

City Chambers,
DUNDEE.
DD1 3BY

18th November, 2011

Dear Sir or Madam,

EDUCATION COMMITTEE

You are requested to attend a MEETING of the **EDUCATION COMMITTEE** to be held in the Main Council Chamber, City Square, Dundee on Monday, 28th November, 2011 at 6pm.

Yours faithfully,

DAVID K DORWARD,

Chief Executive.

Members are reminded that, in terms of The Councillors Code, it is their responsibility to make decisions about whether to declare an interest in any item on this agenda and whether to take part in any discussions or voting.

This will include all interests, whether or not entered on your Register of Interests, which might be perceived as influencing your opinion/vote on any matter.

AGENDA OF BUSINESS

1 EAST CENTRAL TERRITORY HUB

(Report No 488-2011 enclosed)

This report also falls to be dealt with by the Policy and Resources Committee.

2 CODE OF PRACTICE FOR THE HOME - SCHOOL TRANSPORT OF CHILDREN WITH ADDITIONAL SUPPORT NEEDS

(Report No 515-2011 enclosed)

3 CHANGE OF VICTORIA DAY HOLIDAY FROM MONDAY, 28TH MAY, 2012 TO MONDAY, 4TH JUNE, 2012 (AN182-2011)

The Council has agreed to mark the Queen's Diamond Jubilee on Tuesday, 5th June, 2012 and permission has been granted by the Scottish Government for Dundee schools to be closed on this date. To make it easier for parents to organise childcare arrangements, the proposal is to move the Victoria Day holiday from Monday, 28th May, 2012 to Monday, 4th June, 2012. This will mean that schools will be closed on the 4th and 5th of June. There are no SQA examinations on either date.

The Committee is asked to approve the change of date for the Victoria Day Holiday and to instruct the Director of Education to notify parents and carers of the change with immediate effect. This will give parents and carers the opportunity to make childcare arrangements well in advance.

REPORT TO: EDUCATION COMMITTEE - 28 NOVEMBER 2011
POLICY AND RESOURCES COMMITTEE - 28 NOVEMBER 2011

REPORT ON: EAST CENTRAL TERRITORY HUB

REPORT BY: CHIEF EXECUTIVE AND DIRECTOR OF FINANCE

REPORT NO: 488-2011

1 PURPOSE OF REPORT

1.1 This report seeks approval for the appointment of a Private Sector Development Partner and the establishment of Hubco.

2 RECOMMENDATIONS

2.1 It is recommended that the Committee approves;

- (i) the selection of Amber Blue (a consortium of Robertson Group [Holdings] Ltd, International Public Partnerships Ltd and Forth Holdings Ltd) as the Private Sector Development Partner in Hubco as recommended by the Hub East Central Territory Programme Board;
- (ii) the establishment of Hubco, the investment in the Hubco shareholding of £100 and the provision of participants' working capital of circa £300k, all costs to be met from enabling funds made available by Scottish Futures Trust;
- (iii) the entering into of the Territory Partnering Agreement, Shareholders' Agreement and Participants' Agreement with delegated authority to Iain Lilburn, Capital Projects Finance Manager, to execute the same on behalf of the Council following the resolution of final clarifications and subject to the final agreement of the Depute Chief Executive (Support Services);
- (iv) the appointment of Tom Steele, Director of Strategic Projects and Property, NHS Forth Valley as the B Shareholders' Director on the Board of Hubco;
- (v) the appointment of Catherine McFie, East Central Territory Programme Director, as the B Shareholders' Representative and Participants' Representative under and in terms of the Participants' Agreement with delegated authority to take any action, grant any approval or consent or sign any notice required in terms of the Shareholders' Agreement and Territory Partnering Agreement;
- (vi) the appointment of Iain Lilburn as the Council's officer representative on the Hub East Central Territory Partnering Board and Neil Martin as substitute representative, both with delegated authority to make any decisions on its behalf which require to be taken by the Territory Partnering Board pursuant to its constitution; and
- (vii) the inclusion of Harris Academy as an identified project in the East Central Territory Delivery Plan.

3 **FINANCIAL IMPLICATIONS**

- 3.1 There are no direct financial implications resulting from this report other than travelling expenses etc. in attending meetings.
- 3.2 Management of the procurement process has been met from within the resources allocated to the Hub East Central Territory Programme Board. Additional financial implications will be brought forward to the Hub East Central Territory Participants following formation of the Hubco and any stage 1 business cases for schemes.
- 3.3 The equity required by the seventeen Public Sector Participants who will become shareholders to set up the Hubco is £100 and working capital is circa £300K. These funds have been made available through Hub enabling funds.
- 3.4 The Hub East Central Territory Programme Board have a revenue budget of £1.4m which is forecast to last until 2015 and will be closely monitored by the Territory Partnering Board with appropriate reporting to Participants. The Territory Partnering Board will be required to make recommendations to Participants on the level of budget and associated staffing required after 2015. Dundee City Council is currently under no obligation to meet any future costs that may arise.
- 3.5 Any project development costs relating to the replacement of Harris Academy will be reported separately.

4 **MAIN TEXT**

Background

- 4.1 Reference is made to Article II of the minute of the meeting of the Policy and Resources Committee of 26 April 2010 when the Committee considered Report No 207-2010 and agreed inter alia to participate in developing the East Central Territory Hub.
- 4.2 Reference is also made to Article VII of the minute of the meeting of the Policy and Resources Committee of 12 September 2011 when the Committee considered Report No 346-2011 describing the Hub Procurement Programme and agreed to consider the appointment of the Private Sector Development Partner, the establishment of Hubco and the entering into of the Shareholders' Agreement, the Participants' Agreement and the Territory Partnering Agreement at this Committee.
- 4.3 The Committee also instructed the Chief Executive to communicate to the East Central Territory Programme Board the City Council's expectation that in selecting the Preferred Bidder adequate weighting would be given to the proposed methodology for demonstrating value for money on individual Hub projects, to the potential for Hubco making use of in-house design teams, to individual authorities having a choice of local contractors for carrying out construction and maintenance works and to the wider community benefits that will be delivered through the Hub procurement programme in areas such as

employment, training and business development. This was subsequently conveyed to the Chair of the Hub Board.

- 4.4 The Chair of the Hub Board in his response confirmed that these issues had been prominent in discussions at the Programme Board and that they had formed a core element of discussion with the bidders with all Participant's views and challenges being explored throughout the Competitive Dialogue. Furthermore each of the shortlisted bidders had included proposals to address each of the concerns in their final bid submissions.
- 4.5 The Hub structure will encompass both private project finance and traditionally publicly funded developments. The equity and working capital of Hubco will be split among the Private Sector Development Partner, the seventeen Participants and the Scottish Futures Trust (60%, 30% and 10% respectively). A Shareholders' Agreement among the Private Sector Development Partner, the seventeen Participants and the Scottish Futures Trust will regulate the respective rights and responsibilities of each party and set out the matters in relation to which Hubco must first obtain the consent of each category of shareholder. A Territory Partnering Agreement among the seventeen Participants and Hubco will set out the rights and obligations of the parties, including the provision of partnering services by Hubco to the Participants. A Participants' Agreement will record the arrangements which are to apply among the Participants in relation to joint decision-making in the context of the Territory Partnering Agreement and the Shareholders' Agreement and other matters associated with their involvement in the East Central Territory Hub.
- 4.6 The East Central Territory Delivery Plan sets out the strategic direction for the Hub Territory and is a live document which is reviewed on a regular basis. The plan lists those projects that have been identified by Participants for delivery through Hub.
- 4.7 Although it is not currently obligatory for local authorities to participate in Hub, the Scottish Futures Trust have advised that the preference is that school projects financially supported by the Scottish Government under Scotland's Schools for the Future programme, e.g. Harris Academy, should be procured through Hub unless the local authority can demonstrate that better value could be achieved by using an alternative procurement route. The only Dundee City Council project currently included in the East Central Territory's list of identified projects is Harris Academy.
- 4.8 ***Selection of Private Sector Development Partner***

An Evaluation Team was formed from the Territory Programme Team along with three participant member representatives from NHS Forth Valley, Fife Council and Clackmannanshire Council and a representative from Scottish Futures Trust and the team were granted delegated authority from the Programme Board to undertake the detailed assessment and scoring of submitted Final Tenders from the shortlisted bidders Amber Blue (Robertson Group [Holdings] Ltd, International Public Partnerships Ltd, Forth Holdings Ltd), Alba (Cyril Sweett Group Plc, Miller Corporate Holding Ltd) and Inspiredspaces (Carillion Plc). The Territory

Programme Director chaired the evaluation team which was supported by Scottish Futures Trust and Legal, Technical and Financial advisors.

4.9 **Evaluation Criteria**

The evaluation criteria matrix has been evolved from commencement of the dialogue phase and revised to improve clarity and understanding for both tenderers and the evaluation team. The initial criteria were approved by the East Central Territory Programme Board before the Invitation to Participate in Dialogue (ITPD) was issued in February 2011.

The evaluation criteria are split into price which accounts for 45% of the total mark and non-price at 55%.

4.10 **Price Evaluation (45%)**

The Price Evaluation comprised a qualitative component and a quantitative component. These were weighted 25% and 20% respectively.

- The Qualitative Price Evaluation Criteria and Weightings focussed on the Tenderer's approach to delivering value for money, costing of New Projects and the financial management of Hubco
- Quantitative Price Evaluation focussed on construction costs, DBFM costs, and 5-year Hubco costs

4.11 **Non-Price Evaluation (55%)**

The non-price evaluation comprised

- Approach to establishing and operating Hubco (10%)
- Approach to Partnering (35%)
- Key Performance Indicators and Continuous Improvement (10%)

4.12 **The final evaluation scores are summarised in the table below:**

Bidder	Non-Price (55%)	Non-Price (55%)	Non-Price (55%)	Price Evaluation (45%)	Price Evaluation (45%)	Total Score	Rank
	Establishing and operating Hubco (10%)	Approach to Partnering (35%)	Key Performance Indicators & Continuous Improvement (10%)	Qualitative (25%)	Quantitative (20%)		
Alba	7.00	21.70	6.40	14.80	17.50	67.40	2
Amber Blue	7.00	23.80	7.40	13.60	17.00	68.80	1
Inspired spaces	7.60	23.80	7.30	13.10	0	51.80	3

Note: The Inspiredspaces bid scored 0 in the quantitative price evaluation due to their price being the highest by a significant amount.

This shows that **Amber Blue** has achieved the highest score and is proposed to be appointed as Private Sector Development Partner.

- 4.13 At its meeting on 12 October 2011 the Hub East Central Territory Programme Board proposed the selection of **Amber Blue** as the preferred bidder to become the Private Sector Development Partner. The proposal was approved by the Hub National Programme Board on 13 October 2011.

Corporate Governance

- 4.14 Following the execution of the Territory Partnering Agreement, Shareholders' Agreement and Participants' Agreement (planned for 8 December 2011), the East Central Territory Programme Board will be disbanded and the East Central Territory Partnering Board established to provide long term strategic management of the project on behalf of the Participants. The Territory Partnering Board will also include a member appointed by the Board of Hubco.
- 4.15 With regard to representation arrangements, the Hub East Central Territory Programme Board agreed at its meeting on 12 October 2011 that Tom Steele, Director of Strategic Projects and Property, NHS Forth Valley (who is currently the Chair of the Territory Programme Board) be proposed as the B Shareholders' Director on the Board of Hubco and that Catherine McFie, East Central Territory Programme Director, be proposed as the B Shareholders' Representative and Participants' Representative.
- 4.16 Copies of papers provided by the Scottish Futures Trust relating to the Procurement and Evaluation Process, Corporate Governance, the Territory Partnering Agreement, the Shareholders' Agreement, Pricing and Value for Money, the Individual Project Approval Process, the Territory Delivery Plan and the Programme Plan have been passed to the Group Leaders, the Lord Provost and the Depute Lord Provost.

Conclusion

- 4.17 The procurement process to select the Private Sector Development Partner to join with the Hub East Central Territory Participants and Scottish Futures Trust to establish Hubco has identified the Amber Blue consortium as the preferred partner. This report seeks the approval of the Committee to the selection of Amber Blue and to entering into the various agreements required to establish the formal relationships between the parties.
- 4.18 Once established the effectiveness of Hubco can be monitored by the Council and its suitability for procurement of future infrastructure projects considered.

5 **POLICY IMPLICATIONS**

- 5.1 This report has been screened for any policy implications in respect of sustainability, strategic environmental assessment, anti-poverty, equality impact assessment and risk management. There are no major issues. An Equality Impact Assessment has been carried out and will be made available on the Council website: <http://www.dundee.gov.uk/equanddiv/equimpact/>

6 **CONSULTATIONS**

- 6.1 The Depute Chief Executive (Support Services) has been consulted on this report.

7 **BACKGROUND PAPERS**

- 7.1 Report No 207 - 2010 considered by Policy and Resources Committee on 26 April 2010

Report No 346 - 2011 considered by Policy and Resources Committee on 12 September 2011

Equality Impact Assessment

David K. Dorward
Chief Executive

Marjory Stewart
Director of Finance

17 November 2011

REPORT TO: EDUCATION COMMITTEE - 28 NOVEMBER 2011

REPORT ON: CODE OF PRACTICE FOR THE HOME-SCHOOL TRANSPORT OF CHILDREN WITH ADDITIONAL SUPPORT NEEDS

REPORT BY: DIRECTOR OF EDUCATION

REPORT NO: 515 - 2011

1.0 PURPOSE OF REPORT

The purpose of this report is to introduce and outline the new Code of Practice for the Home-School Transport of Children with Additional Support Needs.

2.0 RECOMMENDATIONS

It is recommended that the Education Committee:

- approves the content of this report.

3.0 FINANCIAL IMPLICATIONS

There are no financial implications arising from this report. The full year expenditure incurred for home-school transport for children with additional support needs amounted to £1,000,479 in the financial year 2010-11.

4.0 MAIN TEXT

4.1 The Code of Practice for Home-School Transport of Children with Additional Support Needs builds on the original 2004 guidelines. At that time, the Code of Practice was shared with school staff but was not issued to partner agencies and/or parents/carers. However, the Code of Practice has now been discussed and agreed by the Senior Management Team and extended Management Team in the Education Department along with representatives from:

- Dundee Educational Psychology Service;
- School Community Support Service;
- Social Work; and
- the Sustainable Transport Team within City Development.

In addition, there has also been liaison and consultation with colleagues from NHS Tayside and the Internal Audit Team.

4.2 The Code of Practice is based on the provision of home to school transport. It does not deal with the organisation of transport for educational trips and outings. These are covered in other policy areas.

4.3 Whilst it is the responsibility of parents or carers to secure their children's education, the Education (Scotland) Act 1980, sections 50, 51 as amended by the Local Government in Scotland Act 2003, require each education authority to make appropriate provision to assist pupils with additional support needs to have access to education. The Act does not stipulate the exact conditions under which transport should be provided but states that the education authority shall make such arrangements as they consider necessary for the provision of home - school transport. The Act also makes provision for a number of special conditions under which the authority may provide free transport. These arrangements are determined by each local authority and Code of Practice describes and establishes the approach taken by Dundee City Council.

4.4 Dundee City Council, in discharging its statutory requirements:

- aims to assist parents and carers in their responsibility of ensuring that a child with additional support needs attends school safely and on time, in line with Council policy on the provision of school policy;
- aims to be responsive to the concerns of parents and carers in the provision of appropriate transport to meet the specific needs of each pupil for whom transport is provided;
- strives to ensure that most effective, safe and economical use of resources by close monitoring of contracts;
- keeps its arrangements for school transport under continuous review; and
- will make provision only for pupils living within the city boundary,

- 4.5 The Code of Practice has been written to take account of all legislation pertaining to the statutory duty of Dundee City Council to provide home-school transport as it relates to children and young people with additional support needs. It sits within the context of the current Improvement Plan for the Council and all Departments; satisfies National and Local priorities; makes reference to Curriculum for Excellence and the indicators described in Getting It Right for Every Child (GIRFEC); and fits within the scope of the work currently underway with regard to protecting children in the city.
- 4.6 The Code of Practice will be reviewed on an annual basis. The Code of Practice has the following additional papers:
- A Home-School Transport Leaflet for Parents and Carers
 - A Home-School Escort Manual

Copies of the Code of Practice and the additional paper have been passed to the Group Leaders, the Lord Provost and the Depute Lord Provost.

5.0 POLICY IMPLICATIONS

This report has been screened for any policy implications in respect of sustainability, strategic environmental assessment, anti-poverty, equality impact assessment and risk management. There are no major issues. An Equality Impact Assessment has been carried out and will be available on the Council Web Site at <http://www.dundee.gov.uk/equanddiv/equimpact/>

6.0 CONSULTATIONS

The Chief Executive, Depute Chief Executive (Support Services) and Director of Finance have been consulted in the compilation of this report.

7.0 BACKGROUND PAPERS

Equality Impact Assessment

MICHAEL WOOD
Director of Education

MW/AS

14 November 2011