contractors from a Framework established by a public body where the Council has been named as an approved user in the OJEU Contract Notice and it is confirmed that the Council is an approved user of the CCS Framework No. RM6008.
- 11.3.4. Pursuant to CSO 9.07.1(d), Cabinet may approve the award of a contract if the value of the contract is £500,000 or more and as such Cabinet has power to approve the award of the contract in this Report.
- 11.3.5. The Assistant Director of Corporate Governance sees no legal reasons preventing the approval of the recommendations in the report.

### **12. Appendices**

- Appendix A – Options Appraisal
- Appendix B – Background Information
- Appendix C – Equality Impact Assessment
- Exempt appendix - Exempt from publication under paragraph 3 of Section 12 A of the 1972 Local Government Act





## Appendix A – Options Appraisal

Option	Advantages	Disadvantages
<b>Do nothing</b>	No additional costs.	<p>Capacity issues identified in scoping report are not addressed.</p> <p>Services delivery inefficiencies and areas for improvement are not addressed.</p> <p>Parents and carers continue to report issues with SEND transport services.</p> <p>Savings are not realised.</p>
<b>Deploy internal transformation / change management resource</b>	<p>Transformation and change management costs to implement the recommendations of the scoping review are minimised.</p> <p>Potential to redeploy staff at risk of redundancy.</p>	<p>A lack of SEND transport transformation / change management experience impacts delivery of service improvements.</p> <p>Capacity issues identified in scoping report are not addressed.</p> <p>Services delivery inefficiencies and areas for improvement are not addressed.</p> <p>Parents and carers continue to report issues with SEND transport services.</p> <p>Step change in cultural and operating practice is not realised.</p> <p>Savings are only partially realised.</p>
<b>Appoint additional staff member with SEND transport experience on either a permanent or fixed term basis to support service improvement</b>	<p>Additional 'business as usual' service delivery costs are minimised.</p> <p>Service delivery capacity issues in SEND Transport are addressed, supporting the delivery of directly related service improvements.</p>	<p>A lack of SEND transport transformation / change management experience impacts delivery of service improvements.</p> <p>Inability to flex the necessary additional SEND transport related experience during expected 'resource-heavy' periods.</p>

Option	Advantages	Disadvantages
		<p>Step change in cultural and operating practice is not realised.</p> <p>Savings are only partially realised.</p>
<p><b>Appoint additional staff member with SEND transport experience on either a permanent or fixed term basis to support service improvement; and</b></p> <p><b>Deploy internal transformation / change management resource.</b></p>	<p>Additional 'business as usual' service delivery costs are minimised.</p> <p>Service delivery capacity issues in SEND Transport are addressed, supporting the delivery of directly related service improvements.</p> <p>Transformation and change management costs to implement the recommendations of the scoping review are minimised. Potential to redeploy staff at risk of redundancy.</p>	<p>A lack of SEND transport transformation / change management experience impacts delivery of service improvements.</p> <p>Inability to flex the necessary additional SEND transport related experience during expected 'resource-heavy' periods.</p> <p>Step change in cultural and operating practice is not realised.</p> <p>Savings are only partially realised.</p>
<p><b>Procure a specialist external transformation partner through a competitive restricted tender to support the change process, with:</b></p> <p><b>Sustainable savings guaranteed against consultancy charges; and</b></p> <p><b>Gainshare agreement regarding additional sustainable savings that may be realised above contractual agreement</b></p>	<p>A team approach from experience SEND Transport professionals, with an ability to economically flex capacity during expected 'resource-heavy' periods.</p> <p>Lessons learnt from SEND transport transformation at other local authorities maximise potential for benefits realisation</p> <p>Tender pre-requisite for sustainable savings to be guaranteed against consultancy charges minimises risk to the local authority.</p> <p>Gain-share agreement maximises potential additional sustainable savings that may be realised above contractual agreement.</p>	<p>Gross savings accrued over the first two full years of implementation cover consultancy costs, such that net savings are only realised in year 3.</p>

## Appendix B - Background information

13. The SEND Transport Service in Haringey provides vehicle transport, transport buddying and travel training services for those of our children and young people for whom journey to and from school or college is either impossible or is very challenging as a result of a child's special educational needs. Often a child with SEND is being educated at some distance from their home. The service provides for children and young people with a very wide variety of needs, including but not limited to those confined to wheelchair use or where their needs mean that independent travel without specific training or support can be challenging. Our families rely on our transport service to ensure that their children are able to access education reliably and as effectively as possible. The service is imperative to ensuring attendance at school is consistent, reducing stress in our families and ensuring that there is equality of access and opportunity for all.
14. We require a service that is robust, dependable and secures confidence for every single one of our families. At the current time the transport delivery isn't optimal, due to a number of reasons including the range of good quality providers available and the application of internal and external processes. The implications of these services not working most effectively are felt not just for the young person who misses or is late for education, but for parents and carers whose ability to attend work may be impacted, and also for any siblings who undoubtedly feels the impact when the family is under stress.
15. Our children, young people, parents, carers and wider family members, deserve a service which delivers to the very highest standard and meets the needs of all of our family without fail. We should always be aiming for this as an absolute minimum. This report sets out how we intend to secure this.

### Overview of Scoping Review Findings and Haringey's Requirements

16. An external scoping review was undertaken by Edge Public Solutions Ltd during April and May 2019 of the delivery of SEND transport services in Haringey, covering transport and travel arrangements for children and young people to education and adults to day care. The review found opportunities to improve service, customer focus, resilience and that there is currently a real opportunity to deliver net savings of at least £600,000 per year.
17. The transport and travel service provide travel arrangements to circa 550 children and young people to education every day. This is currently carried out through 90 contracted routes with 8 suppliers and requires approximately 80 escorts and 33 travel buddies each day who are employed directly by the Council or through agency arrangements. A team of four officers currently organise this operation and the total cost of providing this service was £4.8million in 2018/19.
18. The review made some key headline observations, most importantly, that expectations from parents, carers and schools is high and that they want the service they receive to be improved. In meetings with Headteachers and parents there was strong feedback suggesting poor communication, poor responsiveness and lack of proper consultation on changes, other than big events, by Haringey's Transport team. Despite smaller 'transport clinics' being initiated, these were not

considered to have effected any significant changes or improvements and the range of offers to our families remained the same. Similar issues to those outlined above were raised through the Fairness Commission during its recent consultation between November 2018 to March 2019.

19. In addition to the above, there also appeared to be a lack of understanding across parents of the Council's obligations and policy in respect of the transport service and the statutory role it performs. For example:

- The policy needs to clarify use of personal budgets for travel.
- The policy needs to set clear expectation in regard to the allocation of 'travel escorts'.

20. The report also contained several recommendations as summarised below:

20.1. Reporting and performance data are not clearly produced, and this means we have missed opportunities to analyse and improve service delivery. For example, the database and systems available could be utilised much better to provide indication of where we can streamline service, consolidate routes and generally provide a much more joined up service that meets our families' needs while at the same time allows us to provide a more 'efficient' service in all aspects. Governance of transport could be significantly improved, and, with this improvement, we can more easily hold the service to account for performance and the value achieved, which is currently not transparent.

20.2. There are some exemplar practices in tactical routing (including group pick up and multiple school drop off arrangements) but there is little evidence of a periodic strategic overhaul of our routes. Consequently, over years, routes have evolved to be less than effective. Furthermore, there is no software applied to this process which has been proven elsewhere to add real value and provide our customers with real time information on their transport such as any delays.

20.3. The supply market is not mature, engaged and competitive. Only 8 suppliers are currently used, and yet there are 52 suppliers listed on our framework within 3 miles of Wood Green and 250 within 5 miles. Prices appear to be erratically calculated across suppliers, and on average we believe that prices are around £1 per mile more than they are in Camden, and 200% more than the standard tariff that would be charged if a Hackney Carriage was used. Given the Council procures at least 250,000 miles per year as part of its SEND transport delivery, securing better value from the private hire supply would provide a significant opportunity to release savings of around £0.25m (based on prices being reduced by a £1 a mile to a level charged for in Camden).

20.4. The total number of escorts that the Local Authority currently employs (circa 70) appears high against indicators from other London authorities.

20.5. The average cost per passenger is £6,750 per year which is slightly higher than other London authority comparators, but it is significantly higher than expected given that Haringey has been exceptionally good at combining passengers into group transport on larger vehicles rather than single person journeys.

- 20.6. The travel policy is clear but there is challenge from families and professionals on the application of the policy both within the council and from wider professionals. The process for determining travel eligibility and then determining the best form of travel for individuals requires review so that consistent decisions can be made, and that families and professionals are clear on travel and transport eligibility. Previous reviews have recommended that families apply online however this process has proven difficult and cumbersome to implement and as a result there have been delays in planning routes and feeding back to families. Families are keen for a review of the processes including application and the way that routes are planned.
- 20.7. There are some exemplar practices and progress in the use of buddies who help children build up their confidence in travelling and focus on independence (as appropriate). There are likely to be significant opportunities to extend this further, with 45% of all passengers currently receiving travel while being under statutory distance requirements. i.e. there are many opportunities to consider alternative travel arrangements other than daily transport via bus or cab.
- 20.8. Finally, the review finds that while the transport team are passionate about providing a good and robust service, it needs additional capacity and very specialist support to drive forward service improvements effectively and strategically. This includes having the resources to be able to focus on customer communications or make the changes to benefit our families from the opportunities highlighted in this review.
21. The review proposed several headline initiatives to improve services for children, young people, and families and to make the service more efficient. These include:
- 21.1. Overhauling the routing of all journeys holistically across the service in a way that best considers the needs of passengers and the most effective resources available, including the commissioning and implementation of a routing software package;
- 21.2. using strategic sourcing methodologies to develop the provision and improve the competition and value achieved from private hire providers at procurement and throughout the life of the contract;
- 21.3. Improving the overall performance of the Transport team and how it operates alongside wider SEND teams and other teams involved, including the performance of contacted suppliers;
- 21.4. Introducing a widespread cultural change and management of the expectations of parents, schools, transport users and internal services such as SEND, so that Haringey's offer moves to the provision of 'travel support' in the most cost effective way and in a manner that further supports the already good work to make independence of passengers a key focus, and this supported by changes to policy; and
- 21.5. In the context of changing expectation and drive to independence, carry out a re-evaluation of all passengers to ascertain their travel eligibility and bespoke requirements.

## **Sustainability, Service Resilience, Team Upskilling and Development**

- 21.6. All initiatives and performance improvements must be delivered in a sustainable way. The travel team must be structured and developed with adequate capacity, and capability to support this effort must be identified and secured. This capacity, knowledge and expertise to lead and support this two/three-year programme is not currently available in the Council.
- 21.7. The review highlighted several important observations in respect of the Travel team's current capacity and their need for support to improve service delivery.
- 21.8. The current team structure/resources are insufficient to operate and effectively drive forward the necessary service transformation. The Travel Team presently comprises of:
- Manager (4 days per week)
  - Escort coordinator
  - Assistant Escort coordinator
  - Escort charge-hand
  - Buddy co-ordinator (agency)
- 21.9. The structure of the team does not clearly identify accountabilities for key tasks or allow for the deputising of the Team manager when required. This lack of accountability and flexibility in the team needs to be addressed if the service is to deliver to a high standard and support the wider aims of the SEND service.
- 21.10. Feedback from Service Users indicates that significant improvements could be made to how the Team consults and communicates with families and how it resolves issues that arise in a timely fashion.
- 21.11. The team's visibility of performance measures and accountability for value being achieved are not evident. Some key tasks are not being completed, for example contractor audits.
- 21.12. The capacity of the team with the right skill level to lead changes and innovative new ways of operating is lacking.
- 21.13. Therefore, not only will it be necessary for a transformation partner to effectively deliver savings, but it will also be necessary to develop and redefine the team so that the structure, capacity and skills are able to improve service levels and ensure improvement becomes an intrinsic part of the service.



## Appendix C

**EQUALITY IMPACT ASSESSMENT**

The **Equality Act 2010** places a '**General Duty**' on all public bodies to have '**due regard**' to the need to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advancing equality of opportunity between those with a 'relevant protected characteristic' and those without one;
- Fostering good relations between those with a 'relevant protected characteristic' and those without one.

In addition, the Council complies with the Marriage (same sex couples) Act 2013.

### Stage 1 – Screening

Please complete the equalities screening form. If screening identifies that your proposal is likely to impact on protect characteristics, please proceed to stage 2 and complete a full Equality Impact Assessment (EqIA).

### Stage 2 – Full Equality Impact Assessment

An EqIA provides evidence for meeting the Council's commitment to equality and the responsibilities under the Public Sector Equality Duty.

**When an EqIA has been undertaken, it should be submitted as an attachment/appendix to the final decision-making report. This is so the decision maker (e.g. Cabinet, Committee, senior leader) can use the EqIA to help inform their final decision. The EqIA once submitted will become a public document, published alongside the minutes and record of the decision.**

Please read the Council's Equality Impact Assessment Guidance before beginning the EqIA process.

#### 1. Responsibility for the Equality Impact Assessment

<b>Name of proposal</b>	Transport Review
<b>Service area</b>	Special Educational Needs and Disabilities
<b>Officer completing assessment</b>	Vikki Monk-Meyer
<b>Equalities/ HR Advisor</b>	Hugh Smith
<b>Cabinet meeting date (if applicable)</b>	8 <sup>th</sup> October 2019
<b>Director/Assistant Director</b>	Eveleen Riordan

#### 2. Summary of the proposal

*Please outline in no more than 3 paragraphs*

- *The proposal which is being assessed*
- *The key stakeholders who may be affected by the policy or proposal*
- *The decision-making route being taken*



The council wishes to commission an external provider to review all aspects of the travel and transport service provided to children and adults with special educational needs and disabilities. The external review will cover:

- how decisions are made about whether and how to provide transport services to children and adults,
- the application and review process,
- how the routes are planned and delivered for children and adults,
- the staffing requirements of the service and range of commissioned vehicle providers,
- improvement of the services' external communications with schools and families.

The ultimate aim is to ensure the service is as cost effective as possible, whilst also supporting local resident's needs.

The majority of children and adults who use services provided by the travel and transport service are those attending special schools both in and out of the borough, although some adults with complex needs also travel to day centres and respite and also use the services. Key stakeholders are therefore;

- Those who have a special educational need and/or disability (SEND) and require travel assistance to access school or other educational services
- Users of adult social care that require supported transport to access care settings
- Parents of those children and young people with SEND or carers of those eligible for adult social care
- Residential homes/supported living

The service provides supported travel arrangements for over 500 children and young people needing assistance to travel to their educational establishment. The Council also currently provides supported travel to around 150 adults who need assistance in travelling to adult care services.

Supported travel arrangements can include (i) Haringey's in-house transport service, (ii) commissioned transport services from external providers, (iii) provision of an escort, and (iv) support with travel arrangements on public transport. The service's delivery of travel training and buddying will be maximised to promote young people's independence where possible.

The Council has a statutory requirement to have a Sustainable Modes of Travel Strategy and a Transport Policy Statement in place.

Nationally safe and efficient school transport and travel is a primary need for families of children with SEND. Locally we offer transport for children in line with our travel policy which includes the aspirations to promote independence as far as possible, whilst ensuring children can attend to school in a timely way. The transport service has worked hard to implement new initiatives to support these aspirations, including travel buddies and independent travel training. As with many boroughs, the transport service is high cost for the number of children being transported. Currently 525 children and young people receive the service. The demand on the service are increasing in line with our new statutory duties to transport young people if they remain in education, which means a new cohort are being transported who are between the ages of 19 and 25 years. The combination of the above has placed additional strain on the current service provision and budget, resulting in both an overspend and also increased parental dissatisfaction.

In order to decide on whether an external provider needs to carry out this review, the service has spoken to local special schools and families about their views of the service and what they would like to see improved. The service has concluded that there is not the local capacity to thoroughly review all the above aspects of the service, and therefore an external provider is needed. There has therefore been a tender process with a range of transport specialists applying for the role of external reviewer. As a result of that tender process a successful candidate has been identified and we wish to award this company the contract.

### 3. What data will you use to inform your assessment of the impact of the proposal on protected groups of service users and/or staff?

*Identify the main sources of evidence, both quantitative and qualitative, that supports your analysis. Please include any gaps and how you will address these*

*This could include, for example, data on the Council's workforce, equalities profile of service users, recent surveys, research, results of relevant consultations, Haringey Borough Profile, Haringey Joint Strategic Needs Assessment and any other sources of relevant information, local, regional or national. For restructures, please complete the restructure EqIA which is available on the HR pages.*

Protected group	Service users	Staff
Sex	SEND Service Data	
Gender Reassignment	SEND Service Data	
Age	SEND Service Data	
Disability	SEND Service Data	
Race & Ethnicity	SEND Service Data	
Sexual Orientation	ONS	
Religion or Belief (or No Belief)	Census 2011	
Pregnancy & Maternity	ONS	
Marriage and Civil Partnership	Not applicable	

**Outline the key findings of your data analysis. Which groups are disproportionately affected by the proposal? How does this compare with the impact on wider service users and/or the borough's demographic profile? Have any inequalities been identified?**

*Explain how you will overcome this within the proposal.*

*Further information on how to do data analysis can be found in the guidance.*

There are only a small number of staff in the transport team, so to analyse their specific characteristic risks them being identified and risks revealing personal information. An EQIA has therefore not been carried out on the staff group. The Council and the appointed contractor will take appropriate measures to ensure that no member of staff experiences discrimination, harassment, or victimisation.

The data used to inform the EQIA is the population of children and young people in Haringey who have an education health and care plan as this is the group of users most likely to use the service and from the joint strategic needs assessment.

#### Sex

25% of children and young people who have an education health and care plan are female and 75% are male, compared to an approximately even split in the wider

population of children and young people. This indicates that males are overrepresented among those likely to be affected by the proposal

### Gender Reassignment

Fewer than five children and young people who have an education health and care plan identify with a gender different to the one with which they were assigned at birth.

### Age

Age break down of children and young people accessing supported travel:

- 5- 9-year olds 19%
- 10- 14-year olds 36%
- 15 – 18-year olds 30%
- 19 -25-year olds 15%
- 

This indicates that 85% of those likely to be affected by the decision are children and 15% are adults

### Disability

All service users have some form of disability. The proportions of those disabilities among those using SEND transport is as follows:

- Learning disabilities /Autistic 31%
- Wheelchair user 13%
- Cerebral palsy 7%
- Down Syndrome 4%
- Blind/visually impaired 4%
- Various other disabilities 41%

### Race and Ethnicity

39% service users described themselves as white, 33% are black/black Caribbean and black British 6% Asian and Asian British with the remainder from a range of ethnic groups or mixed background. Compared to all children and young people in Haringey, the service user cohort has a smaller proportion of individuals from BAME communities.

### Sexual Orientation

Office for National Statistics data indicates that at a national level young people are more likely to identify as LGB than the population as a whole. Within the 16 to 24-year-old category 3.3% identify as LGB, compared to 1.7% of the general population. The data also indicates that London has a higher proportion of residents identifying as LGB than the national population.

### Religion or Belief

Census 2011 data indicates that 42% of 8-19-year-olds in Haringey are Christian, 23% are Muslim, 4% are Jewish, 1% are Buddhist, 1% are Hindu, fewer than 1% are Sikh, and 19% have no religion.

Pregnancy and Maternity

The conception rate among SEND transport service users is not recorded. ONS data on under 18 conception rates in the year to September show an under-18 conception rate in Haringey 2016 of 20.3 per 1000 compared to the rate for London (17.9 per 1000) and for England and Wales (19.3 per 1000).

Marriage and Civil Partnership

The marital status of service users is not recorded. The proposal will not result in any differential impact on those in marriages as opposed to those in civil partnerships.

#### **4. a) How will consultation and/or engagement inform your assessment of the impact of the proposal on protected groups of residents, service users and/or staff?**

*Please outline which groups you may target and how you will have targeted them*

#### **Further information on consultation is contained within accompanying EqlA guidance**

Parents of children with disabilities have fed back current concerns about the transport service in terms of planning of routes, types of transport provided and communications from the service. This has come from feedback from events such as the Fairness Commission and also the SEND services public events such as the 'Local Offer' events. Feedback from the Local Offer event is published on the local offer website on: <https://www.haringey.gov.uk/children-and-families/local-offer/about-local-offer/send-local-offer-review-and-action-plan>

This outlines areas that parents and families would like to see change.

The external provider has assured the council in the application and through communication with schools that they will work with local parent groups, SEND service, individuals and settings such as schools to co-produce proposed changes. The provider has a track record of engagement with settings and family groups and would be able to use the SEND service's current established communications as well as proposing a specific working party around progression of the transport changes.

The findings from the transport scoping indicated that key areas to address would be:

- Communication and engagement
- Application of policy
- Expansion of range of transport providers
- Cost comparison of costs per mile and deployment of resources such as escorts
- Planning of routes and size of vehicle
- Maximisation of the independent travel training and buddying schemes

#### **4. b) Outline the key findings of your consultation / engagement activities once completed, particularly in terms of how this relates to groups that share the protected characteristics**

*Explain how will the consultation's findings will shape and inform your proposal and the decision-making process, and any modifications made?*

We know that the families want the transport application process to be easier and want the online application changed, they want better understanding of the way that transport routes are planned and have nearer pick up points and smaller vehicles if possible. Parents want to be assured that the staff are well trained and that the vehicles and drivers are of good quality. Parents and families are positive about the independent travel training and transport buddy approaches and want this preserved. The provider has experience in all these areas and has a proven track record in developing services in a way that meets both the children and families' needs and stays within budget.

## 5. What is the likely impact of the proposal on groups of service users and/or staff that share the protected characteristics?

*Please explain the likely differential impact on each of the 9 equality strands, whether positive or negative. Where it is anticipated there will be no impact from the proposal, please outline the evidence that supports this conclusion.*

Further information on assessing impact on different groups is contained within accompanying EqlA guidance

**1. Sex** *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Positive		Negative		Neutral impact	x	Unknown Impact	
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Services are not planned based on an individual's sex. The Transport Service Review is deemed to have no impact on residents of different sexes as the policy is based on needs and applies equally irrespective of sex. There is no indication that residents of different sexes are treated differently under the terms of this policy or are disadvantaged compared to other groups by this policy, although we will continue to keep this under review. While it is notable that the majority of those likely to be affected by any service changes are males, and males therefore constitute the majority of those benefiting from improvements, females will not be disadvantaged in any way.

**2. Gender reassignment** *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

We do not think there will be specific impacts for this protected group, but we will ensure that this group are not be subjected to discrimination, harassment and victimisation due to their protected characteristic. Services are not delivered differently according to a person's identified gender

Positive		Negative		Neutral impact	x	Unknown Impact	
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**3. Age** *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Positive	x	Negative		Neutral impact		Unknown Impact	
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The Travel Policy and Transport Service applies differently to children and young people who are in education from adults aged 18 or above eligible for Adult Social Care. This is because of the statutory duty on the Council to ensure that all children and young people can access education locally, and to ensure that complex disabilities or other factors do not present a barrier to this. For adults, the Council's Travel Policy is there to assist those adults who cannot independently travel to adult care services.

The majority of people affected will be children and young people where we anticipate that the impact will be a positive one in terms of journey times and ease of access to transport. If possible, young people who are over the age of 11 years will be offered the opportunity for independent travel training or travel buddying, thus increasing their ability to access leisure and hobbies and work opportunities independently in later life. This will be assessed and planned based on an individual's ability, routes to school and preferences.

**4. Disability** *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Positive	x	Negative		Neutral impact		Unknown Impact	
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The proposal will ensure that children with SEND who use the transport service are able to have a positive experience to get to school and are able to have their skills developed to maximise their independent travel training abilities. The Transport Service Review is deemed to have a positive impact upon residents with disabilities as it ensures that they will be able to access schools/services which meet their needs and are not discriminated against by being unable to access them due to not being able to get there.

**5. Race and ethnicity** *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Positive		Negative		Neutral impact	x	Unknown Impact	
----------	--	----------	--	----------------	---	----------------	--

Services are not planned based on a child's race or ethnicity. The Transport Service Review is deemed to have no impact on residents of different races and ethnicity as the policy is based on needs and applies equally irrespective of ethnicity. There is no indication that residents of different races and ethnicity are treated differently under the terms of this policy or are disadvantaged compared to other groups by this policy, although we will continue to keep this under review and address any inequalities in a timely and proportionate way.

**6. Sexual orientation** *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the*



*overall impact of this proposal on this protected characteristic)*

Services are not planned based on a person's sexual orientation. The Transport Service Review is deemed to have no impact on residents of different sexual orientations as the policy is based on needs and applies equally irrespective of sexual orientation. There is no indication that residents of different sexual orientation are treated differently under the terms of this policy or are disadvantaged compared to other groups by this policy, although we will continue to keep this under review.

Positive		Negative		Neutral impact	x	Unknown Impact	
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**7. Religion or belief (or no belief)** *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

Services are not planned based on a person's religion or belief. The Transport Service Review takes into consideration children, young people and parent's choice to apply for admission to a particular faith school, even if this is not the closest school to them by travel distance. This will ensure that those children and young people who want to attend a faith school because of their religion/beliefs are not indirectly prevented from doing so because of proximity restrictions on travel support and therefore this is a positive impact of the transport offer.

Positive		Negative		Neutral impact	x	Unknown Impact	
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**8. Pregnancy and maternity** *(Please outline a summary of the impact the proposal will have on this protected characteristic and cross the box below on your assessment of the overall impact of this proposal on this protected characteristic)*

The Transport Service Review is deemed to have no impact on residents who are pregnant or who have children under the age of one, as the policy is based on needs and applies equally irrespective of pregnancy/maternity. There is no indication that residents who are pregnant are treated differently under the terms of this policy or are disadvantaged compared to other groups by this policy, although we will continue to keep this under review.

Positive		Negative		Neutral impact	x	Unknown Impact	
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**9. Marriage and Civil Partnership** *(Consideration is only needed to ensure there is no discrimination between people in a marriage and people in a civil partnership)*

Positive		Negative		Neutral impact	x	Unknown Impact	
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The Transport Service Review is deemed to have no impact on residents who are married or in civil partnerships, as the policy is based on needs and applies equally irrespective of marital status. There is no indication that residents who are married or in civil partnerships are treated differently under the terms of this policy or are

disadvantaged compared to other groups by this policy, although we will continue to keep this under review.

### 10. Groups that cross two or more equality strands e.g. young black women

To the extent that these groups are represented in the service user cohort, the proposal will have an impact on:

- Children and young people with SEND
- Girls and young women with SEND
- BAME young people with SEND
- LGBT+ young people with SEND
- Children and young people with SEND from minority faith communities

#### Outline the overall impact of the policy for the Public Sector Equality Duty:

- Could the proposal result in any direct/indirect discrimination for any group that shares the relevant protected characteristics?
- Will the proposal help to advance equality of opportunity between groups who share a relevant protected characteristic and those who do not?

This includes:

- a) Remove or minimise disadvantage suffered by persons protected under the Equality Act
- b) Take steps to meet the needs of persons protected under the Equality Act that are different from the needs of other groups
- c) Encourage persons protected under the Equality Act to participate in public life or in any other activity in which participation by such persons is disproportionately low
- Will the proposal help to foster good relations between groups who share a relevant protected characteristic and those who do not?

The service review will not result in any direct or indirect discrimination to any of the protected groups.

In particular, the review will help to advance equality of opportunity between those with disabilities and those without by continuing to ensure that those with disabilities are able to access schools that are not local to them, that they would otherwise be unable to access without travel assistance.

### 6. a) What changes if any do you plan to make to your proposal as a result of the Equality Impact Assessment?

Further information on responding to identified impacts is contained within accompanying EqlA guidance

Outcome	Y/N
<b>No major change to the proposal:</b> the EqlA demonstrates the proposal is robust and there is no potential for discrimination or adverse impact. All opportunities to promote equality have been taken. <u>If you have found any inequalities or negative impacts that you are unable to mitigate, please provide a compelling reason below why you are unable to mitigate them.</u>	Y
<b>Adjust the proposal:</b> the EqlA identifies potential problems or missed opportunities. Adjust the proposal to remove barriers or better promote equality. Clearly set out below the key adjustments you plan to make to the policy. If there are any adverse impacts you cannot mitigate, please provide a compelling reason below	N



<b>Stop and remove the proposal:</b> the proposal shows actual or potential avoidable adverse impacts on different protected characteristics. The decision maker must not make this decision.			
<b>6 b) Summarise the specific actions you plan to take to remove or mitigate any actual or potential negative impact and to further the aims of the Equality Duty</b>			
<b>Impact and which relevant protected characteristics are impacted?</b>	<b>Action</b>	<b>Lead officer</b>	<b>Timescale</b>
N/A			
<b>Please outline any areas you have identified where negative impacts will happen as a result of the proposal, but it is not possible to mitigate them. Please provide a complete and honest justification on why it is not possible to mitigate them.</b>			
<b>6 c) Summarise the measures you intend to put in place to monitor the equalities impact of the proposal as it is implemented:</b>			
There will be a steering group chaired by the Assistant Director for Schools and Learning and comprising the councils, parents and partner organisations who will be responsible for monitoring the implementation and outcomes of the review and any subsequent changes to the transport service. Outcomes for protected groups will be monitored within this activity and any identified inequity will be rectified			
<b>7. Authorisation</b>			
EqIA approved by Eveleen Riordan (Assistant Director/ Director)		Date .....	
<b>8. Publication</b>			
<i>Please ensure the completed EqIA is published in accordance with the Council's policy.</i>			

Please contact the Policy & Strategy Team for any feedback on the EqIA process.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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