



Officer Delegated Powers Report

Title	Contracts for the provision of passenger assistants for children and adults
Report of	Chris Munday, Executive Director Children's Services
Wards	All
Status	Public
Enclosures	<p>Appendix A – Results of DPS passenger assistant procurement - 2018/19</p> <p>Appendix B – Results of DPS passenger assistant procurement - 2019/20</p> <p>Appendix C – Results of DPS passenger assistant procurement - 2020/21</p> <p>Appendix D – Results of DPS passenger assistant procurement - 2021/22</p>
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Summary

The report seeks approval for (i) the award of 2021/22 contracts to the providers set out in Appendix D for the provision of hired passenger transport assistants for children and adults, (ii) the proposal to extend the existing Dynamic Purchasing System contracts for a further four years and (iii) Barnet Education and Learning Service Ltd to manage the contracts and the extended contracts with providers listed in Appendices A to D.

Officers Recommendations

- 1. To approve the award of 2021/22 contracts to the providers set out in Appendix D.**
- 2. To approve the proposal to extend the existing Dynamic Purchasing System contracts for a further four years.**
- 3. To authorise Barnet Education and Learning Service Ltd to continue to manage contracts with individual providers on the Council's behalf including contracts with those providers listed in Appendices A, B, C and D and any further contracts let through the DPS procurement process.**

1. Why this report is needed

- 1.1 Barnet Education and Learning Service Ltd (BELS) is contracted to broker, commission and contract manage transport services, including hired passenger assistants for children and young people with Special Educational Needs and Disabilities and for Family Services and Adult Services. BELS acts on an agency basis on behalf of the Council. Most of the transport brokered by BELS is provided by the Council's in-house Passenger Transport Service, but external contractors also provide transport (mainly taxis) and passenger assistants on external routes.
- 1.2 The contracts with the providers will be with the Council but BELS will manage the contracts as the Council's agent.
- 1.3 On 21 November 2017, the Strategic Commissioning Board authorised commencement of the DPS procurement process and commissioning of Cambridge Education to procure hired passenger assistants for children and adults on the Council's behalf, in accordance with the strategic partnership contract between the Council and Cambridge Education. Acceptance of the procurement required authorisation by a full officer Delegated Powers Report.
- 1.4 On 23rd April 2018, an officer DPR was approved (see background papers), which agreed, following the DPS procurement process, to the award of contracts to the passenger assistant providers set out in the Appendix to the report and to authorise Cambridge Education to manage contracts with individual providers on the Council's behalf, including contracts with those providers listed in Appendix A (attached to this report) and any further contracts let through the DPS procurement process.
- 1.5 For the school year 2019-20 a further 4 assignments were let through the DPS procurement process, which are listed in Appendix B.
- 1.6 For the school year 2020-21 a further 13 assignments were let through the DPS procurement process, which are listed in Appendix C.
- 1.7 The contract between the Council and Cambridge Education came to an end on 31 August 2020 and was novated from Cambridge Education to Barnet Education and Learning Service Ltd on 1 September 2020.

- 1.8 In order to ensure that all contracts let through the DPS are formally recorded and approved, an annual DPR is published listing all additional contracts awarded since the last DPR was published. For the school year 2021/22 a further 20 assignments have been let through the DPS procurement process, which are listed in Appendix D. This Officer DPR is seeking approval for award of these contracts.
- 1.9 These individual assignments are let under a Dynamic Purchasing System (DPS) that forms the main contract between the Council and those providers who apply for and meet the qualification requirements for contracts let under the BELS Dynamic Purchasing System. The initial DPS contracts were for four years, from 2018 to 2022. Following legal advice, it has been confirmed that the DPS may be extended, as this offers better value for money than a full re-tendering exercise would. It is therefore proposed to extend the DPS for another 4 years.
- 1.10 New providers may apply to join the DPS at any time and are admitted if they meet the qualification criteria. All providers may then bid for individual assignments through the BELS Dynamic Purchasing System.
- 1.11 A further Delegated Powers Report will be submitted in due course in respect of further assignments let under the DPS for the school year 2021/22.
- 1.12 This report is needed so that approval can be given to the award of contracts to the providers set out in Appendix D, approval can be given to extend the Dynamic Purchasing System contracts by four years and so that approval can be given for BELS to continue to manage passenger assistant contracts on the Council's behalf including any further contracts let through the DPS procurement process in order to meet demand that arises during the remainder of the school year 2021/22.

2. Reasons for recommendations

- 2.1 The proposals offer value for money in the provision of passenger assistants.

3. Alternative options considered and not recommended

- 3.1 Not awarding the contracts would mean the Council does not meet its statutory duty to provide travel assistance to children and young people with special educational needs.

4. Post decision implementation

Contracts are awarded through the DPS. This DPR confirms approval for those contracts and ensures the contracts and decisions are published. Existing DPS contracts will be extended.

5. Implications of decision

5.1 Corporate Priorities and Performance

- 5.1.1 The quality of the education offer in Barnet is at the heart of Barnet's continuing

success as a place where people want to live, work and study. It plays a crucial part in making Barnet a popular and desirable place with many families attracted to the area by the good reputation of Barnet's schools.

- 5.1.2 Excellent educational outcomes and ensuring children and young people are equipped to meet the needs of employers are key to delivering the Council's strategic objectives set out in its Corporate Plan, 'The Barnet Plan 2021 to 2025', based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:
- of opportunity, where people can further their quality of life;
 - where people are helped to help themselves, recognising that prevention is better than cure;
 - where responsibility is shared, fairly;
 - where services are delivered efficiently to get value for money for the taxpayer.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The total value of transport services subject to the DPS was approximately £200,000 in 2018-19 and remains at approximately £250,000 in 2021/22. However, the value is now expected to increase as a result of an increasing need for more passenger assistants as more pupils require SEN transport, the need for more staff to act as travel trainers and possible increased demand for passenger assistants from Family Services. As a result the total contract extension value could be as much as £2.5 million for the next four years.
- 5.2.2 The budget for these contracts is held by BELS Ltd and is funded through the service fee paid to BELS under the contract between the Council and BELS. There are therefore no financial implications for the Council. Part of the expected increase in passenger assistant costs is linked to the overall increase in SEN transport costs, which in turn links to the rapid growth in the number of children with Education, Health and Care Plans. The increasing cost of SEN transport is now a budget pressure for the council, which will be considered in the context of the 2022-23 and 2023-24 budgets.

5.3 Legal and Constitutional References

- 5.3.1 The Authorisation and Acceptance Thresholds table in the Council's Contract Procedure Rules (October 2021) states that acceptance of procurements valued between £189,330 and £500,000 must be authorised by an Officer Delegated Powers Report.
- 5.3.2 The extension of the Dynamic Purchasing System itself must comply with regulation 34 (28) (a) of the Public Contracts Regulations (PCR) 2015 and a form of notice should be used as notification that the period of validity has changed. The form of notice should be the same as that used for the initial call for competition.
- 5.3.3 Although it is not clear under the PCR 2015 whether regulation 72 would absolutely apply to extensions of a DPS it is considered that if it does apply, then regulation 72 (1) (e) can be used to undertake the modification lawfully. The DPS is open to any economic operator throughout its period of validity.

5.4 Insight

5.4.1 None

5.5 Social Value

5.5.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. Before commencing a procurement process, commissioners should think about whether the services they are going to buy, or the way they are going to buy them, could secure these benefits for their area or stakeholders.

5.6 Risk Management

5.6.1 If the Council does not enter into contracts for the provision of passenger assistants effectively and efficiently it could lead to a detrimental impact on value for money and on the likelihood of delivering procurement savings.

5.7 Equalities and Diversity

5.7.1 The Council has a duty contained in section 149 of the Equality Act to have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are:

- age
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

5.7.2 The broad purpose of this duty is to integrate considerations of equality into day to day business and to keep them under review in decision making, the design of policies and the delivery of services. School improvement monitoring, supporting and challenging arrangements ensure that the quality of education in Barnet is maintained and improved. Outcomes for all groups of children and young people are monitored including children with special educational needs and disabilities and disadvantaged children (those in receipt of free school meals and children looked after). The provision of passenger assistants supports children and young people with special educational needs and disabilities to access transport and to attend school and will therefore positively impact on children and young people special educational needs and disabilities.

5.8 Corporate Parenting

- 5.8.1 A disproportionate number of looked after children have special educational needs. Ensuring appropriate arrangements are in place for travel assistance and transport for children and young people with special educational needs and disabilities will thus be of clear benefit to significant numbers of looked after children.

5.9 Consultation and Engagement

- 5.9.1 None

5.10 Environmental Impact

- 5.10.1 There are no direct environmental implications from the recommendations.

6. Background papers

- 6.1 Policy and Resources Committee report dated 21 March 2017 approving the commissioning of Cambridge Education (whose contract novated to Barnet Education and Learning Service Ltd on 1 September 2020) to commence the procurement of hired transport services for children and adults on the Council's behalf.
[\(Public Pack\)Authorisation to commence procurement of hired transport services for children and adults Agenda Supplement for Policy and Resources Committee, 21/03/2017 19:00 \(moderngov.co.uk\)](#)
- 6.2 Delegated Powers Report: Award of contracts for the provision of hired passenger transport assistants and authorisation for Cambridge Education to manage these contracts – April 2018: [Decision - Award of contracts for the provision of hired passenger transport assistants and authorisation for Cambridge Education to manage these contracts. \(moderngov.co.uk\)](#)

Decision taker's statement

I have the required powers to make the decision documented in this report. I am responsible for the report's content and am satisfied that all relevant advice has been sought in the preparation of this report and that it is compliant with the decision making framework of the organisation which includes Constitution, Scheme of Delegation, Budget and Policy Framework and Legal issues including Equalities obligations. The decision is compliant with the principles of decision making in Article 10 of the constitution.

Chief Officer: Chris Munday, Executive Director, Children's Services

Signed:



Date:

23rd December 2021

Results of DPS passenger assistant procurement 2018/19

Appendix A

Assignment Number	New Supplier
113	Brent Couriers
263	Berry Recruitment
339	Berry Recruitment
30	Brent Couriers
95A	Berry Recruitment
90	Berry Recruitment
408	Berry Recruitment
28	Berry Recruitment
48	Berry Recruitment

Results of DPS passenger assistant procurement - 2019/20

Appendix B

Route Number	Contractor
21A	BERRY
21B	BERRY
48	BERRY
60	BERRY

Route Number	Contractor
438	BERRY
21A	BERRY
21B	BERRY
313	BRENT
500	BERRY
300	BERRY
354	BERRY
43	BERRY
185	BERRY
361	BERRY
196	BRENT
186	BRENT
317	BRENT

Route Number	Contractor
11	BERRY
21A	BERRY
21B	BERRY
39A	BERRY
39B	BERRY
42M	BERRY
45	BERRY
59	BERRY
115	BERRY
185	BERRY
353	BERRY
361	BERRY
438	BERRY
500	BERRY
554	BERRY
116	BRENT
186	BRENT
196	BRENT
313	BRENT
437	BRENT