

Decision Maker: CHILDREN, EDUCATION AND FAMILIES PDS COMMITTEE
AND ADULT CARE AND HEALTH PDS COMMITTEE

Date: Tuesday 20 June 2023

Decision Type: Non-Urgent Non-Executive Non-Key

Title: PROVISION OF TRANSPORT SERVICES FOR ALL CLIENT
GROUPS – ANNUAL MONITORING REPORT

Contact Officer: Maya Vadgama, Integrated Strategic Commissioner
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Chief Officer: Richard Baldwin, Director of Children, Education & Families
Kim Carey, Director of Adult Services

Ward: All Wards

1. Reason for report

- 1.1 This report is presented in accordance with CPR 23.2, monitoring requirements for all contracts with a value higher than £500K and provides monitoring update for the Policy Development and Scrutiny Committees for the Council's Transport Services call off framework contract.
 - 1.2 The Council has a statutory duty to support access to education for eligible children and young people, (CYP) and access to day opportunities for adults assessed to require a transport service. The Council discharges this duty through the provision of transport services, with or without a passenger assistant, (PA) with a range of providers and types of vehicles, dependent on client need.
 - 1.3 The current contract was awarded in August 2020, following a competitive tender. The contract commenced on 1 September 2020, for a five-year period to August 2025 with the option to extend for up to a further two years to August 2027. The estimated annual value of the framework was £7M, with a whole life value of £49M to August 2027.
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2 RECOMMENDATION(S)

- 2.1 The Children, Education and Families PDS Committee and Adult Care and Health PDS Committee is requested to:
 - 1) **Note the content of this contract monitoring report on the performance of the contract for Transport Services.**
 - 2) **Note actions detailed at 9.3, and that officers will take forward the process to review the commissioning options for this service as we approach the contract end date of August 2025.**

Impact on Vulnerable Adults and Children

1. Summary of Impact:
 2. The services provided by these contracts ensures the Council meets its statutory duties, follows best practice guidance, and provides discretionary support following assessment and agreed under a defined process.
 3. The provision of transport services enables eligible CYP to access their education and adults to access community services and support their social and emotional wellbeing.
 4. For adults, there is an implied duty to support access to assessed care needs, under the Care Act 2014.
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Transformation Policy

1. Policy Status: Existing Policy
 2. Making Bromley Even Better Priority (*delete as appropriate*):
 - (1) For children and young people to grow up, thrive and have the best life chances in families who flourish and are happy to call Bromley home.
 - (2) For adults and older people to enjoy fulfilled and successful lives in Bromley, ageing well, retaining independence, and making choices.
 - (3) For residents to live responsibly and prosper in a safe, clean, and green environment great for today and a sustainable future.
 - (4) To manage our resources well, providing value for money, and efficient and effective services for Bromley's residents.
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Financial

1. Cost of proposal: This contract was awarded via a Part 2 process financial information is available as such on request to the Committees
 2. Ongoing costs:
 3. Budget head/performance centre: Adult Social Care & Children, Education & Families
 4. Total current budget for this head: £9.238K
 5. Source of funding: RSG For CYP, Adults
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Personnel

1. Number of staff (*current and additional*):
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory Requirement Non-Statutory - Government Guidance
 2. Call-in: Not Applicable: No Executive decision.
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Procurement

1. Summary of Procurement Implications
 2. The contract is now in its third year and a gateway review will be required to consider the outline commissioning options for the future delivery of transport services; whether to exercise the extension option and or to explore options, including Dynamic Purchasing Schemes, as part of a procurement plan to be presented to PDS in Autumn 2023.
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Property

1. Summary of Property Implications: N/A
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Carbon Reduction and Social Value

1. Summary of Carbon Reduction/Sustainability Implications:
 - 1.1 The contract requires all providers to adhere to current legislative requirements for road vehicle operation.
 - 1.2 Report CEF 23006, 1st February 2023, Transforming SEN Transport - 6 Month Review, details actions taken to mitigate some of these potential additional costs.
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Impact on the Local Economy

1. Summary of Local Economy Implications:
 - 1.1 This contract provides employment opportunities for Bromley residents and business opportunities for Bromley based transport providers accepted on to the framework contract.
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Impact on Health and Wellbeing

1. Summary of Health and Wellbeing Implications:
 - 1.1 For eligible CYP, the provision of this service supports an individual's health & well-being as it enables access to education assessed suitable to meet the needs of the individual, together with health support, as assessed and necessary during the school day.
 - 1.2 The provision of this service supports families with CYP with learning and or additional needs or health needs to access specialist education provision.
 - 1.3 For eligible adults, the provision of the service enables access to the community and day care opportunities.
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Customer Impact

1. Estimated number of users or customers (*current and projected*): CYP 1256, Adults 93
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1.1 The Council has a statutory duty to provide free travel assistance to eligible Children and young people of statutory school age, (5 years to 16 years) with an Education Care & Health Plan, (ECHP) to access their specialist provision. The Council also has a duty to provide discretionary travel assistance to enable pupils to access their education, who would not be eligible under statutory duties and would not be able to access their education without this assistance. There is also a duty to provide support to pupils aged 16 – 19 and over 19 years of age remaining in education. This provision does not have to be free.
- 3.1.2 Transport services are also commissioned by the Council to meet the needs of older service users and adults with learning disabilities to access day services. There is no equivalent statutory duty to provide free transport for adults, and legislation requires Councils to support eligible service users with assessed care needs to access their provision. Travel support is considered a suitable support mechanism for access.
- 3.1.3 The Council currently meets this need by providing a range of travel support options including specialist transport assistance. Where transport services are required, this is currently delivered through a multi vehicle framework contract with a number of transport providers offering a range of vehicles, drivers, and passenger assistants (PA's) to meet the needs of CYP with special educational needs and or disabilities (SEND), and adult learners in education settings. This is predominantly a daily service with the majority of travel aligned to the opening and closing times of educational settings during the academic year.
- 3.1.4 For adults, transport support is provided to access day care opportunities which is a year-round service.
- 3.1.5 A single transport team based in the Children, Education and Families Service coordinates the contract framework, and other ad hoc transport requirements.

3.2 2018-21 Service Background

- 3.2.1 The Gateway 1 report ECHS19041, 10th July 2019 detailed a number of procurement pathways together with the outline procurement strategy, following which a traditional multi vehicle call off framework contract was tendered.
- 3.2.2 Although new providers are unable to join this type of framework until a refresh is undertaken, the framework does not preclude the Council from procuring services from additional providers.
- 3.2.3 The contract specifications detailed the aims of the service and requirements of the providers. They highlighted the proposed client group and the Council's duties for the provision of a safe, sensitive, reliable, and efficient transport service to meet the needs of a range of passengers.
- 3.2.4 The framework consists of previously existing and new successful providers with providers ranked in order of price based on the type of vehicle used, the availability of a PA, where required and the route mileage. Passenger volumes are not guaranteed, and routes are called off the framework and offered to the provider offering the lowest price for a specific service requirement.
- 3.2.5 The majority of the routes operating within the borough are 15 miles or less. Therefore, further competition is introduced through mini tenders for any routes over approximately 15 miles and / or where a more specialist requirement arises. All providers with capacity to deliver the service requirement are offered the opportunity to participate in the mini tender competitions.

3.2.6 The tender process was undertaken during 2019 and contracts awarded to successful providers commencing September 2020. The tendered matrix prices were fixed for the first two years until August 2022, and providers sought price increases from September 2022.

3.3 SERVICE PROFILE

3.3.1 Demand for the CYP transport is inextricably linked to the volume of CYP with an Education Care & Health (EHC) plan and Report CEF 23006, 1st February 2023, Transforming SEN Transport - 6 Month Review, details the full CYP service data sets and highlights the exponential growth in pupils with an EHC plan.

3.3.2 Service data was provided at contract award and is updated below demonstrating the significant growth in demand for CYP transport services and the reduction in adult transport services from award of contract to date.

CYP Transport Data

Academic year	February 2023 report		2019/20	2018/19	2017/18
Pupils on transport at	Nov 2022		Jan-20	Jul-19	Jul-18
EHC Plans	3722		2,482	2,366	2,187
Total pupils	1220		857	827	783
Increase / decrease on previous period	-		3%	6%	-
Pupils on transport % of EHC plans	33%		35%	35%	36%
Parental Mileage	(current) 76		34	31	26
Travelling Out of borough	30 %	370	23% 198	23% 192	24% 188
Travelling In borough	70%	850	77% 659	77% 635	76% 595

Adult Transport Data

Financial Year	2022-2023	2021-2022 (Post pandemic)	2020 – 2021 (Intermittent transport during pandemic lockdowns)	2019-2020 *
Adults in receipt of transport	93	93	55	190
Number of providers used	~ 6 providers available	~ 6 providers	~ 4 providers	GS Plus to August 2019. 11 providers post August 2019 to start of pandemic March 2020
Number of venues attended	11	11	7	12

* The contract with the previous provider GS plus ended in August 2019 and the adult transport was delivered via the then existing CYP Transport framework pending the commencement of the new framework contract in September 2020.

3.3.3 The availability of the transport service for adults is poor, as most adults are transported following the completion of the morning 'school run' and before the collection of the pupils in the afternoon school run.

3.3.4 Some adults are not reaching their day activity venues until around 10.00 - 10.30 am and are required to leave by around 2.30 - 3.00 pm, for the return journey home. This delay leads to a loss of attendance hours at their day activity and increased costs for families and the Council for these lost hours.

- 3.3.5 The challenges of the transport service for adults are a significant point of contention for families and day activity providers and adds additional pressures on the Adult Social Care Teams.
- 3.3.6 In light of these challenges, officers are exploring alternative options for service provision for adult clients to assure better outcomes for this client group. All options will be explored and could include differing models of delivery and or separating the adults transport contracts from the children's services. Options will be presented (Summer 2023) to the adults and children's senior management teams prior to consultation with the relevant portfolio holders.
- 3.3.7 Officers are reviewing a number of options in preparation for the Gateway review process, as detailed at 9.3 below.
- 3.3.8 In March 2020, the UK entered into a national lockdown following the outbreak of the Covid virus across the world, resulting in much disruption to home, school, work, and business life. Limited transport services continued for children of key workers and the most vulnerable children only.
- 3.3.9 Between March 2020 to December 2021, intermittent Covid lock down restrictions continued with most adult day services remaining closed and vulnerable CYP and adults shielding at home. This led to significant disruption to service provision and providers' business'.
- 3.3.10 Providers reduced vehicles and staffing to curtail costs and together with the many self-employed personnel suffered significant loss of income despite government support, if and where available.

The Provider Market

- 3.3.11 The impact of the pandemic has had far reaching consequences and was experienced across many local authorities reliant on external contractors to deliver transport services.
- 3.3.12 The reduction in provider capacity has significantly affected the availability of transport service provision and greater use of minicab, black taxis, and single passenger journeys.
- 3.3.13 Factors that have had an impact on provider capacity
- Transport for London (TFL) has increased operator and driver license fees and the market has seen a program of operator rationalisation and amalgamations, reducing competition in the market
 - General contraction following nonoperation during the Covid pandemic
 - Competition for drivers from UBER and similar other platforms, following the high court ruling giving 'worker' rights to drivers
 - The work force is predominantly self-employed drivers and passenger assistants and having lost their income during the pandemic, many have left or moved away from the industry
 - The growth of on line and food delivery services during and post pandemic together with low unemployment has led to business' vying for the same small pool of drivers
 - Anecdotally, pressures in the ambulance service have resulted in greater use of private transport providers for patient transport
 - The energy and fuel price increases together with wage inflation and reduced provider capacity has triggered increased costs across the transport service

3.4 CONTRACT PERFORMANCE

- 3.4.1 A total of 21 providers were successful during the tender stage. 2 providers were unable to complete post tender documentation checks and a further 6 providers no longer provide a service. Of the remaining small pool of 13 providers 7 providers offer larger specialist wheelchair accessible vehicles, 6 are minicab operators and 1 black taxi operator.
- 3.4.2 Commissioners aim to manage contracts to enable both the Council and the service provider to meet their obligations and deliver the objectives required by the contract, while developing an appropriate working relationship.
- 3.4.3 The expectation of this contract is to receive a safe, affordable, and sustainable service that delivered positive outcomes for service users by arriving at their destination safely in a timely manner, having had a positive experience that enables them to benefit from their education / activity.
- 3.4.4 Contract and performance management is undertaken with providers submitting annual audit documents and visits to provider premises to review policies and processes, examination of sample personnel, vehicle, and registration files to meet regulatory, legislative, safeguarding and health and safety requirements.
- 3.4.5 Additionally, on an adhoc basis colleagues attend schools and day center venues to undertake unannounced visual spot checks on vehicles, staff understanding of provider policies and procedures and discuss any concerns they may have. These spot checks are valued by schools and day activity services, help to build relationships, and provide reassurance to families.
- 3.4.6 Due to the pandemic with the intermittent service delivery and the lack of a dedicated contract monitoring officer within the service, it has not been possible to undertake the full range of contract monitoring actions.
- 3.4.7 Provider audit visits for contract management and operations have commenced, focusing predominantly on safeguarding, health and safety and legislative monitoring, to check these requirements are always being met. The visits provide a valuable opportunity to rebuild goodwill with the providers, support service quality improvements and explore opportunities to support market growth. It is planned that all provider audits will be completed before the end of this academic year to inform the development of an improvement plan.
- 3.4.8 Current contract performance is adequate and summarized as follows:

4 /7 specialist large vehicle providers offer a good service, and 2 providers require further support to improve the quality of their service delivery.

3 / 6 minicab providers offer a good to reasonable service together with the Black Taxi provider and 2 providers require further support to improve the quality of their service delivery.

These findings need to be taken in the context of the volumes of venues attended together with the volumes of routes undertaken each.

	No of venues	Number of routes per day
CYP	>150	>350 journeys X 2 per day
Adults	10- 15 dependent on day of attendance	30 - 40 journeys X 2 per day

3.4.9 The specifications detailed the following key areas of performance measurement,

➤ Reliability of service delivery, (journey times):

Reliability is patchy with most providers offering a good service each day. However, the minicab operators with self-employed personnel require regular monitoring and discussion to manage service delivery.

➤ Management and compliance of safeguarding procedures and protocols

Safeguarding procedures are fully compliant across the framework with all personnel holding an enhanced DBS check and having received the minimum levels of training. However, 2 of the 6 minicab operators visited, were unable to demonstrate consistency in revisiting training needs and updating policies and procedures.

➤ Communications and information responses within agreed timescales

Compliance information is received and updated on a regular basis. Transport operations issues arise at the point of need and require instant solutions, and the direct interface between Council and contractor allows speedy resolution to issues arising to manage the service delivery. There remains a small cohort of providers where it becomes necessary to constantly 'chase' for information.

➤ Customer satisfaction / feedback

To date, a formal customer satisfaction survey has not been requested. However, schools, day services and families regularly offer verbal feedback where they have concerns, or the service has fallen short of expected levels. These issues are managed and resolved as they arise, and operation staff meet with schools as necessary. The major concern is the delay in securing suitable transport once an application for assistance has been agreed, for both the adult and the children's cohorts. These delays occur because of a lack of provider capacity.

Customer consultation and surveys will be undertaken as part of the Gateway review process detailed at 9.3 below.

➤ Recruitment and training

During the audit visits, large vehicle providers were found to have strong recruitment and training procedures and protocols in place. This was found to be an area of weakness for the minicab operators audited and the service is working with providers to raise standards.

Many authorities deliver all provider staff with minimum training requirements and subject to availability of resource this is an area for further consideration.

➤ Vehicle standards and compliance

There is full compliance as the providers and owner drivers are regulated by TFL and are required to meet stringent road and vehicle legislative requirements to maintain their operating and driver licenses.

The adhoc unannounced spot checks and visual vehicle inspection checks undertaken at schools and day activity venues identify poor quality vehicles. Providers are required to rectify any infringement normally within 14 days of the initial inspection or within an agreed

timescale for major repair or maintenance requirements. A revisit is undertaken to ensure issues identified are rectified as agreed.

- 3.4.10 **Appendix A** details the full range of KPI's and compliance detail together with commentary on current performance and work in progress with providers to become fully compliant.
- 3.4.11 Much of the work in progress relates to predominantly minicab operators and providers employing self-employed personnel where some gaps were seen. Not all minicab providers audited were able to demonstrate fully that all vehicles maintained a first aid kit on board.
- 3.4.12 Although the contract performed well during the first six months of award, post pandemic we have seen a reduction in the quality of service available from some providers. Compounded by the reduced capacity with 6 providers no longer offering a response to service requests, officers tread a fine line between seeking full contract compliance with availability of service provision and cost.
- 3.4.13 Officers are mindful of the impact of any deterioration in service quality and challenge providers appropriately, whilst being aware that providers are in a 'sellers' market; the dilemma being that should they take sterner actions relating to minor contract infringements, some providers can and will remove routes from the service leaving a vulnerable client group without a transport service. Not all minicab operators respond to all transport requests due to lack of personnel. Not all route prices are acceptable due to prices requested outside of the framework values.
- 3.4.14 The client group is children and young persons with special needs, adults with additional needs and families coping with significant challenges requiring a high level of support. Any break in service will have a major impact on this group and their families and the Council could face challenge of not meeting its statutory duties, LGA Ombudsman complaints, increased costs, and reputational damage.
- 3.4.15 Contract management for operational delivery becomes a daily routine as issues arising in relation to lateness, delayed collections or drop offs, or provider staff not wearing their identity badges and so forth, are managed as they arise and resolved swiftly.
- 3.4.16 The work in progress is to monitor these infringements to drive up service improvements and it is planned to complete all provider audit visits before the end of this academic year to inform the development of an improvement plan.

4 IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 The service supports vulnerable Children and Young People and Adults to access, day care and respite services in addition to ad hoc requirements. The service offers equality of access to members of the community unable to access public transport services and provides opportunities to participate in community activities and supports the wellbeing of the client groups.
- 4.2 The services provided by these contracts ensures that the Council meets its statutory duties, follows best practice guidance, and provides discretionary support following assessment and agreed under a defined process.

5 TRANSFORMATION/POLICY IMPLICATIONS

- 5.1 A number of transformational initiatives are being delivered by the service detailed in Report CEF 23006, 1st February 2023, Transforming SEN Transport - 6 Month Review.

6 FINANCIAL IMPLICATIONS

- 6.1 There are no direct financial implications arising from this report.
- 6.2 However the report does outline the continuing difficulties in sourcing transport for Bromley clients. Transformational activities have been taking place which have helped to mitigate growth in demand and price pressures which have been presented to the committee previously.
- 6.3 These are contained within the Medium-Term Financial Strategy and will be reviewed annually.

7 LEGAL IMPLICATIONS

- 7.1 This Committee is requested to note the information contained within this monitoring report as to the performance of the current framework agreement for Transport Services which commenced on 1 September 2020, for a five-year period with the option to extend for up to a further two years. The estimated annual value of the framework is £7M, with a potential whole life value of £49M to August 2027.
- 7.2 The Council's Constitution, at Part 4 – Rules of Procedure, provides the terms of reference for the Children, Education and Families Policy Development and Scrutiny Committee as it relates to the Children, Education and Families Portfolio. Under these terms of reference, this Committee is responsible for receiving reports and making recommendations on performance monitoring of services falling within the remit of this portfolio.
- 7.3 Contract Procedure Rule 23.2 provides that for all Contracts with a value higher than £500,000, or which are High Risk, an annual report must be submitted to the Portfolio Holder, the responsible Officers having submitted for consideration a formal Gateway Review, covering, as appropriate, the matters identified in the Council's standard Gateway Review Template for consideration as part of Contract Monitoring/Management requirements.

8 PROCUREMENT IMPLICATIONS

- 8.1 This contract commenced in September 2020 for a period of 5 years with the option to extend for a period of up to 2 further years to 2027.
- 8.2 Post pandemic, we have seen a substantial reduction in provider capacity across the transport market with increasing costs and consideration will need to be given to alternative methods of contracting and service delivery in response to prevailing market conditions and legislative requirements.
- 8.3 The contract is now in its third year and a gateway review will be required to consider the outline commissioning options for the future delivery of transport services; whether to exercise the extension option and or to explore options, including Dynamic Purchasing Schemes, as part of a procurement plan to be presented to PDS in Autumn 2023.

9. CARBON REDUCTION/SOCIAL VALUE IMPLICATIONS

- 9.1 Report CEF 23006, 1st February 2023, Transforming SEN Transport - 6 Month Review, details service improvements to support carbon reduction and social value implications.
- 9.2 The use of electric vehicles and reduction in vehicle use during the busyness of the 'school run' times will support reduction of carbon pollution in the borough.

10 IMPACT ON THE LOCAL ECONOMY

10.1 The framework providers consist of local and regional providers operating across the London boroughs and this contract offers opportunities for business growth and employment.

11. IMPACT ON HEALTH AND WELLBEING

11.1 The provision of these services supports the health and wellbeing of CYP and adults. CYP are able to access their education and socialise with their peer groups in education settings and adults to access day opportunities and the community.

12. CUSTOMER IMPACT

12.1 There are 1256 CYP and 93 Adults, in receipt of Council funded transport services.

Non-Applicable Headings:	Personnel and Property Implications; Ward Councillor Views
Background Documents: (Access via Contact Officer)	<p>Gateway Zero: Commissioning options for provision in transport in children’s and adult services, report CS18125, 28.03.2018</p> <p>Proposed Contract Extensions - SEN Transport & Non-SEN Transport, report CS18185, 16th January 2019</p> <p>Gateway 1: Outline procurement strategy for adults and children’s transport services including interim arrangements for adults transport, report ECHS19041, 10th July 2019</p> <p>Passenger Transport Services Framework Contract Award report ACH20-015 1st April 2020</p> <p>Transforming SEN transport – 6-month review 1st February 2023 Report CEF23006</p>