

# Education, Children and Families Urgency Sub-Committee

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**Wednesday 29 June 2022 at 2.00 pm**

**Town Hall, Sheffield, S1 2HH**

**The Press and Public are Welcome to Attend**

## **Membership**

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Councillor Dawn Dale  
Councillor Brian Holmshaw  
Councillor Mick Rooney  
Councillor Colin Ross  
Councillor Ann Whitaker

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## PUBLIC ACCESS TO THE MEETING

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A copy of the agenda and reports is available on the Council's website at [www.sheffield.gov.uk](http://www.sheffield.gov.uk). You may not be allowed to see some reports because they contain confidential information. These items are usually marked \* on the agenda. Members of the public have the right to make a recording under the direction of the Chair. Please see the [webpage](#) or contact Democratic Services for further information regarding the Council's protocol on audio/visual recording and photography at council meetings.

Urgency Sub-Committee meetings are normally open to the public but sometimes the Committee may have to discuss an item in private. If this happens, you will be asked to leave. Any private items are normally left until last on the agenda.

Meetings of the Urgency Sub-Committee have to be held as physical meetings. If you would like to attend the meeting, please report to an Attendant in the Foyer at the Town Hall where you will be directed to the meeting room. However, it would be appreciated if you could register to attend, in advance of the meeting, by emailing [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk), as this will assist with the management of attendance at the meeting. The meeting rooms in the Town Hall have a limited capacity. We are unable to guarantee entrance to the meeting room for observers, as priority will be given to those that have registered to attend.

Alternatively, you can observe the meeting remotely by clicking on the 'view the webcast' link provided on the meeting page of the [website](#).

In order to ensure safe access and to protect all attendees, you will be recommended to wear a face covering (unless you have an exemption) at all times within the venue. Please do not attend the meeting if you have COVID-19 symptoms. It is also recommended that you undertake a Covid-19 Rapid Lateral Flow Test within two days of the meeting.

If you require any further information please email [committee@sheffield.gov.uk](mailto:committee@sheffield.gov.uk).

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## FACILITIES

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There are public toilets available, with wheelchair access, on the ground floor of the Town Hall. Induction loop facilities are available in meeting rooms. Access for people with mobility difficulties can be obtained through the ramp on the side to the main Town Hall entrance.

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**EDUCATION, CHILDREN AND FAMILIES URGENCY SUB-COMMITTEE AGENDA  
29 JUNE 2022**

**Order of Business**

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**1. Welcome and Housekeeping**

The Chair to welcome attendees to the meeting and outline basic housekeeping and fire safety arrangements.

**2. Apologies for Absence**

**3. Exclusion of Press and Public**

To identify items where resolutions may be moved to exclude the press and public

**4. Declarations of Interest**

Members to declare any interests they have in the business to be considered at the meeting

(Pages 5 - 8)

**Formal Decisions**

**5. School to Pool**

(Pages 9 - 14)

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## ADVICE TO MEMBERS ON DECLARING INTERESTS AT MEETINGS

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If you are present at a meeting of the Council, of its Policy Committees, or of any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a **Disclosable Pecuniary Interest** (DPI) relating to any business that will be considered at the meeting, you must not:

- participate in any discussion of the business at the meeting, or if you become aware of your Disclosable Pecuniary Interest during the meeting, participate further in any discussion of the business, or
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

You **must**:

- leave the room (in accordance with the Members' Code of Conduct)
- make a verbal declaration of the existence and nature of any DPI at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.
- declare it to the meeting and notify the Council's Monitoring Officer within 28 days, if the DPI is not already registered.

If you have any of the following pecuniary interests, they are your **disclosable pecuniary interests** under the new national rules. You have a pecuniary interest if you, or your spouse or civil partner, have a pecuniary interest.

- Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner undertakes.
- Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period\* in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

\*The relevant period is the 12 months ending on the day when you tell the Monitoring Officer about your disclosable pecuniary interests.

- Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority –
  - under which goods or services are to be provided or works are to be executed; and
  - which has not been fully discharged.

- Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.
- Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.
- Any tenancy where (to your knowledge) –
  - the landlord is your council or authority; and
  - the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.
- Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -
  - (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
  - (b) either -
    - the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

If you attend a meeting at which any item of business is to be considered and you are aware that you have a **personal interest** in the matter which does not amount to a DPI, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent. You should leave the room if your continued presence is incompatible with the 7 Principles of Public Life (selflessness; integrity; objectivity; accountability; openness; honesty; and leadership).

You have a personal interest where –

- a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing (including interests in land and easements over land) of you or a member of your family or a person or an organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Authority's administrative area, or
- it relates to or is likely to affect any of the interests that are defined as DPIs but are in respect of a member of your family (other than a partner) or a person with whom you have a close association.

Guidance on declarations of interest, incorporating regulations published by the Government in relation to Disclosable Pecuniary Interests, has been circulated to you previously.

You should identify any potential interest you may have relating to business to be considered at the meeting. This will help you and anyone that you ask for advice to fully consider all the circumstances before deciding what action you should take.

In certain circumstances the Council may grant a **dispensation** to permit a Member to take part in the business of the Authority even if the member has a Disclosable Pecuniary Interest relating to that business.

To obtain a dispensation, you must write to the Monitoring Officer at least 48 hours before the meeting in question, explaining why a dispensation is sought and desirable, and specifying the period of time for which it is sought. The Monitoring Officer may consult with the Independent Person or the Council's Standards Committee in relation to a request for dispensation.

Further advice can be obtained from Gillian Duckworth, Director of Legal and Governance on 0114 2734018 or email [gillian.duckworth@sheffield.gov.uk](mailto:gillian.duckworth@sheffield.gov.uk).

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## Report to Policy Committee

**Author/Lead Officer of Report:**  
Emma Banks/Kim Wilson  
**Tel: 07761058622**

**Report of:** *John Macilwraith*  
**Report to:** *Education, Children and Families Committee*  
**Date of Decision:** *29th June 2022*  
**Subject:** *School to Pool Transport*

Has an Equality Impact Assessment (EIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If YES, what EIA reference number has it been given? <b>People/Transport/EB/BK/080622</b>				
Has appropriate consultation taken place?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Has a Climate Impact Assessment (CIA) been undertaken?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Does the report contain confidential or exempt information?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

### Purpose of Report:

The purpose of this report is to seek approval to commission a new School to Pool framework contract. The purpose of this contract is to provide a transport service to the council for the carriage of children from their school to a swimming pool and to return them to school following a swimming lesson. The length of the framework contract will be for a period of 4 years (September 2022 to August 2026).

It is estimated that the value of the four-year contract will total £920k (£230k p/a).

### Recommendations:

It is recommended that the Education Children and Families Committee agrees to continue to commission school to pool services and does so by procuring a new school-to-pool framework contract for a period of four years.

### Background Papers:

N/a.

Lead Officer to complete:-		
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.	Finance: <b>Anna Beeby &amp; Sarah Rani</b>
		Legal: <b>Patrick Chisholm &amp; Sarah Bennett</b>
		Equalities & Consultation: <b>Bashir Khan</b>
		Climate: <b>Jessica Rick</b>
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>		
2	<b>SLB member who approved submission:</b>	<i>(Insert name of relevant Executive Director)</i> <b>John Macilwraith</b>
3	<b>Committee Chair consulted:</b>	<i>(Insert name of relevant Member)</i> <b>Councillor Mick Rooney and Councillor Dawn Dale</b>
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Committee by the SLB member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.	
	<b>Lead Officer Name:</b> Emma Banks	<b>Job Title:</b> PESOL Service Manager
	<b>Date:</b> 07/06/2022	

## **1. PROPOSAL**

- 1.1 School swimming is the only sport included within the National Curriculum physical education programme, and all primary schools must provide swimming and water safety lessons at either key stage 1 or 2.
- 1.2 Sheffield City Council's (SCC) school swimming service is a fully traded service, and all costs are charged to schools. The service currently provides swimming lessons to 128 infant, primary and SEN schools in the city, meaning that around 4,000 children access the service per week. When purchasing swimming from SCC, schools are provided with the option of buying a block of 18 swimming lessons with or without transport. A school that purchases lessons without transport are usually close to the pool and can walk or use public transport.
- 1.3 The current arrangements are due to expire. If the Council is to continue to make this service available to schools, new arrangements will be required from September 2022.
- 1.4 The potential for in-house delivery was considered. However, there is limited capacity to provide the service in-house and we do not currently have suitable vehicles available to meet the requirements of the school to pool service.
- 1.5 Due to the limited number of suppliers in the market, it is recommended that we set up a multi supplier framework agreement under which contracts are awarded to suppliers following a further competition. This will provide the council with greater flexibility in adding or deleting schools and/or 'runs' throughout the life of the framework.
- 1.6 The council is not legally required to provide this service. This is something that the service chooses to do and offers to schools.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 School swimming contributes to the one-year plan as follows:
- Supporting young people in Sheffield to enable them to develop and flourish.
  - Provides access to a wide range of educational opportunities to achieve their full potential.
  - Support Covid recovery for children and young people.

## **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 There is no requirement to consult on these services.

## 4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

### 4.1 Equality Implications

4.1.1 Decisions need to take into account the requirements of the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010. This is the duty to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

4.1.2 The Equality Act 2010 identifies the following groups as a protected characteristic: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

4.1.3 An Equality Impact Assessment has been carried out and highlights that the procurement of transport will enable schools to provide swimming at a cheaper rate which should have a positive impact on children especially from areas of the city where they wouldn't normally access swimming or learn to swim. The cost of fuel has also been factored in to ensure the suppliers costs year-on-year are covered so that they can provide a quality service for the next four years.

### 4.2 Financial and Commercial Implications

4.2.1 School Swimming is a fully traded service. Based on historic expenditure, the total expenditure under this contract will be £230k per annum. All of this cost will be recharged to schools.

4.2.2 The framework agreement will be for a period of four years, under which pre-selected suppliers will be invited to bid for services via further competitions to achieve best value for money.

### 4.3 Legal Implications

4.3.1 **Part 6 of the Education Act 2002 sets out the requirements for school curriculums, including the National Curriculum for England. By virtue of Education (National Curriculum)(Attainment Targets and Programmes of Study)(England) Order 2013/2232 and the National Curriculum in England – Framework Document, physical education must**

#### 4.3.2 **include delivery by schools of swimming to pupils by the end of Key Stage 2.**

Local Authorities are permitted to provide services to schools and academies by virtue of the [Local Authorities \(Goods and Services\) Act 1970](#) and orders thereunder. Local Authorities are permitted to contract for those services with third parties by virtue of the Local Government (Contracts) Act 1997.

#### 4.4 Climate Implications

4.4.1 A 15-per-cent weighting will be applied to the tender to evaluate the social value and economic impact of the contract.

4.4.2 The Clear Air Zone forms part of the contract and could attract companies to tender with cleaner vehicles or it could provide an opportunity for SCC to work with its current suppliers to encourage them to upgrade their fleets.

4.4.3 If all 128 schools sourced their own transport, there would be a risk of multiple vehicles from different companies travelling into and around the Clear Air Zone instead of one vehicle per pool with an agreed supplier.

#### 4.5 Other Implications

4.5.1 If schools had to source their own transport through a private hire, then the cost to a school would be considerably more expensive. This would have a direct impact on the number of lessons purchased which would mean that:

- children would have less time to be able to learn an essential life skill.
- there would be a direct impact on SCC employees (swimming teachers) i.e., a reduction in the hours available to work.
- Academy chains could negotiate a better price than a single school. In this case, there would be a disparity across the city both in terms of cost and opportunities for pupils to learn to swim.

4.5.2 Schools receive funding for swimming within their budget. However, this has been the same amount for many years, and it usually doesn't cover the cost of a block of lessons, with schools contributing from their own budget. If the transport costs increased significantly i.e., they were asked to purchase their own transport as private hire, then schools would buy less swimming.

### 5. **ALTERNATIVE OPTIONS CONSIDERED**

5.1 A consultation process took place with the council's transport services to investigate whether school-to-pool transport could be delivered in house. This was rejected due to the following:

- The need for high passenger capacity coaches (48 seats).
- Coaches would be required during their peak times which they are unable to accommodate.

5.2 Schools could source their own transport as private hire. However, this would be at a higher cost per run and therefore have direct impact on attainment, as schools would purchase less swimming meaning children would not learn the vital skills needed to get out of water in the event of an accident.

## 6. REASONS FOR RECOMMENDATIONS

6.1 We are recommending that the council procures a new school-to-pool framework contract for a period of four years.

6.2 Why this is the preferred option?

- 1) The market for the contract is limited so it is hoped that a four-year term could attract multiple external suppliers.
- 2) It will provide the service with opportunities to run multiple competitions throughout the life of the contract i.e., if the service uses a new pool, the timetable changes.
- 3) It will provide the service with the right to withdraw from the contract i.e., no longer require transport for a certain pool.
- 4) The price for transport would be cheaper per run than a school sourcing their own private hire, meaning schools can prioritise buying swimming to meet the needs of their pupils.

6.3 Intended outcomes

- 1) Attract several external suppliers to work in partnership with over the next four years.
- 2) Provide a competitive price for the school-to-pool transport.
- 3) Awareness of the school-to-pool transport costs for the next four years.