

Public Document Pack

North Yorkshire County Council Children and Young People's Service - Executive Members & Corporate Director Meetings -

Tuesday, 19 July 2022 / 1.00 pm

A G E N D A

1 **Apologies for Absence**

2 **Declarations of Interest**

Items for Corporate Director decision

- 3 Procurement of Special Educational Needs Home to School Transport (Pages 3 - 16) Presenting officer: Catherine Price
(7 schools) (including some miscellaneous routes) (Pages 3 - 16)

To agree to proceed with the review and re-procurement of transport services.

Any Other Business

- 4 Date of future formal meetings

9 August 2022
6 September 2022
4 October 2022
1 November 2022
6 December 2022

Circulation:

Executive Members

Janet Sanderson
Annabel Wilkinson

Officer attendees

Stuart Carlton
Howard Emmett
M Sadler

Presenting Officers

Catherine Price

This page is intentionally left blank

North Yorkshire County Council

Children and Young People's Service

Corporate Director's meeting with Executive Members

19 July 2022

Review of Transport Contracts for SEN pupils attending North Yorkshire and Out of County Special Schools

Report of the Assistant Director, Inclusion and Assistant Director Travel, Environmental and Countryside Services

1.0 Purpose of Report

- 1.1 To seek approval from the Corporate Director, Children and Young People Services to proceed with a review and re-procurement of transport contracts into Welburn Hall, Mowbray School, Springhead School, Hob Moor Oaks School, Applefields School, Brooklands School and The Dales School.

2.0 Background

- 2.1 Integrated Passenger Transport (IPT) undertakes to re-evaluate all of its contracted SEN transport contracts (delegated responsibility from The Corporate Director of Children and Young Peoples Service) across North Yorkshire through a programme of SEN School reviews.
- 2.2 Contracts into the schools listed above are due to end in April 2023 and new contracts must be secured to start after the Easter holidays. A full review of all individual pupil requirements and transport routes will be undertaken as part of this review.
- 2.3 The review of pupil requirements will be undertaken by the SEN Transport Team, in close consultation with the IPT Team and each of the special schools involved. Parental Allowances will be offered as an alternative to transport prior to commencement of the procurement.

3.0 Proposed Tender Procedure

- 3.1 An 'Open' tender process will be undertaken by IPT in accordance with the Council's Procurement and Contract Procedure Rules and the Public Contracts Regulations 2015 with support from the central procurement team.
- 3.2 Contracts will be advertised through Prior Information Notice and notices published on Finder Tender and through the e-tendering system notice board.
- 3.3 The Gateway process will be followed and approval to award the contracts will be sought from The Corporate Director – Children and Young Peoples Service through the Councils Gateway 3 process.

4.0 Financial Implications

- 4.1 This procurement is within the Council's policy framework and budgets exist within Children and Young People's Service (CYPS). There are current pressures within the

transport budget and any re-procurements could lead to an increase in cost and therefore future contracts could have budgetary implications.

- 4.2 The countywide SEN Transport element of the Home to School transport budget is £15.7m.

5.0 Legal Implications

- 5.1 The Education Act 1996 (as amended) Sections 508B and 508C make provision for the County Council to ensure that suitable travel arrangements are made, where necessary to facilitate a child attending school. The County Council has a duty to make travel arrangements for 'eligible children' and in doing so has regard to statutory guidance and the Council's own policy.
- 5.2 The procurement will be undertaken in compliance with the Public Contracts Regulations 2015.

6.0 Equalities Implications

- 6.1 An Equalities Impact Assessment (EqIA) has been carried out to consider the impact of this review and this can be found at Appendix 1
- 6.2 The Equalities duty is ongoing and will be reviewed throughout the planning, review and procurement stages as well as prior to the award of any contracts.

7.0 Climate Change

- 7.1 Seeking permission to re-procure these services will continue to have a negative impact on both emissions and air pollution in the same way as it does now. See Appendix 2
- 7.2 The Council currently spends £15.7M on SEN Home to School Transport and that cost would significantly increase if there were to be a change to our vehicle type and age requirements. There would also be an issue in securing tender prices as the nature of the transport network in North Yorkshire means that many of our transport providers are small/medium providers. They do not have the funds to replace vehicles with newer ones especially given the significant impact that Covid has had on the transport industry.
- 7.3 It is acknowledged that this issue needs further consideration and work in the future to consider options for a longer term strategy to reduce the impact of this type of transport on the environment.

8.0 Recommendation

- 8.1 It is recommended that The Corporate Director – CYPS and Executive Members agree to proceed with the review and re-procurement of transport services.

JANE LE SAGE
Assistant Director – Inclusion

MICHAEL LEAH
Assistant Director - Transport, Environment and Countryside Services

Report author: Catherine Price
Background documents: None

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics
(Form updated May 2015)

Review of Transport Contracts for SEN pupils attending North Yorkshire and Out of County Special Schools

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email communications@northyorks.gov.uk.

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔



Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Business and Environmental Services, Integrated Passenger Transport
Lead Officer and contact details	Project Owner: Catherine Price ext 5691
Names and roles of other people involved in carrying out the EIA	Contracting Officers: Lindsay Davidson ext 2670 Nicky Moseley ext 8031
How will you pay due regard? e.g. working group, individual officer	Consideration of the EIA by the Officers involved in the review/procurement process
When did the due regard process start?	May 2022

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

IPT reviews all of its SEN transport service contracts across North Yorkshire through a continuous programme of contract renewal across both in and out of county special schools.

Re-newal of contracts is required for SEN contracts to the following Welburn Hall, Mowbray School, Springhead School, Hob Moor Oaks School, Applefields School, Brooklands School and The Dales School

Section 3. What will change? What will be different for customers and/or staff?

In reviewing the contracts, routes and timetables will be changed to meet individual pupil requirements. In some cases, the contractors providing the services may change as a result of the tendering process. Also pupils may travel with a different set of pupils depending on the advice of the professionals involved in the review prior to procurement.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

School staff and parents will be consulted prior to route planning to ensure that we can optimise the network of services whilst having careful regard to the individual pupils needs.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

This procurement is within the Council policy framework and appropriate funding will be found within CYPS the work to be carried out and financed. It is anticipated that whilst some contracts will reduce in costs, others may increase.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age	X			
Disability	X			
Sex (Gender)	X			
Race	X			
Gender reassignment	X			

Sexual orientation	X			
Religion or belief	X			
Pregnancy or maternity	X			
Marriage or civil partnership	X			

Section 7. How will this proposal affect people who	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
live in a rural area?	X			
have a low income?	X			

Section 8. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) **State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.**

No

Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	X
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
Explanation of why option has been chosen. (Include any advice given by Legal Services.)	
The Council has a statutory responsibility to transport school children who qualify for free home to school transport in line with the Councils policy and these requirements will be met. Whilst not all vehicles that will be used in the provision of home to school transport will be accessible, pupils who have special access requirements will be accommodated as their individual needs require.	

Section 10. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

- Monitor correspondence and complaints following the introduction of any changes
- Monitoring of the services through on-going contract management
- Feedback from schools and parents and carers

Section 11. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements

Section 12. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

This EIA seeks to assess the equality impact of changes to SEN transport services as a result of renewal of contracts for SEN pupils.

We have no evidence to show an impact in relation to the tender of such contracts

Section 13. Sign off section

This full EIA was completed by:

Name: Catherine Price
Job title: Head of Transport Services

Directorate: Business & Environmental Services
Signature: Catherine Price

Completion date: June 2022

Authorised by relevant Assistant Director (signature): Michael Leah

Date: 13 June 2022



Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Review of Transport Contracts for SEN pupils attending North Yorkshire and Out of County Special Schools
Brief description of proposal	To seek permission to undertake transport contract re-procurement
Directorate	Business and Environmental Services/CYPS
Service area	Integrated Passenger Transport
Lead officer	Catherine Price
Names and roles of other people involved in carrying out the impact assessment	None
Date impact assessment started	June 2022

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

The Council has a statutory duty to provide Home to School Transport for pupils entitled to transport in line with its policy and is required to secure the provision of home to school transport services. The contracts involved in the re-procurement have already been extended within the terms of the contract and not re-procuring is not an option for us to meet our statutory responsibilities.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

There are budgets available in Children and Young Peoples Service to meet the cost of the re-procurement. In the present financial climate based on what we are currently experiencing in relation to fuel, staffing and vehicles availability it is expected that costs for CYPS will increase.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	<p>Emissions from travel</p>		<p>X</p>	<p>Maintaining the current level of transport services needed to help SEN pupils to access their education will result in no change to the existing impact.</p> <p>However, the existing impact is acknowledged as having a negative impact as there are up to 300 contracts in this review with vehicles of varying size and age on the road 190 days of the year over 3 years.</p>	<p>We review transport services to ensure that the network is as efficient as it can be to keep the vehicles on the road 190 day a year, to a minimum. Our terms and conditions of contract set out vehicle age restrictions that providers must comply with and the following clause is a requirement of the terms and conditions of contract</p> <p>20. SUSTAINABILITY 20.1 Throughout the Term of this Agreement the Supplier shall make all reasonable endeavours to reduce any negative impact on the environment caused by the Service.</p>	

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
					<p>20.2 The Supplier may be required to provide evidence of actions taken to mitigate climate change and reduce greenhouse gas emissions, and on request, information relating to fuel use and other relevant indicators.</p>	
Emissions from construction		X		No impact.		
Emissions from running of buildings		X		No impact.		
Other						
Minimise waste : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic		X		No impact.		
Reduce water consumption		X		No impact		

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise pollution (including air, land, water, light and noise)</p>			<p>X</p>	<p>Maintaining the current level of transport services needed to help SEN pupils to access their education will result in no change to the existing impact.</p> <p>However, the existing impact is acknowledged as having a negative impact as there are up to 300 contracts in this review with vehicles of varying size and age on the road 190 days of the year over 3 years.</p>	<p>We review transport services to ensure that the network is as efficient as it can be to keep the vehicles on the road 190 day a year, to a minimum. Our terms and conditions of contract set out vehicle age restrictions that providers must comply with and the following clause is a requirement of the terms and conditions of contract</p> <p>20. SUSTAINABILITY 20.1 Throughout the Term of this Agreement the Supplier shall make all reasonable endeavours to reduce any negative impact on the environment caused by the Service.</p>	

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
					<p>20.2 The Supplier may be required to provide evidence of actions taken to mitigate climate change and reduce greenhouse gas emissions, and on request, information relating to fuel use and other relevant indicators.</p>	
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		<p>X</p>		<p>No impact anticipated</p>		
<p>Enhance conservation and wildlife</p>		<p>X</p>		<p>No impact anticipated</p>		
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>		<p>X</p>		<p>No impact anticipated</p>		
<p>Other (please state below)</p>		<p>X</p>		<p>No impact anticipated</p>		

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

N/A

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

Seeking permission to re-procure these services will continue to have a negative impact on both emissions and air pollution in the same way as it does now. The Council currently spends £15.7m on SEN Home to School Transport and that cost would significantly increase if there was to be a change to our vehicle requirements. There would also be an issue in securing tender prices as many of our transport providers are small/medium providers who do not have the funds to replace vehicles with newer ones especially given the significant impact that Covid has had on the transport industry.

However, it is acknowledged that this issue needs further consideration in the future in relation to a longer-term strategy to reduce the impact of this type of transport on the environment.

Sign off section

This climate change impact assessment was completed by:

Name	Catherine Price
Job title	Head of Transport Services
Service area	Integrated Passenger Transport
Directorate	Business and Environmental Services
Signature	C Price
Completion date	12/06/2022

Authorised by relevant Assistant Director (signature): Michael Leah

Date: 13/06/2022

This page is intentionally left blank