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# **Report of the Home to School Transport Member Policy Panel**

## **November 2020**



**Brighton & Hove  
City Council**

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# Background and Context

## Background

In 2017, Home to School Transport (HTST) was identified as a service that needed review. This was for a variety of reasons, including an overspent budget and a reliance on a small number of providers. Work to change this began in 2018.

Members looked at this in June 2018, through the Procurement Advisory Board, and later at the Policy and Resources Committee in October 2018.

The change in contract created huge challenges for schools, operators and perhaps most importantly, children and families. The crisis hit in September, and the small HTST front-line staff did everything they could to address the consequences. The service was not placed on the council's strategic risk register until March 2020, by which time the first independent review had already reported on the circumstances that had led to failure. Its recommendations included significant learning points for the council as a whole on improving the practice and governance of change projects and programmes.

## Local Government Association (LGA) independent review

Appendix 4 provides the full report produced by the LGA review team.

Members of the Children, Young People and Skills Committee (CYPS) were informed at their meeting on the 16th September 2019 that an independent review of the HTST service would take place. This was due to the significant concerns raised by members and stakeholders about the delivery of the council's HTST arrangements. The LGA was commissioned to undertake this piece of work and the Independent Review team arrived in Brighton and Hove on the 28<sup>th</sup> January 2020 for a three-day onsite visit.

The review focused on:

1. Procurement of consultants working on HTST 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 HTST service
5. Concerns and complaints

During their visit the team spoke with 113 people directly, held more than 40 meetings, reviewed 33 survey response and read over 288 documents provided by the council and others – collectively spending more than 150 hours to determine their findings.

The review team presented their key findings and 10 recommendations to CYPS committee in March 2020 and this panel were pleased to hear that the council fully accepted all findings.

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## Establishment of the Member Policy Panel

A Conservative Notice of Motion was passed at Full Council in October 2019 and the council thus set up a Member Policy Panel to review the changes to the service. Appendix 1 provides the agreed terms of reference for the Member Policy Panel and Appendix 2 provides a summary timeline of the work of the panel.

- At the first meeting, Cllr Hannah Clare was appointed as the panel chair. It was agreed that:
- The scope of the panel would be to consider current issues and to examine the findings of the independent review
- Meetings would be held at least monthly and would be open to the public and press. In addition, an agreed list of key stakeholders (a Parent Carer's Council representative, special schools, parent/carers governors from the CYPS committee and contracted vehicle operators) would receive direct invites to attend

The panel agreed the ambition to report back to the June 2020 CYPS committee; this was later revised to November 2020.

The panel agreed to consider a comprehensive list of issues arising from the mistakes made in the HTST service. The list included:

- The impact on stakeholders
- How route allocations were determined
- Training as well as health and safety considerations on service delivery
- The impact on the year-end budget

There were two factors that lengthened the work of the panel: the desire to not clash timelines or duplicate the work of the LGA review and the impact of Covid in the city from February 2020.

Some changes to the Panel have been made since its establishment. Cllr Gary Wilkinson was unable to continue on the panel so was replaced with Cllr Amanda Grimshaw. In July 2020 Cllr John Allcock joined the panel, replacing Cllr Jackie O'Quinn, and was appointed as the panel chair.

## Statement from the panel about the process and context of their work

"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

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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's 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

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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 (eg 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"

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# Reflections, Findings and recommendations

## Theme 1: Governance and oversight

The panel endorse the findings of the LGA report.

The LGA independent review had been agreed and was being progressed, so in order to avoid duplicating that work much of the early focus of the panel's work was hearing from stakeholders about remaining and current concerns. This was achieved through invited submissions ahead of the meetings but also by inviting key stakeholders to speak at the public meetings. Below is a summary of the points that were raised and some of our reflections for this theme.

### Panel findings and reflections:

- Concerns were raised early in the panel's work on the effectiveness, efficiency and accuracy of the current pupil information sheet process. This meant that operators did not always have the detailed knowledge about individual children that they needed. It was acknowledged by all parties that this process needed improvement.
- The panel concurred with earlier calls by Councillors that HTST should be added to the corporate risk register. This only occurred when the LGA included it in their Review recommendations in March 2020. The panel feel that Councillors' advice on this was ignored and not progressed swiftly enough.
- Questions were raised by the panel about whether the council took appropriate responsibility regarding the events that led to service deficits in September 2019. The panel recognised the very real impact on and efforts of the front-line staff who responded to the service difficulties. The panel also noted the LGA's findings that "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."
- Questions were raised throughout the process about the HTST budget and sought to understand why the overspends in 2019-2020 and then 2020-2021 came about. The panel was concerned that it was difficult to obtain detail on some of these questions.
- The panel recognised that during the course of the academic year, a number of recordkeeping matters greatly improved from a sub-standard position, providing assurance over suitability of drivers and VPAs and their training and decision making around route allocations.
- Concerns were raised about the decision to allow a small number of VPAs to commence work with a waiver whilst their full DBS checks came back.
- Discussions took place on the tension between operators needing enough contractual commitment to make appropriate investments in the right specialist vehicles and

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- equipment, alongside the council's need to retain a strong grip on contract management, including the ability to sanction or cease contracts where necessary.
- The panel agreed strongly with the LGAs finding that the process had been rushed without adequate consideration or consultation with key stakeholders.
  - The panel recognise that a significant amount of information that provided evidence for the panel, the LGA and the information being presented to A&S Committee was obtained by Councillors using Freedom of Information (Fol) requests. The panel recognises that in some instances using Fol is appropriate when information might be subject to confidentiality clauses and conditions and in this case enabled some further information to be placed within the public domain. However, the panel does feel it is inappropriate for Councillors to feel they have resort to these measures and was concerned about the amount of time it can take for officers to response to some requests.

The panel identified a number of potential concerns regarding the authority to introduce a dynamic purchasing system and the related procurement process. The panel decided that the issues could be separated from the "service delivery" issues of HTST. Consequently, the panel felt it appropriate for the issues to be subject to further urgent investigation by the Audit and Standards Committee.

#### Panel recommendations :

##### Council wide:

- **Systems change** - The panel were concerned with all the evidence that this was not a well-managed systems change project. The council are recommended (perhaps via a recommendation to Audit and Standards Committee) to consider how the learning from this is captured and incorporated into corporate processes as a matter of urgency, to include the need for sufficient lead in time for any future significant service change.
- **Risk register** - Council officers need to ensure robust change management by adding significant projects to the relevant risk registers and to take swifter action in future when requests are made for additions to risk registers by councillors
- **Co-production** - The panel have seen, through the service improvements over the span of their meetings, that meaningful coproduction on key services such as this is essential. The panel recommends that all projects of this scale and significance in future have a well-resourced commitment to coproduction with stakeholders both throughout the planning and implementation and also through being part of the governance of overseeing future governance of the area of work.
- **Financial modelling** - Future change programmes need a more robust financial modelling approach in future. Some work was done on high-level comparator budgets but there was little drilling down into the detail to understand the validity and relevance of the high-level comparisons.
- **Access to information** - The council should review processes for Councillors to obtain information when legitimate reasons are provided.
- **Procurement review** - In March this year, significant concerns were raised with the Council's Chief Executive regarding the consultancy contract to advise and support the Council on the HTST procurement process. In June the Chief Executive was asked to obtain an independent review of the HTST procurement process to ensure transparency and accountability. Subsequently the matter was referred to an external

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Barrister for review and advice and Counsel has provided his preliminary draft advice. Given that these are matters of governance, rather than service, and given their vital importance, the Panel has determined that they would be better dealt with by the Audit & Standards Committee which met on 27 October to consider the recommendation of this Panel that a cross party panel with an Independent Person, is set up as a matter of urgency.

### Service specific

- **Committee Oversight** - In 6 months time, a brief progress update paper on the service should be provided to the CYPS Committee, with a full progress update being provided on an annual basis thereafter. This fuller update should include: an update on the service improvement action plan, parent/carer feedback on the service, procurement plans and the budget position.

### Theme 2: Stakeholder feedback

The panel were aided greatly in their work by the generous and open contributions from stakeholders, including the Parent Carer's Council and school leaders, as well as from operators. Their contributions enabled the panel to gain a greater understanding of the real lived experiences of service-users and providers at the current time. The panel were pleased to hear how both the relationships and co-production of and around the service improved greatly during this time, between the council, parents/carers and the operators.

### Panel findings and reflections:

- PaCC raised consistently throughout the process that it was essential that children are able to arrive at school ready to learn, and not distressed or agitated from their journey into school. The panel heard that issues with the service were still occurring in January 2020. By March 2020, PaCC, schools and operators fed back that improvements were occurring at pace.
- PaCC and panel members agreed that it was essential that direct feedback from parent/carers, children and young people should continue to be collated, analysed and fed into service improvement plans.
- Suggestions were made around needing an improved customer focus for the service, including a clearer complaints procedure.
- The panel were concerned to learn that some parents and carers did not feel comfortable in raising complaints with the council for fear that complaining might lead to them being disadvantaged with the services they might be entitled to or were receiving.
- The panel highlighted the importance of arrangements being in place well in advance for academic year 2020-2012, and the need for the Transport Governance Board to oversee the services' improvement action plan. PaCC as a standing member of this board, would provide support and challenge around the improvement progress.
- During the time the panel meetings were being held, the council agreed to increase the funding to PaCC to allow them to further engage in and support this work.
- The panel heard from operators about the experiences and difficulties they faced following the procurement process in spring/summer, 2019. It was helpful to hear about their experiences of the systems and process, as well as reports on these

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issues from officers, to enable them to get a complete view of what had not worked in that process.

#### Panel recommendations:

##### Council-wide:

- **Key performance indicators (KPIs)** - The introduction of KPIs on service-user satisfaction and as providers of the service, the council remains ambitious about its targets.
- **Complaints processes** - The council must ensure that complaints processes and procedures for parents and carers allow and encourage open and frank feedback, emphasising that feedback can be made without prejudice to services entitled to, received or being offered.
- **Member panels** - Future Member panels of this type should learn from the strong stakeholder voice model used here. Constitutional Working Group should consider how further guidance can be drafted as to assist future member panels.

##### Service specific:

- **Service feedback** - Feedback from schools and operators should be regularly sought and acted upon – in a transparent way

### Theme 3: Procurement

Much of the panel's discussions have highlighted the need to ensure that the service is procured well in future. Leading on from the comments in the LGA review, the panel felt this topic had to be explored further.

#### Panel findings and reflections:

- All stakeholders had an opportunity throughout the panel's work to provide feedback on the procurement process that took place for the new service arrangements in September 2019. Feedback to the panel reflected the findings of the LGA report.
- Due to the Covid pandemic, requests were made throughout the panel's meeting for the council to work creatively and in a supportive way with operators to enable them to maintain their service delivery where possible. The panel was pleased to hear about the financial support offered along with access to PPE. In June 2020, the panel heard that the operator contracts had been rolled over to provide greater consistency to providers and service users. However, robust contract performance management will continue to be undertaken to ensure compliance and value for money.
- The panel heard feedback from operators and others on how the service might be contracted differently, e.g. whether the DPS provided good value for money or whether routes might be better offered out in lots rather than individually. Operators were able to give clear feedback and submissions on elements that they did not find valuable or useful about the current process, often providing comparison with how systems had worked previously. The panel were unconvinced that the procurement model for HTST put in place for September 2019 was suitable for the service being offered or reflected the needs of the city. The panel offered caution in adopting a procurement model that focused on e-auctions designed in such a way as to either

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give routes to the lowest bidder, or accept unnecessarily high service costs on routes receiving only one bid.

#### Panel recommendations:

##### Council-wide:

- **Exploring options** - The council can and should be encouraged to meet its statutory obligations in different ways, for example, by paying parents (based on mileage or by giving each a personal budget) or by exploring delegating some budgets to schools. However, it is the panel's view that in order for operators to invest in delivering a high quality service they need assurance that the contracts will run (subject to good contract management) for the duration of their term.
- **System change** - There is a point of learning for the whole council around whether there is enough lead-in time to properly plan for and achieve major systems change, including time for relevant committees to be consulted. For HTST this should include the annual procurement of each route, contracts being issued and the start of the autumn term.

##### Service specific:

- **Future contractual changes** – the CYPS committee will receive a future detailed report on possible new contractual arrangements for this service, which are fully co-produced with key stakeholders and that clearly seek the views and input of current providers. This model must include full considerations around sustainability and environmental impacts on the city. Any future contractual changes need to be considered with sufficient lead in time to be capable of delivery at the start a new academic year avoiding an over reliance on preparations over the summer holiday period.

#### Theme 4: Continuous service improvement and improving outcomes

During the course of the Member Policy Panel, significant improvements were made both to the operational side of the service and also to the ongoing continuous improvement action plan. Through submissions and contributions from stakeholders throughout, the panel were able to hear directly of improvements and better relationships. This was further evidenced by a smooth start of the 20/21 academic year, despite managing Covid impacts at the same time.

#### Panel findings and reflections:

- Early submissions from PaCC and schools highlighted the need for clarity on the complaints procedures; communications strategy with families; assurances in respect of service operator training and up-to-date Disclosing and Barring Service (DBS) certificates.
- The panel recognised that the poor service at the start of the autumn term in 2019 was further exacerbated by delays in building works at both the Downs View and Hill Park school sites.
- The panel noted that there was inconsistency in approach to ensuring vehicles complied with the contract requirements, particularly those of the council's Blue Book, such as on-board CCTV and vehicle age.

- Reports were made throughout the panel's process of excellent individuals and teams working with children, young people and their families despite the unacceptable position the service was in during August/September 2019.
- Stakeholders brought up lessons to be learnt in order to secure improvements for September 2020. These included allocating routes much earlier where possible, better communications with families about their child's journeys and asking operators to introduce themselves to families over the summer.
- The panel supported the arrangement that means families no longer need to reapply for transport annually, and the development of social stories to help children understand why their service may look a bit different during Covid-19. The panel did, however, record concerns about possible service disruption and sought assurance from officers. These concerns centred around whether routes would be allocated in a timely way, whether vehicles could be purchased in time and whether necessary staff recruitment would be in place before September 2020.
- The panel were concerned that reasons for routes being returned to the council were not readily available and significantly, that emphasis on the failure of the service in September 2019 was largely attributed to operators returning routes. The panel learnt that there were several factors resulting in returned routes, notably misunderstandings regarding operators being able to sub-contract, and delays by the council in providing information to operators in respect to the needs and circumstances of children being transported.
- In the final panel meeting in September 2020, stakeholders, including PaCC and operators, reported the positive situation at the start of term and that there was confidence that things would continue to improve now.
- The panel has considered the service action plan in their meetings. The panel consider that whereas operators are required to ensure drivers and operators are suitably trained for the children in their care, the council were previously lacking in having good records. A subject that was repeated several times was a deficiency in suitable training for epilepsy and how to manage incidents, especially in vehicles carrying many children. It was recognised that some areas of work are still in development, such as a better system for pupil information sheets and moving the operator training package online.
- The panel noted that service delivery was impacting the education time pupils were receiving. This was primarily as a result of a lack of clarity, planning and insurance when pupils were moved between vehicles and the school premises. The panel was concerned that pupils were therefore being educationally disadvantaged. The panel does note that in respect to managing Covid, the service, schools and operators are seeking to limit the impact on pupil education time.
- The panel was informed that a consequence of the problems in transferring pupils between vehicles and the school premises, the schools were incurring additional costs to try and overcome the shortcomings of the process.
- The panel heard of instances where the reporting of incidents regarding safeguarding or health and welfare concerns were not always acted upon in a timely fashion. The panel was of the opinion that any incidents being reported should be robustly recorded with actions noted and dealt with as a priority.

Panel recommendations :

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### Council-wide:

- **Contract management** - Robust contract management arrangements to be in place to ensure compliance with key standards (For HTST this means training, DBS and full compliance with the council's Blue Book etc). The panel welcomes the idea of a contract management board being established to manage contracts.

### Service specific:

- **Governance board** - Transport Governance Board to continue and to oversee the HTST Improvement Action Plan and ensure continuous service improvement.
- **Wider SEND planning** - Process review of how transport needs are woven into Education, Health and Care plans and the work of SEND (given HTST sits outside the SEND team). The panel would like to see greater collaboration between these two areas with agreed roles and responsibilities.
- **Route allocation review** – Implementing an expanded value for money tool which embeds quality considerations alongside financial information when considering bids or making route allocations.
- **Alternative arrangements** - Alternative HTST arrangements are to be explored such as personal budgets; Independent Travel Training; mileage allowances.
- **Home to School Transport policy** - Reviewing and co-production of the Home to School Transport Policy, which was last agreed by members in 2015. Timing – to be in place before the formal re-procurement of the service begins. New Government Guidance is expected – consultation closed in October 2019. This will cover how to review the council's local policy. Separate post-16 guidance is also expected.
- **Route returns** - Route returns and other significant issues with operators must be recorded in a robust manner to allow scrutiny, analysis and improved service delivery.
- **Future liaison** - HTST should ensure close liaison between the service, schools and operators to ensure that pupils are not disadvantaged by reduced education time.
- HTST should ensure close liaison between the service, schools and operators to ensure that decisions by HTST do not create budget pressures on the schools.
- **Incident reporting** - HTST should create a robust procedure for incident reporting and a summary of incidences (complying with GDPR legislation) should be included with the reports to CYPS Committee recommended elsewhere in this report.
- **Vehicle checks** – HTST to ensure that appropriate vehicle checks are regularly and routinely carried out.

## Conclusion

The Member Policy Panel commends these recommendations to the CYPS and A&S committees and look forward to seeing the amended HTST action plan in time. The recommendations that refer to wider matters, sitting alongside and also outside of HTST / Families, Children and Learning matters will be referred on to the relevant areas in the council but an update on them will feature in the six month report back to CYPS committee.

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## Appendix 1: terms of reference of the panel

### **TERMS OF REFERENCE FOR THE HOME TO SCHOOL TRANSPORT POLICY PANEL**

#### **1. Name**

1.1 The panel shall be called the Home to School Transport Policy Panel (“the Panel”).)

#### **2. Purpose and remit**

2.1 The Panel shall:

- Review the current issues and challenges around the home to school transport service and oversee any results of the Independent External Review;
- Provide advice and make recommendations to the Children, Young People and Skills Committee as well as to the Acting Executive Director, Families, Children & Learning, as necessary.

#### **3. Status**

3.1 The Panel have the status of a task and finish policy panel. It will be an advisory body and will not have subcommittee status. The political balance rules in section 15 of the Local Government and Housing Act 1989 will not apply.

#### **4. Reporting**

4.1 The Panel will report to the Children, Young People and Skills Committee with recommendations, but may also provide advice to the Executive Director for Families, Children & Learning as necessary.

#### **5. Membership**

5.1 Membership of the Panel shall consist of 6 elected Members, 2 each from the three political groups on the Council nominated by their Groups.

5.2 The appointments may be made, in accordance the wishes of the political Groups, at the meeting of the Children, Young People & Skills Committee when the terms of reference are agreed or notified to Executive Director by the relevant Group following the meeting.

5.3 Nominees will normally be selected from the membership of the relevant parent committee(s).

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#### **6. Chairing of meetings of the Panel**

6.1 The Chair of the Panel shall be appointed by the Children, Young People and Skills Committee from members of the Panel who are members of the opposition.

6.2 If the Committee does not appoint the Chair, the Panel itself will appoint the Chair at its first meeting. An Officer authorised by the Executive Director will preside over the appointments process.

#### **7. Meetings and ways of working**

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7.1 The Panel will agree ways of working appropriate to its role and remit at the scoping meeting (the meeting to discuss how the work will be organised, who to invite, and timescales.)

7.2 In line with normal practice, it is expected that the Panel will have 3 or 4 meetings, but this is without prejudice to the ability to have additional meetings if the Panel consider it necessary.

7.3 The Panel will decide whether some or all of its meetings are open to the public having regard to the nature of the issues to be discussed, the wishes of witnesses and any legal or commercial sensitivities.

## **8. Duration**

8.1 As an ad-hoc panel, the Panel will come to an end when it concludes its deliberations and submits its report, if any, to the Parent Committee. This is **expected to be early in the new year.**

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## Appendix 2: Timeline of the work of the panel

24 October 2019 Full Council endorsed notice of motion to establish Member Policy Panel and referred to CYPS committee

11<sup>th</sup> November 2019 [CYPS accepted recommendation](#) from P&R committee and MPP was established

18<sup>th</sup> December 2019

Panel meet for first time in a private session and agree schedule of issues

### Member Policy Panel Public Meetings

- 23<sup>rd</sup> January 2020
- 3<sup>rd</sup> March 2020
- 20<sup>th</sup> March 2020
- 3<sup>rd</sup> June 2020
- 2<sup>nd</sup> July 2020
- 21<sup>st</sup> July 2020
- 30<sup>th</sup> September 2020

At the Children's Young People and Skills Committee on 15<sup>th</sup> June 2020 it was agreed that the work of the Member Policy Panel could be extended by a period of up to 6 months to complete its work.

The panel then met privately on 7<sup>th</sup> and 27<sup>th</sup> October to write this report.

Following the meeting on the 7<sup>th</sup> October a decision was made to refer elements of the Panel's considerations (and procurement process) to Audit and Standards Committee.

7<sup>th</sup> November 2020 - Present final report to CYPS committee

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## Appendix 3: Letter from the Panel to parents/carers whose children are in receipt of HTST – sent 2<sup>nd</sup> November 2020

Dear parents /carers

We are a panel of six councillors who have been looking at your service and have made some recommendations back to the city's children, young people and skills committee.

We had 7 public meetings, where we heard evidence on what had happened last September and how things were now. We invited the Parent Carer Council, the transport companies, the special schools and the council's service to come to those meetings.

We heard more about the upsetting impact the poor service last year had on your families and we wanted to ensure that those mistakes didn't happen again. We are sorry that this happened to you. It was unacceptable and we have been clear that your children are amongst our most vulnerable young people in the city. They deserve a high-quality transport service that makes the start and end of their school day safe and stress free.

Some of the things we have recommended back to the council's children's committee includes:

- Making sure that you are asked regularly whether you feel you are getting a good service and embrace criticism and complaints to enable swift resolution to concerns and problems raised.
- When thinking about any future changes to the service your views are asked for and listened to before changes are made
- That the council consistently checks to make sure that all journeys are safe and are of a high fit for purpose quality
- If you have concerns we will make it easier for you to share them with us.

By our last meeting this September we heard about positive improvements with the service. We are asking children's committee to keep asking for updates on how the service is working to ensure this continues.

We want to say a big thank you to you and your children for your cooperation with the reviews that have taken place. Hearing your views and learning how this hurt you has helped in making sure the service is now improving and mistakes will not happen again.

If you want to read our full report or watch the recording of the committee meeting you can see these here : <https://present.brighton-hove.gov.uk/mgListCommittees.aspx?bcr=1>

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With many thanks,

Members of the Panel – Councillors John Allcock (Panel Chair), Hannah Clare, Amanda Grimshaw, Elaine Hills, Mary Mears, Lee Wares

If you have any questions about your child's transport arrangements please contact the team here [hometoschooltransport@brighton-hove.gov.uk](mailto:hometoschooltransport@brighton-hove.gov.uk) or by calling 01273 293501.

Appendix 4: LGA report

<https://www.brighton-hove.gov.uk/independent-review-home-school-transport>

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## 1. Executive summary

The Local Government Association was commissioned by Brighton & 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

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effectively communicated to all stakeholders. Systems of communication between the council and key stakeholders needs 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 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. While schools, parents and carers acknowledged that the team tried to fix the issues, some experienced weeks, and in some cases three months of disruption.

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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 Carer’s 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:

- Clear, consistent and urgent communication to all stakeholders (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**
- 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**

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- 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**
  - 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**
  - 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**
  - 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**
  - Review governance arrangements for projects and programmes so that all significant change projects go to the Modernisation Board. **The**

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**review should include simplifying governance arrangements, ensuring clear lines of accountability and decision making, with a clear audit trail**

- 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**
- 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**
- 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 to 2019) and member of Ofsted inspection teams for Special Education Needs (SEND) inspections**

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- **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 & Hove City 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:

- **Procurement of consultants working on Home to School Transport Service**
- **The Dynamic Purchasing System and Procurement of Operators**
- **Implementation of the new system**
- **The council's response to the disrupted delivery of the Home to School Transport Service**
- **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 & 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**

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- **collectively spent more than 150 hours to determine their findings the equivalent of one person spending more than four weeks in Brighton & 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

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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 xx xxxx 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 2 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

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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 re-tender 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

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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 underestimated 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.

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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 a "lost" 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

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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 & 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

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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

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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 re-tendered 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.

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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 request s 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 while 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

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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 & Hove City Council going forward.

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