

Options Appraisal	
Programme/Project/Service Name	Redesign Home to School Transport Options Appraisal – Procurement Options from 2023
Directorate/Service	FCL/ Education and Skills/ Home to School Transport
Full Business Case Author	Mia Bryden, Interim Lead, HTST
Date Full Business Case drafted	November 21
Senior Responsible Owner/ Project Executive	Jo Lyons, Assistant Director, Education and Skills
Programme or Project Manager	Steve Foster

1. Executive Summary & Recommendations

This Options Appraisal considers future procurement arrangements for the Home to School Transport (HTST) Service after the end of the current contract in August 2023.

A Procurement Board, comprising; the Interim Head of Home to School Transport, a representative of the Parent Carers' Council (PaCC), a special school Headteacher, and representation from Legal, Procurement, and Licensing services, supported by a Project Manager, has been working on a consultation, analysis of options and recommendations since April 2021. Their guiding principle has been to ensure that the comfort, safety and wellbeing of children and young people is at the forefront of decision making.

Throughout, the Board has ensured

1. That the project is securely linked to the corporate systems and takes full account of lessons learned from previous procurement activity in 2019 and the recommendations of the LGA independent review (March 2020) and the Members' Policy Panel (Nov 2020) to minimise the risks of what happened in 2019 being repeated.
2. That sufficient time is allowed to ensure the Board is able to consider all issues and consult stakeholders in some depth, with the Board running from April 2021 to 31 March 2022, allowing a subsequent lengthy lead-in period to the implementation of new arrangements in September 2023.

2. Objectives

The project's objectives are:

- a) To define the values and standards to be set for new procurement arrangements (Appendix 1), specifically, to ensure that the safety and wellbeing of children and young people are front and centre of any new arrangements
- b) To review and evaluate the current system of procurement against other potential options
- c) To determine the procurement arrangements once the current framework contract ends in August of 2023
- d) To ensure the new contract (including the detail of the specification) is aligned to new procurement arrangements and takes into consideration feedback from all stakeholders.

3. Background and context

The current DPS framework comes to an end in August 2023 and the council has to make a decision about onward procurement of an essential statutory service in good time to allow for effective and efficient implementation.

The 2019 introduction of a new Dynamic Purchasing System, based on a reverse auction bidding process, resulted in significant loss of trust and confidence in the service and the council from families, transport operators and schools. The service was subject to internal and external reviews and was placed on the corporate risk register. It is critical that the new procurement arrangements are made in full consultation with all stakeholders and particularly families.

To this end, a Project Board has included a representative of the Parent Carers' Council (PaCC), and has continued with the successful co-production model used generally in Home to School Transport.

Budget

The system for procuring transport does not necessarily have a financial value. Under an external procurement system, spend on the service usually depends on effective tendering of 'call-off contracts', so it is difficult to construct a business case to be made for procurement options in the traditional sense. However, the efficacy of arrangements for procurement underpins the effectiveness of the tendering of the service and provides the means to secure best value for public funds, and this options appraisal considers factors in the different systems most likely to control costs and ensure best value.

The current budget for the service is £3.8m. This includes an uplift of £1m to cover previous overspends and funding for an expanded team, agreed at Policy & Resources Committee in May 2020 and one-off funding of £0.4m to cover additional social distancing measures in 2021/22. This uplift brought the budget in line with the average for our comparators. While transport must always meet the needs of the eligible children and young people who use the service, it must also provide best value for public funds and be fair and equitable.

Budget pressures rise each year with increases in the number of children and young people on Education and Health Care plans and becoming eligible for transport. This is the case nationally as well as in the City. The percentage of EHC plans has increased by over 80% since 2015. The number of families successful at SEN Tribunals is also rising, and they frequently seek schools outside the City borders, which require more costly single passenger journeys over longer distances. There currently a total of 68 children requiring single passenger journeys at cost of £5,319.59 per day. Appendix 2 shows a profile of need.

The key means of budget control in the context of rising year on year pressures is efficient route planning and assurance of best value through effective tendering. While the service has achieved some success in controlling spiralling costs to date, more work needs to be done, and the service has developed a Value for Money tool. This was not used during the pandemic due to the distortions from social distancing and partial school closures. However, from September 2021, this tool has been updated with current pricing. A key factor in determining whether an Operators bid for a home to school journey represents value for money is to establish the mean market rate fare cost and consider how it compares with other bids and with what the authority is willing to pay.

Having a quality procurement system that commands the respect of stakeholders, together with a best value framework that focuses on the right balance of quality and price, should enable the service to secure continuous improvement with strong and effective budget management.

Which corporate principles and priorities (as outlined in the Corporate Plan) will it help deliver?

A Growing and Learning City

- Supporting children and young people's access to education at school and college, ensuring no children or young person is left behind.

A Sustainable City

- Becoming carbon neutral by 2030
- Developing an active and sustainable travel network

What other programmes, projects or services does it link to?

- FCL's No Child Left Behind
- Transport's LTP5 objectives
- Procurement policy on Social Value and on Sustainability
- Co-production with Parent Carers' Council
- SEND strategy, including Transitions and Preparing for the Future
- Equalities objectives

4. Summary of Options considered

Our top priority will always be the comfort, safety and wellbeing of children and young people on home to school transport. Children should arrive at school reasonably stress-free and ready to learn.

There are three main options for 2023:

1. To use a Dynamic Purchasing System to procure services after 2023 (note this does not include the controversial 'reverse auction' bidding).
2. To revert to a **Framework Agreement**, like the one in place from 2015 to 2019
3. To have an **In-House Transport Service**

Commissioning Home to School transport as part of a wider city-wide project which could also meet the travel needs of vulnerable people for adult social care, CVS and patient transport is beyond the scope of this report.

5. Considerations

It's important to note that the investigation into the problems and concerns associated with the new contracts in 2019 did not suggest that they arose because of the procurement option. As described in the LGA's Independent Review: Home to School Transport Feedback Report, January 2020, *'these concerns primarily focused on the speed of the procurement, lack of political oversight, and the fact that Edge Public Solutions were the only bidder'*. This is generally understood by parents, operators and the Members Policy Panel.

There has been consultation with stakeholders in preparation for procurement 2023. A summary of consultation feedback can be read in section 10 and the full consultation at Appendix 4.

The service has a rolling online survey enabling parents and carers to feed back on the provision of HTST at any time. Parents are satisfied with the service – a rolling survey of parents shows 95% satisfied or very satisfied, and PaCC were ‘very satisfied’ in their survey response in October 2021.

The main areas for improvement identified by parents and children are around timekeeping, communication, and continuity of staffing – all these can be addressed through changes in the service specification, rather than the procurement method. Schools and Operators have also been asked to comment on the current procurement model. The specific issues identified in the current contract and possible alternative approaches are presented at Appendix 3.

Specific consideration: Is tendering individual routes the best way forward?

It is recommended that invitations to tender are for the smallest sensible level of operation, to allow small operators to bid for work. In a city the size of Brighton & Hove, it makes sense to tender route by route. This has worked well in the past and has indeed allowed smaller local operators to win tenders. HTST currently has nine operators, and approximately 87% of routes are run by firms based in the city, 3% of routes are run by ‘out of area’ firms who transport children to agency schools on the borders of the city, and 10% of routes are delivered by public service vehicles. We feel this is a good configuration for the service, which most importantly can deliver continuity for children and parents, by firms with local knowledge operating within a competitive market.

Consideration has been given to basing tenders around one or two individual special schools (either for a single provider or a consortium) where there are multiple journeys and limited car park/ turning space, e.g. at Hill Park and Downsvie Schools. This ‘One Contract One School’ arrangement has the potential to simplify traffic management and the relationship between the operator and the school, as well as possibly supporting the Sustainability Strategy. Only two of the nine transport operators have written in support of this proposal. This was a scheme used under the previous Framework agreement. However, work carried out in partnership between operators, schools and the HTST team has led to the resolution of traffic issues to a significant degree at Hill Park and Downsvie, so there seems insufficient reason to continue to pursue this option. It also has the effect of limiting competitive tendering for HTST routes to these two schools, which form the majority of HTST journeys. Current arrangements are reported by families to be working well for the children and young people on these routes, with smaller numbers of children with additional needs sharing vehicles and shorter journey times.

One other alternative is to consider bundling routes together, or area based contracts, into a smaller number of contracts (as is done in Kent), but the consensus locally is that the current arrangements for an authority of the size of Brighton & Hove work well, and aside from reviewing the potential to look at individual schools, there has been no demand to move away from route-based planning.

A final benefit of route-based planning is in cost control. The aforementioned Value for Money tool enables the service (and operators) to identify individual routes which are outliers in need of further investigation, whether over or under bidding. Routes can be grouped for analysis into categories, such as, numbers of children, mileage, complexity of need etc – and then minimum, maximum or average costs can be established to help set pricing bands, to evaluate bids or to frame contract management discussions. Councillors and operators themselves have been keen on this tool playing a part in deliberations.

Specific consideration: How will the options help to deliver sustainability and Community Wealth Building?

Sustainability

The Home to School Transport Service is responsible for around 780+ vehicle movements at peak times across the city. The Home to School Sustainability Strategy is being co-produced with parents and schools. We hope to work with the Transport Team and with Licensing to lead by example in setting the highest possible ambition in reducing our environmental footprint.

The Home to School Transport Service will require its suppliers to conduct their operations in a sustainable manner, in line with the council's [Sustainable Procurement Policy](#) and the council's Social Value Framework (p13-15).

It is intended that:

- sustainability requirements will be detailed in the specification, which will form part of the contract;
- the invitation to tender will include a sustainability quality question;
- the contract will include Key Performance Indicators (KPIs) linked to reducing environmental impact.

Community Wealth Building

The Home to School Transport Service provides significant funding in the order of £3m pa to the local economy through its contracts to the taxi and private hire trade and public service vehicle companies. The contract could require employers delivering services on the council's behalf to pay the Living Wage, and this will be monitored through the contract management process. The procurement process will ask suppliers how they intend to deliver social value to support the objectives in the City Plan, and social value will form a significant percentage of the tender evaluation process.

Keeping business local - One potential consequence of either a DPS or a Framework arrangement is that operators can potentially join the framework from any part of the country. Tendering individual routes, and using a DPS, both encourage smaller local providers to bid. Few providers from outside the City can be competitive if their base is some distance outside of the City. In order to establish a DPS the procurement will follow the restricted procedure. One advantage of using a DPS is that all operators who satisfy the selection criteria will be admitted to the DPS. This will hopefully result in operators from Sussex or the Greater Brighton being admitted to the DPS and, for journeys to schools and colleges outside the city, this can potentially provide shorter journey times at lower cost, as happens now with a small number of routes.

The criteria for admission to the Framework/DPS will likely specify that operators must follow the Brighton and Hove 'Blue Book' of local Licensing regulations. This will eliminate the advantage that operators based in more lightly regulated authorities would otherwise have and help to ensure fairness for local operators.

6. Options appraisal

OPTION 1

Description of the option

To use a Dynamic Purchasing System to procure services after 2023 (note this does not include the controversial 'reverse auction' bidding).

2. Is this the preferred option?

Yes

Reasons

The primary ambition is to provide high quality, safe and consistent home to school transport by the most cost-efficient means for eligible children and young people living in the City. This option better meets the procurement and service standards set out at Appendix 1.

Dynamic Purchasing Systems were specifically introduced to open markets up to greater competition and to encourage smaller suppliers. They are used successfully by many authorities for home to school transport and are encouraged by the Local Government Association, including for this type of procurement. In the ATCO Local Authority Passenger Transport Survey 2020, methods or processes used to procure SEND transport services included dynamic purchasing (33); open tenders which were moving to DPS (two); framework agreements (seven); DPS and frameworks (three).

A DPS sets up a pre-qualified list of suppliers (a framework in effect). The council can set a range of entry criteria to qualify. Providers who meet the required quality standard move onto a list of approved suppliers who are invited to tender for routes when they are opened to tender. The fundamental difference with a Framework is that new suppliers can apply to join the list at any time, in contrast to the 'closed' Framework. This reduces the risk of the council being left with too few suppliers if other suppliers drop out. This addresses some of the problems associated with the council's previous experience using a Framework from 2015-19.

This is the preferred option as the advantages as set out below outweigh the disadvantages. The consultation on procurement options reports a high level of satisfaction with the service (which uses a DPS) and no strong indications that change would be beneficial (see stakeholder feedback section below).

Advantages

- Experience and feedback from operators and parents/carers suggests a DPS as currently operated works well
- A DPS can save money – the service is running within budget despite 8% extra pupils on transport from this September 2021
- Allows new suppliers to be added to the DPS during the lifetime of the system, supporting contingency and continuity planning
- Supports a more robust market in that there are multiple alternative suppliers if one fails to meet expected standards or gets into financial difficulty
- Maximises competition in terms of cost and quality
- Affords some flexibility into the contract as part of negotiations (e.g adding passengers)

- Allows some cross border firms to join the local framework which can enable better value journeys to out of City schools and colleges, supporting a reduction in journey times for children and young people with additional needs
- Maximises chances for innovative practice from new suppliers (e.g. around control of emissions), providing selection criteria are met

Disadvantages

- May require more capacity in the Home to School Transport Service to manage and monitor multiple contacts
- Quality control can be harder to maintain across multiple providers
- More Procurement capacity needed to assess new applicants for the framework at the point of application

In the context of the above, a DPS appears to provide a reasonable balance of quality and price that has been repeatedly reported as satisfactory or better by the large majority of parents and carers providing feedback. The service is operating within its current budget, despite an increase of 10 % of pupils this September.

OPTION 2

Description of the option

To revert to a Framework Agreement as formerly in place between 2015 and 2019

Is this the preferred option?

No

Reasons

This is not the preferred option as the disadvantages outweigh the advantages.

A Framework is a fixed list of pre-qualified suppliers that can bid for work because they meet the demanding criteria required to be able to tender for a specific contract. Following mini competitions the council awards individual 'call-off' contracts (for routes) to these suppliers throughout the lifetime of the framework. As with a DPS, there is no guarantee of work and therefore no contract value in its own right. There were only four providers on the 2015-19 Brighton & Hove Framework.

Advantages:

- Potentially smaller group of suppliers to manage.
- Simplifies negotiations and contract management
- Limits numbers of different firms accessing school sites and makes traffic coordination potentially easier

Disadvantages

- Over-reliance on a fixed group of suppliers can be problematic if standards slip, they go into administration, or simply decide to no longer provide home to school transport. A framework does not allow for new suppliers to be added
- No stimulation of local market
- Does not allow for a wider range of competitive tendering

- Most LAs have moved away from this system to a DPS or are in process of moving to a DPS due to the limitations.

The key risk with a closed Framework I that once the suppliers are selected, no new operators can join the framework as suppliers. The market in which transport operators are working is volatile, with an emerging shortage of drivers and VPAs. These factors, together with rises in the Living Wage and fuel prices, mean that relying on an unnecessarily small number of firms is a risk to the sustainability of the service and cost control. Additionally, restricting competition would be hard to justify when the service is under increasing pressure from the rising numbers of eligible pupils as well as rising costs for operators, and uncertainty over the timescales for more sustainable alternatives, especially investment in e.g. wheelchair accessible electric vehicles.

OPTION 3

Description of the Option

To have an In-House Transport Service.

Is this the preferred option?

No

This is not the preferred system on the grounds of practicality and significant cost.

Under a fully 'in-house' system, the council directly employs drivers and vehicle passenger assistants and supplies the vehicles used in transport.

Advantages

- LA has control over standards of transport and staff effectiveness/ training
- Direct control of routes and pricing
- Easier for LA to monitor safeguarding standards and investigate incidents

Disadvantages

- Significant capacity needed to hire or TUPE 300-400 staff (this includes; drivers, VPAs and office/ admin functions)
- Management capacity to line manage and supervise this large group of staff would need to be sourced
- There would need to be substantial administrative support
- Significant budgetary implications to purchase or hire, maintenance and storage of a large fleet of approximately 200 vehicles (a range of saloon cars and multi-seater minibuses)
- Storage capacity for 200 vehicles required would be difficult to source and costly to maintain
- Cost of equipment (crelling harnesses, bucklesafes etc)
- Running costs, fuel, tax, MOT, maintenance and insurance
- The council does not have expertise in this sector of work, or IT systems capable of supporting it
- Would need to link up with other services/needs to maximise value of staff and vehicles, so in reality this would need a separate management team to co-ordinate the fleets response across the city's needs.

A fully in-house service covering all (at the time of writing) 180 routes would cost in the region of £1.2m more than the current contracts, based on part-time staff costs. A smaller in-house service, covering only the ten most expensive contracted out routes would cost around £144,000 more than

those 10 contracted out routes. A 'hybrid' in-house and outsourced service was explored around five years ago – this was in the context of a review of the small ASC fleet, alongside a Needs Assessment of the transport needs of all vulnerable people in the city. The outcome was that an Integrated Transport Unit manager was appointed to explore the potential for a city-wide transport service covering patient transport, community and voluntary sector, social care and Home to School/education. However the project folded and the ASC fleet was sold.

The city now has a Community Transport service, which runs some Home to School routes. The fleet is made up of larger vehicles and therefore do not have the means to transport children on smaller shared vehicles or on solo journeys.

There may be a case for the council to run just a team of in-house VPAs. These are hard for operators to recruit and retain, and are needed on about 75 routes. The 'cost comparison' case however is difficult for two reasons. First because its not known what pay rates are applied to VPA's by their current operator, or even if they are employees. Second, any pay gap would anyway be narrowed by the proposed contractual requirement for operators to pay their staff the Living Wage (£9.90 in 2022), compared to the scale 3 council rate (mid-point £10.10 plus 2022 award).

There are other benefits to having a small team of in-house VPA's. They can cover challenging or complex journeys, and can also be used as the 'eyes and ears' of the council where there are issues. The council already has a single highly valued VPA (as well as two drivers) and is currently recruiting more. Given these uncertainties, no significant growth is planned for an in-house team of VPA's at least until the impact of the Living Wage can be monitored.

6. Funding

Have the budgets to fund the programme or project been identified? Specify which budgets.


The sole budget involved is the home to school transport budget, which is from the General Fund.

This project concerns decision-making about future procurement options and our preferred option is neutral. Entry to the council's framework for HTST is on merit and is of nil value to transport firms. The value is in the call-off contracts for school runs which need to be planned and tendered with care and skill under any system to achieve best value.

There are different financial risks and costs associated with each option. These are covered in the discussion of each option in the text above.

7. Risks and opportunities

Assess the risks and opportunities associated with the programme or project by using the council's Risk Management Framework and risk register template. List the most significant risks in the table below and the initial mitigating actions.

Risk description	Potential consequences	Likelihood (1 to 5)	Impact (1 to 5)	Mitigating controls and actions
 HTST Re-procurement Risk				

9. Outline programme or project plan

Indicate the timeline for the programme or project with key milestones, including when decisions are needed and by whom, and deliverables.

Project Board	10 November	
Modernisation Board	29 November (FCL)	
Project Board	8 December	
Draft of CMDB report	25 December	
PAB	10 Jan	
CMDB	19 Jan am	
HTST Governance Board	19 Jan pm	
Progress report	CYPS Cttee	7 March (draft report by 1 Feb)
Sign off	P&R	24 March (draft report by 14 Feb)

Procurement will be aligned carefully with the detailed operational arrangements from school applications. This will take place in the spring and summer of 2023. Operators, schools and parents will be involved in confirming route planning, and in ensuring that parents and schools have accurate expectations of the service.

10. Stakeholder consultation

List any consultations with stakeholders and the findings. Examples of stakeholders include citizens, staff, partner organisations, Members.

What follows is a summary of consultation feedback from:

1. Local authorities (from a survey and further meetings)
2. Parent and Carers Council (survey, meetings, committee report and online)
3. Operators (feedback session and online)
4. Schools (meetings and online)
5. Councillors (Members Policy Panel, summary of discussions from November 2020)

Consultation with other Local Authorities

A survey questionnaire was circulated to all Local Authorities within the Association of Transport Co-ordinating Officers (ATCO) Network, including neighbouring Local Authorities, with follow up meetings with those similar to Brighton & Hove.

Fourteen Local Authorities responded: Redbridge, Birmingham, Norfolk, West Northamptonshire, Bristol, Royal Borough of Windsor, Fife, Bexley Borough, Hertfordshire, Lewisham, Southend and Reading. Further meetings took place with: Bristol, Birmingham, Southend, East and West Sussex.

The following key points emerged:

- 29% of respondents were in a balanced budget situation
- 64% of respondents were in an overspend situation
- 7% of respondents were in an underspend situation

Common Themes

- A significant majority of LAs are operating a DPS which allows Operators to join at any time
- Children and young people are going further afield to independent specialist schools and this initially increases single passenger journeys, subsequently impacting upon the budget
- There are a rising number of EHCPs which as in turn leading to increasing requests for transport
- Carbon Neutral targets and considerations of how to achieve them is key in all LAs.
- Employment of in-house VPA's significantly reduces pressures on Operators, as well as ensuring better management and more effectively meeting need.

2. Consultation with Parent and Carers Council (PaCC)

PaCC report being currently 'very satisfied' with the service. They like

- the good continuity of staffing
- the rapport with friendly, caring staff; and
- the reliability of the service.
- Training is now a requirement for all staff, including 'bespoke' where required by the individual needs of students.

The online survey confirmed some issues with communication between the service, parents and operators, and a concern about the numbers of students on shared vehicles.

PaCC are pleased to be actively involved, ensuring that any changes to the service will always keep the needs of young people at the forefront of decision making . PaCC recognises the financial constraints and legacy of 2019 but reiterates the need for the Service to continue to accommodate increasing numbers of students without a drop in standards.

Close working with the SEND Team ensures the Service can forecast need with a fair degree of accuracy, but flexibility of any new procurement system will be a critical measure, as well as tight monitoring and real time responsiveness to environmental factors impacting the service.

During the transition to the new contract, any change must feel 'seamless' to students and their families. This will be one of the measures of a successful re-procurement, and PaCC will have a key remit to help reassure children and young people and their families around any changes.

PaCC suggests that the procurement should be organized around an agreed set of principles or standards – a Charter for Home to School.

PaCC would like to have some opportunity to have conversations with operators, perhaps a couple of times a year.

There are some calls for an app that would track the movement of the vehicle for parents and students, and show a picture of the driver. This would need both a revised back-office system for home to school transport, and to be written into the contract with operators.

3. Consultation with Operators

About half the firms were represented at a feedback session. Operators like

- the clear roles and structure of the HTST Team
- the commitment and early morning availability
- the helpful contract monitoring and review meetings.

Operators feel strongly that a reverse auction 'race to the bottom line' should not be part of the tendering process.

There are some mixed views about bidding being 'open' or 'closed'.

Operators represented appeared to favour tendering individual routes rather than in blocks. Some would like a greater opportunity to be involved in, or even to take control of, route planning before tendering begins.

Operators stress the growth in costs, from fuel, vehicles, and particularly wages. Although the current contract contains provision for a costs-based increase in Agreed Price for operators once a year at the request and submission of a business case by Operators, some would like to see an automatic uplift, based on inflation or the Transport RPI.

Operators would also like to see

- Improved phone availability by the Team (currently manned by 1 member of staff from 7am to 7.45 am, 2 members of staff from 7.45 am to 9.00am to 3 members of staff from 9am-3.pm, to 2 members of staff between 3pm to 5pm).
- the potential to use untrained drivers in an emergency
- perhaps a provision in the contract for firms to liaise between themselves to arrange cover drivers and VPAs
- more interaction with school staff for drivers and VPA's
- more checks at schools, for example on correct wheelchair handling
- face-to-face training where possible, instead of online
- clarity on first aid requirements (discrepancy in Contracts to Blue Book requirements)
- automatic increase price when children are added to existing routes
- automatic waiting time payments exceeding the current Contract requirement (5 mintues)
- One operator had sought a longer contract term
- Two operators have supported the benefits of 'One School One Contract' tenders to reduce congestion and improve communication with schools.

4. Consultation with Schools

Schools did not overly engage in the procurement consultation process. Schools are mostly very satisfied with the service (from the few responses to the online consultation below). Schools like:

- Fewer vehicles to manage on site
- The good rapport with drivers, VPA's and HTST staff
- The encouragement given to students to be independent

Schools would like to see

- more flexibility around students changing needs, and also a longer gap between reviews/reapplication when a student has needs that aren't going to change
- To share a picture of the driver when the service starts

5. Consultation with Councillors

The recommendations from the Members Policy Panel November 2020

- A full procurement appraisal takes place during 2021/22 in good time for the termination or renewal of current arrangements in August 2023
- Develop a business case to assess the value for money of a small, part-time, expansion of in-house capacity to improve resilience and to potentially reduce costs for some more expensive or challenging journeys.
- Work with East and West Sussex to understand what, if any, benefits might flow from greater collaboration either in service provision, regulatory standard setting, or joint procurement.
- Work with stakeholders to evaluate the benefit of tendering 'One Contract One School' for selected sites with a view to implementing change for September 2021, if permitted within the current contractual provisions. To include the potential costs of traffic management on site.
- Develop the VfM tool so that it is ready to evaluate route planning for September 2021 routes.
- Ask officers to develop a series of contract revisions or variations that can be negotiated with operators to improve the quality of the service for the rest of the current contract term.
- Embed social, economic and environmental sustainability in future contracts.

11. Equalities

Has an Equalities Impact Assessment been conducted for the programme or project? Is one required? When will it be undertaken?

Equalities are key to new arrangements. All arrangements will have children and young people front and centre and their safety, wellbeing and access are paramount considerations. Reasonable adjustments will be made to ensure their safe transport to school and back in a timely manner, with consideration paid to their SEND and medical/ mobility needs at all times. Attention will also be paid to the needs of parents and carers to ensure there is no indirect discrimination in the new systems or contractual arrangements.

A Equalities Impact Assessment is available here:



HTST Short EIA Nov
2021.doc

12. Sustainability

*What significant environmental impacts is the project likely to have?
Are there any implications for the local economy and local communities?*

There are significant sustainability implications. The council is working towards carbon neutral status by 2030 and lowering transport emissions is key to this.

A HTST Sustainability Strategy/ Independent Travel Training working group has been set up to review the existing draft Sustainability Strategy. This comprises the Project Manager, Head of Service, PaCC representative, and representation from Special Schools, Procurement and BHCC Transport Planning.

As part of the procurement exercise Operators are asked to undertake a number of actions to demonstrate that consideration is been given to issues related to equalities, sustainability, and community impact, (i.e. local employment).

13. Data Protection

Options Appraisal

*Has a Data Privacy Impact Assessment been conducted for the programme or project? Is one required?
When will it be undertaken?*

This needs to be undertaken.

No data privacy impact assessment has been undertaken but advice will be sought on whether this is necessary. Personal data is shared with the operators, and operator CCTV and audio will need to be shared (at no cost) with the council.

Authority to proceed

This business case needs to be approved via the appropriate governance route before the programme or project can be implemented. Please complete the table below to confirm where this authority was obtained. Please ensure the agreement was minuted

Meeting where authority to proceed was obtained	Date of meeting
FCL Modernisation Board	29 November 2021
Members Procurement Advisory Board	10 January 2022
Corporate Modernisation Delivery Board	19 January 2022

Appendix 1 – Procurement and Home to School Service Standards



The over-riding procurement policy requirement is that all public procurement must be based on value for money, defined as “the best mix of quality and effectiveness for the least outlay over the period of use of the goods or services bought”. This should be achieved through competition, unless there are compelling reasons to the contrary. Public Procurement Policy, last updated January 2021.

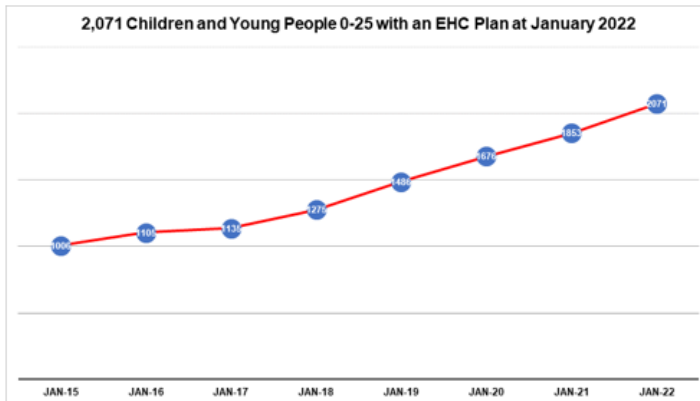
PaCC & HTST Co-produced Home to School Service Standards

1. We will work collaboratively with families, education settings, social care and the SEND team to access key information about the child/young person’s needs so as travel arrangements have children and young people front and centre, and their safety, SEND, medical/ mobility and access needs are paramount considerations.
2. Children, young people and their families and advocates will be listened to and respected when discussing children’s individual transport requirements
3. High quality, free home to school transport will be provided by the most cost-efficient means for children and young people living in the City, who qualify for free travel under the Home to School Travel and Transport Policy
4. Children and young people will be kept safe because the service carries out risk assessments to establish the suitability of provision, routes and personnel
5. All children and young people will be safeguarded and all drivers and vehicle Passenger Assistants will have an enhanced DBS check and will complete relevant home to school transport training
6. The Parent and Carers Council will be involved in co-production of the home to school transport service
7. We recognise some children can find traveling to and from school stressful, our arrangements aim to reduce this stress, as much as is practicable, to provide children and young people with a reasonably stress-free and safe journey to and from school, within statutory timeframes
8. Suitable vehicles will be sourced to meet the individual needs of passengers, and drivers and vehicles will be suitably licenced and insured
9. Operators will adhere to contracts and compliance will be monitored by the home to school transport service
10. Families will be signposted to appeal decisions made about their child’s eligibility or type of free transport to and from school
11. All concerns, complaints and incidents will be recorded and fully investigated by the service, in liaison with parents, schools and Operators, where necessary, ensuring continuous service improvement
12. All confidential information will be handled in line with General Data Protection Regulations (GDPR).

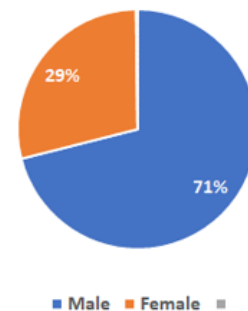
Appendix 2 – Profile of Need: Growth in demand & Context within which the Home to School Transport Service operates.

Children and Young People 0-25 with an EHCP

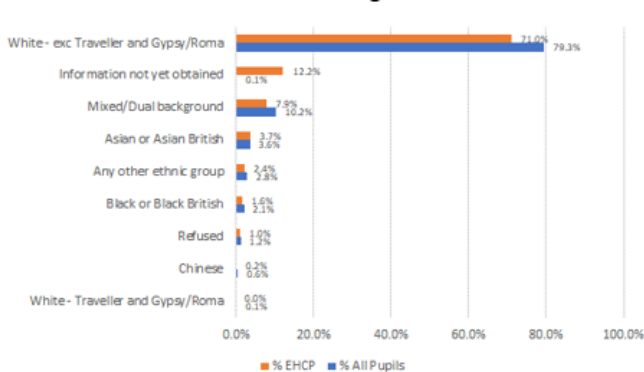
2,071 Children and Young People 0-25 with an EHCP at January 2022



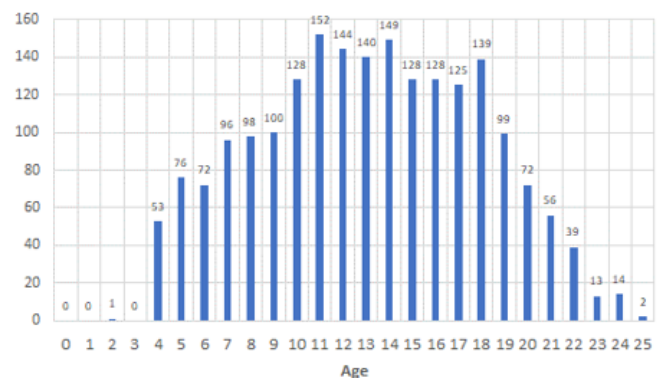
Children and Young People 0 to 25 with an EHCP at October 2021 by Gender



Children and Young People 0-25 with an EHCP at October 2021 by Ethnic Origin



Children and Young People 0-25 with an EHCP at October 2021 by Age



Context and nature of the Home to School Transport Service

At the time of writing the Home to School Transport Team supports 1,149 eligible children and young people to get to and from school. 603 are children with additional needs. This number varies across the academic year as children join and leave transport. The current average cost per pupil is £6,720 per annum.

Currently 39 children have 'travel alone' status (Children and young people are classified as 'Travel Alone' where their current needs are so complex and challenging that their safety and wellbeing, or that of other children or transport staff, would be significantly compromised by travelling on a shared vehicle and all other support strategies have been explored.) Arrangements for Travel Alone are decided by a Transport Panel, comprising the Team Manager, Transport Officers, and a representative from Amaze.

Currently 29 children have 'solo passenger' status (Solo passenger journeys are appropriate where:

- No other pupils are making that journey to a school or setting
- Alternatives to solo passenger journeys have been considered, notably whether:
 - an alternative vehicle or different seating arrangements could meet needs;
 - whether further training and expert support could enable transport staff to meet needs;
 - if an additional VPA on route could enable needs to be met
 - if a personal allowance to family to arrange transport is appropriate.

Solo passenger journeys are not permanent arrangements and may be subject to change, e.g when a new child is risk assessed as compatible to join the route. Arrangements for Travel Alone are decided by a Transport Panel.

The cost of these travel arrangements is currently £5,319.59 per day for a total of 68 children.

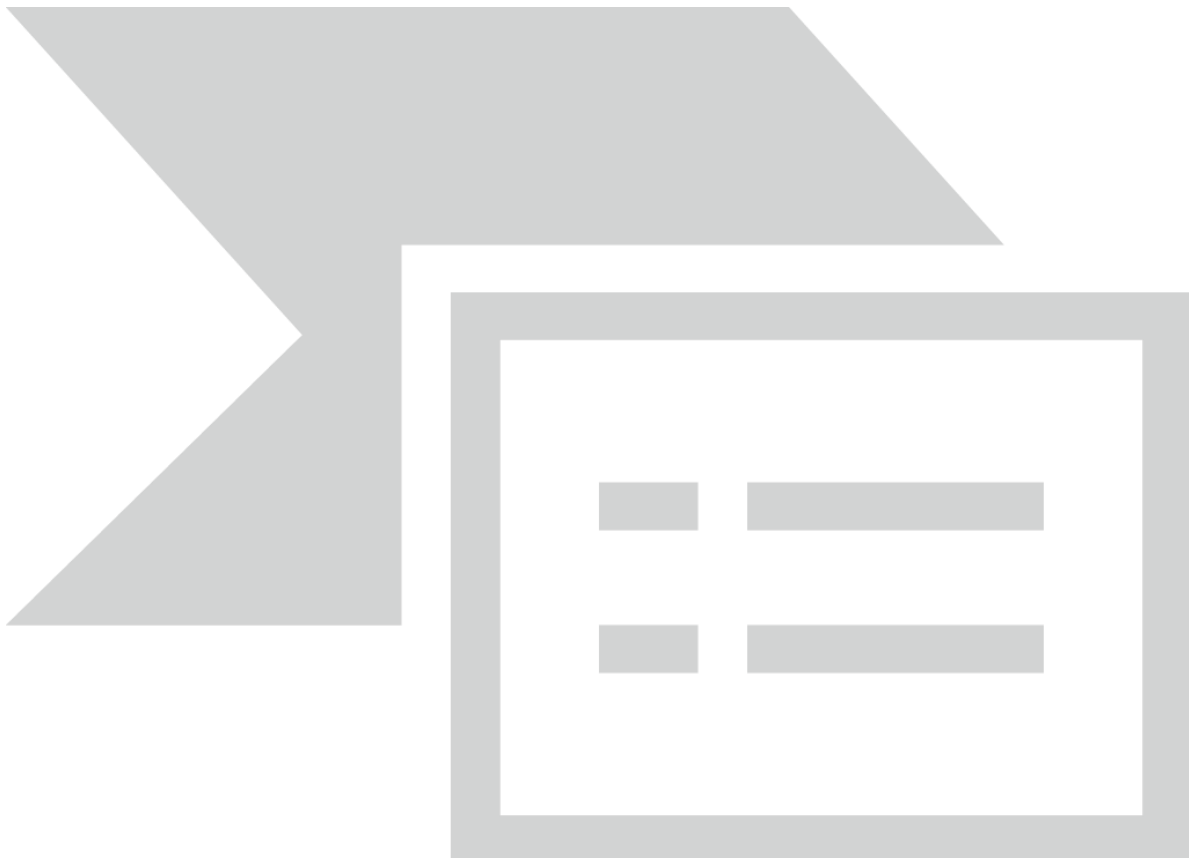
Numbers of children eligible for HTST are steadily increasing, the current (at the time of writing) number of pupils on contracted taxi routes is an increase of 10% since this time last year. The number of children requiring the more costly travel alone and solo passenger status is also increasing. This increase in demand can result in travel arrangements for existing children changing, causing unavoidable disruption which can lead to complaints from families. For example, children losing their 'solo passenger status' due to the fact another child is added to the vehicle who is now enrolled at the same school or setting.

Budget pressures rise each year with increases in the number of children and young people on Education and Health Care plans and becoming eligible for transport. This is the case nationally as well as in the City. The percentage of EHC plans more than doubled since 2015 (1,006 / 2,024 children). The number of families successful at SEN Tribunals is also steadily rising, and they frequently seek schools outside the City borders, which require the more costly solo passenger journeys over longer distances.

The market within which the transport operators are working in is volatile, with an emerging shortage and increasing turnover of drivers and vehicle passenger assistants impacting on continuity of service which can lead to frustration with the service on offer.

Since the last contract there has been rises in the living wage. The real living wage has recently increased to £9.90, a 4.2% rise.

Fuel prices have risen 27.3% in the last calendar year.



Appendix 3 – Proposed Contract and Service Specification provisions

The below suggested revisions have been put forward during consultation by the Service, Operators, Schools and parents carers. This is in draft format as the Procurement Board continue their discussions.

1. Contract and Schedules to be gender neutral
2. No return to e-auctions or 'reverse auction bidding' systems. Utilise Intend.
3. Deterrents for the last minute handing back of routes as was the case in 2019.
4. Should operators have automatic annual inflationary increases
5. Should operators pay the living wage to their staff?
6. Subcontracting- legitimate and informal
7. Blue Book licensing requirements, including first aid, DBS checking, CCTV
8. Safeguarding training
9. Should vehicle emissions standards conform to those of the wider local taxi/PSV licensing provisions, which are expected to reflect the city's Carbon Neutral 2030 target
10. Should drivers be paid 'retainers' when children go into respite/hospital
11. Should respite be considered illness
12. Clarify route cancellation/ amendment
13. Waiting time
14. Expectations of transport staff – good command of English
15. Quality kitemark
16. Action if no replacement driver can be sourced when a driver is temporarily suspended pending investigation
17. Consider requirement for operators to support access to back-office systems, for example to enable parents to track their vehicle.
18. consider making mandatory the use of (password protected) mobile devices for drivers/vehicles, for HTST information

Appendix 4 – Consultation Feedback

Procurement Post 2023 – Consultation Meeting with Operators

25 October 2021 11am -12.30

Attendees

BHCC

- Regan Delf – outgoing Interim Head of Home to School Transport Service (Chair)
- Mia Bryden - incoming Interim Head of Home to School Transport Service (Note taker)
- Michelle Hunt- outgoing HTST Team Manager
- Kim Wilson-Smith - incoming HTST Team Manager
- Steve Foster- Project Manager, Performance, Improvement & Programmes
- James Breen – Strategic Procurement Manager
- Martin Seymour – Hackney Carriage Officer

Operators

- Scott Beale- B&H Radio Cabs
- Andy Cheeseman – Southern Taxis Group

- Michael – Taxi4u.
- Claire Johnson– ACE, joined at 11.25am

Not in attendance

- B&H Streamline
- Community Transport
- Minibus Travel
- Sprint Reliance

Q1. What do you feel are the strengths in the way that home to school transport currently works within Brighton and Hove?

Firm	Feedback
Echoed by all attending firms	<ul style="list-style-type: none"> • Chain of command, commitment and early morning availability of the HTST, and general day to day operations are working well. • The SEND Officer role has supported in ensuring the service is child centred in its decision making.
ACE	<ul style="list-style-type: none"> • The contract monitoring review meetings are a helpful addition.

Q2. How could the engagement of transport be improved after August 2023?

Firm	Feedback
Taxi4u	<ul style="list-style-type: none"> • Return to the transparency afforded by the reverse eAuction bidding tool
B&H Radio Cabs Southern Taxis Group ACE	<ul style="list-style-type: none"> • Favoured the approach of emailing operators for bids rather than using the reverse eAuction bidding tool –the email process supports healthy competition, is more ethical, supports decision making with quality and safety over price e.g prevents a ‘race for the bottom line’
ACE	<ul style="list-style-type: none"> • Before route schedules are put out to bid on, they need to be accurate and more considering route planning is required • Favoured individual tendering, rather than in ‘blocks’
Southern Taxis Group	<ul style="list-style-type: none"> • Suggested operators should route plan rather than the Service as Operators know the roads and have access to better route planning infrastructure/ systems and would be able to better meet the needs to families (taking into account having to accommodate the needs of other children in the household and parental work commitments, etc). • Helen Burdett commented she felt reverse auction bidding inappropriate and she felt immoral in respect of SEND children – cause of many previous problems
All Operators	<ul style="list-style-type: none"> • Minimum Wage/Living Wage increments could be included in new Contract in-line with Government inflationary awards. • Suggestion that the Contract could incorporate Transport Sector RPI

Q3. How could the whole HTST service to students/families be improved?

Firm	Feedback
– Southern Taxis Group	<ul style="list-style-type: none"> • The Service needs to be more child centred– the Service is still too focused on cost savings at the expense of the safety and experience of the CYP. • The phones aren’t answered at key times in the morning and afternoon. AC suggested a separate phone line for operators.

	<ul style="list-style-type: none"> Meetings are sometimes run during key times in the afternoon when operators need to have contact with the Team.
Taxi4u	<ul style="list-style-type: none"> Favoured the Service suspending the rule regarding drivers needing to have completed mandatory training in emergency cover situations. M suggested BHCC having more bank Drivers and VPAs who can provide cover for the Operator in emergency situations M suggested the Service could request cover driver information when Operators bid for routes to ensure there is a suitable contingency
Southern Taxis Group & ACE	<ul style="list-style-type: none"> The Service needs to allow Operators the freedom and flexibilities to arrange cover between Operators on the Framework in emergency situations.
ACE	<ul style="list-style-type: none"> The Service would benefit from greater understanding of how Taxi firms run their businesses. More interaction and support for drivers/VPA by school staff More checks at schools – particularly pertaining to wheelchair use Face to Face training for drivers/VPA would be welcomed
Southern Taxis Group & Taxi4u	<ul style="list-style-type: none"> There needs to more consideration before adding children onto existing routes and the impacts this has on drivers/VPA as well as knock on effects with timings (pick up/ drop off of the vehicle in its entirety).

- During discussion regarding Q3 there was a general conversation about known and as yet not known, but anticipated, driver shortages (both locally and nationally) as a result of the EU exit and the enticing recruitment campaigns for HGV drivers.

- Also during discussion regarding Q3, there was a conversation about the general trend of increasing fuel costs in the UK, the increasing price of cars, and the rising cost of living, and the impact on Firms operating costs and profit margin. The current contract does not have an annual uplift in line with CPI as some do – this means firms can be operating routes at the same price for four years while fuel and wage costs increase, eroding profit and making this unfair in business terms. RD reminded Operators of Schedule 3 Point 19.6 regarding uplifts: *Where the Contractor is of the opinion that they require an uplift of their Agreed Price the request should be made by providing a detailed breakdown of wage costs, overheads and profit margin at the time of the e-auction (agreed price) and which elements have increased in cost, together with a detailed explanation. The request should be emailed by 1st October of any year from 2020.*

- AC asked for clarification regarding TUPE arrangements for employed drivers and VPAs. This was provided by JB.
- AC asked for clarification regarding BHCC's request for Operators to dispose of first aid boxes and asked what the expectations were regarding first aid training for drivers and the use of fire extinguishers. It was acknowledged that there are inconsistencies within the Blue Book and the HTST Contract requirements on these issues. Clarification regarding first aid and the use of fire extinguishers will need to be addressed in the re-procurement exercise, in the interim there are agreed emergency protocols in place directing drivers to call 999 in the event of an emergency and following instructions from call handlers if required.

There have been 22 responses to the online consultation. The following pages show, verbatim, the results, grouped together (parents; operators; schools).

Q1: Which best describes how you are responding to this?

Option	Total	Percent
Transport firms: Taxi Operator/Minibus or Bus Company/driver/ VPA	2	5.56%
Families: Parent/ carer, child or young person	10	55.56%
Parent Carers Council and Amaze	1	5.56%
Schools and colleges	4	22.22%
Home to School Transport Service and related Internal council services	2	11.11%
Other, please give details below	0	0.00%
Not Answered	0	0.00%

Q1b: What changes would you like to see to the current contract and Dynamic Purchasing System currently operated by Brighton & Hove after August 2023?

There was only one response to this question:

Operator

“A return to the quality provision of transport for our most vulnerable clients within Brighton & Hove. A move away from the bidding system which;

1. Does not give best value for the council since providers have are fully aware that prices are able to be substantially elevated for gain over quality
2. A bidding system for vulnerable groups is not an appropriate platform considering the client base requirement and quite honestly distasteful.
3. Assessing school access and the types of vehicle best suited to the venues access requirements - there have been substantial difficulties at site venues where vehicle sizes are conflicting and space limited.
4. A return to continuity of one operators per school - all service delivery would then be provided with a higher level of continuity and organisation.
5. A longer term of contract in order that appropriate vehicles can be sourced/maintained/provided and staff can be retained ensuring job security”.

Q2: What do you feel are the strengths in the way that home to school transport currently works within Brighton and Hove?

Parent/Carer/Young person:

- My daughter is autistic and goes to a specialist school, consistency and the same taxi driver helps her massively in her day to day school life. It makes things calmer for her and less anxiety.
- Very efficient, Capable reliable and friendly driver and VPA, understands my child’s needs
- The school buses are friendly, Professional always ready and willing to help.
- They doing good
- During the pandemic HTST has been able to keep up with the changes here at school. We often had students to needed to be picked up and taken home at different times, we were able to have a discussion around what this would look like and come to a compromise that worked for both parties
- I can found that Taxi driver is really on time and they always can found a new way to College when somewhere is bad traffic.

- The structure of pick up and return helps our child with familiar routines and keeps our child calm - for parents we know our child is safely transported with vpa . Buses / taxi are clean with friendly experienced staff who understand children with complex needs
- The HTST Team now work closely with the PaCC and this keeps children's needs at the heart of all decisions and operations, Operators work closely with the HTST Service and the drivers and VPAs get to know the children and schools know the crews. There is more oversight of training and this makes the service safer.
- Experienced drivers and VPAs with local knowledge.
- I guess it means the LA can take the best offer saving money
- Reliable daily transport of our son to school and back.
- Our routine is great, communication between us driver & escort is fantastic. They know my daughter and they care. That's essential.

PaCC and Amaze:

Continuity in the staff providing the pick up and drop off service i.e. driver and escort.
Reliability of timings.
Having a rapport with staff.
The staff on our service are courteous, friendly and polite.
The staffs positive and caring attitude towards our child.

Schools or colleges:

- Taxis are required for some students, particularly as we have not been able to run ITT due to COVID
- This year, we have less taxi's to manage for parking and loading and unloading at beginning and end of the day.
Gemma in the office has been great at keeping in contact and we have a good rapport.
Taxi drivers and escorts have been more accomadating at parking where we want them too. (playground) and then waiting until all learners are in college before leaving site.

HTST or Internal council :

- There amazing lovely staff
- I think BACA should have a bus to safely take children to and from school, from the deans, as they have to do two bus journeys in the morning and afternoon, and its adding anxious behaviour as they can sometimes have to wait for another bus if one is full, i dont see that longhill have buses to all areas, yet its walking distance for many, yet more children are choosing BACA School, but not realising the dangers for travelling to and from school as well as homework, it really needs safety as paramount from the deans, parents will pay the childrens fare to get them to and from safely..... please please consider this, as parents and children are worried sick, if there children are safely at school or safely coming home, and also it will cut traffic and polution..... they lay buses on for the albion ground and there mainly adults! please please please lay on and bring back the BACA SCHOOL BUS

Q3: How could the engagement of transport be improved after August 2023?

Parent/Carer/Young person:

- We are extremely happy with how things are and don't want them to change.
- At this time I am very happy with the service, and do not see any need for change
- It's perfect how it is
- as to stay the same
- We are extremely happy with our current taxi arrangements of same driver escort every day, same children in car . Communication is good
- Make sure that routes don't get put out to tender with too many students on one run. Use the magic formula we know works, which is 3 or 4 students - less friction, more space, fewer pick ups/stops. This means that more operators can bid for the runs. Keep the Council's spend inside our own city so that we protect jobs at this time
- Better communication in transit to see when the transport is due to arrive and that it has arrived the other end safely. Intergrated system so messages can be sent to the driver, transport provider, Home To School Transport Office and school through a hub, for example, when a child is off sick.
- I would like the priority to be reliable, trustworthy drivers with an understanding of disabilities and my child's needs.
- Improved understanding of the juggles parents are struggling with to manage work and different children in different schools. This has not always been appreciated or accommodated when making transport arrangements despite the fact that the need for the transport for some families is precisely because they have children in different schools.
- Communication - We have NO communication from the company, just messages from the driver and escort off their own bat. None. No communication of any sort. Not only that, we have no communication from the council. NONE. In the past 2 - 3 years. None. Nada. Zilch. How on earth can that be good practice?

HTST or Internal

- There great
- It will cut pollution and traffic at school times, as it will be one bus

PaCC/Amaze:

- Not really clear on the meaning of the question! We haven't experienced any problems at all.

Schools or colleges:

- The engagement of transport between ourselves and HTST is good, there is very little we would change.
- Continue as we are. Ability to review the system if learners needs change over the year. Share a picture of the driver and escort before the school year starts, so we can share social stories with the learners and their parents.
- Find more Taxi driver to ready keep after when normal taxi are ill

Operator:

1. A move back to the quality provision of transport
2. Budgeting for quality and price provision of service delivery
3. Engagement via a bidding platform is morally wrong - it is acceptable for the contract provider to expect a quality provision of service for a fair and living wage for providers going forward. The current system has some providers giving a prime service at lesser rates to the over inflated prices of others again detrimental to BHCC.

4. The council have a platform online where interested parties are able to register and can be invited to tender. ESCC are already currently using this platform. It fully utilised would be potentially effective.

Q4: How could the whole HTST service to students/families be improved?

Parents/Carers/Young people:

- Just good communication would be all i ask for.
- As Q3: At this time I am very happy with the service , and do not see any need for change
- No improvement Needed
- Fine
- To continue to provide good reliable services to families - pick up times to remain in accordance with guidelines around journey lengths , understanding that not all children can ride with others
- Reduce numbers on vehicles so it's less stress for passengers and crew and family. Then we'll feel less rushed and children won't have such a stop start long journey to school or back home. School can be really demanding for my child and his journey can make or break him.
- Better communication
- We have lots of changes when driver can't do particular day. An improvement would be for it to be more consistent. I would hope the app might help at least for us to know who's coming
- As Q3: Improved understanding of the juggles parents are struggling with to manage work and different children in different schools. This has not always been appreciated or accommodated when making transport arrangements despite the fact that the need for the transport for some families is precisely because they have children in different schools.
- Communication, see above. We don't need fancy apps or this tricky that rubbish. Just people actually doing their jobs and communicating between council, company, driver / escort, family. It's a simple solution but devilishly difficult to actually do. It requires constant attention and changing of processes - basically, people changing their habits. That's the hardest thing to accomplish. It requires attention and focus. And in the entire 11 years of my daughter being at school - seems to be very far from being achieved.

HTST or Internal:

- By making them feel safe will bring the anxiety down a big big must

PaCC/Amaze:

- We have a great service so can't think of any improvements.

Schools and colleges:

- The rules around how far a student lives from school needs to be revised. If a child with SEN needs to come to school on transport so the whole day is not wasted then parents should not have to battle the LA to get what the child needs to a productive day in school.
- Share a picture of the driver and escort before the school year starts, so we can share social stories with the learners and their parents.

Operators:

- Multi disciplinary teams working together for the benefit of the client base. Sometimes it does feel like a case of us and them, particularly when trying to facilitate improvement initiatives. It is very common for minor and sometimes major amendments to transport be implemented and this needs to be attended to efficiently with all teams putting the clients base needs primarily.

Q5: How satisfied or dissatisfied are you with this year's arrangements for Home to School Transport?

Parent/carers/young people: 8 x Very Satisfied; 2 x Fairly satisfied

HTST or Internal: 1 x Very satisfied; 1 x Neither

PaCC/Amaze: Very Satisfied

Schools and Colleges: 1 x Fairly; 3 x Very Satisfied

Operators: 1 x Very Dissatisfied

Q6: Any final comments about the Home to School Transport Service?

Parents/Carers/Young people:

- Please leave things unchanged as they are working well for us.
- The driver and VPA , that take my daughter to school are fantastic . I am always informed of any change early enough to prepare my daughter they have an excellent understanding of her needs
- We love the school bus, We have correspondence regular
- I would like to see more electric taxis being used. An app like the one being talked about which lets me track my son's vehicle and that is a real time 2-way communication would be really helpful.
- Continuity is important for our children, as well as short journey times and experienced staff. Reducing anxiety by good communication is essential for many. Keep services local, with good local knowledge and a lower carbon footprint.
- I've been pleased that school and myself have been told when driver changes. I would like the app to go ahead. I don't think anything will be perfect but it's currently pretty good and the app would make the journey predictable and less stressful due to knowing when and who would be coming
- A big thank you to all that help my son xxxx
- See previous comments. Please. They are important in this section. No point in repeating myself.

HTST or Internal:

- Please please please Put on a bus for BACA SCHOOL, as it isnt fair for kids to travel two buses, crossing main roads elmgrove and lewes road, to get another like Longhill has a woodingdean.... Saltdean..... whitehawk bus..... BACA NEEDS A BUS AS MORE CHILDREN ARE CHOOSING BACA FROM THE DEANS

PaCC and Amaze:

- Although we are aware of families that have had issues over the years, we are extremely happy (and grateful) with the service as a whole, in particular with the driver and escort. Keep up the good work.

Schools and Colleges:

- Home to school transport on the whole works really well for us at school. We have a couple of students who require HTST for the whole year but we continually find ourselves have to apply every half term due to the distance they live to the school. This child has a severe learning difficulty and its very upsetting for the whole family and us, the process of keep applying
- This year has been the smoothiest transition in September, old and new taxi drivers have enabled a good and settled start to the year. Learners are now able to see themselves to and from their taxi's. Much more independence for them.

Operators

Team work, effective communication, good relationships and team building need to be nurtured. BHCC staff at the frontline need to be supported and have the time to administer to the many and diverse calls incoming and the many amendments to the transport that result from the diverse and constant changeable nature of this contract. To nurture suppliers providing best practice and those who are willing to commit to this client base for the long term. To support all personale and clients in the quality provision of service delivery. Non an easy job but one commendable and worthy.