

Subject:	Progress with Home to School Transport		
Date of Meeting:	11 November 2019		
Report of:	Executive Director for Families, Children & Learning		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

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

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

1. PURPOSE OF REPORT AND POLICY CONTEXT

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

2. RECOMMENDATIONS:

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

3. CONTEXT/ BACKGROUND INFORMATION

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

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

Update

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

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

Independent Review

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

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

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

Stakeholder involvement

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

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

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

Policy Panel

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

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

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

5. COMMUNITY ENGAGEMENT & CONSULTATION

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

6. CONCLUSION

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

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

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

Finance Officer Consulted: David Ellis

Date: 7.11.19

Legal Implications:

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

Lawyer Consulted:

Natasha Watson

Date: 7.11.19

Equalities Implications:

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

Sustainability Implications:

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

Any Other Significant Implications:

Corporate / Citywide Implications:

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

SUPPORTING DOCUMENTATION

Appendices:

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

Documents in Members' Rooms

None

Background Documents

None