

# **CHILDREN, YOUNG PEOPLE & SKILLS COMMITTEE ADDENDUM**

**4.00PM, MONDAY, 11 NOVEMBER 2019**

**COUNCIL CHAMBER, HOVE TOWN HALL**

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## **ADDENDUM**

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(a) (iv) Written question from Councillor McNair.	
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Report of the Executive Director for Families, Children & Learning.	



**WRITTEN QUESTIONS FROM COUNCILLORS**

A period of not more than fifteen minutes shall be allowed at each ordinary meeting for questions submitted by Members.

The question will be answered without discussion. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion. The person to whom a question, or supplementary question, has been put may decline to answer it.

**(iv) Councillor Alistair McNair**

“Should schools be held accountable for the long-term staff pay shortfall when  
a) it is not a mistake of schools b) at least one other council has decided to  
make up the shortfall c) it will push many schools into deficit possibly leading to  
“restructuring” d) it leads to staff feeling pressured into not accepting their  
deserved pay increase knowing schools will struggle, e) special schools with the  
highest number of support staff may be asked to repay the most, and f) pupils  
will suffer?”



<b>Subject:</b>	<b>Progress with Home to School Transport</b>		
<b>Date of Meeting:</b>	<b>11 November 2019</b>		
<b>Report of:</b>	<b>Executive Director for Families, Children &amp; Learning</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Georgina Clarke-Green</b>	<b>Tel: 01273 292257</b>
		<b>Richard Barker</b>	<b>01273 290732</b>
	<b>Email:</b>	<b>georgina.clarkegreen@brighton-hove.gov.uk</b>	
		<b>richard.barker@brighton-hove.gov.uk,</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**NOTE:** By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency because of the priority need to commission an Independent Review and establish the Member Policy Panel so that this work can get underway as soon as possible.

The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were to ensure that the Invitation to Quote document linked to the Independent Review had benefited from input from stakeholders and was made available to the committee together with the Terms of Reference for the Cross-Party Member led Policy Panel.

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report provides an overview of the issues that occurred at the start of the new academic year following the introduction of a revised system to allocate home to school transport. This report addresses the actions and progress made immediately following the issues arising.
- 1.2 The report also indicates the appointment process, scope and timescales envisaged for the independent review which will be conducted into the new arrangements, and provides additional details in relation to membership and terms of reference of the cross party member led policy group recommended for consideration by this committee at Full Council on 24 October 2019.
- 1.3 The Lead Member and officers continue to offer their unreserved apologies to the children and young people, families and their representative groups affected by the difficulties.
- 1.4 The resolution of these issues and the need to act on learning arising remains a top priority.

## **2. RECOMMENDATIONS:**

- 2.1 That the committee recognise the efforts of families and their stakeholder organisations in working with the home to school transport team to address issues arising from the new arrangements.
- 2.2 That the committee note the Invitation to Quote document for the establishment of an independent review as detailed in Appendix 1.
- 2.3 That the committee agree to the appointment of a Member Policy Panel and approve the Terms of Reference for the Policy Panel detailed in Appendix 2.

## **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The council very much regrets the difficulties a number of families with vulnerable children have encountered following the introduction of new home to school transport arrangements.
- 3.2 It is important to stress that there has been no change to the council's home to school transport policy and eligibility criteria have not changed. The council has introduced a different way of arranging how the transport operators supply vehicles for journeys to school. We have taken over the responsibility from operators for making the decisions about which pupils go on each journey. This is part of a transformational programme, during which the external consultants Edge Public Solutions (Edge) were contracted to assist and advise.
- 3.3 At the start of the academic year a number of families experienced significant problems with the delivery of the arrangements under the new system. These problems have included issues with some children not being transported to school due to a lack of transport, some short notice changes to arrangements, and some vehicles not being suitable. This was then compounded by issues with communication between the service and families, information sharing, and arrangements for respite and alternative drop offs.
- 3.4 The intention was and is to modernise and improve the service provided with the introduction of new software and the increase in staff based within the team. Previously the council relied on a single operator to make suitable arrangements. The new system is designed to be more resilient in nature with more operators and therefore have more flexibility to find the right transport assistance required.
- 3.5 Despite the disappointing start, the council's ambition is still to deliver a service with greater accountability. The aim is also to build up a body of centrally held knowledge and a skilled council workforce. Under the new system, from now on, the council will hold the relevant information relating to drivers, vehicles, Vehicle Passenger Assistants, as well as the software to retain vital pupil information, records of routes and the results of all spot checks undertaken. The gathered information will be used to make improvements year after year.
- 3.6 It has been recognised that the budgetary overspend of recent years needed to be addressed. However being financially efficient with resources was not the only driver for change. This is in the national context of increasing pressures being



placed upon the council's General Fund and the allocation of funding for the provision of SEN, such as the High Needs Block.

### **Update**

- 3.7 The home to school transport team has responded to complaints from families about allocation by increasing the number of available routes. At the start of November 450 pupils are in receipt of home to school transport, including post 16 settings, and there are 170 separate journeys.
- 3.8 At the start of the new arrangements there were 30 pupils who were not provided with transport and 131 separate journeys commissioned. All of the permanent arrangements are now in place.
- 3.9 The number of operators undertaking work for the council is now 9 and this has increased from 5 under the previous arrangements. All current operators are based in Brighton & Hove or the wider Sussex area. Brighton & Hove City Council's Licensing Team is able to inspect vehicles licensed to councils in Adur/Worthing and Lewes due to reciprocal arrangements.
- 3.10 Information gathered from operators by Edge has now been entered onto the new database to inform the compliance checks that will be undertaken jointly with the Licensing Team. Already two such spot checks have been undertaken; one in response to an allegation that proved to be without foundation and one that resulted in a vehicle being immediately taken out of service.
- 3.11 The council also collects information directly from parents during the summer before the start of term using Pupil Information Sheets. The forms are shared with operators to give information about pupil's needs or equipment and details additional medical needs, behaviour, access issues and communication needs. Unfortunately at the start of term a significant number of Pupil Information Sheets were outstanding and at the time of writing 10 Pupil Information Sheets are still unreturned. Operators were provided with alternative information held by the council in the absence of the sheets. Active consideration is being given to ways to make this system more effective, and it is likely this will be the subject of recommendations and scrutiny in the review.
- 3.12 With the resolution of most of the initial issues, the home to school transport team can now focus on the operational side of the service. However, the team are aware that new day to day issues can always emerge. There is a commitment to be flexible and to resolve problems and concerns as quickly as possible. We continue to encourage families to raise concerns directly with the team.
- 3.13 Any issues passed to the council directly by the Headteachers of the special schools and the Parent and Carers Council regarding the offer of transport in recent weeks are being checked to ensure they have all been responded to and are resolved. Where parents remain unhappy with the arrangements put in place for their child they are being asked to follow the council's appeals process, as set out in the home to school transport policy. These will be reviewed at the earliest opportunity to avoid unnecessary delays.

- 3.14 It is now confirmed that operator vehicles have CCTV installed. During half term, all operators were reminded of the requirements upon them as set out in the service specification made available to them in April 2019. Spot checks continue on vehicles.
- 3.15 Recruitment to the post of home to school transport team leader is in process.
- 3.16 In acknowledgment of the concerns raised, a senior health and safety officer from the corporate team has been placed in the home to school transport team. The senior officer will provide expertise in relation to health and safety risk management; to help develop a robust action plan which outlines actions needed to improve the service, prioritising health and safety management based on risk, and to provide additional resource to revise and further develop the home to school transport risk management procedures. The current focus is on the evaluation of transport requirements to ensure they are more robust and attuned to the child's needs.
- 3.17 The issue of how pupils are received at the two special schools remains unresolved although a temporary arrangement is currently in place until the end of term. The delays in completing grounds work in the car park of Downs View, Woodingdean, exacerbated the issues at the start and the end of the school day. The works are now complete and a new traffic flow is in place. A meeting will take place with the school to consider any issues that remain once the school has had time to assess the impact of the new layout.
- 3.18 The strategic risk register is reviewed quarterly. The next review meeting is on 20 November and home to school transport will be discussed then.
- 3.19 Whilst the council has already identified a series of actions to undertake following its own review of the situation at the start of term, the independent review will also provide a thorough examination of what has taken place and is likely to make further recommendations that the council is committed to acting upon

### **Independent Review**

- 3.20 At the CYP&S committee on 16 September 2019 a commitment was made to undertake a full and fearless independent review to identify the causes of these difficulties so that the council could learn lessons and ensure there was not a repeat of the circumstances that impacted so negatively on a number of families.
- 3.21 The council recognises that the independent review must be directed to investigate all areas of the home to school transport function in order to begin to rebuild trust with the community. The Lead Member has stipulated that the review must be robust and impartial and supported by all those affected. The role Edge has played as part of the council's transformational work to home to school transport is subject to the independent review. Edge is fully committed to participating in the review and will provide relevant information to allow due process to be followed.
- 3.22 As a result, a formal procurement process is being undertaken. The specification details the requirements of a review team informed by the original terms of reference developed earlier. The specification for the review has benefited from

discussion and has been shared with members of the Parent and Carer Council (PaCC) steering group. It has also been shared with the Chair of Audit and Standards Committee.

- 3.23 In order to fairly judge the tenders, an evaluation criteria has been developed that will allow each prospective review team's submission to be considered against it.
- 3.24 Following the receipt of submissions, an evaluation report will be provided to the Lead Member, Chair of the Audit and Standards committee, the Council's Leaders Group and the Parent and Carers Council (PaCC) for their information and for any observations they wish to make to the Chief Executive.
- 3.25 The Chief Executive will make the appointment, informed by the evaluation report and any observations provided to him. The Invitation to Quote document is set out in Appendix 1.
- 3.26 The LGA (Local Government Association) is providing assistance in identifying potential applicants. It had been anticipated that the process would have been underway by November but it has been considered that it was important for there to be confidence in the process by which the appointment was made. The timetable still provides for the independent review report to be available in time for the 13 January 2020 committee.

### **Stakeholder involvement**

- 3.27 The council wishes to acknowledge the significant amount of work that has been undertaken by the PaCC steering group and Amaze, beyond their usual remits. It is the support they have been able to offer families during this time, and their ability to collate the information and experiences which have made their contributions so valuable, informing the council from a position of knowledge and understanding.
- 3.28 The engagement of the PaCC steering group on the Transport Governance Board and their assistance in the drafting of the Terms of Reference that has informed the specification for the independent review is very much appreciated. PaCC's need for additional resource as a result of this increased workload is understood and the current funding arrangements will be reviewed.
- 3.29 The effective independent advocacy of the SEND community that PaCC provides to the council is a strength that the city benefits from and whilst it is accepted that communication with them and other stakeholders has not been as good as we would wish this is an area of improvement the council is determined to address.
- 3.30 We have all learned from this process that it is important to be very clear around how PaCC has been or is involved, and to what level, and if PaCC makes recommendations how these have been taken on board, or not. Having this kind of detailed clarity and understanding when co-producing services is imperative and will help develop our practice and approach to collaborative working.
- 3.31 It is recognised that PaCC will play a pivotal role in providing information to the independent review to ensuring that the whole SEND community is actively

supported and encouraged to play its important part in the review.

- 3.32 The council is committed to ensuring that parents/carers are able to talk to the reviewer at meetings and they will be invited to contact the reviewer directly to share their views. The council will work with Contact, a national charity which represents parents/carers of children and young people who have a disability. Contact's role in the review will be to help facilitate parental engagement and to share sector expertise.

### **Policy Panel**

- 3.33 In addition to the independent review a Notice of Motion in relation to a home to school transport policy panel was considered at Full Council on 24 October 2019. It was referred to the CYP&S committee and seeks to establish a cross-party Member led Policy Panel consisting of six Members, two from each political party and chaired by a Member of the Opposition.
- 3.34 Its purpose, as outlined at Full Council, is to review and discuss solutions to resolving the negative impacts of the implementation of new arrangements this term and oversee any proposals and recommendations from the independent review proposed by the Administration.
- 3.35 Policy panels are working groups and are not subject to any special rules. They are administered by the relevant service and will receive support as required from Legal Services and the Policy Team.
- 3.36 Terms of reference have been developed and are provided in Appendix 2.

## **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 In September 2019, the Lead Member for Children, Young People and Skills committed to undertake an independent review.
- 4.2 In addition it is the unanimous recommendation of Full Council to propose to the CYP&S committee that a cross party policy panel is set up as detailed in the report.

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The Lead Member has sought and received input from the PaCC steering group, Amaze and the Chair of Audit and Standards Committee in the proposed approach in commissioning an independent review. The commitment to ensure the voice of the community is heard is enshrined within the review specification and it is expected the correct level of parental engagement in the review will be facilitated given Contact and PaCC's involvement.
- 5.2 The Lead Member is aware of the concerns of the community in relation to the implementation of the transport arrangements for the academic year 2019/20. The Lead Member has been speaking directly to parents, carers, Headteachers and staff and receiving written feedback both directly and indirectly. This has provided a very clear understanding of the areas of focus for the work to be done.

## **6. CONCLUSION**

- 6.1 The report has detailed the progress made in addressing specific issues that occurred at the start of the academic year. The report also covers the work being done to transform the home to school transport service into one that is better informed, resourced and capable of delivering a high quality provision in the coming years.
- 6.2 The report seeks to give greater reassurance about impartiality by providing information on a transparent procurement process showing how the independent review team will be selected and commissioned. The review team will be directed to look at all aspects of the changes to home to school transport. This will include an understanding of the negative impact on families depending upon a high quality home to school transport service and the equalities implications of children being late to school missing out on lessons.
- 6.3 The expectation remains that a report on its findings will be presented to the CYP&S committee on 13 January 2020.
- 6.4 In addition a cross party member led policy panel will be established to review the current issues and challenges around the home to school transport service and oversee any results of the independent review. It will also provide advice and make recommendations to the CYP&S committee as well as to the Executive Director - Families, Children & Learning, as necessary.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1. The home to school transport budget has been under increasing pressure in recent years. The new system and transformation of practice should enable greater clarity of costs and insight and control over use of resources. Work is currently underway to verify the available financial information and estimate costs from September, following the changes described in the report. The 2019/20 financial position will be reported in the Targeted Budget Monitoring (TBM) month 7 report. There may be additional financial implications from any recommendations following both the independent review and member panel and that will need to be evaluated when the findings are known.

*Finance Officer Consulted: David Ellis*

*Date: 7.11.19*

### Legal Implications:

- 7.2. The report provides a mechanism whereby the committee can be assured of the learning needed in order to ensure that the council continues to be able to meet obligations to provide satisfactory home to school transport both by way of the independent review, and in the establishment of the cross party Member led Policy Panel. The report provides transparency as to the process for the appointment of the reviewer and specification for the review.

*Lawyer Consulted:*

*Natasha Watson*

*Date: 7.11.19*

#### Equalities Implications:

- 7.3. The home to transport service has an existing EIA which has been reviewed in light of recent changes to service delivery. The report details actions to ensure that scrutiny can be undertaken of how the council's home to school transport performed in an unacceptable manner.
- 7.4. The engagement of Contact and the existing work of PaCC will facilitate families to engage properly with the review and address any barrier to participation.

#### Sustainability Implications:

- 7.5. There are no sustainability implications as a result of the proposals in this report.

#### Any Other Significant Implications:

#### Corporate / Citywide Implications:

- 7.6. The report will ensure that lessons can be learnt so that future changes to the home to school transport function do not have such a widespread and negative impact on families of disabled children.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

- 1. Invitation to Quote document
- 2. Terms of reference for the home to school transport policy panel

#### **Documents in Members' Rooms**

None

#### **Background Documents**

None

# Invitation to Quote

**Contract name: Independent Review  
of Home to School Transport  
Arrangements**



**Brighton & Hove  
City Council**

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# 1. Introduction

The purpose of this ITQ is to obtain professional, properly defined and priced propositions and solutions for an Independent Review of Home to School Transport (HTST) arrangements.

## 1.1 The Council

Brighton & Hove City Council (“the Council”) is a ‘unitary authority’, which means that it is a single tier authority responsible for all local governance functions within the area. This includes functions such as social services, libraries, waste disposal and collection, highways, education, planning, licensing and much more.

## 1.2 The Council’s Corporate Priorities

The four strands of the council’s purpose are:

- A good life: Ensuring a city for all ages, inclusive of everyone and protecting the most vulnerable.
- A well run city: Keeping the city safe, clean, moving and connected.
- A vibrant economy: Promoting a world class economy with a local workforce to match.
- A modern council: Providing open civic leadership and effective public services

The council’s purpose is to provide strong civic leadership for the wellbeing and aspiration of the city.

More information about Brighton & Hove City Council is available on our [website](#).

## 2. Overview of independent review

You are invited to submit a quotation for the undertaking of an independent review of Home to School Transport (HTST) in Brighton and Hove. This is following a number of concerns raised in September 2019 about the delivery of our HTST arrangements. The Children, Young People and Skills Committee agreed on the 16th September 2019 to carry out an independent review of these arrangements.

Your quotation must be completed in English and must be submitted no later than **12:00 mid-day Wednesday 20th November 2019 to the LGA. The LGA's contact details are:**

**Alison Michalska**  
**LGA Children's Improvement Advisor SE Region**  
**Tel: 07920727626 Email: [alisonmichalska@icloud.com](mailto:alisonmichalska@icloud.com)**

The LGA have agreed to assist the Council in identifying potential applicants and will contact a range of local authorities in their network but will not play any part in the evaluation of the bids.

The consultant/organisation undertaking the review will need to be able to receive information from a number of stakeholder organisations and be expected to present their report at the Children and Young Person's Scrutiny Committee on the 14 January 2020.

The consultant/organisation will also need to work alongside Contact, a charity for families with disabled children. Contact will be expected to work closely with PaCC to engage with the community and also share the knowledge and expertise on national best practice with regards to running a successful and effective home to school transport department.

### **Budget**

There is an indicative budget of **£10,000** for this assignment, any bids received exceeding this budget will be discarded.

### **Impartiality**

It is a requirement that the consultant/organisation appointed is impartial. When you submit please confirm you have not had any commercial interest in Edge Public Solutions and the following transport operators during the previous 5 years:

Ace Taxis (West Sussex) Ltd  
Ace Travel (Sussex) Ltd  
Brighton and Hove Radio Cabs Ltd  
Brighton and Hove Streamline Ltd  
Brighton Taxi 4 U  
Community Transport (Brighton, Hove and Area) Ltd  
Haywards Heath Taxi Ltd  
Minibus Travel Services Ltd  
Southern Taxis Brighton Ltd  
Spiral  
Sprint Airport Transfers

Please commit to not establishing any commercial connection with these operators during this contract.

## **Confidentiality**

Bidders shall use this ITQ and any other information furnished to them under this ITQ solely for the purposes of responding to this ITQ. All such documents and information bidders receive shall remain the property of the Council, shall be kept confidential and shall be returned to the Council on request. Reproduction of any part of this ITQ is authorised only for the preparation of the response. Bidders shall ensure that all such copies are destroyed when no longer required in connection with this ITQ.

Bidders shall not issue any form of publicity or advertisement regarding this process without the prior written consent of the Council.

Bidders shall not transfer, assign or distribute this ITQ to any other company or person without the written permission from the Council's Corporate Procurement Department. A failure to gain the required authority will in such circumstances prevent consideration of the tendered offer.

Bidders must complete all sections of the ITQ document.

Please answer the questions specifically for your company/organisation.

### 3. Timetable

Please find an indicative timetable

Task	Date
Issue of ITQ documents	<i>Tuesday 12<sup>th</sup> November 2019</i>
ITQ return <b>date</b> and <b>time</b>	<i>12:00pm (noon) Wednesday 20<sup>th</sup> November 2019</i>
Award of Contract	<i>Friday 22<sup>nd</sup> November 2019</i>
Contract Commencement	<i>Monday 2<sup>nd</sup> December 2019</i>
Hold inception meeting	<i>Monday 2<sup>nd</sup> December 2019</i>
Develop draft report	<i>17:00pm Friday 20<sup>th</sup> December 2019</i>
Submit final draft report	<i>17:00pm Monday 6 January 2020</i>
Committees final review	<i>Monday 13 January 2020</i>

### 4. Milestone Dates

The consultant/ organisation must complete their report by 17:00pm on Monday 6 January

The consultant/ organisation must be available to present to present their report at the Children, Young People & Skills Committee on the 13<sup>th</sup> January 2020 at Brighton and Hove City Council.

## 5. Terms & Conditions

The Council's short form consultancy contract terms and conditions will apply to this contract and is attached.

## 6. Specification

**The reviewer will conduct a review of the development of the current Home to School Transport arrangements. The review must include input from stakeholders, specifically PaCC and Contact<sup>1</sup> as well as reviewing documentation and meeting with key officers.**

**The review shall provide a report which considers the following key areas:**

### **Rationale and timescales**

The review shall examine the Council's decision making from October 2018 to the present day.

The rationale for the changes made in 2019 as to how Brighton and Hove City Council commission Home to School transport for vulnerable children.

The extent to which there was appropriate consideration as to the cost implications of introducing a new way of delivering the service.

The extent to which the timetable for implementation of the new system was appropriate.

The extent to which there was appropriate consideration as to the impact on service users of introducing a new way of delivering the service.

The extent to which risk assessment procedures and equalities impact assessment should have been considered at this stage and to what extent they should have been re-examined as the proposals for a new system emerged.

### **Procurement Process**

#### **Procurement of Consultants**

- a) Design and development of the procurement documents which led to the successful bid by Edge, including the extent to which the specification was considered against statutory duties relating to children:
  - How the service specification requirements were identified.
  - The consultation / coproduction process with parents and stakeholders (including PaCC) throughout the whole process of service redesign, and to assess how much their views were taken into consideration when procuring Edge.
  - The degree to which value for money was considered.

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<sup>1</sup> Contact - A national charity for families with disabled children. They support families with guidance and information and bring them together to support each other. They also help families to campaign, volunteer and fundraise to improve life for themselves and others.

- Evaluation process of the bidders: consideration of whether any issues arise from the use of designated authority for the awarding of a contract of this nature.

### **Dynamic Purchasing System and Procurement of Operators**

- b) The effectiveness of the procurement process and the allocation of work relating to operators.
  - How the service specification requirements were identified. Whether they were sufficient and whether a proper process of risk analysis was undertaken.
  - The consultation / coproduction process with parents and stakeholders (including PaCC) throughout the process, and to assess how much their views were taken into consideration when designing the procurement process.

### **Implementation of the new system**

- c) The extent to which there was clarity as to roles and responsibilities of all parties involved in the delivery of the service, including the responsibilities of Edge.
  - The extent to which it was established that operators were required to and were performing to the city's "Blue Book" vehicle standards, including CCTV and whether personal information sheets and safeguarding in respect of each route was in place prior to commencement of service.
  - The extent to which business continuity planning featured in the programme of implementation.
  - The effectiveness of the safeguarding and monitoring arrangements to oversee the implementation of the new service and the ongoing arrangements. Specifically in relation to:
    - Establishing that operators were performing to specification, including in relation to CCTV.
    - That all drivers and escorts had DBS checks.
    - That drivers and escorts had completed the relevant training for the transportation of individuals with special educational needs.
- Strategy around information sharing on the needs of the child, at all stages of the process.
- The effectiveness of the approach in relation to the obtaining of information about pupils, and sharing with operators.
- The effectiveness of the approach as to the assessment of the individual transport needs of the children and young people who were using the service.
- The effectiveness of the approach to the appropriate allocation of transport to vulnerable children and young people, in respect of:
  - The routes
  - The vehicle

- The combination of children
  - The role of the schools
- The communication strategy throughout the period of change, and whether key opportunities to communicate were missed, this should include feedback from all stakeholders about the quality and regularity of communications.
  - The handing back of contracts at short notice including the reasons providers handed back routes that they had secured under competition and their ability to do so without incurring a penalty.
  - Any business continuity planning in place should the handing back of routes at short notice occur.

### **Council's response to the disrupted delivery of the home to school transport service**

- d) The safeguarding implications for children, young people with additional needs accessing the service.
- An analysis of the full impact of the disruption on the service, from the perspective of stakeholders.
  - Consideration as to the crisis management arrangements on behalf of the council to include:
    - The speed of response
    - Allocation of resources
    - Communication with all stakeholders
    - Involvement of key stakeholders in seeking solutions
    - The implementation of the recommendations contained within the PaCC crisis action plan.
    - Actions to mitigate the impact of the handing back of routes by the providers.
  - An analysis of the financial implications- consideration of the impact the changes and the costs of introducing new ways of working had in relation to:
    - Stakeholders, including the costs of external support
    - The Council

### **Concerns & Complaints**

- e) In relation to those children and young people who experienced disruption:
- how the complaints process was communicated to parents, carers and stakeholders
  - how issues and resulting communications (written and verbal) were logged and acted upon

- speed of response
- how were they resolved
- whether there was adherence to safeguarding procedures

### Recommendations moving forward

The review needs to provide clear co-produced recommendations for the future delivery of the service taking into account the learning from the independent review. This may include changes to current operational systems and procedures, and how the Council engages with the community. The review should consider what ongoing formalised scrutiny of the recommendations will be required.

## 7. ITQ Response

### 7.1 Organisation Details

(For information only)

7.1.1	Registered Organisation Name:	
7.1.2	Registered Address:	
7.1.3	Details of contact person for tender	<i>Include name, position, address, telephone number and email address for correspondence.</i>
7.1.4	Phone Number:	
7.1.5	Web site Address:	
7.1.6	Company Registration Number:	
7.1.7	Date of registration:	
7.1.8	Charities/Housing Association or other registration number (if applicable):	<i>Please specify registering body</i>
7.1.9	VAT Registration number (if applicable):	
7.1.10	Legal Status:	<i>Plc, Ltd, Charity etc</i>
7.1.11	Has the organisation traded under any other names:	<i>YES/NO (delete as appropriate and provide details)</i>



## 7.2 Business conduct and history

**(Pass/Fail)** If the Council deems responses submitted in this section to be unsatisfactory, they have the right to fail the application

7.2.1	Do any of the mandatory or discretionary exclusion criteria (see section 4/Appendix A) apply to you or your organisation?	YES/NO (delete as appropriate and provide details if "Yes")
7.2.2	Does the organisation have any outstanding legal actions against it?	YES/NO (delete as appropriate and provide details if "Yes")
7.2.3	Have you or your organisation ever been accused of or committed an act of grave misconduct in the course of your business or profession?  In this context "grave misconduct" includes any breach of The Employment Relations Act 1999 (Blacklists) Regulations 2010	YES/NO (delete as appropriate and provide details if "Yes")
7.2.4	In the last three years has your organisation:  a) Had a contract terminated or been refused the opportunity to re-tender for a contract? b) Been successfully sued for breach of contract?	a) YES/NO (delete as appropriate and provide details if "Yes")  b) YES/NO (delete as appropriate and provide details if "Yes")
7.2.5	Have any senior members of your organisation been involved in any firm that has been liquidated or gone into receivership?	YES/NO (delete as appropriate and provide details if "Yes")
7.2.6	Within the last five years has your company been subject to any actions by the Health & Safety Executive or Environment Agency in respect of any suspected breach of legislation?	YES/NO (delete as appropriate and provide details if "Yes")
7.2.7	Within the last three years, has any adverse finding been made against your organisation by an Employment Tribunal, Employment Appeal Tribunal or any court, in relation to any claim made by your current, former or potential employees?	YES/NO (delete as appropriate and provide details if "Yes")

**(For information only)**

7.2.8	Are you an existing or previous supplier to the Council?	YES/NO (delete as appropriate and provide details of previous contracts if "Yes")
7.2.9	Have any of your senior managers or employees directly involved in the provision of this contract (or their relatives) been employed by, or elected Members of, the Council within the last five years?	YES/NO (delete as appropriate and provide details if "Yes")
7.2.10	Does your organisation have any direct or indirect association with any Member or employee of the Council?	YES/NO (delete as appropriate and provide details if "Yes")

**If your organisation is a subsidiary of another organisation**, please answer the four questions below:

7.2.11	Please provide a copy of your parent organisation's accounts for the last two years* as an appendix. These accounts should be audited if this is a requirement for your parent organisation.  *if your parent organisation is unable to provide two years of data please contact the Council via the Portal.	Information attached? YES/NO
7.2.12	Please provide confirmation of your organisation's willingness to arrange for a guarantee or a performance bond if requested.	YES/NO
7.2.13	Please provide the Name and Registered Address of the ultimate parent company	
7.2.14	Please provide the Registration Number of the ultimate parent company	

**7.3 Equalities and Diversity**  
**(For information only)**

7.3.1	Does your organisation have policies in place to ensure compliance with the Equality Act 2010 relating to equal opportunities, discrimination and harassment?	YES/NO (delete as appropriate)
7.3.2	In the last three years has your organisation been the subject of formal investigation by any statutory body in relation to your employees?	YES/NO (delete as appropriate and provide details if "Yes")
7.3.3	Do you have a responsible person nominated for equal opportunities/discrimination/harassment control?	YES/NO (delete as appropriate)
7.3.4	Do all your staff receive training on equal opportunities, discrimination and harassment issues, proportionate to their responsibilities and roles?	YES/NO (delete as appropriate)
7.3.5	Does your organisation carry out equal opportunities monitoring?	YES/NO (delete as appropriate and provide details of monitoring categories used if "Yes")
7.3.6	Does your organisation provide a minimum of the Living Wage for all staff? Details about the Brighton Living Wage can be found <a href="#">here</a> , and more information regarding the Living Wage can be found at this <a href="#">website</a>	YES/NO (delete as appropriate)

## 8. Tender Evaluation

8.1 **Tenders will be evaluated on price 25% and quality 75% Total = 100%**

### 8.2 Quality Evaluation Criteria

Submissions will be evaluated by the evaluation panel. There are three types of question - bidders should ensure they answer each question as part of their submission, even if it is not scored:

- 1. For information only** – these questions are not scored or evaluated and help give the Council more information on bidders.
- 2. Pass/Fail** – these are areas the Council considers essential to perform the contract. Bidders must pass all of these questions to be considered for full evaluation and shortlisting.
- 3. Scored** – these relate to this specific contract and allow the Council to differentiate between submissions for awarding the contract.

Scored questions are scored on a scale of 0 - 5, as per the table below:

Score	Performance	Judgement
5	Meets and exceeds criteria	Excellent
4	Meets the criteria	Good
3	Meets the criteria in most aspects, fails in some	Satisfactory
2	Fails to meet the criteria in most aspects, meets it in some	Unsatisfactory
1	Significantly fails to meet the criteria	Poor
0	Completely fails to meet the criteria	Not to be

Scored questions will be assessed by the evaluation team, who will agree on a single moderated score for each question. Scored questions will carry a **weighting**, as indicated in each question.

The formula used to calculate the weighted scores for each scored question is:

$$\text{Question Weighted Score (\%)} = (\text{Bidder's score} / \text{maximum score e.g. 5}) \times \text{Question Weighting.}$$

The weighted scores for each question will then be added together to give an overall weighted score for each submission.

Quality Criteria	Weightings (%)
Experience	40
Stake holder management	30
Methodology	20
Timetable	10

### 8.3 Quotation requirements - technical & professional capability

Please provide method statements detailing your proposals for delivering the specification detailed above.

Please include the following key points:

#### **Experience: (maximum word limit 1000 words) (40% weighting)**

Please tell us about your experience and expertise in relation to the operational and strategic delivery of Home to School Transport. The Council is looking for providers who have had previous experience in reviewing the systems and procedures employed to run an effective and safe home to school transport service. An understanding/ working knowledge of the complexities involved in arranging transport for children and young people with special educational needs is essential. Applicants who can demonstrate they have had direct experience of managing or leading a successful home to school transport service will achieve a higher score in this section. In particular, please provide the following:

- List qualifications relating to SEND Law (broadly Children, Education, Equalities Acts) plus Disabilities Training
-

- Provide evidence of satisfaction levels of provision from parent carers and schools/colleges (if applicable)
- Demonstrate experience of effective co-production with a parent carer forum and the broader SEND community, including seldom heard and YP

### **Stakeholder Management (maximum 1000 word limit) (30 % weighting)**

In line with the specification, please detail in your Stakeholder Management Plan how you/ your organisation will communicate and work with all stakeholders detailed in the specification. The Council is looking for details within the plan which show the different methods you will employ to engage all stakeholders and what flexibility you are able to apply to ensure we capture their views. In addition, the Council would also want to know how you propose to report stakeholder feedback and make it an integral part of the final report.

The following partners and stakeholders must be contacted as part of the process:

- The Executive Director of Families, Children and Learning and the Assistant Director for Education & Skills
- Members of PaCC and Amaze
- Parent / carer community (opportunity to input via focus groups and to comment anonymously)
- Where appropriate young people who use the home to school transport service
- Councillors who have been contacted by parents expressing concerns
- Officers from the city council HTST team, procurement and legal teams
- Edge consultants
- The contractors providing transport
- Union representatives
- Head teachers and chairs of governors of the Specialist SEND hubs, plus staff representation from mainstream schools
- Specialist after school provision operators, respite providers and social workers where relevant

Those applicants who are able to provide a range of strategies to engage stakeholders and who can evidence how feedback from stakeholders has shaped future recommendations will receive higher marks in this section.

### **Methodology: (maximum 1000 word limit) (20% weighting)**

Please tell us how your company will undertake each aspect of the independent review, in doing so please refer to sections of the specification. Include any information/ documents/ data you/ your organisation will require beforehand so that you are able to identify the key points of focus for the onsite visit.

The Council is looking for a flexible and thorough approach to the review that takes into account the local context within which the Brighton and Hove City Council home to school transport service operates. Those applicants who can clearly articulate how their methodology will provide a set of evidence based recommendations will receive a higher score for this section.

### **Timetable: (maximum 1000 word limit) (10 % weighting)**

In line with the specification, please provide your proposed timetable which is to detail all review stages and milestones, including the start/end date of each task and the meeting of the review deadline. The timetable is to be a Gantt chart or similar and be attached as a separate A3 PDF document (max 2 pages).

A timetable that is able to fulfil all of the above criteria will receive higher marks in this section.

#### 8.4 Price Evaluation Criteria

Tenderers must submit:

- 1) A total fixed cost to deliver the Project Outputs and Products, and Consultation and Engagement as outlined in this ITQ document and related Appendices.

The total fixed cost will be scored. Please also include a detailed breakdown of the total fixed cost between the outputs, products and tasks as a separate pricing schedule. This will not be scored; however, it is important that the Council is able to assess the whole life cost of this project and the value for money that is offered up to £10,000 estimated budget.

- 2) A fixed day-rate for any work that may be required to update the outputs and products of the assignment for a 5 month period after its completion.

Price	Weighting (%)
<p>A total fixed cost to deliver the Project Outputs and Products, Consultation and Engagement as outlined in this ITT document and related Appendices.</p> <p>Note: The total fixed cost will be scored. Please also include a detailed breakdown of the total fixed cost between the outputs, products and tasks as a separate pricing schedule. This will not be scored; however, it is important that the Council is able to assess the whole life cost of this project and the value for money that is offered up to £10,000 estimated budget.</p>	90
<p>A fixed day-rate for any work that may be required to update the outputs and products of the assignment for a 5 month period after its completion.</p>	10

The total fixed delivery cost will be scored using the following formula:

- Total fixed delivery cost = (Lowest tendered fixed price / fixed tender price) x weighting (90%)

The fixed day rate element will be scored using the following formula:

- Fixed day rate = (Lowest tendered day rate / fixed tender day rate) x weighting (10%)

The overall price score will be the two combined price scores multiplied by the overall weighting of 25 %.

## 8. Pricing Schedule

<b>Consultant fees</b>
<b>Expenses (Incl. subsistence)</b>
<b>Other costs</b>
<b>Hours required for preparation work</b>
<b>Fixed Day rates</b>

### 8.1 Payment terms:

8.1.1 The price shall be indicated exclusive of VAT

8.1.2 The price shall be inclusive of all out of pocket expenses, including telecommunication, copying, printing, photography, materials, report preparation and publication, presentation materials, travel, subsistence and accommodation.

## 9. References

**(Pass / Fail)** Tenderers are required to provide details of three references with which you have had a contract of a similar size and characters that proposed by the Council within the last three years, two of which must be current. If you have a current contract with the Council, the Council reserves the right to use this as one of the references. References will form part of the evaluation process.

	Reference 1	Reference 2	Reference 3
Name			
Organisation			
Contract name			
Scope of contract			
Title			
Address			
Tel. No.			
Fax No.			
Email Address			
Contract length			
Annual Contract Value			

## 10. Non Collusion Certificate

**TO: Brighton & Hove City Council**

**RE:**

The essence of the public procurement process is that the Council shall receive bona fide competitive tenders from all Bidders. We, the undersigned, hereby certify that this is a bona fide bid and (except as authorised in the Invitation to Tender) we have not, and insofar as we are aware neither has any of our officers, employees, servants or agents:

- (i) Entered into any agreement with any other person with the aim of preventing bids being made or as to the fixing or adjusting of the amount of any bid or the conditions on which any bid is made; or
- (ii) Informed any other person, other than the person calling for this bid, of the amount or the approximate amount of the bid, except where the disclosure, in confidence, of the amount of the bid was necessary to obtain quotations necessary for the preparation of the bid for insurance, for performance bonds and/or contract guarantee bonds or for professional advice required for the preparation of the bid; or
- (iii) Caused or induced any person to enter into such an agreement as is mentioned in paragraph (i) above or to inform us of the amount or the approximate amount of any rival bid for the agreement; or
- (iv) Committed any offence under the Bribery Act 2010; or
- (v) Offered or agreed to pay or give any sum of money, inducement or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other Bid or proposed Bid for the works any act or omission; or
- (vi) Canvassed any other persons referred to in paragraph (i) above in connection with the agreement; or
- (vii) Contacted any officer of Brighton and Hove City Council or their agents about any aspect of the agreement including (but without limitation) for the purposes of discussing the possible transfer to the employment of the Participant of such officer or agent for the purpose of the agreement or for soliciting information in connection with the agreement.

We also undertake that we shall not procure the doing of any of the acts mentioned in paragraphs (i) to (vii) above before the hour and date specified for the return of the bid nor (in the event of the bid being accepted) shall we do so while the resulting contract(s) continue in force between us (or our successors in title) and Brighton and Hove City Council

In this certificate, the word “person” includes any person, body or association, corporate or incorporate and “agreement” includes any arrangement whether formal or informal and whether legally binding or not.

Signed	
Name	
Position in organisation	
For and behalf of	
Date	



## 11. Freedom of Information

In accordance with the obligations and duties placed upon public authorities by the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 (together the 'Information Laws'), all information submitted to the Council may be disclosed in response to a request made pursuant to the Information Laws.

In respect of any information submitted by a Bidder that the Bidder considers to be commercially sensitive the Bidder should set out the following information in the box below.

- clearly identify such information as commercially sensitive
- explain the potential implications of disclosure of such information
- provide an estimate of the period of time during which the Bidder believes that such information will remain commercially sensitive

Where a Bidder identifies Information as commercially sensitive, the Council will endeavour to maintain confidentiality. Bidders should note, however, that even where information is identified as commercially sensitive, the Council might be required to disclose such information in accordance with the Information Laws. Accordingly the Council cannot guarantee that any information marked 'commercially sensitive' will not be disclosed.

In accordance with Section 10 above, please submit your response below.

## 12. Form of ITQ

**To: Brighton & Hove City Council**

**Dear Sir/Madam,**

**ITQ for: The supply of an independent review of Home to school transport in Brighton and Hove.**

We the undersigned DO HEREBY UNDERTAKE on the acceptance by the Council of our tender to supply and deliver the services on such terms and conditions and in accordance with such specifications as are contained or incorporated in the Contract.

Any prices, rates or discounts quoted in this tender are valid for 180 days after the tender return date and we confirm that the terms of the tender will remain binding upon us and may be accepted by you at any time before the expiry of that period.

Signed	
Name	
Position in organisation	
Duly authorised to sign tenders for and behalf of <i>[Name]</i>	
Registered Address	
Nationality of Company	
Company number	
Date	

**TERMS OF REFERENCE FOR THE HOME TO SCHOOL TRANSPORT POLICY PANEL**

**1. Name**

- 1.1 The panel shall be called the Home to School Transport Policy Panel (“the Panel”).)

**2. Purpose and remit**

- 2.1 The Panel shall:

- Review the current issues and challenges around the home to school transport service and oversee any results of the Independent External Review;
- Provide advice and make recommendations to the Children, Young People and Skills Committee as well as to the Acting Executive Director, Families, Children & Learning, as necessary.

**3. Status**

- 3.1 The Panel have the status of a task and finish policy panel. It will be an advisory body and will not have subcommittee status. The political balance rules in section 15 of the Local Government and Housing Act 1989 will not apply.

**4. Reporting**

- 4.1 The Panel will report to the Children, Young People and Skills Committee with recommendations, but may also provide advice to the Executive Director for Families, Children & Learning as necessary.

**5. Membership**

- 5.1 Membership of the Panel shall consist of 6 elected Members, 2 each from the three political groups on the Council nominated by their Groups.
- 5.2 The appointments may be made, in accordance the wishes of the political Groups, at the meeting of the Children, Young People & Skills Committee when the terms of reference are agreed or notified to Executive Director by the relevant Group following the meeting.
- 5.3 Nominees will normally be selected from the membership of the relevant parent committee(s).

## **6. Chairing of meetings of the Panel**

- 6.1 The Chair of the Panel shall be appointed by the Children, Young People and Skills Committee from members of the Panel who are members of the opposition.
- 6.2 If the Committee does not appoint the Chair, the Panel itself will appoint the Chair at its first meeting. An Officer authorised by the Executive Director will preside over the appointments process.

## **7. Meetings and ways of working**

- 7.1 The Panel will agree ways of working appropriate to its role and remit at the scoping meeting (the meeting to discuss how the work will be organised, who to invite, and timescales.)
- 7.2 In line with normal practice, it is expected that the Panel will have 3 or 4 meetings, but this is without prejudice to the ability to have additional meetings if the Panel consider it necessary.
- 7.3 The Panel will decide whether some or all of its meetings are open to the public having regard to the nature of the issues to be discussed, the wishes of witnesses and any legal or commercial sensitivities.

## **8. Duration**

- 8.1 As an ad-hoc panel, the Panel will come to an end when it concludes its deliberations and submits its report, if any, to the Parent Committee. This is expected to be early in the new year.