

<b>Subject:</b>	<b>Home to School Transport: Findings of the Members Policy Panel</b>		
<b>Date of Meeting:</b>	<b>9 November 2020</b>		
<b>Report of:</b>	<b>Executive Director of Families, Children and Learning</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Jo Lyons</b>	<b>Tel: 01273 293514</b>
	<b>Email:</b>	<b>Jo.lyons@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 To share the findings and recommendations from the Member Policy Panel to this committee.
- 1.2 To provide the Committee an officer response to the Panel's recommendations

**2. RECOMMENDATIONS:**

- That the Committee notes and accepts the findings of the Member Policy Panel, given in appendix 1
- That the Committee notes the officer response, given in appendix 2
- That the findings and recommendations of the Members' Policy Panel are incorporated into the existing co-produced Home to School Transport (HTST) action plan
- That a further report comes to a meeting of the CYPS Committee in the Spring of 2021, which will include progress on the implementation of agreed recommendations from the November 2020 report of the HTST Member Policy Panel. Then further updates to come every six months until Spring 2022.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 In 2018/19, responding to an escalating overspend in the HTST budget and perceived lack of effective competition in the sector, the council commissioned Edge Public Solutions to introduce a new Dynamic Purchasing and Procurement of Operators System for September 2020. Edge began working in April 2019 and challenges in capacity at every level of the system soon became apparent. It is acknowledged that the introduction of the new system was rushed, and serious problems resulted with the service from September 2019. Although most were resolved by November, there had been a very significant loss of trust and confidence from families and transport operators.
- 3.2 A notice of motion Notice of Motion at Full Council in October 2019 agreed to set up a Member Policy Panel to review the changes to the service. The appendices in the attached Member report provides the panel's terms of reference and a timeline of their work.

- 3.3 An independent barrister's review led by the LGA into the issues reported the following Spring, making a series of recommendations.
- 3.4 A second independent review has recently reported on the governance issues raised. This second review, and the council's response, is, at the time of writing, to be considered by the Audit and Standards Committee on 27 October 2020.
- 3.5 All the recommendations from the first independent review are being implemented as part of an HTST action plan to restore trust and confidence in the service.
- 3.6 The service works to a new co-production policy with the Parent Carer Council (PaCC) and approved by the HTST Governance Board. This ensures that all new policy and practice is co-produced in consultation with parent and carer representatives and that parents and carers are part of recruitment panels and key decision-making forums.
- 3.7 New governance arrangements were brought in to ensure all stakeholders were fully involved in the changes. Alongside the Member Policy Panel, a monthly HTST Governance Board was set up with all stakeholders represented. It is chaired by the Assistant Director. The Governance Board will continue to monitor progress with the service, alongside 6-monthly reviews by the CYPS Committee.
- 3.8 The Members Policy Panel has now concluded its own review, and the Panel's report is attached as appendix 1. Subject to approval by CYPS Committee, its recommendations will be consolidated into the existing action plan.

#### **4. STATEMENT FROM THE MEMBER POLICY PANEL**

"We regret the necessity to form as a panel, but welcomed the opportunity to look in detail at such an important area of the council's work and responsibility. We are pleased to have led a process that has been significant in putting children and their needs back into the heart of this service area. We are very thankful to the wide range of stakeholders who have engaged so positively and openly in this process. The commitment and energy from all parties to support us in both looking back and forward has been impressive. We are grateful for the input from the Parent Carer Council, the leaders at the city's special schools and to all of the contracted vehicle operators, for informing the panel's work. This has helped us have a full understanding and appreciation of the experience you have all been through and to truly recognise the impact the poor service delivery in September 2019 has had, especially to those families, children and young people directly affected.

We'd also like to thank and recognise the hard work of the front-line staff in the HTST service, who have worked diligently and with compassion throughout this time. We also value the considered and positive input from the interim head of Home to School Transport. Under their leadership, we have seen great improvement in both the operational service and the relationships of all involved.

At the start of our process we heard concerning testimony on the substantial negative impact on families of the service disruption from August 2019, which

lasted well into the autumn term that year. However, we are pleased to have heard many positive examples of how the service has improved since then.

We value having had the input from the LGA independent review report during our process. We see this as a critical turning point, in that it cemented some lessons learnt and helped the service fully develop its continuous service improvement plan, which is still being used now. We hope that plan will be further built on and that the relevant recommendations made here will factor in the service.

We have also heard about some examples of where the council have changed processes in light of the learning from this situation, for example a revised process around the use of urgency powers and a genuine embedded culture within the service around the value and necessity of coproduction. However, there are still some significant questions outstanding and this matter has been referred to Audit and Standard's committee for further investigation.

This report sets out some of our key findings, reflections and a set of recommendations. We are pleased to be presenting these to CYPS committee in November 2020 and have confidence that the committee and the service will accept the findings and continue to make service improvements accordingly. We also want to see our findings and learning points reflected in any future commissioning arrangements. We make a number of 'council wide' recommendations, especially around planning large change projects and recognising when members raise risks.

We want to conclude by further recognising and emphasising that the most important thing about delivering a HTST service is getting children to school safely and calmly so they are ready to learn. We also recognise that the journey to and from school forms a significant part of a child's day and therefore should aim to be an enjoyable experience. This is crucial and families were failed on this in the past.

We have been reminded throughout the work of our panel that the best way to design a service that will work for all, is to have coproduction at the heart of the approach.

Covid has provided the city and especially families, schools and operators with enormous challenges, stresses and worries and we have been pleased to hear throughout that the service has been stable and working well throughout that very worrying time.

As a panel, we wish to share the following principles which we believe current and future home to school transport services should be delivered under in the city:

- Children and young people must be at the heart of all considerations and the service should operate in a way that allows children to arrive at school stress free and ready to learn
- Timings of service decisions (e.g. who will be offered transport) need to allow for a fit-for-purpose service being ready by each September
- Appropriate safeguards to protect children must always be in place

- Smooth decision-making for families is essential, which should be helped by the agreed introduction of a parent representative on the decision-making transport panel
- The budget must be fit for purpose. The recently agreed uplift for the service from the Policy and Resources Committee only covers a shortfall; it doesn't provide additionality
- Supporting young people with independent travel training should be an essential consideration and resourced where appropriate
- Good communications with families is essential
- Simple and efficient systems are needed, co-produced to ensure they are family-friendly.
- Consistency and continuity of driver and Vehicle Passenger Assistants (VPA) should be ensured wherever possible”

## **5. STATEMENT FROM PARENT CARER'S COUNCIL (PACC)**

“PaCC have been pleased to contribute to the work of the Member Policy Panel over the past several months. PaCC welcome the opportunity to work alongside officers to revise the Home to School Transport action plan following the publication of the Member Policy panel report.

The PaCC chair and Vice Chair have had brief early sight of the Member's final draft report and have provided the statement below, however we stress the importance of gaining the wider PaCC Steering Group feedback following a final published version of the report for the committee meeting.

PaCC outline here our broader comments on progress of the Home to School transport service, highlighting perceived risks (further detailed in the PaCC submission to the Member Policy panel 30.9.20) we ask officers and members to consider.

PaCC reiterate our thanks to Regan Delf and the HTST team for the ongoing focus on strong co-production and good communication with families. PaCC also thank Councillors for their ongoing scrutiny of the needed improvements to achieve progress towards a fit for purpose service, whereby CYP arrive at school/college in a non-stressed manner, ready to learn.

It will take time for PaCC and the broader community to forget the trauma and lost learning for many CYP when they returned to school and college in September 2019. Parent carers worried about their children's safety, the risks to employment and care for siblings.

The combined recommendations of the Independent Review alongside enhanced Councillor scrutiny held by members on the Home to School Transport scrutiny panel has led to the much needed focus on co-production of an action plan to create needed service improvements. PaCC welcome the uplift in funding to increase capacity within a previously insufficiently staffed HTST team. Strong leadership coupled with the understanding that families' needs must be placed at the core of all processes has led to necessary consultation with families, and vital learning for officers from the recent parent carer survey. PaCC are pleased to report that communications to the SEND community have improved. The

introduction of the essential training programme for vehicle crews will pave the way for the community to regain trust in Brighton & Hove City Council (BHCC).

**PaCC outline potential risks to the service going forward.**

**Funding-** An uplift from Covid funding has enabled CYP to travel to school and college in less crowded vehicles. The principle of stress free travel, uncrowded travel must be maintained once this funding ends, and any changes to arrangements must be managed to avoid further disruption and anxiety for CYP and their families.

Additionally, PaCC note the references to progressing personal budgets and independent travel training made in the draft Members' recommendations. In light of these points, PaCC asks that Councillors recognise the need for appropriate budgets and we suggest that there is a reference to a commitment to protecting and or adjusting budgets in the Member's report.

**An upward trend for parent carers to opt for Special School for their CYP.**

Covid will continue to impact these figures, higher numbers of CYP are at risk of mainstream placements failing. Additionally, families being unable to visit schools when considering where their child should go to school/college are having to rely on virtual visits, this may see an increase in families opting for special school earlier; parent carers may make choices based on what is perceived as a safer option. To avoid this, and the associated increase in demand for HTST, BHCC and schools must uphold the principles of inclusion for CYP with SEND and good information for families will need to be enhanced. PaCC suggest the council continue to monitor numbers of CYP attending special and mainstream placements in this context.

**Changes to the Home to School transport team**

Lead members of the team are leaving. The new team must continue the legacy of good co-production with PaCC and maintain a firm hold on the core value that families are at the heart of the service.

PaCC thank members and officers for formally noting the positive contribution and impact that PaCC's work has for families in Brighton and Hove. PaCC welcome ongoing and future work with officers and Councillors to sustain the improvements seen recently in this statutory service."

**6. OFFICER RESPONSE TO PANEL FINDINGS AND RECOMMENDATION**

- 6.1 The council accepts the findings of the Member Policy Panel and thanks them for their time and considered recommendations. An initial summary response is provided in appendix 2 and assuming they are accepted by CYPS committee they will be incorporated into the existing HTST service improvement action plan. Progress on that plan will be reported back to committee at agreed intervals.

**7. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 7.1 The Member Policy Panel was mandated by Full Council, following the change of administration the Panel continued, although with a new Chair.

## **8. COMMUNITY ENGAGEMENT & CONSULTATION**

- 8.1 The Member Policy Panel actively sought and encouraged public submissions for each of their public meetings. Key stakeholders, including parent/carer representatives, operators and schools were invited to each public meeting and were actively encouraged to join the discussions, sharing their experiences and their views being sought about both lessons learnt and ideal future service design.
- 8.2 The Member Policy Panel and the service have both recognised and praised the value of coproduction on this matter.

## **9. CONCLUSION**

- 9.1 Whilst entirely regrettable to have needed this process, great value has come from the Member Policy Panel's work, reflections and recommendations. This work will be a core part of the service improvement action plan going forward.

## **10. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 10.1 Of the reported overspend of £1.122m, it is currently estimated that £0.339m relates to additional costs as a result of COVID-19. The early indicative forecast overspend for 2020/21 (pre-Covid) was £1.200m. So, excluding Covid-19 related costs, the forecast overspend for 2020/21 has reduced significantly to £0.783m. This suggests that the careful route planning by the HTST team is having a positive impact on the cost of the service and is capable of producing improved value for money, at the same time as delivering what users regard as a good service.
- 10.2 The HTST budget for 2021/11 will increase by £1.000m as agreed by P&R Committee. It is anticipated that the additional funding, together with the improved route planning, should eliminate the overspend in 2021/22. However, forecasting spending for next year by extrapolating from this year is problematic, due to the service disruption and different financial arrangements that have had an impact on the budget as a result of the pandemic.

*Finance Officer Consulted: Dave Ellis*

*Date:23/10/2020*

### Legal Implications:

- 10.3 The context in which the Member Policy Panel was set up is provided in the body of the report. The report should be ready in conjunction with the LGA recommendations, which the panel endorses. The Panel makes a number of recommendations with a view to the council being able to offer an improved service and lawful decision making to meet statutory duties in relation to home to school transport services in the future.

*Lawyer Consulted:*

*Natasha Watson*

*Date: 26/10/2020*

#### Equalities Implications:

- 10.4 The impact of the poor service delivery in the Autumn of 2019 was most strongly felt by children and young people with special educational needs and their families. This was an unacceptable situation for which the council apologises and is committed to continuing to improve the service, using the lessons learnt from this and other reviews.
- 10.5 The statutory duty on the council to provide free Home to School Transport for children and young people with complex special educational needs and disabilities (SEND) is aimed at ensuring their access to schooling is assured, especially given mobility issues and the fact that the nearest suitable school may be further than for children without SEND. In arranging transport, the council must comply with the Equalities Act of 2010 which requires that children and young people with SEND are not treated 'less favourably' than their peers and that there is no indirect discrimination against their parents and carers by requiring of them more than would reasonably be required of other parents.
- 10.6 The coproduction agreement with PaCC and the detailed action plan demonstrate a commitment to improving the service experience for those with some of the greatest needs in the city.

#### Sustainability Implications:

- 10.7 The recommendations around procurement of future service arrangements are clear that sustainability matters must be fully explored and considered.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

1. Report of the Home to School Transport Member Policy Panel November 2020
2. Officer response to the recommendations of the Panel

