

Home to School Transport - Policy Panel

Date: **20 March 2020**

Time: **9.30am**

Venue **Hove Town Hall, Room G69**

Members: **Councillors:**, Clare, Hills, Mears, O'Quinn, Wares and Wilkinson

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Date of Publication – 19 March 2020

Action notes from the HTST Member Policy Panel 03 March 2020

Present:

Members: Cllrs Mears, Wares, Hills, Clare, O'Quinn and Wilkinson

Officers: Georgina Clarke-Green, Alice Rowland, Giles Rossington, Edd Yeo and Regan Delf and Jo Lyons, Carolyn Bristow

Invited guests:

Pacc Chairs - Fiona England and Diana Boyd

Transport Reps: Taxi4U. Southern Taxi. Radio Cabs. Community Transport.

There were several members of the press and public also in attendance.

Item	Discussion and agreed actions
Welcome and introductions	<p>Attendees introduced themselves.</p> <p>The panel discussed how best to manage a potential 'Part 2' element of the meeting, to deal with a confidential matter. A process was agreed and implemented during the meeting. A member of the press raised an objection which was heard. Legal advised that as this was not a committee there was no set process to follow.</p> <p>Members, following an adjournment, agreed they would hold a confidential discussion at the end of the meeting to cover one point.</p> <p>Cllr Ware's added that he had two pieces of information, that due to be requested via an FOI, were able to be in the public realm. One relating to Hayward's Heath Taxis and one relating to the very recent publication in the press that Edge were no longer working with the contract. He wanted to flag that he'll raise these at the appropriate point in the meeting.</p>
Action notes	<p>Discussion of the notes from 23rd January meeting.</p> <p>Tom Druitt (at the meeting representing Community Transport) raised a couple of comments for the notes:</p> <ul style="list-style-type: none">- John from the CT was there but not noted as such in the minutes- He also asked that his submission to the panel was listed in full. <p>It was agreed to amend the minutes accordingly.</p> <p>A member of the public said that they'd wanted two matters recorded</p> <ul style="list-style-type: none">- That Southern Taxi's had offered the LA use of their IT system and it had been declined- That the council had committed to making the 'complaints and enquiries' section clearer on the transport page online. Action:

	Officers will take that forward.
Update on the Ind Review	<p>Georgina Clarke-Green gave an update on the Independent Review which took place 28th – 30th Jan.</p> <p>The review commenced with a kick-off meeting with senior FCL officers, Cllr Allcock and PaCC/Amaze reps. This same group will be presented with the draft final report on the 12th March. A meeting will be arranged for after then to share the report with Members of this panel.</p> <ul style="list-style-type: none"> • In total the team amassed 41.5 hours of contact time with stakeholders and engaged with 58 individuals either through a 1:1 meeting, in a very small group or in the case of taxi providers 1:1 by phone • There were also 3 parent focus groups facilitated by the team PaCC and Contact, with 33 parents attending in total, and 2 Councillor Focus groups, so approximately 100 people had direct contact with the team. • After their departure they also received a further 33 completed questionnaires from parents/carers from a survey that had been organised by PaCC and Contact as an additional feedback opportunity. • The team started with over 200 pieces of information being uploaded to the hub and requested a range of further information throughout the three days which were also uploaded for them to read and digest to inform any further questions. Information has also since been uploaded to the hub at their request. • Because the team were provided with additional information on their visit, requested further documentation as a follow up to the many interviews, discussions and focus groups they attended as well as the completed questionnaires from parents, the presentation of the draft final report has had to be moved to a slightly later date than originally planned. <p>Georgina wanted to take this opportunity to thank all stakeholders for taking the time to participate in the independent review, and in particular, PaCC and Amaze who organised and co-facilitated the parent focus groups.</p> <p>Cllr Wares asked for clarification that the information collated as part of his FOIs had now been shared with the LGA team, Georgina confirmed they had been.</p>
Officer report on HTST	<p>Jo made an opening presentation. She explained that in order to respond to the challenge we faced in delivering home to school transport, we've increased the management capacity in the team. We are also introducing a SEN casework officer role to make better links between the two teams. We are also receiving a wide range of support from other council services on this. We are committed to</p>

continuing to improve the service so it's the best for the families in the city. We are not there yet but we are seeing progress in a number of areas.

Regan then presented her report, highlighting a few main points before opening it up for discussion.




Members Panel -
Home to School Trai

- She reiterated the LA's apologies about what went wrong and the stress and upset to families and for the difficulties caused to our operators and schools.
- Regan has spent time with some of the operators and she has been for herself the care and dedication there with the children and how well they can work together with schools. She has seen the ongoing issues at Downs View and acknowledges there is further action needed there.
- Regan sits regularly with the council team and hears their sorting out the types of daily issues that arise with care, empathy and at pace. She hopes all stakeholders agree that positive sensible arrangements and decisions go on everyday in the service.
- On co-production, Regan reflected on where she's seen real positives of this approach and she hopes the good practice already existing in the city will apply across to school transport and she commits to making this work. Parents / Carers are at the forefront of this but it's essential to do this work with operators and schools too.
- The team have been looking into the reported issues around timeliness. Operators have been asked to report in any instances where children are on journeys for more than the statutory guidance times, and no responses on that as yet. Also, she confirmed that no journeys are planned to be over those stat times either. However, Regan has seen the situation at Downs View and can see that it is taking a long time to take children in and out. She can see that some children will be arriving in the class late and that needs resolving.
- She explained that the team were looking at the groupings of children and will work with families on ensuring the most appropriate arrangements are in place going forward. It is hoped this work will be done by Easter.
- Regarding potential complaints / comments into the service, Regan wanted to provide reassurance that raising issues with us would in no way compromise any existing or future arrangements for their child(ren). **Action:** Regan will liaise with PaCC on how the service can best get that communicated with families.
- Spot checks will continue of vehicles and actions taken were

	<p>necessary</p> <ul style="list-style-type: none"> - DBS checks – Regan is conscious that this was a significant area of concern at the last meeting. We, of course, have always been assured about the licensing checks around DBS there for drivers but we needed to be assured on the VPA checks. Regan confirmed that these were completely up to date. - She acknowledged that the current system around the Pupil Information Sheets needed a complete overhaul. It's an old system which isn't fit for purpose. It's not currently a family friendly system so this needs looking at. - Regan has been out and witnessed the operators managing the transitions in and out of schools and has been really impressed with their approach. Her starting position had been that of others in the LA, thinking that this would be best done by schools. However she has been assured by what she has seen and feels this needs further discussion with families, operators and schools before a final decision is made on this. We are aware there is still clarification needed over the insurance matter. Action: Alice from the Legal Service explained that this would follow. - Regarding the budget, Regan provided reassurance that no spending around transport was being hidden and that any budget recovery plan (which will be needed) will be coproduced with families, operators and schools. <p>Cllr O'Quinn asked when the building works at Downs View might be complete. She also asked for officers to consider children's individual needs when reviewing groupings. She was pleased to read in the report about more training being offered – she is keen to see that further developed and made more bespoke as needed. She also asked whether there were plans to change the DPS system now.</p> <p>Regan replied that the car park will be complete in the early summer so will be fully operational from September 2020. Whilst operators, school staff and families are managing Regan knows it's not ideal so she is seeing what could be done to make temporary amends. In terms of the training, operators were being asked to contribute towards the costs, but we were subsidising it. Currently some operators do their own training and others need to seek it out so it's not an even picture currently. Regan acknowledged that the DPS system wasn't perfect however the main issue that had gone wrong was attempting to get it done in too short a timescale. We have to contend with the fact that some SEN information will come through late in the year but we are working better together to predict the need. We already know who will cease having transport and we are getting information already on new children for September.. There is already a lot of work underway for the September arrangements.</p> <p>Cllr Hills asked what elements of the Pupil Information Sheet</p>
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	<p>arrangements needed overhaling in Regan's opinion. Regan replied that we had been made aware of some families feeling pestered during this process and we apologise for that. The current system means that we need to ask families for repeat information even if nothing has changed. Within the LA we actually hold a lot of this information, so we are looking at how we can better collate that ourselves first. Clearly families will still have a role in terms of signing this off and providing us with urgent updates, but we are trying to take some of that work on ourselves by collating information for our files. One thing that is being explored is looking at each child having a bespoke travel plan.</p> <p>Cllr Mears thanked Regan. She raised concerns about the impact when the bidding process happens too late in the year, which she has raised previously – she welcomes work done to ensure this is completed earlier. She also called for more work around ensuring that the budget figure is realistic. She lent support for the transport team staff. She is concerned that the insurance matter isn't yet fully resolved and worries about the potential pressure on the schools. Regan agreed that a realistic budget was needed. We know that need is rising nationally and we've had the extension of the age range in the reforms, however we do need to ensure that the budget is efficient and that is part of the work that we are looking at here.</p> <p>Cllr Clare asked for the insurance matter to be resolved in a paper to a future meeting.</p> <p>Cllr Wares expressed gratitude for the officer report as it highlights some of the longer term issues there have been and he is happy these have been acknowledged and are being addressed. He asked all parties to be mindful though that it was early days and there is a lot more work to do. However he has been encouraged by what has been heard so far, particularly the shift away from blaming families and operators. Cllr Wares felt that the budget section had been written to lay blame for the overspend on increased pressure and he wanted it acknowledged more clearly that it's partly due to errors made. He also clarified that the allegation isn't that spend is being hidden, it's that given it appears in several budget lines (justifiably) its hard to see the full figure of overspend. He therefore asked Officers to continue to work on that and ensure clear reporting on the overspend occurs. He would like to see a full break down of costs so far and what the projections are.</p> <p>Cllr Wares also raised the question about whether differing information had been shared about the number of outstanding Pupil Information Sheets back in the autumn. Jo offered apologies if there were any instances of information being shared that later was found to be incorrect. This is an area of priority we are working on to</p>
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	<p>ensure it is correct going forward and this has been highlighted in our acknowledgement of the system not being fit for purpose.</p> <p>Action: it was agreed that an officer report on the budget would be bought back to a future meeting.</p> <p>Fiona supported the discussion around setting a realistic budget.</p> <p>Regan was thanked for her detailed report.</p>
Discussion on any current issues – including submissions	<p>Diana Boyd presented the PaCC submission given here:</p> <p> PaCC Submission for March HTST Polic</p> <p>Cllr Mears asked officers to calm family anxiety and confirm there were no proposed changes around charging. Jo replied that there are no proposed changes that would introduce charging and if there were to be changes these would be coproduced with PaCC. We are waiting for the outcome of the Independent Review and of any recommendations that come out of this process, but again, any future changes will be coproduced. It's important that Cllrs are included in that process too.</p> <p>Cllr O'Quinn was very encouraged by the PaCC submission and pleased to hear that things are moving forward, especially compared with the last meeting.</p> <p>Cllr Wares asked PaCC to comment on whether relations with the Council were in the right place to move forward with coproduction. Diana replied that PaCC continued to provide challenge to the Council, especially around the upcoming new academic year and the planning timescales needed. However they have seen a clear commitment from the LA to work with families on this.</p> <p>There was then discussion about the respective roles going forward of PaCC and Cllrs to both play a part in oversight and scrutiny in the future in this area. PaCC and Amaze were clear that their role shouldn't blur into contract management, they are to feedback and participate in coproduction. It is also important that PaCC are resourced to be able to do this work. All agreed that PaCC and Amaze are able to take a 'temperature check' with families and feed that back to the LA. PaCC have also demonstrated their effectiveness in this area, by releasing an immediate statement and then providing a crisis action plan. Cllr O'Quinn added that she had witnessed the good relationship between PaCC and the LA and could commend how robust PaCC's challenge can be.</p> <p>Coproduction and challenge can work very well together. Amaze also confirmed that there is no need for parents to be a member of PaCC in order to respond to Amaze surveys / call the helpline etc.</p>

Action: it was agreed that the notes of the ongoing Transport Governance Board would be made available to Members of the panel.

Regan then provided further clarification on the question about charging. She confirmed that we would shortly (likely over April) be conducting our standard annual consultation on post 16 transport arrangements and there are no proposed changes in that. We do have to inform parents about a change in some rail charges, not bought by us, but they should be assured on no or minimal financial impact for on families. We have no plans to start charging for transport to respite.

A second submission had been received, which raised further parking / vehicle concerns at the HillPark site. This has been referred to relevant council services to investigate.



Resident
submission for Marc

Cllr Clare then opened the discussion up to consider any wider current issues.

Radio Cabs wanted clarification over the offer of training that had been shared recently. Were there limited numbers that could attend? Also, what was the thinking around whether operators should get drivers trained up who may or may not be allocated routes in the future? Regan clarified that there had been a lot of interest in the 40 training places she currently had available and that she was trying to get more days set up.

Tom from Community Transport wanted to note that the traffic assistant at Downs View is doing a great job. He's directing everyone well and the children are able to get in and out quickly, given the circumstances up there. He also shared that the main learning from what has happened this year is that everything for the contract allocations must happen earlier, at least 8 weeks earlier in the year. It's too late to leave it until the summer break, also people are on leave then. He reflected that things were currently working very well, he just had a negative experience in how a complaint was managed recently. There was a delay in investigation at the LA end and he had a concern about confidentiality, about whether the details of the complaint had leaked across the school community. He also highlighted that he felt it was difficult that there isn't CCTV in the reception at HillPark, given it's such a busy area. Regan said they would be producing guidance on the investigation of complaints for operators in the future. She invited Tom to discuss the individual case with her, as she was not aware of any breach of

	<p>confidentiality.</p> <p>Pippa, from the public gallery, expressed concern about the historical decision made by the DCS to allow a number of VPAs to work before their DBS came through. Families permission was not sought and the assurance of the cars having CCTV turned out to not be 100% reliable. She also continued to have concerns about the suggestion that parents had been blamed for not completion/ return of pupil information sheets. She also wanted to share with the panel the clarification that whilst some families might on paper 'be happy with taking the mileage payment and transporting themselves', the reality is that some are doing it not willingly. Pippa feels that a more personalised approach to routing / groupings on vehicles could resolve the scheduling issues there have been too. Regan agreed that the groupings needed looking at and this was underway and aims to be done by easter break. She also sought to reassure everyone that parents were not being blamed about faults in the system and she will speak with the team again to find out if they are aware of families that feel otherwise.</p> <p>Andy from Southern wanted to note how positive the recent changes have been with the council team, he has seen a lot of empathy and child focussed considerations back in the service which has been good to see. He raised concerns about some of the arrangements being interim and wanted clarification over what the plans were going forward.</p> <p>Cllr Wares wanted to add a comment that he remained concerned that the LA took a number of days to act on concerns raised about the Haywards Heath taxis situation. He would like to see swifter action taken when there is a potential risk. The LA confirmed that operator was still undertaking a small number of routes.</p> <p>Cllr Wares also raise Edge and what the nature of the agreement was with the LA to part ways. Alice confirmed that Cllr Wares' FOI on this matter was still being processed and a response should be with him soon. Cllr Mears expressed concerned about the perceived need to go through FOI processes to gain access to key information. Alice explained that this was part of an agreed approach as it would enable Cllrs to then put information in the public domain. However we acknowledge that the processing of some FOIs is taking longer than we would like.</p> <p>Jo made a response to confirm that arrangements were being looked at to consider what the management of the team needed to look like going forward and we'll be able to clarify that soon. We are also waiting the outcome of the Ind Review and of this process, which may impact on what that service needs to look like. We'll have to come back later with the detail on this.</p>
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<p>Agenda and date of next meeting</p>	<p>Members felt that the 2 hours allocated for this meeting isn't always enough so future meetings should try and be longer.</p> <p>10am is the ideal start time, given the pressure on families at the start and end of the school day.</p> <p>Officers will be in touch regarding future meeting arrangements.</p>
<p>Any other business</p>	<p>Mr Scott, from the public gallery, raised the question about whether the contract with Edge would be placed in the public domain. It will be on the council website once that FOI request has been fully dealt with.</p> <p>The public element of the meeting then stopped and Cllrs and Officers remained for a part 2 discussion.</p>

Brighton and Hove City Council

Independent Review: Home to School Transport

28th - 30th January 2020

Feedback Report-FINAL DRAFT

1. Executive Summary

The Local Government Association was commissioned by Brighton and Hove Council to provide an independent review of the Home to School Transport Service (HTST). This review was prompted by the significant problems that occurred when the new system was implemented in September 2019. The review focuses on the decisions leading up to the changes, the implementation of the new system and the Council's response to the disruption and distress caused by the changes.

This independent review was asked to consider the procurement of the consultants working on the Home to School Transport Service (Edge Public Solutions). Edge Public Solutions began working on the service in April 2019. The independent review team found that many interviewees had concerns about the process of the procurement of the consultants. In the view of the independent review team the process was rushed and not well executed, with advice from both the Council's procurement and legal teams not taken on board. The team also found that member oversight of the decision appears to have been very limited.

The Dynamic Purchasing System and Procurement of Operators was also a source of concern for the independent review team. The new purchasing system and procurement of operators was done at great speed between April and June. Edge Public Solutions repeatedly highlighted a number of risks that flowed from such a tight timetable; however, they also stated they were confident of delivering and the decision was taken to proceed. The independent review team are of the view that moving to a very different system, so quickly, was not advisable and noted that many interviewees said they had raised concerns that moving to the new system with so little lead-in time was likely to cause significant problems. One interviewee summed this up saying: *"The crisis was predicted and predictable."*

The implementation of the new system was done very quickly due to the tight timescales, with Edge Public Solutions commencing work in April 2019 and the system due to be in place for September 2019. This meant there were limited opportunities to engage with parents, carers and schools before the new system was implemented. The concerns raised by parents, schools and operators were disregarded and key information about the changes were not effectively communicated to all stakeholders. Systems of communication between the Council and key stakeholders need to be improved going forward. Once the new service started there were clearly very significant problems from the outset, with some children not receiving a service at all, transport arriving late, others experiencing frequent change of operator, some being mixed inappropriately with other children and young people or experiencing very long journeys. The independent review team were also very concerned that there were a number of safeguarding incidents. The service has improved in the months that followed but it is vital the Council ensures that adequate safeguards continue to be in place and that children and young people receive a safe service, suitable to their needs.

The Council's response to the disrupted delivery of the Home to School Transport Service showed a willingness from many different officers and departments to come together to

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improve the service. Some officers clearly went above and beyond their usual duties in order to rectify the problems. However, some children experienced problems with the Home To School Transport Service for several months; the majority of these problems were resolved by the end of November. The impact of this on children and young people, and their families/carers should not be underestimated - it was significant. Members of PaCC, the local parent and carers' council, reported that the pressures in responding to parents' concerns had brought the organisation to near crisis point. The parents and carers the independent review team spoke to were clearly frustrated and distressed by the situation, and parents reported that they had lost all confidence in the local authority.

The independent review team took part in a number of parent/carers focus groups. There was clearly frustration with the way that parents' concerns and complaints had been handled. The overstretched Home to School Transport Service team were dealing with a very high volume of calls and emails, approximately 200 a day at the peak of the crisis. Senior managers did provide some additional support but did not seem to recognise that the team needed even more support. Whilst schools, parents and carers acknowledged that the team tried to fix the issues, some experienced weeks, and in some cases three months of disruption.

The independent review team also found that further, shared understanding and clarity is needed regarding the definitions and boundaries of informing, consulting and co-production. In order to rebuild trust and to ensure genuine co-production of solutions with parents/carers, schools and voluntary sector, greater understanding and more time is needed to work with stakeholders collaboratively. The Council is fortunate to have a vibrant and expert PaCC (Parents and Carers Council), which is committed to meaningful co-production and to restoring relationships and trust between the Council and parents, carers and the Voluntary and Community Sector (VCS) providers across the city.

The Council needs to put children and young people back at the centre of the Home To School Transport Service, making them the focus, their voice and needs should be more prominent. Parents wanted the Council to fully appreciate that *"transport is of huge importance to their family lives"*. Some parents stated that they considered the Council did not value the provision of home to school transport. They considered that the need to re-apply each year, the application form and the attitude of some Council staff were intended to dissuade them from seeking transport support for their child.

2. Key Recommendations

There are a range of suggestions and observations within the main section of the report that will inform some 'quick wins' and practical actions. The following are the independent review team's key recommendations to the Council:

1. **Clear, consistent and urgent communication to all stakeholders (parents, carers, schools and settings etc.) about stability in the Home To School Transport (HTST) arrangements from this point onwards.** September 2020 must not be a repeat of 2019. The Council should also acknowledge the pressure on the base budget and that significant savings are unrealistic in the near future.
2. **Rebuild trust with schools and settings, parents/carers, VCS, members and officers from other departments.** The Council should consider having a Special Educational Needs and Disabilities (SEND) charter and agreed Co-production policy (which includes the Home to School Transport Service), between parents/carers and the Council setting out clear roles, responsibilities and expectations.
3. **The HTST policy (2015) needs to be updated with an emphasis on planning and training for independent travel, including an associated budget and sustainable strategy. It should also include a personal travel budget policy developed with parents/carers.** This should include a consistent independent travel training offer across the local authority. The team found there were some examples of good practice in children's social care. The updated policy needs to integrate with the Special Educational Needs and Disabilities strategy and should be used to re-engage and seek best practice.
4. **Review the HTST processes and streamline them.** After initial agreement that travel arrangements are required, the Council should remove the requirement for parents to complete a transport request form each year and consider introducing a system as part of the Education, Health and Care Plan (EHCP) annual review to discuss and review travel. The annual review paperwork should be revised to ensure there is clear discussion about travel requirements, supporting the planning and training needed for independence and preparation for adulthood. The pupil information sheets, risk information, annual review and eligibility documents could be combined into a single travel plan to save duplication and aid clarity.
5. **The Special Educational Needs (SEND) team and HTST team must work together more and share more information, reducing the burden on parents to repeatedly provide the same information.** Operational managers across departments need to work collaboratively to strengthen relationships between HTST and SEND. The newly strengthened Directorate Team need to work together more closely, to facilitate and encourage this.
6. **The Council should ensure there is standardised and consistent training and performance expectation of drivers and Vehicle Passenger Assistants (VPAs) with monitoring.** Drivers and VPAs should complete comprehensive training to

ensure that they meet the needs of each child or young person for whom they are responsible, Training should include at least basic first aid and disability awareness. In addition, identification badges and high visibility jackets need to be worn consistently by drivers and vehicle passenger assistants.

7. **Review governance arrangements for projects and programmes so that all significant change projects go to the Modernisation Board.** The review should include simplifying governance arrangements, ensuring clear lines of accountability and decision-making, with a clear audit trail.
8. **Programme management needs to be strengthened to ensure that any significant changes to Council services are based on a full business case, that there are realistic timelines and clear lines of accountability.** The Council needs to allow adequate time to undertake transformational change in a service. Business cases should be used for significant changes and savings, as well as spending proposals.
9. **More support and oversight are needed from senior managers when significant changes are being made to council services.** Senior managers should also place more value on the professional advice of specialists within the Council, such as procurement, legal, communications and health and safety.
10. **The Council should consider strengthening contract management going forward and ensure all contracts with suppliers of HTST are signed and returned before a service starts.** The Council cannot continue to rely on implied terms and conditions for the remaining contractors who have not signed contracts.

3. Summary of the Independent Review Approach

The independent review team

The make-up of the independent review team reflected the requirements and the focus of the independent review. The independent review team were selected on the basis of their relevant experience and expertise.

The team who delivered the independent review at Brighton and Hove were:

- **Kevin Hall**- an experienced Director of Children's Services (retired from East Riding of Yorkshire Council in August 2019).
- **George Gilmore**-Headteacher of 3 special schools over 23 years, a local authority officer, and most recently an Ofsted Inspector.
- **Dr Jackie Lown**-Head of Specialist Services (East Riding 2009-2019) and member of Ofsted inspection teams for Special Education Needs (SEND) inspections.
- **Janine Walker**-Special Educational Needs/Disabilities professional, currently Head of SEND and Vulnerable Pupils, Nottingham City Council
- **Angela Kawa**-Programme Manager for London and the South East at the Local Government Association, and Independent Review Manager.

Scope and focus

The Local Government Association was commissioned by Brighton and Hove Council, to conduct an independent review of the Home to School Transport Service and the recent changes made to it. In particular, the Council requirements asked the team to focus on the following:

1. Procurement of consultants working on Home to School Transport Service
2. The Dynamic Purchasing System and Procurement of Operators
3. Implementation of the new system
4. The Council's response to the disrupted delivery of the Home to School Transport Service
5. Concerns and complaints

The independent review process

It is important to stress that this was not an inspection. The independent review team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The independent review team prepared for the review by considering a range of documents and information in order to ensure they were familiar with the Council and the challenges it is facing before arriving onsite. The team then spent 3 days onsite at Brighton and Hove, during which they:

- Spoke to 113 people including a range of Council staff together with councillors, stakeholders, parents and providers.
- Gathered information and views from more than 40 meetings, 33 survey responses, visits to schools and additional research and reading over 288 documents provided by the Council and other parties.
- Collectively spent more than 150 hours to determine their findings – the equivalent of one person spending more than four weeks in Brighton and Hove.

This report provides a summary of the independent review team's findings. By its nature, the independent review is a snapshot in time. We appreciate that some of the feedback may be about matters the Council are already addressing and progressing.

4. Main findings

4.1. Procurement of consultants working on Home to School Transport Service

Many interviewees expressed concerns about the procurement of the consultants working on the HTST service. These concerns primarily focused on the speed of the procurement, lack of political oversight, and the fact that Edge Public Solutions were the only bidder. The independent team understand from interviews with officers that the then Lead Member had oversight of the decision. The independent review team also understand that the Lead Members and Council Leader were briefed about the decision, but the team have not seen any formal minutes of the relevant meeting.

Members also expressed concerns to the independent review team that the value of the contract was only just below the level at which it would need to be taken to committee. The very tight timescale imposed by the Council meant that the involvement of members in the decision making, whilst technically within the legal procurement requirements, was very limited. Given the sensitivity of the decisions being made, more consideration should have been given to briefing and involving members. Member scrutiny should be welcomed, and in this case, may well have raised relevant concerns about changing the procurement system with such little lead-in time.

The independent review team were concerned that an evaluation report of the tender submitted by Edge Public Solutions was not completed. The team has seen written evidence that confirms this and confirms that concerns about the procurement process were raised repeatedly, and the risks highlighted internally. One email states that: *Edge began providing consultancy services on 1st April 2019, despite the fact their proposal was incomplete and as you know the contract is still not signed, a risk that xxxxxx and I have highlighted on a number of occasions.*

The independent review team note that the decision to change the procurement method and engage Edge Public Solutions to do this, was undertaken during purdah (pre-election period) using urgency powers. We also noted that an internal audit report (dated 2nd September 2019) states:

“The Director of FCL was advised that this was as a technical change to the procurement process rather than a change to the decision to tender the contracts. In addition, it was highlighted that if an additional PRG Committee were held, this would have coincided with local and European elections and the purdah period. Ultimately these considerations concluded with a Senior Lawyer advising the Executive Director of FCL that it would be appropriate to use urgency powers to make sure that the decision to change the procurement route was properly documented and authorised. We are therefore satisfied that this decision process was in accordance with existing Council procedures and delegations.”

The internal audit report also states that no business case was presented as to why the Council should move to a Dynamic Purchasing System. Instead “a briefing report for

Members and a presentation prepared for the Executive Leadership Team in March 2019 contains the key elements of a business case.”

The report also notes that *“Council arrangements only require a formal business case if additional funding is required or the plans have financial implications for other directorates, in which case these are presented to the Modernisation Board. In this case, no additional funds are being requested as all set up costs are covered within the existing budget. As a consequence, a formal business case was not required.”* The independent review team do not believe this is best practice.

The independent review team recommend that in future any significant changes to Council services should have a formal business case, which is presented to senior managers and lead members. Decisions made on modernisations and significant changes must be thoroughly documented to ensure there is a clear audit trail and clear lines of accountability. The professional advice of the procurement and legal teams should be given far greater consideration going forward. There should be a review of the modernisation board, its effectiveness and what matters go to it for consideration.

The independent review team were concerned that the decision to proceed with the Dynamic Purchasing System was made in the spring of 2019, leaving the Council and Edge Public Solutions only a few months to implement a new system, with new suppliers and new routes, in time for the new school year in September.

In our view, more consideration should have been given to extending the previous framework or issuing new contracts within the existing framework period, to give the Council more time to properly consider the changes to the system. This would also have allowed more time to engage with key stakeholders such as parents, carers, and schools.

4.2. The Dynamic Purchasing System and Procurement of Operators

The timeframe to deliver the new dynamic purchasing system and to procure new operators was extremely tight. Edge Public Solutions repeatedly highlighted many challenges and potential risks to the Council in their presentations: timetable to retender- extremely tight, supplier stronghold, limited resources in the Council’s Home to School Transport team.

There was an overly ambitious timetable for implementation of the procurement system. The independent team judged that the programme timings were far too tight and that having so many key milestones just before the summer school holidays was inadvisable. There was not sufficient time to deliver the significant changes being proposed without there being an impact on the service. The significant risks and challenges which had been identified do not appear to have been actively managed by the Council.

The independent review team have seen clear evidence that concerns were raised about the procurement on the Dynamic Purchasing System being done too quickly.

There were also concerns raised about the suitability of the e-auction system, with one interviewee stating: *“We would use e-auction for stationery, but these are people not*

pens.” Health and safety considerations, previously highlighted in 2018, do not appear to have been fully considered during the procurement process.

Many providers also expressed dissatisfaction with the new system, with many reporting difficulty using the system, there being little time ahead of the auction process to familiarise themselves with the system and there being insufficient information to accurately judge if they could provide the right vehicle for the routes. Providers also reported that the system allowed overbidding for routes, indeed some providers reported that they were encouraged to overbid. As a result, a number of providers under-estimated their success and won contracts that they subsequently were unable to deliver. In addition, providers reported conflicting advice from the Council and Edge Public Solutions regarding whether routes could be sub-contracted.

4.3. Implementation of the new system

The implementation of the new system was very rushed. As a consequence, there was very little time to properly engage with parents/carers, children and young people and schools about the changes. This led to problems such as parents not having information in advance about new drivers and routes, schools not clearly understanding that it was their responsibility to escort children from transport into the classroom and drivers not understanding children’s requirements.

The independent review team has had conflicting reports on the number of children who were adversely affected by the implementation of the changes, with the first member briefing referring to 30 children. What is clear is the impact, with one parent saying: *“I really think that if I hadn’t have already given up work, the lack of transport at the beginning of term would have tipped me over the edge.”* Some children and young people were left without transport at all, late arrival of transport, experienced very long journeys or were mixed with other children in large vehicles when this was not appropriate.

As a result of some drivers and VPAs not being informed about children’s special educational needs, some children were not adequately or safely supervised in vehicles once they arrived at school. Parents reported that on occasions drivers and VPAs called to collect a child from home not knowing the name of the child.

Half of parents/carers who were surveyed by PaCC, said they did not feel confident that their child was safe. There were a small number of potentially serious safeguarding incidents during the implementation of the new system:

- one incident involved a driver advising a Headteacher that he had “lost” a child who had left the vehicle and was subsequently found by school staff
- One parent commented that she received a phone call late one night to say that there would be no taxi for her son the following morning, as the usual driver had been found to have insufficient insurance cover.
- One parent said her son, in a wheelchair, was positioned in a multi-person vehicle, within striking distance of another child who lashed out at him (they were separated in school for this reason).

- One parent reported that they received a call from their child's school to say the child had been picked up, but no-one knew by whom and it took the Home To School Transport Service over an hour to find out where he was.

In addition, it was reported that a number of VPAs commenced contracts without DBS (Disclosure and Barring Service) checks and at the time of the review the team were informed that *"almost all VPAs' DBS checks had now been collated"*. Several parents mentioned the worry of putting their children into taxis when they had never met the driver/VPA before. A number of interviewees also raised concerns regarding licensing of contractors.

The independent review team found that pupil information sheets were either not received by providers, arrived far too late or did not provide sufficient information for providers and drivers. When questioned by parents as to why they did not have pupil information sheets, drivers and escorts stated that data protection regulations (GDPR) meant that they were not allowed to see this information. As stated in the recommendations, the Council should consider streamlining their processes to ensure this information is updated as part of the regular annual review.

Many parents/carers expressed concern about the directive given to them that they should not have any direct contact with drivers/VPAs, but that all communication should be made via the HTST team. They saw this as inefficient and cumbersome; parents/carers overwhelmingly expressed a view that this should be remedied.

A number of providers decided not to take up routes, in some cases providers reported this was because the information on the children's needs had arrived and they found they did not have the right sort of vehicle for a particular wheelchair, in other cases the providers had over-bid and could not deliver all of the routes. They also reported problems with the routing saying some of them were impractical. Given the tight timeframes, this had an impact on the service and caused a number of problems.

A further complication concerned the building works underway on each of the special school sites during the summer term – delays in the programme were not anticipated and the ongoing building works and site restrictions created additional logistical challenges for transport providers and school staff at the start of term.

The independent review also found that, as a result of Home to School Transport having been managed on behalf of the Council by a local provider over many years, there was a loss of school transport expertise within the Council. As a consequence, the data held by the Council regarding children's needs, routes and compatibility on shared transport was limited, incomplete and at times inaccurate.

The combination of all of these issues has meant that Brighton and Hove is still using a large number of individual taxis, as this was necessary in the aftermath of the implementation problems in order to ensure that children could get to school. This has meant that instead of achieving a reduced overspend on the Home To School Transport, there has been an even greater overspend than had been projected if the Council had kept

the previous system. Indeed, the latest actual forecast budget position has identified an overspend this year of £0.967m (as of February 2020, figure provided post-review based on the assumption of a one-year extension to the previous contract). Therefore, the position has worsened by £0.393m for this financial year.

Many parents and children had their routines disturbed, experienced disruption to their work and schooling, and were distressed by the problems. 57% of parents who responded to the PaCC survey said they were either very dissatisfied or dissatisfied with the service a third of parents/carers were satisfied or very satisfied with the new service. However, in general the implementation of the new service caused a host of problems to some families who are already facing challenges and need support.

4.4. The Council's response to the disrupted delivery of the Home to School Transport Service

The independent review team found that there was not a clear picture of the impact of the changes to the service and therefore there was a delay in contacting affected groups. Once the scale of the problem became clear, frontline staff, in the words of one interviewee *"went above and beyond"* to try and resolve the problems. However, it still took many weeks and in some cases months before children and young people who had been adversely affected by the implementation received suitable home to school transport. The significant impact on families and staff was underestimated

There were a number of safeguarding issues as a result of the implementation of the new service. The Council has now ensured that all the necessary checks have been undertaken but there was a point when the Council could not confirm this was the case.

The Council's communications team did not appear to have been given the correct information when they initially responded to member enquiries and produced member briefings, therefore figures in the early member briefings were incorrect, this led to some break down in trust. The Council's communications team were not forewarned of the scale of the change in advance and therefore were caught unawares when it became clear that the implementation of the new service had not gone well. Once they realised the scale of the problem, they acted quickly to provide information and support to members dealing with media enquiries.

The Council needs to develop a systematic response to crisis management and service continuity. There needs to be more consideration given to the impact of resources on other affected services. For example, communications, procurement, health and safety and legal. In the independent review team's judgement, the Council had limited capacity to resource an internal crisis and manage its aftermath. Some interviewees also reported that the corporate team were slow to understand the scale of the risks posed by the crisis. The independent review team have serious concerns that the focus on improving Home To School Transport will lose momentum without robust programme management support and a better understanding of risk. In our judgement the level of corporate risk was not understood during this crisis.

4.5. Concerns and complaints

At one stage of the crisis the Council was receiving approximately 200 emails and phone calls regarding home to school transport per day. There was clearly a significant impact on families and children, some coped well with the changes whilst others were very distressed. These were responded to, but the service was overwhelmed by the volume of enquires and complaints. Going forward, it is important that the Council promotes high quality customer service contact with parents and other stakeholders.

Parents and carers rightly want clarity on the transport arrangements for September 2020. The independent review team found that parents did not know what the arrangements will be in September, as a result, parents were anxious about whether routes will be retendered and changed. The Council urgently needs to communicate clearly their future plans for the Home To School Transport Service.

The comment of one parent was typical of many *“hopefully lessons have been learned and we won’t have a repeat of this fiasco again next September...parents are going to struggle to trust the system again for some time”*. Although senior leaders gave public apologies for the stress and disruption that had been caused at the time of the crisis, many parents felt strongly that senior leaders had not apologised in a meaningful way to affected families and without this they felt that it was difficult to move on.

Parent/carers anxieties about future travel arrangements appear to have become such a strong focus that other priorities around SEND have not progressed, for example SEND policy. Clear information and reassurance about travel arrangements for parents/carers is required, in order to engage them in meaningful co-production about wider SEND issues, of which travel is one element.

Members are also clearly concerned about the new system, the procurement and implementation. More than one member referred to it as *“a botched process”*. In our interviews some members expressed their frustration that they could not get accurate information from the Council and that many parents and carers had contacted them in distress during the midst of the crisis. The member briefings were welcomed but undermined by the inaccurate information provided. This seems to have been a result of a lack of data being in one place that was easily accessible. We are aware the Council has a new IT system for Home to School Transport, the Council must ensure that information it stores is correct and easily accessible to the appropriate staff.

Some opposition members also expressed concerns that they had resorted to using Freedom of Information requests to get information from the Council, as information had not been forthcoming via the usual routes, such as emailing officers for information. It should also be noted that the internal audit report referenced above was compiled following a concern raised by backbench councillors.

The Council has produced a detailed lessons learnt report (January 2020). The independent review team considers that whilst the analysis is helpful, and the 11 proposed actions are to be welcomed, the report does not fully recognise the extent of the internal

systems failure. The mitigating factors described in the report were largely within the control of the Council and should have been foreseen.

The independent review team also understand that a Council committee is due to consider the changes to the service and examine what went wrong and what changes need to be made.

5. Next steps

The independent review team appreciate that senior officers and political leaders will want to reflect on the findings within this report in order to determine how the Council wishes to take things forward.

The independent review team have identified a number of key recommendations, some of which the Council may already have in hand. We recommend that the Council's response to these recommendations includes the prompt development of an action plan which is sent to stakeholders and published on the Council's website.

The Local Government Associations' Principal Adviser for your region Mona Sehgal, and Children's Improvement Adviser Alison Michalska, will be in contact to assist Brighton and Hove City Council going forward.

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