

Item No.	Classification: Open	Date: 25 July 2023	Meeting Name: Strategic Director, Children and Adult Services
Report title:		Gateway (GW) 2 Special Educational Needs and Disabilities (SEND) Buses Contract Award	
Ward(s) or groups affected:		All	
From:		Director of Commissioning, Children and Adult Services	

RECOMMENDATIONS

1. That the Strategic Director, Children and Adult Services in consultation with the Deputy Leader and Cabinet Member for Children, Education and Refugees formalises the prior approval to award the Special Educational Needs and Disabilities Bus contract to Healthcare and Transport Services (HATS), for a period of two years from 1 September 2023 with an option to extend for a further period of up to 12 months.
2. That the Strategic Director, Children and Adult Services and Deputy Leader and Cabinet Member for Children, Education and Refugees, note the estimated value of this contract is £6.6 million with a lifetime value of £10.1 million if the 12 month extension option is agreed.

BACKGROUND INFORMATION

3. On 10 July 2023, a GW1 procurement strategy report was approved by cabinet and one of the recommendations included delegation of the decision to award the contract to the Strategic Director, Children and Adult Services, in consultation with the Deputy Leader and Cabinet Member for Children, Education and Refugees.
4. The existing contract for SEND Buses is delivered by HATS and this is due to expire on 31 August 2023.
5. The council has a statutory duty to provide travel assistance to and from educational establishments for eligible children and young people, in line with the Southwark Travel Assistance Policy.

6. The reason that this report is requesting to formalise prior approval to award this contract is due to time pressures for the provider to secure leases on vehicles in advance of the contract start date. If these leases are not secured in advance of the contract start date this could lead to increased costs.
7. As of May 2023, the council provide 762 children and young people a range of travel assistance as appropriate to meet their needs. This includes provision of independent travel training, direct payments, or transport in a vehicle provided via the council's taxi framework or SEND bus service.
8. 413 children and young people currently travel on the SEND bus service. This includes some of Southwark's most vulnerable children and young people, who have Education, Health and Care Plans (EHCPs). All passengers who use the bus service are Southwark residents. The number of children using the bus service has increased each year since 2016/17.
9. The needs of children and young people who use the bus service may include:
 - Physical disabilities
 - Additional learning needs
 - Autism
 - A range of communication, emotional, behavioural challenges
 - Visual or hearing impairment
10. The SEND bus service contract requires the provider to ensure:
 - That it has access to sufficient, safe and secure premises, which includes a depot with office and restroom facilities,
 - That it can operate a fleet of specialist vehicles, including vehicles that are fully wheelchair accessible,
 - That it employs sufficient and suitable qualified drivers, passenger assistants, and operational staff to manage the service logistics.
11. The bus service operates for 38 weeks each year during the school terms.
12. The service delivers a core offer and a facility for 'Special Rounds' which provide transport for children with an extremely high levels of medical needs and/or special needs.
13. The SEND bus service, excluding additional passenger assistant costs, operates on a fixed cost basis within set ranges of passenger numbers, irrespective of how many vehicles HATS may require to transport service users. This is achieved through fixed passenger numbers (with tolerances built in to allow adjustments during the school year) rather than pricing for individual bus rounds/routes or for individual service users. This has worked well and allowed the stated contract price to remain stable over the years without the levels of price creep that can occur through other travel models e.g., being charged by each route.

14. The contract operated within three bands up until January 2019, when the limits in band three were exceeded due to the increasing demand for the service, which mirrored the increase in the number of children in the borough with an EHCP. In 2019 the Strategic Director, Children and Adult Services approved the extension of passenger numbers and pricing 'bands' for the SEND bus contract. The contract is based and costed on transporting set numbers of passengers set out in passenger bands for a fixed price, the council is not involved in the day to day operation of the service e/g/ deciding on type or number of vehicles to be used. In order to facilitate the additional demand this mechanism to keep the extended pricing of the contract is to be continued in the new contract.
15. The nine pricing bands, ranging from a minimum of 338 to a maximum of 438 passengers on the SEND bus contract are set out in the table below. The current service levels sit within Band 7. To facilitate any further increase in demand this extended banding structure aligns with the original contract pricing per person to factor up to an additional 30 passengers in increments of ten. The pricing aligns with the pricing agreed in the original contract.

Previous bands		New bands	
Low	338 to 347 passengers	Band 4	379 to 388 passengers
Middle	348 to 368 passengers	Band 5	389 to 398 passengers
Highest	369 to 378 passengers	Band 6	399 to 408 passengers
		Band 7	409 to 418 passengers
		Band 8	419 to 428 passengers
		Band 9	429 to 438 passengers

16. Travel assistance officers monitor punctuality and performance daily. Prior to the pandemic monitoring had shown that the provider met all key performance indicators (KPIs) as set out in the specification and contract. Due to the swift changes to service delivery during the pandemic the monitoring of KPIs was relaxed as they were not always applicable due to changing routes and service delivery. Monitoring of these KPIs have been re-introduced and will continue to be monitored should this new contract be awarded.
17. Generally the service has performed well against KPIs, responded well to the COVID pandemic, and when surveyed, parents/carers are happy with it as evidenced in satisfaction surveys.

Procurement project plan (Key Decision)

18.

Activity	Completed by/Complete by:
Forward Plan (If Strategic Procurement) Gateway 2	02/06/2023
Briefed relevant cabinet member (over £100k)	06/06/2023
Approval of Gateway 1: Procurement Strategy Report	10/07/2023
Invitation to tender	Not applicable
Single Supplier Negotiations Conclude	14/07/2023
DCRB Review Gateway 2:	19/07/2023
CCRB Review Gateway 2:	20/07/2023
Notification of forthcoming decision – Five clear working days	Not applicable**
Approval of Gateway 2: Contract Award Report	25/07/2023
End of Scrutiny Call-in period and notification of implementation of Gateway 2 decision	Not applicable**
Alcatel Standstill Period (if applicable)	Not applicable
Contract award	28/07/2023
Add to Contract Register	31/08/2023
TUPE Consultation period (if applicable)	Not applicable
Contract start	01/09/2023
Publication of award notice in Find a Tender Service	31/08/2023
Publication of award notice on Contracts Finder	31/08/2023
Contract completion date	31/08/2025
Contract completion date – if extension(s) exercised	31/08/2026

** Application for urgent implementation

KEY ISSUES FOR CONSIDERATION

Description of procurement outcomes

19. The following options have been considered in relation to the procurement.

No.	Option	Impact
1.	Do nothing	<ul style="list-style-type: none"> - When the current contract expires on 31 August 2023, there would be no SEND bus service provision for children and young people. - Children and young people would have no transportation to enable them to access their

Table 1: Procurement options		
No.	Option	Impact
		<p>educational settings. Emergency/business continuity arrangements have been considered but they would not be suitable to introduce as an alternative to this contract extension.</p> <ul style="list-style-type: none"> - The council would be at risk of not meeting its statutory duty as set out in the Education Act 1996 and Education Inspection Act 2006.
2.	Commission a new service through a competitive procurement	<ul style="list-style-type: none"> - SEND transport organisations have been under particular financial pressure in 2022/23 and if we were to go out market to procure a new service in 2023 this would mean it is likely that potential new providers would not be able to deliver the quality services we require within current budgets.
3.	Provide the service in-house	<ul style="list-style-type: none"> - This would require additional investment, with potential TUPE implications and recruitment of a full complement of skilled staff to provide the service. - The council does not have a fleet to operate the service with, an appropriate depot facility would also have to be sourced and managed. This could not be implemented within the time frame available.
4.	Call off from a framework	<ul style="list-style-type: none"> - A framework would need to be developed, there is insufficient time to consider this option. - There are very few SEND School Bus frameworks, if any, currently available and none identified that would be able to meet the council's specific requirements.
5.	Commence single supplier negotiations with current provider for a longer time period of more than three years	<ul style="list-style-type: none"> - A Prior Information Notice was published in October 2022 to gauge interest in the market for this type of service and we had interest from more than one potential provider (including the incumbent provider) so there is evidence that there is competition in this market. - Seeking a new two year contract is less likely to be challenged by other providers as the council are planning on exploring procurement options for these services, including market engagement, and have a new contract in place when the proposed extension is complete.

Table 1: Procurement options		
No.	Option	Impact
6.	Award a new contract to the current provider through a single supplier negotiation for a shorter time period	<ul style="list-style-type: none"> - This is a generally good performing, well-respected service. - Officers have negotiated with the current provider to make some changes to performance indicators that are in the current contract. These will still be achievable and the council will be able to hold the provider to account if there are any issues with under-performance. - The original intention was to exercise the option to extend the contract if service continued to be of good quality and value, but these extension options have already been utilised and this is no longer a viable option. - If the two year contract is approved, (with an optional up to 12 month extension period) this will allow sufficient time for a full service review to be completed. At this point, it is anticipated that the economic outlook, including borrowing costs, will be more favourable, and potential providers will have more confidence vis-a-vis affordability as necessary to attract multiple bids. All options will be explored via the GW0 including exploring different options for the use of a depot to enable a greater number of bidders to participate in a subsequent procurement predicated on transport operation only.

Key/Non Key decisions

20. This report deals with a key decision.

Policy framework implications

21. This contract will enable 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.

22. The contract assists the council in meeting its statutory public sector equality duty (PSED) under 149 of the Equality Act 2010 and supports the council's published approach to equalities.

23. The service supports the council's Fairer Future commitments including ensuring the 'Best Start in Life' for its residents and the values of treating every

resident as if they were a valued member of our own family; and spending money as if it were from our own pocket.

Tender process

24. Initial discussions with the incumbent provider had been based on minimal changes to the existing service specification and contract terms and conditions, and negotiations were predicated on this basis.
25. A single supplier negotiation took place with the incumbent provider of SEND Buses and has now concluded.

Tender evaluation

26. Officers have evaluated the current service provision, have agreed to the proposed minor changes to performance indicators, and will continue to evaluate the performance of the service during the term of the proposed contract. One example is that KPI 1 has been updated to the following:

KPI required	Service Level Achieved	Service Provider's performance	Service Level Category
KPI1 – Timeliness All journeys arrive at the correct destination with the correct passengers on time. Measured by: <ul style="list-style-type: none"> • Provider quality assurance processes • Passenger/ Family/ and school feedback • Transport staff feedback 	No more than ten journeys in a week are late	Performing well	Green
	11-20 journeys are late in any one week	Underperforming	Amber
	More than 20 journeys in any one week are late	Major under performance	Red

Plans for the transition from the old to the new contract

27. As there is not a planned change in provider, the service will continue as if it had represented continuation of the current contract.

Plans for monitoring and management of the contract

28. The council's contract register publishes the details of all contracts over £5,000 in value to meet the obligations of the Local Government Transparency Code. The appropriate details of this contract will be updated on the contract register via the eProcurement System. Contract Standing Orders (CSOs) dictate requirement for submission of annual performance review at DCRB and CCRB.

29. Day to day monitoring of the contract will be reported through monthly review meetings between the Travel Assistance Manager and the provider. Spot checks on transport rounds will be undertaken by the council, producing highlight reports on performance. In addition to regular monitoring arrangements, quarterly performance and service improvement planning meetings will be held.
30. HATS Annual Performance Report will continue to be presented in line with the CSOs. Travel Assistance officers will continue to monitor punctuality and performance of the service on a day-to-day basis to include:
- Compliance with the specification and contract terms and conditions
 - Contractor performance
 - Cost
 - User satisfaction/complaints
 - Risk management
 - Key performance indicators
31. The travel assistance team also receives tracking reports weekly from HATS. Individual risk assessments are carried out annually on rounds and updated, if required, when a new child accesses the service. Any additional adaptations are carried out promptly to support passenger safety and comfort. The council has spot checks carried out annually by an independent Risk Assessor to check for compliance with all passenger travel, health and safety requirements.

Identified risks for the new contract

32. The following risks have been identified for this service.

Table 2: Identified risks			
No.	Risk	Risk Level	Mitigating Action
1.	The impact of COVID 19, Brexit and the Cost of Living crisis on the economy with risks of having a negative effect on the economic viability of the provider	Low	<ul style="list-style-type: none"> • The council will monitor the financial stability of the provider closely over the period of the new contract. • This is a well-established business with whom no previous financial concerns have been raised.
2.	Legal challenge from other providers or provider withdrawal	Low	<ul style="list-style-type: none"> • Mitigation for the recommended option is contained within concurrents provided by Assistant Chief Executive – Governance & Assurance and Head of Procurement.

No.	Risk	Risk Level	Mitigating Action
			<ul style="list-style-type: none"> • The proposed two year contract period (with an optional up to 12 month extension period) will allow sufficient time for the council to stimulate the market in preparation for the tender and new contract. There is a new SEND-specific role within commissioning that has recently been recruited to which will help ensure this project stays on track and new contractual arrangements will be in place before the proposed new contract term ends. • The relationship between the provider and the council is well established. • During the pandemic, the provider adopted a flexible approach to support the council and its service users' needs outside of its contractual obligations. This provides the council with confidence that there will be continuity of service during the proposed contract period.

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

Community impact statement

33. The council is mindful of the need to have due regard to the Public Sector Equality Duty imposed under Section 149 of the Equality Act 2010. The service is a specialist service for children and young people with special educational needs and/or physical disabilities. Service users represent a wide range of communities living in Southwark.
34. A full, equality impact analysis will be undertaken as part of the future procurement exercise. If this award report is approved once the new contract commences a Strategic Options Assessment (GW0) for the SEND buses service will be completed which will include a full equality impact assessment. This is currently scheduled to be completed by November 2023.
35. As this service is used by some of the most vulnerable members of the community, it is essential that the service is of a high standard and can meet the needs of all passengers. This transport service supports this cohort of students to attend their educational establishment which in turn ensures that they are able to achieve their full academic potential.

36. During the duration of this proposed new contract, officers will continue to have due regard to the needs of those individuals and groups having a protected characteristic under the Equality Act 2010, including but not limited to age, disability, sex and race.

Equalities (including socio-economic) impact statement

37. This proposal to start a new contract fully complies with the requirements of the Equality Act 2010, including the Public Sector Equality duty (PSED), as travel assistance service is accessible to all eligible users based on need and ability to travel independently, as opposed to any of the protected characteristics specified in the 2010 Act.
38. This is a specialist service that is delivered to over 400 children and young people with SEND annually. The service supports children from a wide range of communities, including families and individuals with English as an additional language. This transport service supports this cohort of students to attend and achieve at school.

Health impact statement

39. A range of sustainable travel support is considered for each child/young person at the point of assessment. Of all of the children that receive travel assistance, more than half are supported by this SEND Buses contract. This service enables 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

40. HATS has committed to delivering a service with a clear environmental focus in its original bid for the existing contract. The key aspects being the use of fuel efficient vehicles (lower emissions), having a depot in the Borough (low lead mileage), and operating an efficient fleet (optimised use of vehicles). If this short term contract is approved, this will provide sufficient time to give more consideration to having electric fleets and plan to move away from petrol and diesel buses as part of the strategic needs assessment which is due to be completed by November 2023. During the term of the proposed two year contract, the council will work with the provider to look at green alternatives and undertake more analysis of other areas that utilise green fleets. As part of the monitoring of the contract, the council will aim to reduce any unnecessary journeys to reduce the climate change impacts of the service.

Social Value considerations

41. 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 wellbeing of the local area can be secured.

42. The social value considerations included in the tender (as outlined in the previous GW1 report) included that the provider will support the local community by providing free transport to enable children to attend Christmas events every year, arrange an awards ceremony for HATS and council staff and hold annual events for staff and family, including Southwark staff. These conditions will also apply to the proposed new contract. Further Social value benefits will be explored during the term of the contract.

Economic considerations

43. HATS employs local Southwark residents to deliver the service, works with Social Enterprise UK and supports local employment opportunities, apprenticeships and charitable causes. In doing so, it aligns to the council's Fairer Future Procurement Framework (FFPF) Commitments: Theme 3, 'a green and inclusive economy' and Theme 7 'a great start in life'. This is because young people who are able to attend school are able to work towards a qualification and increase their life chances/and ability to gain long-term employment if they are able to do so.

Social considerations

44. The provider employs local Southwark residents, actively recruits locally and pays at least the London Living Wage. As of July 2023 HATS employs 105 residents of Southwark.
45. Under the Social Value Act (2012), the provider supports the local community in relation to health and well-being (FFPF), as described in paragraph 43.

Environmental/Sustainability considerations

46. The provider complies with all environmental legislation, and this aligns with the council's FFPF Commitment: Theme three 'a green and inclusive economy'.
47. All vehicles maintained by the provider must adhere to a standard that meets or exceeds the Driver Vehicle Standard Agency (DVSA) requirements, for example MOT and vehicle Service History and the Ultra-Low Emission Zone (ULEZ) requirements.
48. Following the proposed implementation of this contract, the council will explore available options for electric vehicles and other green solutions throughout the duration of this contract and will explore these options further when completing the GW0 in the longer term. The contract is too short to support the financial investment of electrifying the fleet but the provider works with more than 20 London boroughs and therefore as part of managing the extension, the electrification of the fleet will be explored.

Market considerations

49. The market for SEND transport in the London area is limited. HATS are the largest provider across the majority of London boroughs so the risk of challenge to this new contract is low.
50. In 2022 a Prior Information Notice (PIN) was released to explore if there were any providers, other than the incumbent, who would be interested in delivering the SEND Buses service in Southwark. This was intended to establish the level of interest and competition within this market, and provide assurance vis-a-vis associated grounds for exploring a single supplier negotiation with the current provider for a longer time period. Apart from the incumbent provider, there was only one alternative response to the PIN, albeit they did not have a depot within, or close to, the borough (as adjudged essential for delivery of the service).
51. During the term of this proposed new contract, officers will complete further benchmarking, exploring alternative bus transport models as well analysing any changes which may impact on the SEND transport sector resulting from issues such as COVID, Brexit and environmental factors affecting passenger transport. It is anticipated that the economic outlook, including borrowing costs, will be more favourable, and potential providers will have more confidence vis-a-vis affordability as necessary to attract multiple bids. All options will be explored via the GW0 including exploring different options for the use of a depot to enable a greater number of bidders to participate in a subsequent procurement predicated on transport operation only.
52. Officers will complete market engagement and testing in early 2024 to evaluate the robustness of the provider market further and to explore if there are any other potential providers that may be interested in delivering this service from 2025 onwards.

Staffing implications

53. There are no staffing implications.

Financial implications

54. The contract has an estimated value of £6.6m for the two year period, £10.1m if the optional one year extensions is approved.
55. The budget for the service has significant pressure due to increasing demand, and comes from the general fund. The annual cost of the service will depend on variances caused by the number of children and young people using the service throughout the year, which will be monitored and reviewed within the Education department's financial management arrangements. The proposed contract also contains a CPI linked inflation each September.
56. This service does not attract VAT. The proposed contract value is estimated at:

	Cost for proposed two years	Cost including optional one year extension
Original total cost	£6.6m	£6.6m
Total value of any previous variations	n/a	n/a
Value of proposed variation	n/a	£3.5m
Revised total cost	£6.6m	£10.1m

Investment implications

57. Investment implications do not apply.

Legal implications

58. Please see concurrent from the Assistant Chief Executive – Governance and Assurance.

Consultation

59. During the last Operational Performance ‘Annual Parents Survey/feedback’ carried out in 2019 parents completed seven questions. Parents/Guardians made comments relating to their experiences and suggestions on ways that HATS could improve the service. The vast majority of feedback from the survey was extremely positive with the staff being recognised for their polite and friendly service.

Other implications or issues

60. There are no other implications or issues for consideration.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance REF: [CAS23/24]

61. The content of the report is noted. Forecasts for the contract costs have assumed a September CPI rate of 8%, 6% and 4%, in the respective years and an average of Band 7 costs over the period. It is also noted that the two drivers of cost, demand and inflation, may vary in practice and result in cost variations to the estimate.

62. The service is core funded and sits within the wider SEN Transport budget which has a significant overspend. Robust management will be required to manage costs.

Head of Procurement

63. This report seeks to formalise prior approval to award the Special Educational Needs and Disabilities Bus contract via single supplier

negotiation with Healthcare and Transport Services, (HATS) for a period of two years effective from 1 September 2023 with estimated annual value of £3.2m for year one, and cumulative lifetime value of £6.6m (over the proposed two year period). If the optional up to twelve month extension is approved this will increase the cumulative lifetime contract value to up to £10.1m.

64. The value of the contract dictates that it is subject to full application of the Public Contracts Regulations (PCR) 2015, including the requirement for a publicly advertised competitive tendering process. However, Regulation 32(2)(b) permits use of the negotiated procedure without prior publication where the works, supplies or services can be supplied only by a particular economic operator for any of the following reasons:
- (i) the aim of the procurement is the creation or acquisition of a unique work of art or artistic performance,
 - (ii) competition is absent for technical reasons,
 - (iii) the protection of exclusive rights, including intellectual property rights. but only, in the case of paragraphs (ii) and (iii), where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement.
65. The recent publication of a Prior Indicative Notice, (PIN) as detailed at paragraph 50, and analysis of relative capability and capacity vis a vis responses obtained, allied to stated intention to conduct a future procurement, with award coterminous with the end date of the requested contract duration period contained in this report, indicate that the council has a requisite degree of assurance in relation to the possibility of successful challenge to any subsequent direct award achieved through single supplier negotiations.
66. The report also confirms that the requested contractual period will enable the council to review its service requirements in order to enable development of future commissioning intentions for the service from 2026/27 onwards, noting that the approval decision for this report was delegated by Cabinet to the Strategic Director of Children and Adult Services in consultation with the Deputy Leader and Cabinet Member for Children, Education and Refugees.
67. Headline options and risks associated with the proposed new contract are contained in paragraph 32.
68. Alignment with the Fairer Future Procurement Framework (FFPF) is evidenced, specifically via confirmation of London Living Wage (LLW) payment, and the statements contained within paragraphs 33 – 48 more generally.
69. Proposed methodology for performance/contract monitoring is detailed within paragraphs 28 – 31. The report also confirms that an annual

performance review will be provided to the council's DCRB and CCRB in alignment with council CSOs.

70. The Community, Equalities and Health Impact Statements are set out in paragraphs 33 – 39.
71. The Climate Change, Social Value, Economic and Environmental / Sustainability statements are set out in paragraphs 40 – 48.

Assistant Chief Executive – Governance and Assurance

72. This report seeks to formalise prior approval to award the Special Educational Needs and Disabilities Bus contract to Healthcare and Transport Services (HATS), for a period of 2 years from 1 September 2023 with the option to extend for a period of up to 12 months, at an estimated total contract value of £10.1m. The approval decision was delegated by Cabinet to the Strategic Director of Children and Adult Services in consultation with the Deputy Leader and Cabinet Member for Children, Education and Refugees.
73. The nature and value of this service means that its procurement is subject to the full application of the Public Contracts Regulations (PCR) 2015, including the requirement for a publicly advertised competitive tendering process, advertised through a contract notice on the UK Find a Tender portal. However, PCR 32 permits contracting authorities to award a contract by a negotiated procedure without prior publication of a notice in certain limited cases, including where the services can be supplied only by a particular economic operator, and where competition is absent for technical reasons. The use of this ground is subject to the proviso that no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement. The nature of the provider market and the measures that will be taken to explore and test the market for the purposes of a future procurement exercise were noted in the Gateway 1 report approved by Cabinet.
74. The decision maker's attention is drawn to the Public Sector Equality Duty (PSED) under section 149 of 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) 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, religion, religion or belief, sex and sexual orientation, The duty also applies to marriage and civil partnership but only in relation to (a). The decision maker is specifically referred to the community and equalities impact statements at paragraphs 33 to 38 which set out the consideration that has been given to equalities issues, both in relation to the proposed contract and a future procurement exercise, in order to demonstrate and maintain compliance with the PSED.

75. The decision maker is also referred to paragraph 59 which notes the consultation that has taken place, the outcome of which should be taken into account when approving this contract award.

FOR DELEGATED APPROVAL

PART A – TO BE COMPLETED FOR ALL DELEGATED DECISIONS

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

Signature 

Date **25 July 2023**

David Quirke-Thornton

Designation **Strategic Director of Children and Adult Services**

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

- 1) All key decisions taken by officers (including contract reports)
- 2) Any non-key decisions which are sufficiently important and/or sensitive that a reasonable member of the public would reasonably expect it to be publicly available (see paragraph 41 of the guidance).

1. DECISION(S)
That the Strategic Director, Children and Adult Services in consultation with the Deputy Leader and Cabinet Member for Children, Education and Refugees formalises the prior approval to award the Special Educational Needs and Disabilities Bus contract to Healthcare and Transport Services (HATS), for a period of two years from 1 September 2023 with an option to extend for a further period of up to 12 months. That the Strategic Director, Children and Adult Services and Deputy Leader and Cabinet Member for Children, Education and Refugees, note the estimated value of this contract is £6.6 million with a lifetime value of £10.1 million if the 12 month extension option is agreed.
2. REASONS FOR DECISION
As set out in paragraph 19.
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 (IF APPLICABLE)*

None.

*Contract standing order 4.5.1 states that for contracts with an Estimated Contract Value of over £100,000, the lead contract officer (LCO) must consult with the relevant cabinet member before a procurement strategy is implemented.

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



Date **25 July 2023**

David Quirke-Thornton

Designation **Strategic Director of Children and Adult Services**

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

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

Signature



Date **25 July 2023**

David Quirke-Thornton

Designation **Strategic Director of Children and Adult 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 Papers	Held At	Contact
Gateway 1 – Procurement Strategy Approval – Special Educational Needs and/or Disabilities (SEND) School Bus Transport (2023)	Children and Adult Services, 160 Tooley Street, London SE1 2QH	Neil Colquhoun 0207 525 5000
Link: https://moderngov.southwark.gov.uk/documents/s115167/Report%20GW1%20SEND%20Buses%20Procurement%20Strategy.pdf		
Gateway 1 – Procurement Strategy Approval – Special Educational Needs and/or Disabilities (SEND) School Bus Transport (2014)	Children and Adult Services, 160 Tooley Street, London SE1 2QH	Neil Colquhoun 0207 525 5000
Link: http://moderngov.southwark.gov.uk/ieListDocuments.aspx?CId=302&MId=4554&Ver=4		
Gateway 2 – Contract Award Approval – Special Educational Needs and/or Disabilities (SEND) School Bus Transport	Children and Adult Services, 160 Tooley Street, London SE1 2QH	Neil Colquhoun 0207 525 5000
http://moderngov.southwark.gov.uk/documents/s50473/Report%20Gateway%202%20SEND%20Buses.pdf		
Gateway 3 – Contract Variation Extension Approval – Special Educational Needs and/or Disabilities (SEND) School Bus Transport - 2020	Children and Adult Services, 160 Tooley Street, London SE1 2QH	Neil Colquhoun 0207 525 5000
http://moderngov.southwark.gov.uk/mglIssueHistoryHome.aspx?Id=50022812&Opt=0		
Gateway 3 – Contract Variation Extension Approval – Special Educational Needs and/or Disabilities (SEND) School Bus Transport - 2021	Children and Adult Services, 160 Tooley Street, London SE1 2QH	Neil Colquhoun 0207 525 5000
https://moderngov.southwark.gov.uk/documents/s99911/Report%20GW3%20SEND%20Bus%20Contract.pdf		
Education Act 1996	Children and Adult Services, 160 Tooley Street, London SE1 2QH	Neil Colquhoun 0207 525 5000
https://www.legislation.gov.uk/ukpga/1996/56/contents		
Education Inspection Act 2006	Children and Adult Services, 160 Tooley Street, London SE1 2QH	Neil Colquhoun 0207 525 5000
https://www.legislation.gov.uk/ukpga/2006/40/contents		

Equality Act 2010 (Section 149)	Children and Adult Services, 160 Tooley Street, London SE1 2QH	Neil Colquhoun 0207 525 5000
https://www.legislation.gov.uk/ukpga/2010/15/section/149		
Southwark's Fairer Future Commitments	Children and Adult Services, 160 Tooley Street, London SE1 2QH	Neil Colquhoun 0207 525 5000
https://www.southwark.gov.uk/council-and-democracy/fairer-future/fairer-future-commitments		
Public Contract Regulations 2015 (Regulation 72)	Children and Adult Services, 160 Tooley Street, London SE1 2QH	Neil Colquhoun 0207 525 5000
https://www.legislation.gov.uk/uksi/2015/102/regulation/72/made		
Public Services (Social Value) Act 2012	Children and Adult Services, 160 Tooley Street, London SE1 2QH	Neil Colquhoun 0207 525 5000
https://www.legislation.gov.uk/ukpga/2012/3/enacted		

APPENDICES

No	Title
None	

AUDIT TRAIL

Lead Officer	David Quirke-Thornton, Strategic Director, Children and Adult Services	
Report Author	Neil Colquhoun, Strategic Commissioning Manager – All Age Disabilities	
Version	Final	
Dated	20 July 2023	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance	Yes	Yes
Head of Procurement	Yes	Yes
Assistant Chief Executive – Governance and Assurance	Yes	Yes
Director of Exchequer (for housing contracts only)	No	No
Cabinet Member	Yes	Yes
Contract Review Boards		

Departmental Contract Review Board	Yes	Yes
Corporate Contract Review Board	Yes	Yes
Cabinet	No	No
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