

Item No.	Classification: Open	Date: 16 June 2022	Meeting Name: Strategic Director of Children's and Adults' Services
Report title:		Gateway 2 Special Educational Needs Disability (SEND) Taxi Framework	
Ward(s) or groups affected:		All	
From:		Nina Dohel, Director of Education	

RECOMMENDATIONS

1. That the Strategic Director of Children's and Adults' Services, approve the appointment of the following companies a Taxi transport Framework Agreement that the council is establishing:

- Healthcare and Transport Services (HATS)
- Access Mobility Transport Limited
- Allfor Care

for the provision of Special Educational Needs and/or Disability (SEND) taxi for children, young people and vulnerable adults for a period of four years commencing on 1 September 2022 at an estimated annual value of £3.3m, making an estimated total Framework Agreement value over the four years of £13.2m.

2. That the Strategic Director of Children's and Adults' Services approve the award of Call Off Contracts (these values are included in the framework value above) for the first year in respect of SEND taxi transport based on the expected levels of activity as follows:

- HATS 48 transport rounds - £1.995m
- Access Mobility Transport Limited, 9 transport rounds – £422k
- Allfor Care, 15 transport rounds – £346k
- additional rounds to be awarded to the value of approximately £537k.

3. That the Strategic Director of Children's and Adults' Services note that the value of these Call-Off Contracts may be subject to change due to finalisation of operational detail as noted in paragraphs 39 to 41 of this report and agree that any changes will be approved by the Director of Education.

- That the Strategic Director of Children’s and Adults’ Services note that in-year changes to Call Off Contracts or award of new rounds will be awarded without the need for a separate gateway report in line with the Children’s and Adults’ Services scheme of management.

BACKGROUND INFORMATION

- A Gateway 1 report for this service was approved by Cabinet on 19 October 2021, which included approval for delegation of this Gateway 2 award of contract to the Strategic Director of Children’s and Adults’ Services. The Gateway 1 report is attached as a background document to this report.
- Southwark has a current SEND Taxi Framework in place which will end on 31 August 2022, this report seeks approval to implement and award a new framework agreement which will replace the existing provision. The framework is used by Children’s and Adults’ Services to support delivery of the council’s statutory transport duties to support children with SEND travel to/from school and vulnerable adults assessed as eligible to receive travel support to access community services.
- There are currently 150 children and young people up to 25 years of age, using the existing service, there will be a significant level of new starters and leavers added and removed from the service over the summer. Most children transported in taxis travel to Southwark mainstream schools or to special schools outside of Southwark. Transport needs are reviewed each year but in many cases, the service continues for children throughout their school career. Young people aged between 19 and 25, predominantly individuals with learning difficulties, require SEND taxis to travel to colleges, day centres or other facilities, with individual travel needs being reviewed on an annual basis.
- The tender process followed the procurement plan outlined in the Gateway 1 report with minor adjustments to the timescales, for full details of this tender timeline please see the table below.

Procurement project plan (Key Decision)

Activity	Completed by/Complete by:
Briefed relevant cabinet member (over £100k)	07/06/2022
Approval of Gateway 1: Procurement Strategy Report	28/10/2021
Invitation to tender	18/01/2022
Closing date for return of tenders	24/02/2022
Completion of evaluation of tenders	30/03/2022

Activity	Completed by/Complete by:
DCRB Review Gateway 2:	11/05/2022
CCRB Review Gateway 2:	19/05/2022
Notification of forthcoming decision – Five clear working days	07/06/2022
Approval of Gateway 2: Contract Award Report	15/06/2022
Scrutiny Call-in period and notification of implementation of Gateway 2 decision	27/06/2022
Debrief Notice and Standstill Period	04/07/2022
Contract award	05/07/2022
Add to Contract Register	06/07/2022
TUPE Consultation period (if applicable)	06/07/2022
Contract start	01/09/2022
Publication of award notice in Find a Tender Service	06/07/2022
Publication of award notice on Contracts Finder	06/07/2022
Contract completion date	31/08/2026
Contract completion date – if extension(s) exercised	N/A

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

9. The council has operated the current SEND Taxi Framework successfully since 1 September 2018 comprising two companies – Healthcare and Transport Services, (HATS) and Access Mobility Transport Limited. All transport rounds are allocated based on the lowest price through a competitive bidding process between the companies on the framework.
10. Officers have explored alternative options for the procurement of this service including opportunities to work more closely with neighbouring boroughs. Discussions took place with transport leads for Lewisham and Lambeth, each borough has its own taxi contract arrangement in place, neither are due to expire anytime soon making a joint procurement at this time impractical. The council's three travel/transport teams already work

closely across boroughs and make arrangements to share travel rounds when at all practical/cost effective to do so.

11. Both Lambeth and Lewisham use a significantly higher number of taxi companies for the provision of their SEND services. When compared, prices for comparable journeys were similar to Southwark's however, operational efficiency and quality assurance was more challenging to achieve due to working with a larger number of taxi companies.
12. Proactive steps to engage with the market took place before issue of the Standard Questionnaire (SQ), local companies were informed that Southwark would be launching a tender for SEND Taxi Services through an open procurement process. All guidance in relation to market engagement was followed.
13. This procurement process has enabled the council to test the market and achieve best price and quality.
14. Following the tender evaluation process, which is noted in paragraphs 17 to 29, three companies have achieved the required quality and financial standards and are recommended for appointment to the Framework Agreement.

Policy implications

15. This Framework Agreement will assist the council to fulfil its statutory duty to provide transport services to eligible children and young people as set out in the Education Act 1996 and in the Education and Inspection Act 2006 and will support delivery of the Southwark School Travel Assistance Policy.
16. The Framework Agreement will assist the council in meeting its statutory public sector equality duty (PSED), under S149 of the Equality Act 2010 and also, supports the council's published approach to equalities.

Tender process

17. To oversee the Tender process, a SEND Taxis Project Board was established, chaired by the Assistant Director of Education, Access and Statutory Services with representatives from Legal, Procurement, Finance, Commissioning and Transport.
18. Recommendations of the project board, tender documentation and the approach to be followed were signed off by the Director of Education following a briefing by the Assistant Director and, Commissioning lead, prior to publication.
19. The evaluation of bids at SQ and Invitation to Tender (ITT) stages were completed by a team with experience of passenger transport as managers or users of the service, finance, health and safety, and commissioning. Each stage of evaluation was overseen by a Procurement team lead to ensure that the process was robust and strictly adhered to the criteria set

out in SQ and ITT documentation. Evaluators of the SQ and ITT comprised the following with oversight from the Assistant Director:

- Transport service manager
 - Senior commissioning officer
 - Senior Finance officers
 - 2 x Parent/service user representatives
 - Health and Safety Manager
 - Safeguarding lead
 - Fleet and Transport Manager
20. On 15 November 2021, a contract notice was placed on the UK Find-a-Tender portal to advertise the tender. The tender was advertised on Contracts Finder, and the London Tenders Portal (which is now the recognised location for advertising local authority services out for procurement). Existing contracted, and other local taxi transport providers were informed about the tender through a circular email. A competitive restricted tender process was followed which consisted of two stages, SQ and Invitation to Tender ITT.
 21. As anticipated there was significant initial interest in the tender –13 companies expressed interest in the tender and requested the SQ.
 22. All 13 companies were each sent an SQ pack for completion which once submitted, would be scored based on three separate criteria:
 - Compliance
 - Economic and Financial standing
 - Technical and professional ability
 23. In order to progress to ITT stage applicants needed to pass each of the three stages listed above.
 24. Out of the initial 13 companies, one chose to opt out prior to the closing date leaving 12, three of the 12 failed to submit a completed application on time, the remaining nine submitted their responses.
 25. All nine of the applicants passed the compliance criteria.
 26. Three applicants were identified as representing a high level of financial risk, as such these applicants were disqualified on the basis of their financial evaluations which were designed to evaluate the sustainability of each bidding company.
 27. Within the technical/quality evaluation of the SQ the council reserved the right to reject any bid that scored below the minimum score of 18 out of 40, or who scored lower than three out of five on questions 6.4.2 and questions 6.4.3. The council chose not to exercise its right on these grounds as it was considered that the quality of the remaining seven applications were sufficient to require further testing at ITT stage.
 28. As such seven bidders were invited to submit a response at ITT.

29. A total of seven bids were returned via the portal by the closing date, 24 February 2022 for evaluation, one of the bids was incomplete leaving six bid for evaluation - this number was broadly as expected.

Tender evaluation

30. The tender selection criteria was based on a 60% price 40% quality, including social value, ratio for determining entry onto the Framework. As part of their tender submission, companies were required to submit their prices for all rounds (return journeys from home to school/college) that will be required from September 2022 (the “Initial Rounds”). Subject to the mechanisms set out in the Ordering Procedure and any financial risk limitations imposed on individual companies, the rounds for year one will be awarded to the Framework Provider that has quoted the lowest price for the round.
31. The prices submitted with the tender bids will be used for the award of rounds in the first year of the four year framework. Framework Providers will need to submit their prices for new rounds that occur before the start of each academic year or during the year. Tenderers were also required to provide a cost breakdown for a sample of six current rounds to give the council confidence that round prices were sustainable and to enable the council to control the price methodology used by each company throughout the life of the framework.
32. Tender submissions from the companies, for evaluation of quality, comprised of responses to 17 method statement questions, each with a priority weighting of one (low), two (medium) or three (high) to help tenderers understand the council’s highest priority areas and to prepare their responses accordingly.
33. Tenders were considered by individual quality evaluators then through an evaluation panel meeting to reach consensus scores. Evaluators considered each tender, and gave a score using a 0-5 system. Each evaluator gave an individual score for each method statement response. As set out in the council’s evaluation methodology, the council reserved the right to reject any tender that does not meet the following:
 - Tenderers are required to meet at least five of the minimum scores as indicated in the method statement response sections and/or meet 50% total quality score. If a tenderer does not meet either one of these requirements, their tender may be rejected.
34. For the quality evaluation, three companies gained total scores that were satisfactory or above.

35. The council also reserved the right to reject any tender that did not achieve the minimum of 25 as their sustainability of price score. The price evaluation and passenger assistant rates have been calculated to ascertain the stability of tendered rounds over the life of the framework. Six typical sample rounds were used to compare cost tendered by each bidder with the current costs of the round. Comparisons were undertaken with Transport for London (TfL) Pricing and Forecasting and Taxi Fare and Tariff benchmarks, which supply mileage costs for licenced taxis across London.
36. Access Mobility Limited, Allfor Care and HATS achieved pass scores equal or above 25 for their sustainability of price as they have provided breakdowns of mileage rates that demonstrate consideration to all the relevant components costs.
37. Details of the consensus scores for quality and finance evaluations for each of the six companies, are included Appendix 1 which is a closed appendix. Evaluations resulted in three companies meeting the required standards for award to the Framework. All procurement outcomes and financial implications associated with this service are set out in this report.
38. Access Mobility Transport Limited, Allfor Care and HATS have reached the required quality and price standards for the Framework¹.

Plans for the transition from the old to the new contract

39. Companies were asked to submit their most competitive price (with and without TUPE costs) for SEND transport journeys (known as rounds) expected to be in place from 1 September 2022 - these will become the call off contracts. All journey prices used to determine round allocations are on the higher TUPE price, the lower, non-TUPE price will be used instead to any round where TUPE does not apply during the mobilisation of the contract which would then reduce the overall price of the contracts. There may also need to be adjustment to these contracts where the transport needs change due to addition of new passengers, change of destination/home address or any other factor altering the route before the start of the new term in September. Any new transport rounds will be subject to a mini competition where companies on the framework will be asked to submit their most competitive price and will be allocated to the lowest price.
40. Following approval of the recommendations in this report and award of call off contracts the Travel Assistance Team will liaise with Framework Providers to ensure that they have all relevant information about service users, policies and procedures in order to achieve smooth and effective mobilisation of the SEND Taxi Service and transition to the new arrangements.

¹ All successful bidders passed the SQ stage without the need for any discretion to be applied.

41. The council considers that TUPE could apply in respect of employees currently engaged by the existing taxi provider in the provision of services which are awarded to another contractor. The project plan provides a period of six weeks from the award of the initial Call-Off Contracts to the commencement date of the service to enable each company time to comply with their obligations to inform and consult should TUPE apply. At the end of each Call-Off Contract (order) entered into under the Framework Agreement with the council, the relevant Framework Provider will be required to supply details of its workforce engaged on the service so that this information can be used in the mini-competitions.

Plans for monitoring and management of the contract

42. The Travel Assistance team has significant experience in managing transport contracts for children and young people aged up to 25 years, the team has effectively managed the current and previous SEND Taxi Framework for the last eight years.
43. Monitoring of the Framework Agreement will be achieved through monthly review meetings between officers and the Framework Providers. The Framework Agreement will be monitored and managed in respect of:
- compliance with the service specification and Framework Agreement including Call-Off Contract's terms and conditions
 - the performance of the contractor including any day to day matters
 - spot check/visits
 - risk assessment/risk management
 - customer feed back
44. Particular focus on performance of the Framework Agreement will be around two critical points for the service – lateness and risk assessment of journeys (vehicle, route and passenger needs), which are linked to the Performance Mechanism.
45. Performance on this contract will be monitored closely throughout each year, and managed through the Performance Mechanism which has clear timeframes and measures to reach improvement. Poor performance may lead to a discontinuation of orders for services through the framework. Under the Framework Agreement the council reserves the right to cancel a mini-competition at any time, not to award call-offs and to alter any round.
46. On the anniversary of the Framework each year, an Annual Performance Review (APR) report will be taken to both the Children's and Adults' Service Departmental and the Corporate Contract Review Boards for their information and comments.

Identified risks for the new contract

47. A risk register of the key risks identified is set out in the table below:

No	Risk	Likelihood	Risk Control
1	Difficulties/delays to the process caused by implementation of TUPE requirements.	Low	<ul style="list-style-type: none"> All providers are fully aware that there are staff identified for TUPE and have previous experience with TUPE transition. Officers managing this process have experience in managing the administration of TUPE and any transfers arising.
2	Failure to establish close working relationship between Southwark and taxi framework providers.	Low	<ul style="list-style-type: none"> Working with a small number of companies on the framework enables officers to hold regular monitoring meetings and establish strong working relationships.
3	Companies getting into financial difficulties.	Low	<ul style="list-style-type: none"> The terms and conditions of the Framework Agreement provide the council with appropriate remedies. All companies have had Mint checks undertaken to determine the level of financial risk to the council. Effective contract monitoring and management, which will include regular communication and early alerts of any issues which may affect the service.
4	Service not delivered to the expected standards	Low	<ul style="list-style-type: none"> Companies on the Framework have passed quality assessment and there is an effective contract monitoring and management in place, including Performance Mechanism.

No	Risk	Likelihood	Risk Control
5	Reduced service standards/ delivery due to limited supplies/resources/ COVID-19 impact.	Medium	<ul style="list-style-type: none"> Companies will be asked at monthly contract monitoring meetings to provide information relating to any challenges they are facing in sourcing resources such as fuel, staffing etc. linked to national/local resource issues e.g, increase in COVID-19 infection levels, staff shortages due to Brexit.
6.	Impact of rising cost of energy and fuel price increases plus employment and running costs.	Medium to high	<ul style="list-style-type: none"> It is recognised that in the current economic climate, additional costs may adversely affect transport services in terms of rising costs and possibly, supply. Appropriate plans to mitigate impact will be discussed and agreed with companies, to support smooth running of the service. Any additional costs will need to be evidenced and assessed in line with the contract terms.

Community, equalities (including socio-economic) and health impacts

Community impact statement

48. This is a specialist service that is likely to be delivered to around 150 children and young people with special educational needs and/or physical disabilities on average throughout the academic year (an increase of up to 20 more service users than currently). Service users representing a wide range of communities, including families and individuals with English as an additional language, receive support through SEND transport services. This transport service, supports this cohort to fully engage with educational and/or community activities e.g. to be able to attend school or their local community centre, which they would otherwise be unable to do. The provision of this service will support children and young people to access education and vulnerable adults to lead independent lives.

49. Input into the tender process was obtained from parents of Southwark Independent Voice (SIV) which specialises in the development and review of services for children and young people with SEND with support from the Information and Advice Service. This also included assisting officers with the development of a travel assistance consultation which gathered feedback from Service Users in 2019. This feedback was used to draft some of the questions contained in the SQ and ITT of this procurement. The SEND transport service specification includes details of the specific requirements of passenger needs which are again, based on consultation feedback and therefore, will be able to deliver services in accordance with direct requirements highlighted by service users.
50. Two parent representatives of the SIV took part in the evaluation of bids which provided an opportunity for the responses submitted by tenders to be assessed by families with children/young people who have actually used the service. Companies tendering to deliver this SEND Taxi Service received comprehensive details of the service we intend to deliver, which is largely based on the results of this extensive engagement with key stakeholders - companies will be expected to deliver their services to meet the specification, shaped by parents, throughout the life of the Framework.
51. As SEND taxis are used by some of the most vulnerable members of the community, it is essential that the service is of a high standard and is able to meet the needs of all passengers. Transport providers will be required to demonstrate their commitment to equality and diversity throughout the life of the Framework as well as the overall, high level of travel service.

Equalities (including socio-economic) impact statement

52. All companies have stated in their submissions that they actively seek to engage local staff on their contracts, this will help to promote local jobs to local people in delivering this transport service.

Health impact statement

53. A range of sustainable travel support is considered for each child/young person at the point of assessment. A taxi is most usually provided as a last resort to enable students to attend the school/education facility that is able to meet their health and educational needs - particularly, when the school is several miles from home.

Climate change implications

54. Officers have liaised with the Council's Climate Change team to ensure that consideration of current, good practice guidelines in respect of climate change initiatives were included in the procurement process for this service. This included, guidelines relating to reducing vehicle emissions, ULEZ etc. and actions that companies are able to take towards supporting a greener approach to travel.

55. The council's travel assistance policy that is used to assess eligibility for school travel support, emphasises the council's commitment to sustainable travel and, support to encourage families and enable children/young people to travel independently through an independent travel training programme. The pandemic delayed wide scale implementation of this ITT programme due to disruption of school closures and, social distancing requirements but has since resumed. The ITT programme will be developed and expanded further over the summer and into the autumn term 2022.
56. Tenders were all committed to moving to hybrid/electric vehicles as soon as possible and where owner/drivers are used, they are now moving towards only using new drivers who have hybrid/electric vehicles. Several companies already train their drivers in Green Driving Skills, with the aim of reducing pollution and one company uses driver league tables to encourage this, giving awards to those who do well. Movement towards paperless offices was also mentioned in several tenders, development and implementation plans will be pursued throughout the life of the Framework.

Social Value considerations

57. The Public Services (Social Value) Act 2012 requires that the Council considers, before commencing a procurement process, how wider social, economic and environmental benefits that may improve the well-being of the local area can be secured. The social value considerations included in the tender (as outlined in the Gateway 1 report) are set out in the following paragraphs in relation to the tender responses, evaluation and commitments to be delivered under the proposed contract.
58. All three successful tenders recognised the value of employing local people, offering training, as well as working with Job Centre Plus, helping to provide valuable skills that will benefit the residents of Southwark.
59. As we require, they are committed to and are already paying the London Living Wage (LLW) to their staff and where possible exceeding this rate. They recognise that paying staff the LLW has advantages to not only the staff, but the companies, as it helps them retain staff and those staff feel valued and remain loyal to the companies, which in turn means that the children and families we serve have consistent crews working with them.
60. Not only did all three companies meet the legal and environmental requirements, but all three are committed to moving to hybrid/electric vehicles wherever possible, in the shortest possible time.

Economic considerations

61. Companies were invited to bid for inclusion on this framework. It is expected that even if companies are not local to Southwark, they will advertise the jobs available, locally enabling individuals to apply for jobs as drivers and passenger assistants jobs at the companies delivering these transport services.

Social considerations

62. The council has made a commitment to ensure that the LLW)benefits were extended to not only the councils directly employed staff but also those who work for the council through contracts. Since the introduction of this commitment in 2012, the LLW has been included in all relevant procurements and in some cases to existing contracts.
63. For this procurement the LLW requirement was stipulated as a requirement for all employees, workers and sub-contractors engaged by the provider on the contract. It is recognised that with taxi and mini cab providers, a range of business models are in operation, especially with regard to the engagement of self-employed drivers. The tenderers' support of the council's LLW commitment has been tested fully through the procurement process.

Environmental/Sustainability considerations

64. Transport providers are expected to meet all legal and environmental requirements and industry standards at SQ and ITT, details of which are set out in the Framework Agreement. This will include passenger transport training for all staff on Passenger Assistant Training Scheme (PATS), Mini-bus Driver Awareness Scheme (MiDAS), Lifting Operations and Lifting Equipment Regulations (LOLER) 1998 and (Provision and Use of Work Equipment Regulations (PUWER) 1998. Also, companies on the framework must maintain full compliance with Licencing and/or inspection by the Public Carriage Office (PCO), Driver and Vehicle Standards Agency (DVSA formerly VOSA).
65. Environmental policies were assessed at SQ stage. As a minimum providers -were expected to use and source green, environmentally friendly vehicles whenever it is possible to do so.
66. With regards to environmental considerations at ITT, this contract requires contractors to comply with the council's emissions criteria, which is stricter than the criteria set by TfL, for example, there is no option for vehicles to pay a charge for non-compliance if they exceed the CO2 emission cap of no more than 145 g/km and for diesel vehicles to comply with Euro 6 engine, companies must fully conform to these emission level requirements. All three successful contractors are committed to lowering their emissions and, wherever possible, to move to hybrid/electric vehicles, particularly when purchasing new vehicles and where engaging new owner/drivers to undertake a round.

Market considerations

67. The market is made up mainly of private sector companies with local and regional reach including small to medium sized enterprises.
68. As anticipated the market for the provision of supported transport is mature and competitive - seven tenders were received, for the reasons noted in

paragraph 11 it is considered that a sufficient number of quality tenders were received for this procurement.

Staffing implications

69. The council has a travel assistance team in place which is able to successfully run and manage the framework, sufficient resources are in place to manage the framework and call-off contracts efficiently.
70. There is a cross departmental project team tasked with delivering this procurement with governance arrangements in place to oversee the progress of each stage and to take/refer decisions as necessary during the process.
71. Monitoring arrangements and contract management of this Taxi Framework arrangement has been carried out effectively by the Council's Travel Assistance team for the lifetime of the current taxi framework. Annual Performance Reports will be made in line with Contract Standing Orders (CSO).

Financial implications

72. The draft 2022-23 budget for SEN transport is £4.8m. This is a general fund budget includes provision for all SEN travel including the proposed taxi framework. The annual value of the framework has been calculated based on the 'mid' point of prices submitted by the bidders multiplied by the expected demand. As the commencement of the proposed framework is September 2022 there will be a part year impact in the first and last financial years. Demand inflation of 6% has been anticipated each year in the summer term and an additional 2% in the Spring Term.
73. Taxi provision is a demand led service and even though the framework has allowed for some inflationary increases as well as fluctuations in demand the current economic conditions indicate that costs for the framework will likely to increase in the coming years. Therefore it is important that regular monitoring of the contract and the service provision is carried out in order to mitigate the risk of costs increases for the contract in future years.
74. The costing figures contained within this report have been verified by Finance, additional work was undertaken, over and above the normal compliance work, to provide assurance on the accounts and turnover levels.

Investment implications

75. Not applicable to this Framework.

Legal implications

76. Please see concurrent from the Director of Law and Governance

Consultation

77. As mentioned in the Gateway 1 report, a consultation with key stakeholders/users of the service took place in 2019 in the form of a questionnaire developed with input from Southwark Independent Voice which leads on communication with the council on SEND. Following on from the feedback from the consultation, parent representatives took part in the evaluation of this tender and provided invaluable input into the process.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance REF: [CAS22/02]

78. The Strategic Director of Finance and Governance note the recommendations of the report to establish a framework for the provision of taxi services for children, young people and vulnerable adults with Special Education Needs and/or Disability for the period of 4 years at an estimated value of £13.2m. The Strategic Director of Finance and Governance note the Finance implications at paragraphs 72 to 74 of the report.

Head of Procurement

78. This report seeks the approval of the Strategic Director of Children's and Adults' Services for the appointment of three contractors as stated in the Recommendations section (paragraph 2 of this report) to establish a framework for the provision of taxi services for children, young people and vulnerable adults with Special Educational Needs and/or Disability.
79. The Strategic Director of Children's and Adults' Services notes the robust and compliant procurement process followed is detailed in paragraphs 17 to 38 which includes pre-tender market engagement exercise, tender selection criteria and the relevant scores of the successful contractors.
80. The contract transition plan is stated in paragraphs 39 to 41, the proposed contract management and monitoring is detailed in paragraphs 42 to 46, risks are detailed in paragraph 47, impacts for equalities health and climate are detailed in paragraphs 48 to 55, social value commitments are detailed in paragraph 56 and confirmation of the payment of London Living Wage is detailed in paragraphs 58 to 59.

Director of Law and Governance

81. This report seeks approval of the appointment of three contractors (noted in the Recommendations) to a newly established framework for the

provision of taxi services for children, young people and vulnerable adults with Special Educational Needs and/or Disability.

82. Due to the nature and value of this service its procurement is subject to the full tendering requirements of the Public Contracts Regulations (PCR) 2015. The report notes from paragraph 20 that a publicly advertised competition has been conducted following a PCR compliant restricted procedure. It is confirmed that the process which has been followed is also consistent with the requirements of the Council's Contract Standing Orders.
83. The report also notes that the decision to approve the appointments to the new framework has been delegated by Cabinet to the Strategic Director of Children's and Adults' Services.
84. The Strategic Director's attention is drawn to the Public Sector Equality Duty (PSED) under the Equality Act 2010, and when making decisions to have regard to the need to (a) eliminate discrimination, harassment, victimisation or other prohibited conduct, (b) to advance equality of opportunity and (c) foster good relations between persons who share a relevant protected characteristic and those who do not share it. The relevant characteristics are age, disability, gender reassignment, pregnancy and maternity, race, relation, religion or belief, sex and sexual orientation, The duty also applies to marriage and civil partnership but only in relation to (a). The Strategic Director is specifically referred to the community impact statement set out from paragraph 48 and the consultation referenced in paragraph 73 which describes the steps that have been taken to ensure that the services are appropriately targeted and broad and inclusive in scope and reach, and notes how service users have played an active role in the development of the service requirements and the evaluation of tenders. It is recommended that officers should undertake an equalities analysis at intervals in order to monitor the effectiveness of the service and any negative impacts which may have arisen.

PART A – TO BE COMPLETED FOR ALL DELEGATED DECISIONS

Under the powers delegated to me in accordance with the council’s Contract Standing Orders, I authorise action in accordance with the recommendation(s) contained in the above report (and as otherwise recorded in Part B below).

Signature: **David Quirke-Thornton** Date: **15 June 2022**

Designation: **Strategic Director of Children’s and Adults’ Services**

PART B – TO BE COMPLETED BY THE DECISION TAKER FOR:

- 1) All key decisions taken by officers
- 2) Any non-key decisions that are sufficiently important and/or sensitive that a reasonable member of the public would reasonably expect it to be publicly available (see ‘FOR DELEGATED DECISIONS’ section of the guidance).

1. DECISION(S)
As set out in the recommendations of the report.

2. REASONS FOR DECISION
As set out in the report.

3. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED BY THE OFFICER WHEN MAKING THE DECISION
Not applicable.

4. ANY CONFLICT OF INTEREST DECLARED BY ANY CABINET MEMBER WHO IS CONSULTED BY THE OFFICER WHICH RELATES TO THIS DECISION
None.

5. NOTE OF ANY DISPENSATION GRANTED BY THE MONITORING OFFICER, IN RESPECT OF ANY DECLARED CONFLICT OF INTEREST

If a decision taker or cabinet member is unsure as to whether there is a conflict of interest they should contact the legal governance team for advice.

None.

6. DECLARATION ON CONFLICTS OF INTERESTS

I declare that I was informed of no conflicts of interests.*

Signature **David Quirke-Thornton**Date **15 June 2022**

Designation **Strategic Director of Children’s and Adults’ Services**

7. CONSIDERATION GIVEN TO WHETHER, AS A NON-KEY DECISION, THIS SHOULD BE FORWARDED TO THE CONSTITUTIONAL TEAM FOR PUBLICATION IN ACCORDANCE WITH REGULATION 13(4)*

The decision taker should consider whether although a non-key decision, the decision is sufficiently important and/or sensitive that a reasonable member of the public would reasonably expect it to be publicly available. Where there is any doubt, having considered the importance and/or sensitivity of a decision, it should be deemed that Regulation 13(4) would apply.

I consider that the decision be made available for publication under Regulation 13(4).*

Signature: **David Quirke-Thornton**Date: **15 June 2022**

Designation: **Strategic Director of Children’s and Adults’ Services**

* Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the council is required to put in place a scheme for recording and publishing some officer executive decisions. This process is sometimes referred to as “Regulation 13(4)”.

BACKGROUND DOCUMENTS

Background documents	Held At	Contact
Cabinet 19 October 2021 - Gateway 1 Special Educational Needs and Disability (SEND) Taxi Framework	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Glenn Garcia 020 7525 2717
<p><u>Link:</u> https://moderngov.southwark.gov.uk/documents/s102234/Report%20Gateway%201%20SEND%20Taxi%20Framework.pdf</p>		
Equalities Act 2010	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Glenn Garcia 020 7525 2717
<p><u>Link:</u> https://www.legislation.gov.uk/ukpga/2010/15/contents</p>		
Social Value Act 2012	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Glenn Garcia 020 7525 2717
<p><u>Link:</u> https://www.gov.uk/government/publications/social-value-act-information-and-resources/social-value-act-information-and-resources</p>		
Southwark's Borough Plan	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Glenn Garcia 020 7525 2717
<p><u>Link:</u> https://www.southwark.gov.uk/council-and-democracy/fairer-future/council-plan</p>		
Crown Commercial Service - Public Sector Passenger Transport Services – Taxi and Coaches	Children's and Adults' Services, Education Directorate, 4 th Floor, 160 Tooley Street, London, SE1 2QH	Glenn Garcia 020 7525 2717
<p><u>Link:</u> https://www.crowncommercial.gov.uk/agreements/RM6121</p>		
Southwark Council's Climate Change Strategy	Children's and Adults' Services, Education Directorate, 4 th Floor,	Glenn Garcia 020 7525 2717

	160 Tooley Street, London, SE1 2QH	
Link: https://www.southwark.gov.uk/environment/climate-emergency?chapter=2		

APPENDICES

No	Title
Appendix 1	SEND Taxi Framework evaluation, consensus scores (Closed Appendix)

AUDIT TRAIL

Lead Officer	David Quirke-Thornton, Strategic Director of Children's and Adults' Services	
Report Author	Glenn Garcia, Assistant Director of Education, Access and Statutory Services	
Version	Final	
Dated	7 June 2022	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	Yes	Yes
Head of Procurement	Yes	Yes
Director of Law and Governance	Yes	Yes
Cabinet Member	Yes	Yes
Contract Review Boards		
Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	Yes	Yes
Cabinet	No	No
Date final report sent to Constitutional		15 June 2022