

CABINET

20 MARCH 2012

Title: Framework Contract for the Provision of Independent Travel Training for Children, Young People and Vulnerable Adults	
Report of the Cabinet Member for Children and Adult Services	
Open Report	For Decision
Wards Affected: None	Key Decision: No
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Accountable Divisional Director: Chris Martin, Divisional Director of Complex Needs and Social Care	
Accountable Director: Helen Jenner, Corporate Director of Children's Services	
Summary: <p>This report seeks approval for the Council to lead in a tendering exercise which will include participation of the following Authorities: Redbridge, Tower Hamlets, Waltham Forest, Havering, Newham and Barking & Dagenham. This exercise is for the procurement of a Framework agreement for an Independent Travel Training Provision primarily for young people with significant educational needs. This contract can also be used by other user groups such as vulnerable adults.</p> <p>The proposed arrangement is intended to develop independence, particularly to potentially vulnerable residents to enable them to better access community resources. It is also anticipated that significant savings will be achieved by reducing the need for other transport solutions such as in-house bus fleet and private hire vehicles.</p> <p>The most recent contract that is in place is a fixed term contract for a pilot scheme that has been extended to allow for the participation of other East London Solutions boroughs. The other participating authorities have also embarked on a similar pilot scheme for a 6 month term.</p> <p>The Framework agreement across boroughs will secure more competitively priced services through joint-commissioning arrangements (with local boroughs), in conjunction with enhanced quality assurance through the improved monitoring of providers and information-sharing between participating authorities.</p> <p>Furthermore, it is hoped that the tender will encourage additional providers to offer travel training support for vulnerable children, which is accessible to Children's Services in Barking & Dagenham and other authorities as required. This will increase capacity, improve response times and ensure continuity of provision.</p>	

Recommendation(s)

The Cabinet is recommended to agree:

- (i) That the Council act as lead authority for a two-year Framework Agreement (with an option to extend for a further two years) for an Independent Travel Training Provision to a number of other participating authorities, as described within this report; and
- (ii) to indicate whether the Cabinet wishes to be further informed or consulted on the progress of the procurement and/or the use of the Framework agreement, or whether it is content for the Corporate Director of Children's Services to monitor the progress of the Framework agreement procurement and, upon conclusion of the procurement, to appoint the successful bidders to the Framework Agreement.

Reason(s)

To achieve an appropriate and best value Travel Training Provision that delivers excellent outcomes for children and young people which supports the following key Council and Departmental policies and priorities:

the Council's Vision of *"Every child is valued, supported and challenged so that they develop the ambition, skills and resilience to succeed"*

the Council's Core Values of

- "We will be ambitious for our children, young people and their families."
- "We will listen to the voice of every child placing children, young people and families at the heart of what we do."
- "We will build on achievement, community cohesion and empowerment to make a bigger difference of our children, young people and their families."

The Council's key theme of "Better Future".

The Children and Young People Plan strategic priorities (2011-16):

- Priority 2: Narrowing the gap – Raise attainment and realise aspiration of every child. *The objective is to empower children and young people to realise their aspiration through positive activities and decision making in school and the local community.*
- Priority 4: Improve support and fully integrate services for vulnerable children, young people and families (particularly children in care and children with disabilities). The objectives are:
 - Strengthen support to parents and/or carers
 - Build empowerment, independence and self –sufficiency through personalisation. Self-directed support and personal budgets
 - Improve outcomes of children with disabilities and SEN across all five outcome areas.

1. Introduction and Background

- 1.1 The purpose of this paper is to describe the reasons for establishing a cross-borough framework arrangement for an Independent Travel Training Provision and seek approval to establish a Framework Contract to manage provision. The intention is: "To create a Framework of competent companies capable of providing

a managed service to travel train those with and without special needs where the service is provided on behalf of the local authority.”

- 1.2 Independent travel training involves providing support to people who may lack the skills, ability and confidence to undertake a journey by public transport independently. Through support young people can gain the essential skills and confidence they need to travel independently. This essential skill can open up many opportunities to access educational, employment and leisure opportunities.
- 1.3 The proposed procurement will ensure that local organisations are able to tender for the provision of the service.
- 1.4 The providers must be capable of ensuring continuity of supply, including tight management of the travel trainer provision to ensure minimum disruption of supply to vulnerable members of the community. A variety of training providers will be required to deliver specialist travel training for specific needs such as visual impairment.
- 1.5 The Framework will deliver savings through increased joint working, economies of scale and by use of shared services where possible.
- 1.6 The previous contract for Independent Travel Training was a fixed term contract that has been extended to accommodate the needs of other local authorities until the new framework agreement is in place. LBBD requires a contract with providers of Independent Travel Training to be in place to assure continuity of provision for disabled young people and others.

2. Proposal and Issues

- 2.1 The London Borough of Barking and Dagenham is seeking, on behalf of all participating authorities, expressions of interest from suitably qualified and experienced organisations interested in a framework agreement to provide an Independent Travel Training Provision for young people and adults with special needs.
- 2.2 This tender principally concerns young people with special educational needs while Adult Social Care may make use of the Framework agreement for their vulnerable elderly and disabled service users.
- 2.3 The framework will be accessible to the boroughs which constitute the East London Solutions group who have given a formal expression of interest to be named in the development of this Framework. These are the London Boroughs of Barking & Dagenham, Havering, Newham, Redbridge, Tower Hamlets and Waltham Forest.
- 2.4 Each of the above boroughs has indicated their wish to participate (in whole or part of the framework agreement), from the commencement of the framework which is intended to run for 48 months from the anticipated commencement on 30th July 2012.
- 2.5 There are a number of advantages to agreeing a contractual framework over spot-purchasing. Quality assurance monitoring can take place across the participating authorities both with regard to statistical returns, as well as regular meetings with

providers. Good practice and training opportunities can be shared amongst providers and forums held with local partners. Good quality services should lead to more consistent, needs-focused, travel training for children and young people, allowing them to live more normal lives.

- 2.6 The particular contractual method recommended to Cabinet, that is a Framework agreement, would have additional advantages. It would not oblige the local authority to purchase any particular volume from a provider. As the tender would be issued on behalf of some or all of the participating authorities the quality assurance requirements would be identical, leading to efficiencies on the local authorities' side in their respective commissioning and procurement services. It would also support Personalisation through any future arrangement whereby service users might purchase directly from the provider of their choice.

3. Options Appraisal

- 3.1 "Doing nothing" – this will impact on the cost of other modes of travel support as there will be an increase in the need to supply long term support for young people. It will also have a negative affect on the young people that are waiting to be travel trained and who really want to become independent for their future.
- 3.2 "Doing Something" - option 1: initiate an independently-run Council procurement process. If the Council were to act independently to create its own Framework Agreement, it could take an officer around 6 months through from the start to the end of the process
- 3.3 "Do something" – option 2: to be named as the lead authority in a joint tendering process and carry out a single stage process whereby the contract would be advertised for all organisations expressing and interested will be invited to tender for the service.

4. Consultation

- 4.1 Consultation with participating authorities as to the service that is required for their specific area. This has been facilitated by having two workshops to discuss and agree the specification for the new contract. Also agreed is the evaluation process and panel for evaluation.
- 4.2 Consultation with the service area that will be accessing the Framework agreement. This includes Education Inclusion and Adults Services who may want to call from the framework in the future
- 4.3 This report has been circulated to members of DMT and CMT for discussion, refinement and approval

5. Financial Implications

Implications verified by: Dawn Calvert, Group Manager Finance (Adults & Community Services and Children's Service)

- 5.1 The purpose of this Framework agreement is to ensure the safety of vulnerable children and young people in Barking and Dagenham and all participating authorities, who are suitable to be travel trained from home to education.
- 5.2 The purpose of this Framework agreement is to maximise community benefits, safety and quality. There may be financial benefits experienced from renegotiation of provision terms, however, the overarching aim is safety and continuity of provision. The implementation of the Travel Training Provision has reduced the need to provide long term travel support in terms of providing a specialist door to door service.
- 5.3 The Framework agreement in no way commits the Council to any expenditure with any particular provider. The Framework agreement will secure the quality, reliability and safety of provision of appropriate travel training and secure savings on the council-wide spend on other modes of transport such as borough fleet and private hire vehicles. The current arrangements are that 10 young people are trained per term (12weeks), therefore totalling 30 young people being travel trained per academic year. However due to the increasing population of the authority and the increase in young people with significant needs and disabilities the framework will enable the numbers undergoing training to be increased, subject to available funding or increased productivity from providers.
- 5.4 The Framework may result in savings by joint working, economies of scale and by use of shared services where possible.
- 5.5 The framework contract when signed will be for 4 years. It is expected to deliver better value for money and will lead to savings over the four year period as a result of the sector-wide procurement process.
- 5.6 Within the Children's Budget there is a provision of £50,000 per annum to fund travel training. The exact costs of travel training each young person will not be known until the framework contract has been agreed but it is hoped the £50,000 budget will support between 15 to 20 young people. The framework agreement will provide another travel option for young people who can potentially travel independently with the appropriate support and advice. Financially, training young people to travel independently is more cost effective than providing transport direct. For comparative purposes, the average annual cost of providing a mini bus to transport young people to and from college is £44,000 for 7 young people.

6. Legal Implications

Implications verified by: Eldred Taylor-Camara, Legal Group Manager

- 6.1 This report is seeking Cabinet's approval to lead on a proposed joint arrangement with five other East London Boroughs Newham, Redbridge, Tower Hamlets, Waltham Forest, Havering for the procurement of framework agreement for the

provision of Independent travel training services to vulnerable children and where required adults.

- 6.2 The Government, in recent times, has been actively encouraging collaborative working between local authorities. As far back as 2006, the Local Government White Paper – “Strong and Prosperous Communities” – encouraged joint commissioning of services by local authorities and highlighted its potential benefits, including achieving economies of scale.
- 6.3 As the services to be provided under the proposed Framework Agreement are Part B services, the full rigour of the provisions of the EU Regulations do not apply to this procurement, but because the estimated value of the services exceeds the EU threshold for services (currently £156,442), there is nevertheless a legal obligation to comply with the general EU Treaty principles of equal treatment of bidders, non-discrimination and transparency in procuring the services.
- 6.4 In compliance with Rule 3.6 of the Council’s Contract Rules which requires the strategy for the procurement of contracts of above £400,000 in value to be submitted to Cabinet for approval prior to procurement of such contracts.
- 6.5 The report states that the Framework Agreement to which this report relates will be tendered in the EU using the restricted procedure – a two-stage tender procedure in which expressions of interest are invited from interested providers with shortlisted applicants being invited to tender. This satisfies the EU Treaty principles of equal treatment of bidders, non-discrimination and transparency.
- 6.6 In compliance with Regulation 19(10) of the EU Regulations, the report states that the proposed Framework Agreement will not exceed a four-year period.
- 6.7 This report anticipates that selection of service providers from the Framework Agreement, to provide the services to the Council as and when required, will be undertaken by way of mini-competition.
- 6.8 This complies with the provisions of the EU Regulations which allows selection of service providers from a duly established Framework Agreement either by way of “call-off” (i.e. without further competition), or by holding a further mini-competition with the service providers on the Framework Agreement.
- 6.9 In deciding whether or not to approve proposed joint procurement of the Framework Agreement, Cabinet must satisfy itself that the proposed joint procurement will represent value for money for the Council.
- 6.10 In accordance with Contract Rule 3.6.4, the report is additionally requesting that Cabinet confirm whether it wishes to be further informed or consulted on the progress of the procurement and/or the use of the Framework Agreement, or whether is content for the Corporate Director for Children’s Services to monitor the progress of the Framework Agreement procurement and, upon conclusion of the procurement, to appoint the successful bidders to the Framework Agreement.
- 6.11 Cabinet has the discretion to decide whether to be directly involved in the progress of the Framework Agreement procurement and appointment of successful bidders to the Framework Agreement, or to delegate this responsibility to the

commissioning Chief Officer, acting in consultation with the Council's section 151 Officer.

- 6.12 The Legal Partner (Procurement, Property and Planning) confirms that there are no legal reasons preventing Cabinet from approving the recommendations of this report.

7. Other Implications

7.1 Risk Management:

- 7.1.1 The current arrangements that are in place are an extension of the pilot scheme that was commissioned to one Voluntary Sector Organisation. It is a good time now to explore other organisations that may offer a similar service and be able to offer a more specific service to accommodate specific needs such as visual impairment.
- 7.1.2 As a Framework Agreement there is no specific guarantee to any provider of a level of service. A Framework on behalf of all participating boroughs is likely to attract a higher level of interest from potential providers than one borough alone, so encouraging more competitive pricing and minimising the risk from default by any individual provider.
- 7.1.3 The risk to service users will be minimised considerably through providers being held to key quality standards within the terms of the Framework Agreement, such as:
- people are individuals and have the right to courtesy, dignity, privacy and independence;
 - all those involved in the delivery of travel training services are acquaintances in the passengers' lives and should act with respect;
 - all those involved in providing travel training should acknowledge and respect people's gender, sexual orientation, age, ability, race, religion culture and lifestyle;
 - services should respond sensitively and flexibly to people's changing needs.
- 7.1.4 The participating authorities have signed up to an ELS indemnity agreement which will establish responsibilities in the event of any challenge to the procurement process.

7.2 Contractual Issues

- 7.2.1 There are difficulties in precise prediction of the take-up and therefore the likely total costs of this service. It is proposed that the most appropriate solution is that a budget be set aside for Independent Travel Training from within the overall transport budget, sufficient to train 30 young people per year. Should demand exceed this number then it would have to be funded from efficiency gains either from the providers or from within the transport budget. Given the nature of the service it is classified at "Part B" service under the Public Contract Regulations 2006. As such it is not necessary to run a full EU Procurement provided that we can demonstrate our adherence to the general principles of the Regulations in terms of openness and transparency throughout the procurement process.

- 7.2.2 The Framework Agreement concerns the London Boroughs engaged in developing a collaborative Independent Travel Training Provision (Framework) which Barking & Dagenham is to be named as the lead authority, with Project Support also from all participating authorities.
- 7.2.3 The procurement is follow the restricted process whereby there will be a 2 stage process commencing with a market warming event which will be held in one of the participating authorities.
- 7.2.4 The opportunity to tender for this contract will be advertised on the Council Website. Contract Finder (a government portal aimed at small businesses and the voluntary and community sector groups) Procure4London portal. In addition officers will proactively target known providers of this service to alert them to the contract opportunity.
- 7.2.5 The contract will be awarded for the maximum duration of a framework agreement (4 years). The London Boroughs to have the framework in place and contract awarded by April 2012. Each borough will enter into a contract with a supplier through an access agreement.
- 7.2.6 The following local authorities and members of East London Solutions (ELS) have already given a formal expression of interest to be named and actively engaged in the development of this Framework:
- London Borough of Barking & Dagenham
 - London Borough of Havering
 - London Borough of Redbridge,
 - London Borough of Tower Hamlets
 - London Borough of Waltham Forest
 - London Borough of Newham
- 7.2.7 The Project is led by Barking and Dagenham Children's Commissioning & Procurement team with support from Strategic Procurement and by invitation through Heads of Procurement for all other relevant input.
- 7.2.8 The Procurement will be overseen by a Project Board. The Project Board will be chaired by the lead officer from the London Borough of Barking and Dagenham and Barking & Dagenham will report to ELS through the Shared Services Project Manager of East London Solutions. All participating LA's will have representation on the Project Board.
- 7.2.9 This contract would fall under the heading of "Health and Social Services" and as such is deemed to be a Part B Service under the Public Procurement Regulations and as such is not subject to the full blown EU process in respect of advertising, timescales, etc.
- 7.2.10 A set of stringent evaluation criteria will be established for potential providers. The award of the contract will be based on 40% quality, 60% price; there are five lots and each provider can apply for each lot in each participating authority. The method statement questions are going to be marked by a range of parent representative and authority employees and will focus on the provider's ability to deliver a travel training service for service users with a variety of needs.

7.2.11 The “Call Off” process from this contract will have two strands. The first call off will be in relation to the service being suitable to cater for specific specialism such as visual impairment. The second will be based on price.

7.3 Customer Impact;

7.3.1 Within the Pre-qualifying Questions (PQQ) for this procurement process, section 4 will scrutinise potential providers on their Equality and Diversity measures. The project board will monitor usage of the travel training Framework Agreement to ensure that equitable and appropriate usage is made, liaising with relevant departments of the Council as appropriate

7.3.2 The procurement of the Travel Training Provision will make the authority more adherent to the *Every Disabled Child Matters* agenda.

7.3.3 There is no evidence that indicating that any equality groups other than the identified service user groups will be affected by this tendering process. The impact on this group will be positive in the that is will increase their ability to access various modes of transport and community resources that are available to all groups.

7.4 Safeguarding Children

7.4.1 The well-being of children in the borough – ensuring that potentially vulnerable children, young people and vulnerable adults are safely travel trained is central to the provision.

7.4.2 Integrated service provision – the ability for children and young people to be safeguarded while being travel trained to school allows them to access community services within the community in a safe way. Thereby, this proposal will contribute to supporting positive life chances, educational and social development.

7.5 Health Issues

7.5.1 A Framework Agreement will ensure that the health needs of vulnerable members of society are better supported and self managed where possible to gain better independence for the future

Background Papers Used in the Preparation of the Report: None

List of appendices: None