

Children, Young People & Education Scrutiny Commission Report

Update – Commissioning approach to
SEND Transport

Lead Members: Cllr Elly Cutkelvin
& Councillor Sarah Russell

Date: 6 December 2022

Lead Strategic Director: Martin Samuels

Useful information

- Ward(s) affected: All
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1. Summary

- 1.1. In April 2021 The Council set out its commissioning programme for Transport in light of growing costs, and over reliance on the use of Taxi's to transport SEND children to and from school. The commissioning programme included 2 parallel workstreams 1. reducing reliance on the use of taxis; and 2. the procurement of any remaining required taxi arrangements.
- 1.2. This report provides the Children, Young People & Education Scrutiny Commission with an update on the commissioning programme for Special Education Needs and Disabilities (SEND), including the Taxi re-procurement exercise to ensure new contracts were in place with effect from 1 April 2022 and progress on managing demand and reducing reliance on the use of taxis.
- 1.3. Work has progressed against both workstreams, but currently The Council still predominately uses taxis to meet its legal requirement to ensure children and young people with SEND can attend their identified school. For 2021/22 the Council commissioned 206,089 journeys for 1451 pupils with SEND, at a cost of £11.2m.
- 1.4. The existing contracts were due to expire, a re-procurement exercise took place during 2021 to ensure new contracts were in place with effect from 1 April 2022. Two procurement options were considered, including a Framework Agreement and a Dynamic Purchasing System.
- 1.5. The Framework Agreement was discounted because this would restrict the number of providers the council could work with for the length of the Framework.
- 1.6. Therefore, a Dynamic Purchasing System was tendered as the new model of delivery. This was the favoured option because it was being used in other local authorities successfully and we had access to a system within the Council. Paragraph 3.11 explains how the system works in detail.
- 1.7. The new system has 26 taxi companies registered to deliver journeys (with 3 further providers awaiting approval), compared to 22 for the previous

framework. Although the Dynamic Purchasing System was introduced in April 2022, changes were introduced over a 5-month period to reduce the impact on children and families, and wherever possible, the same taxi company was used if they were included on the new system.

- 1.8. In terms of costs, these have risen from over £11m for 2021/22 to an estimated cost of over £14m for 2022/23, which equates to a 27% increase. This reflects the national situation in terms of increasing fuel costs, inflation, wage increases and the cost of living. Information received from the East Midland Directors for Children's Social Care suggest that many have seen increases of up to 40%. Also, the Council's Licencing Service has agreed a 40% increase to the Hackney Taxi fares, which again emphasizes the increasing cost for this sector.
- 1.9. Due to the additional burden on the General Fund budget, other options for providing travel support continues to be promoted and explored via the Reducing Reliance programme. This has included in 2021-22:
- the review and implementation of the Council's Travel Policy (April 2022), which defines the eligibility criteria and includes a range of alternative travel options for families including Personal Transport Budgets, Bus Passes, Independent Travel Training.
 - Working with one Special School to trial the school transporting its own pupils
 - Researching purchasing/loaning cars to families
- 1.10. As part of the managing demand workstream for the Commissioning of transport, consideration is also being given to increase the use of the Council's 'in house' buses. Further information is detailed in the main body of the report.

2. Recommendations

- 2.1 The Children, Young People & Education Scrutiny Commission is recommended to note the contents of this report and to provide comment/feedback.

3. Background Information

- 3.1 The Council has a legal duty to make, in the case of an eligible child, such travel arrangements as they consider necessary to facilitate a child's attendance at school. Eligible children include those of statutory school age if their nearest school is beyond 2 miles (below the age of 8) or beyond 3 miles, those children who cannot reasonably be expected to walk to school because of their mobility problems or because of health and safety issues relating to their special educational needs or disability and those children

who cannot reasonably be expected to walk to the nearest suitable school because the nature of the route is deemed unsafe to walk.

- 3.2 Most children and young people in the city live within walking distance of their local designated school, but for those with Special Educational Needs and Disabilities (SEND) and have an Education Health & Care Plan (EHCP) the majority will be eligible for travel assistance.
- 3.3 For 2022/23 it is predicted that 836 pupils will be transported by a taxi at an average cost of £12.3k per annum. 550 pupils are placed on an in-house bus at a cost of £6.8k per annum and a further 151 pupils will be in receipt of a Personal Transport Budget at an average cost of £2.4k per annum.
- 3.4 These numbers will increase as the number of children and young people becoming eligible for a EHCP with a forecast increase of 11% in 2023/24 and 9% in 2024/25. This is a national issue, driven by factors associated with covid, although Leicester EHCP numbers are still lower when compared to our statistical comparator group.
- 3.5 Currently 50% of children and young people with an EHCP receive travel assistance, with 50% of these using taxis, 40% accessing the Council's in house bus fleet and 10% taking a Personal Transport Budget.
- 3.6 As part of the managing Demand workstream for Commissioning Transport, actions are currently in place to reduce the use of taxis, which includes a stricter application of the Councils Travel Policy (last updated in April 2022). This includes the use of a Personal Transport Budget as the first option. A Personal Travel Budget includes a yearly payment of £500 and 45p per mile to and from school. The average cost is £2.4k compared to £12k per annum for a taxi. If this is refused then an in-house bus will be offered, unless there are behavioural issues or if the school is not on a bus route. A taxi will only be allocated if no other option is available.
- 3.7 Further work is in progress for a Special School to trial transporting their own pupils following a review of locations and viability of transporting pupils together. Additionally, pupils have been travel trained in a mainstream school, following which there are opportunities for bus passes to be issued. Work was undertaken to research purchasing electric cars for families, as a trial unfortunately due to issues with components this was not a viable option to pursue further.
- 3.8 The council is not obliged to provide travel assistance to those young people aged 16 plus in further education, unless there are exceptional circumstance and following a consultation process it was agreed that a 2-year transition period would be allowed, which ends in 2024. This is likely to save up to £1m from 2024/25. If travel is supported, then they will only be offered a Personal Transport Budget.
- 3.9 The Council is also increasing the use of Designated School Placements (DSP), these are units based in mainstream schools that support children

and young people with SEND, which allows them to interact with their peers in their local school/community, whilst receiving additional educational support.

- 3.10 EHCP's are reviewed each year to ensure they are still relevant to a child's developing needs. This review will now also include an update of any travel arrangements to determine if transport is still needed and if so, it can be changed to remove the use of a taxi. This includes the use of travel training for young people to increase their independence as they move into adulthood.
- 3.11 In terms of the taxi provision, the Council has contracted with a number of local taxi companies for a number of years, but due to the value of the contract, a re-procurement exercise was needed. A re-procurement exercise commenced in June 2020 but was abandoned in January 2021, after the taxi companies that were awarded, contracts refused to accept the new price, despite being fully engaged in the process.
- 3.12 Therefore, a further re-procurement exercise commenced in November 2021, and it was decided to use the Dynamic Purchasing System (DPS). This system was chosen over the traditional Framework Agreement aiming to get as many providers (including individual drivers) to bid for the journeys and create as much competition in the market to reduce journey costs.
- 3.13 The benefits of the system are that it is open to the market and providers/individual drivers can join the DPS at any time during the life of the framework. The journeys are published and open for providers to bid and awarded to the most economically advantageously bid. It is anticipated a greater number of providers on the framework will create increased competition in the market.
- 3.14 However, the concerns are the expectation of number of providers joining DPS and bidding on journey advertised has not met our expectations, therefore the journey costs have not reduced as much as we had anticipated. Additionally, bids are not being received from a diverse range of providers and journeys remain with a select number of providers
- 3.15 Whilst the current taxi contract is stable and is not due to expire until 2027, the costs continue to increase and therefore work is currently in progress to look at increasing the in-house bus provision. This will include the cost of developing new routes to the Designated School Placement sites, and the possibility of using local pickup points to reduce the time pupils sit on buses, as traditionally they would go from house to house. Consideration is also being given to looking at the split shifts to make the driver role more attractive. It is envisaged that this work will be completed towards the end of January with changes being implemented during early 2023.

4. Scrutiny Overview

4.1 A verbal update was provided to the Children, Young People & Education Scrutiny Commission meeting on 14 June 2022.

5. Finance

The rising cost of SEN home to school transport is unsustainable. Unlike special school placements which are funded from the dedicated schools grant, transport has to be paid for from the LA's general fund. The LA spent £11.2m in 2021/22 and is forecasting £12.8m in 2022/23, £1.5m more than the budget.

Numbers of EHC plans have been rising significantly (a problem nationally) which has increased demand for transport. Taxi firms failed to implement the fixed rate per mile framework contract in January 2021. As a result, the LA continues to be exposed to taxi firms tendered prices under the revised procurement process. Rates were increased by 10% after pressure from taxi firms in 2022 following the fuel price increase. Re-procurement of journeys using the dynamic purchasing system has seen rates increase further (on average by 5%) from September 2022.

Personal transport budgets are being promoted heavily as the first option where transport support is required. Increasing the number of bus routes is also being looked at where this makes economic sense compared to using an individual taxi. The proportion of children using taxis for transport support needs to reduce significantly as the budget for home to transport is to become sustainable.

Martin Judson, Head of Finance

6. Legal

The legal obligations in relation to home to school transport are set out in paragraph 3.1 of the report. On the basis that no proposals are set out in the report, there are no further legal implications arising at this time.

Julia Slipper, Principal Lawyer (Education & Employment) Tel: ext 6855

7. Equalities

When making decisions, the Council must comply with the Public Sector Equality Duty (PSED) (Equality Act 2010) by paying due regard, when carrying out their functions, to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people who share a 'protected characteristic' and those who do not.

In doing so, the council must consider the possible impact on those who are likely to be affected by the recommendation and their protected characteristics.

Protected groups under the Equality Act 2010 are age, disability, gender re-assignment, pregnancy/maternity, marriage and civil partnership, race, religion or belief, sex and sexual orientation.

The report provides an update on the taxi re-procurement and the decision to put in place a dynamic purchasing system as the new model of delivery. The model was introduced in April 2022 and embedded over the next five months in order to reduce the impact on children and families.

An Equality Impact Assessment has been carried out on the Taxi Procurement, however this was based on the Taxi Framework Agreement. The EIA needs to be updated to reflect the chosen service delivery model, the dynamic purchasing system and also needs to reflect changes cited in this report such as the review and implementation of the councils travel policy. Need to ensure equality considerations are taken into account not just in the EIA but also the decision-making process, as they will have a direct impact on children and their families and the provision of travel available to them.

Further advice and guidance can be sought from the Corporate Equalities Team.

Sukhi Biring, Equalities Officer, 454 4175