Home to School Transport Inquiry

Education and Children's Social Care O&S Committee

1 Preface from Councillor Kath Scott, Chair

1.1 I am pleased to be able to present this report to Full Council following an extensive piece of work conducted earlier in the year that put the parents, carers and users of the Travel Assist services at the forefront of its Inquiry. The report was due to be presented to Full Council in April 2020 but the original response from Cabinet, under the 8 day rule, coincided with lock-down and emergency / business critical work was, quite rightly, being prioritised. I therefore communicated to Cabinet that the report should wait until September.

1.2 Since then the Executive and officers have worked hard on the service and I welcome the many improvements that have been made up until now and look forward to the future improvements that are in the plan going forward. The point of the Inquiry was to bring about a better service for children, parents and carers; as set out in the Executive response to this report – we are well on the way to achieving that.

There are still matters that the committee will be keen to keep an eye on, including the commitment made in the motion to Full Council on the 4th February 2020, where the Cabinet Member for Children's Wellbeing committed to supporting Scrutiny's role and acting upon contributions made:

> **The Executive remains committed to its relationship with Scrutiny and Audit Committees by being open and proactive in sharing issues in advance, however challenging, and genuinely reflecting and acting upon their contributions and recommendations.**

1.3 I'd like to thank the members of the committee for their commitment and enthusiasm, and the Cabinet Member and officers for their support in conducting this review. Scrutiny always works best when members of all parties work together for the benefit of our citizens, and it is satisfying to see the results in this case, and tangible improvements in a service which has been problematic for users and their carers for too long.

2 Background

2.1 This inquiry came about following repeated concerns expressed by parents and schools to scrutiny and councillors which led to the issue being raised at City Council. An undertaking was given in September 2019 that the Education and Children's Social Care O&S Committee would look at the

impact of the service on the parents, carers and children involved and how that fits with the aspiration for Birmingham to become a child friendly city.

2.2 This follows many well documented and high profile problems with the services, including budget issues, the collapse of the previous contractor, and an Audit report that identified many failings in the service. The Education and Children's Social Care O&S Committee (the committee) has received a number of updates and spent a considerable amount of time on home to school transport over the last few years and highlighted a number of concerns in meetings. This included two 'request for call in' meetings on the 0-25 Home to School Transport Policy in January and May 2019.

3 Our Approach

3.1 Much of what has been discussed in Audit, Full Council and in other committees focused on budget, contractual or governance issues. Therefore, members of the committee set out to put the experience and voice of parents, carers, children, young people and families involved firmly at the centre of this inquiry throughout. This was done through an evidence gathering session on the 22nd January 2020 with representatives from the Parent Carer Forum, City of Birmingham School (COBS); Special Educational Needs and Disability Information, Advice and Support Service (SENDIASS); special schools; Cabinet Member and senior officers (please see Appendix 1).

3.2 Prior to the evidence gathering session in January 2020, the committee put out a call for evidence that included: an e-mail to all elected members; details on the schools noticeboard; a survey on BeHeard and information on social media and the council's website. There was also an article about the launch of the inquiry in the Birmingham Mail. As a result, there were several face to face meetings with a number of parents; written evidence from schools and parents and responses to the survey.

3.3 Members would like to thank those who provided evidence to the committee and an evidence pack is available.

Key Messages

3.4 Some of the findings in this report will make uncomfortable reading for the council. That is not the intention, but the evidence presented to the committee made clear that the service was still failing vulnerable young people, their parents, carers and families and that relationships with service users and schools involved are damaged as a result.

3.5 Whilst acknowledging that some of the matters referred to are national issues, this report focuses on the concerns raised by parents, carers, families and schools in our evidence gathering session, and the response from the Executive. We also acknowledge that those who are happy with the service are less likely to come forward to give evidence and the evidence in this report reflects that. However, any service failure needs to be taken seriously and addressed, particularly where those failures relate to statutory requirements, safeguarding or an unsatisfactory customer journey.

3.6 We emphasise that relationships and trust need to be rebuilt by putting the experience, views and needs of the families and schools concerned at the centre of decision-making. It is our hope that in doing so, we can start to draw a line under what has gone before and help shape an effective and responsive service.

4 Context

Financial Matters

4.1 The national context is illustrated in a new analysis by the Local Government Association (LGA) which revealed that unsustainable costs and demand pressures are set to push councils' bill for providing free home to school transport to £1.2 billion a year by 2024. The LGA is calling on the Government to use its review of SEND provision to understand and fully fund the pressures driving the scheme to breaking point and incentivise more mainstream schools to include local children with SEND so they are not having to travel so far to attend special schools.[1]

4.2 In recognition of this, a resolution passed at City Council on the 2nd April 2019 requested that:

> **Leader of the Council and the Cabinet Member for Children's Wellbeing write to the Secretary of State for Education Damian Hind MP and the Chancellor of the Exchequer Phillip Hammond MP, urging them to ensure that our City's education budget is sufficient to cover increasing SEND demands to call for the Notional Funding Formulae be adjusted so that allocations can be determined by the City Council; to ensure that this Council is able to allocate funds (above 0.5%) from other Schools funding blocks.**

4.3 There are also more local concerns about the deliverability of the budget for home to school transport, and these have been well rehearsed at the Resources O&S Committee and previously in Education O&S meetings. In January 2017 it became clear there was a huge level of uncertainty about the current baseline budget and members were informed that the agreed savings for the 2016+ budget had been scrapped. More recently changes were made to the budget including in The Financial Plan 2020-2024 agreed at City Council on 25th February 2020:

> **School Transport remains an area of significant expenditure for the Council. It is a vital and statutory service that provides transport to some of the most vulnerable children and young people in the city. In 2019, in recognition of additional demand and costs arising from provider failure the service was allocated £2.9m of one-off resources from Policy Contingency to address the reported overspending. In 2020/21, the service has been rebased with £3.9m of additional resources and reductions in assumed savings of £0.8m.**

[1] https://www.local.gov.uk/school-transport-under-threat-bill-set-rise-ps12-billion-2024

Audit Report, January 2020

4.4 A report was presented to the Audit Committee on the 28th January 2020 outlining the findings of the internal audit of home to school transport, summarising the actions taken by the Education and Skills Directorate and outlining progress made since the audit was completed.

4.5 This audit was requested by the Education and Skills Directorate following concerns in relation to safeguarding, commissioning, contract management and quality assurance within Travel Assist – the statutory home to school transport service. The initial work quickly confirmed the Education and Skills Directorate's concerns, in particular the extent of the cross cutting concerns across the Council in relation to safeguarding and safer recruitment practice, specifically the management of Disclosure and Barring Scheme (DBS) checks. The work identified some very significant cross-council concerns in a range of areas.

4.6 Following this report, a resolution passed at City Council on the 4th February 2020 stated:

> **'That the Council apologises unreservedly to the children, young people and their families of the Home to School Transport Service for the failings identified in the Audit report… The recommendations of the audit report be actioned by the Directorate, with progress to be tracked by Audit Committee.'[2]**

5 Findings

5.1 As noted above, the report focuses on the concerns raised by parents, carers and families, and the response from the Executive. These are set out in the section below.

Policy

5.2 Section 508B of the Education Act 1996 says councils must provide free home to school transport for eligible children of statutory school age to qualifying schools.

5.3 The statutory responsibility for transport for 16-19 year olds (who have started a course before their 19th birthday) rests with local authorities. Local authorities have a duty to prepare and publish an annual transport policy statement specifying the arrangements for the provision of transport, or otherwise that the authority considers necessary, to make to facilitate the attendance of all persons of sixth form age receiving education or training (Section 509AA of the Education Act 1996).

5.4 The section 509F and 508G duties apply to all local authorities in England in respect of arrangements for adults aged 19 and over, who started their programme of learning after their 19th birthday. The legislation recognises that it is important that decisions on whether local authority arranged transport for this age group is necessary, sits at a local level and, as with the previous duty, the flexibility of the extent of an individual policy lies with individual local authorities. Where local authorities do decide that it is necessary for them to provide transport, this must be provided free of charge,

[2] https://bit.ly/2I0QDMU and https://bit.ly/394qrwV

however, the legislation also gives local authorities the flexibility to contribute to, fund or charge for other transport solutions where it wishes.

5.5 The Upper Tribunal (Administrative Appeal Chamber) has considered transport for post 19 learners with an Education and Health Care Plan (EHCP) (section 508F). The Tribunal commented that:

> **"The local authority has a duty to make transport arrangements for [a post 19 learner] if they consider that to be 'necessary' having regard to all the relevant circumstances. This is not a pure discretion. Although the question of what is necessary is a matter for them, in deciding that question they must exercise their judgment judiciously and in good faith. If they come to the conclusion that it is necessary, they must make the necessary arrangement and the transportation must be free of charge" (Staffordshire County Council v JM, 2016).**

5.6 Local authorities must prepare a transport policy statement by the end of May each year setting out any transport or other arrangements that it proposes to make for that academic year in respect of adults aged under 25 with an EHCP under the 508F duty.

5.7 SENDIASS told members that they believed, with regards to the statutory responsibilities set out above, the council's decision making did not always follow those requirements. This included:

- that there is no expectation in legislation on parents to transport a child to college once they are 18 years old and therefore this is not grounds for the City Council to refuse transport.
- the legislation does not expect parents to accompany SEND children to school if the school is miles away.

5.8 There is a gap in the legislation for travel support in relation to one aspect of eligibility for young persons between 16-18 years old and for children under 5 with SEND. Currently this leaves an area where discretion can be applied by the local authority in deciding whether to award travel assistance in 'exceptional circumstances'. Concerns were raised by several parents responding directly to the call for evidence, and to SENDIASS, over children who were previously in receipt of transport subsequently being refused on the grounds of lack of 'exceptional circumstances' with parents and carers not knowing what constitutes 'exceptional circumstances'. The lack of clarity of the term for eligibility for post 16 and under 5s travel support and the way 'exceptional circumstances' are assessed for children in these categories and the lack of examples contained in the council guidance which would help to clarify how the phrase is being interpreted by the local authority, were repeatedly raised by contributors to the inquiry. This issue was also previously raised by members when they 'called-in' the Travel Assistance Policy for 0-25 Year Olds in Education in May 2019.

5.9 In response to this, written evidence received from officers stated: '*in line with training and advice given from a specialist barrister, "exceptional Circumstances" wording relates directly to necessity and is done on a reasonable and practicable approach. It is difficult establish a subjective measure,*

and the service consider necessity when making decisions. This is in line with the guidance from Legal Services. Every Stage 2 [appeal] case is viewed through the lenses of eligibility and necessity relevant to individual and family's circumstances/situation linked to the evidence supplied before and at the hearing'.

5.10 Members had previously raised the issue that although the **Travel Assistance Policy for 0-25 year olds in education policy** was consulted on, it was not amended to adequately reflect feedback from the consultation and this was again raised in evidence by the Parent Carer Forum and SENDIASS. Concerns were raised in evidence over having a single 0-25 policy covering all children and a proposal was made from SENDIASS that there should be a separate policy for children with SEND and for those attending COBS.

5.11 The Director for Education and Skills stated at the January 2020 meeting that "*they would actively want to look at whether the policy is working for children and families on the ground and how they can improve that moving forward*".

5.12 Concerns were raised in evidence about **personal transport budgets** and how these were used in the past and the possible impact of transporting students in multiple vehicles as opposed to one single vehicle.

5.13 There were also concerns raised about **drop off points** lacking coherence, with a vehicle passing the home of a child on the way to the pick-up point and parents needing to fight the system to get reasonable adjustments.

Communication

5.14 The evidence showed that communication with the service is clearly a major issue. Parents and schools consistently and repeatedly raised the frustration they experienced on an ongoing basis in contacting the service and this includes phones and emails not being answered.

5.15 Special schools' representatives commented on parents saying they lack confidence in whether their child will be picked up and being unable to get a response from the service.

5.16 Also, members were told about routes being cancelled and changes made to transport provision without consulting parents / schools and this was sometimes done at very short notice. An example was given of the short notice of changes where 17 routes were changed. It was suggested that it would be better if parents were able to contact the service provider directly and members were informed this is currently being piloted. The impression was that parents have a better experience when they contact the contractor directly.

5.17 Officers acknowledged that there have been gaps in communication for home to school transport and SEND as a whole and they have a communication plan. At the time of writing the report the committee was awaiting the communication plan and concerns remain. The scrutiny committee will monitor how the communication plan is working.

Safety

5.18 The main three issues raised were:

- Suitability and safety of vehicles.
- Suspension of service due to a child's behaviour whilst travelling.
- Suitability of guides and drivers.

5.19 The suitability and safety of vehicles was raised and members requested details of the contract requirements with the providers and the committee will follow this up. Examples raised at the evidence gathering session included a fire escape access being blocked where children are being transported together in a minibus, seat belts, safety equipment and length of journeys. The committee was informed that the poor quality of service had contributed to a breakdown in trust with parents. There is now a new provider in place and it is essential that lessons are learnt about how the contract is being managed.

5.20 Concern was raised by SENDIASS and the special schools regarding transport being suspended because of a child's behaviour. In response to this, members received written information stating: *'suspension of a child from a transport route is only done as a result of a specific incident which places the child/children on transport or others on the transport at risk. We endeavour to keep these to a minimum and only suspend if the child or others transported are at risk of injury if we continue to transport without an intervention to manage the risk. If there are regular behaviours or actions which relate to the child's everyday behaviours, a risk assessment is completed in partnership with the school. The actions are then implemented relevant to the level of needs as part of their special requirements for transport. If the situation is complex, or specific activity management or behavioural strategy/plan is needed a referral to Occupational Therapy to assess and make recommendations to reduce the risk to all parties is made and implemented. Appropriate equipment, activity adjustments or plan is individually tailored to the child's needs and the transport provided*.

5.21 Issues regarding the guides and drivers not always being adequately trained and / or not made aware of children's background / conditions were raised by a number of parents during the 'call for evidence' and also by the Parent Carer Forum and special schools. Special schools' representatives spoke of "gross mismanagement" and an increase in journey times and there are significant safeguarding risks if guides are not adequately trained to deal with children's conditions e.g. children with epilepsy, asthma, autism and anxiety. It was suggested that schools should recruit, train and arrange guides locally.

5.22 Members were informed that '*all guides receive training when they start in the role. If guides need further training as part of their role i.e. fitting of buckle guides or harnesses, this training is provided as required. It is recognised that the training to the guides needs to be strengthened and consistency improved. The Service has therefore increased the capacity and has a specialised project underway to address the training requirements of guides starting in mid-February 2020. The focus of this project is to upskill, modernise the delivery and management of the guides. The Dynamic Purchasing*

System (DPS) which is being implemented has a clear expectation on the providers that all members of their staff working on transport (including drivers) are trained and monitored to a high standard. The expectation of the drivers is in line with what is being required by the service and the policy'.

The issues regarding guides were also raised when discussing the 22 routes that had been cancelled due to guide sickness (between September – December 2019). Members were informed that additional capacity will be in place from the end of January 2020 to review and improve performance in this area.

Safeguarding Risk

5.23 Safeguarding issues were raised both at Full Council and at the Audit Committee in relation to home to school transport.

5.24 More specifically, members were concerned about safeguarding for children not in education and this was discussed with the Birmingham Safeguarding Children Partnership (BSCP) in September 2019. At that meeting the Chair of the Partnership stated "*There is an extra vulnerability for children who are not in education and they [Birmingham Safeguarding Children Partnership] support schools. Almost inevitably safeguarding is more challenging when children are out of education and there are escalation processes if there are concerns".*[3]

5.25 The number of children being out of school because of unsuitable or lack of transport was raised by COBS and the special schools' representatives.

5.26 Members were informed by COBS that '*47% of pupils that attend a Pupil Referral Unit (PRU) have SEND. There are children who are still awaiting their travel assistance to attend COBS and the service needs to take into account that some pupils cannot travel on a bus that goes through certain postcodes as this is a safeguarding issue'. Members were subsequently informed by officers that 'Home to School Transport recognise the complex issues relating to children attending COBS and the challenges around transportation for these children. We have six outstanding applications for transport for pupils to COBS (as at 7th February 2020), with one of these incomplete in the application which is being actively pursued to be completed before we can process the request. Of the five complete applications that have been received, the oldest case of this group being received to the service on the 21st January 2020. These cases are due to be heard in the panel on 13th February 2020'.*

Assessments (including Appeals)

5.27 Problems regarding the assessments taking too long and delays regarding appeals were raised by a number of parents, Parent Carer Forum, SENDIASS, COBS and special schools' representatives.

5.28 What was felt to be inappropriate provision was at times offered, such as bus passes, pick up points and Personal Transport Budgets (PTBs). Members were informed by the Occupational Therapist at the evidence gathering session that "*pick up and drop off points were introduced a year ago and*

[3] 11th September 2019 Action Notes

have not been very successful and are disliked by the parents and they are now looking at a more graded approach and having better consultation with parents".

5.29 The issue regarding the policy and eligibility criteria not being clear was raised by SENDIASS, for instance assessments to establish whether there are 'exceptional circumstances' and this is discussed above.

5.30 Members queried at the meeting whether assessments should be in consultation with schools, as the service is relying on a council occupational therapist assessment rather than speaking to the school who have a better understanding of the children.

Impact on Children, Families and Schools

5.31 Members were provided with some information from special schools highlighting the scale and impact, both on the children involved and the schools and of children missing school as a result of problems with transport. For instance, between September and December 2019: 11 pupils had missed 316 school days at Mayfield School and Dame Ellen Pinsent School estimated that half a term's worth of days had been lost.

5.32 It is clear from the evidence provided that children missing school because of transport problems has a significant impact on both the educational achievement of the children involved and in terms of the resources in schools which are being diverted to trying to resolve these issues, which should be being utilised elsewhere.

5.33 A written question at City Council on the 25th February 2020 asked '*please provide a breakdown of the number of pupils not attending school due to Home to School transport issues, including those awaiting outcome of Home to School Transport Appeals.'* The answer provided was that '*the new dashboard which is under development will also hold the information regarding the number of pupils not attending school due to Home to School Transport issues. However, please note these pupils may be getting into school by other means'. There are currently 20 outstanding stage 1 and 2 appeals.*

5.34 Members were informed by the Parent Carer Forum that the service is affecting both parents' and children's mental health. As per the guidance, to be suitable, travel arrangements must be safe and reasonably stress-free to enable the children to arrive at school ready for a day of study. Evidence provided by Hamilton School:

> **'The buses have been late multiple times this term. This is lateness at the start of the day but also at the end of the day when the children are ready to leave. We are not informed that the bus will be late and therefore have had multiple behaviours at the end of the day where students are anxious and have gone into crisis. This then has a significant knock on at home too.**
>
> **There have been times where the minibuses have broken down, either outside a child's house en route to school or on the school premises waiting to go home.**

We have had to coordinate getting jump leads and another minibus to help start a bus for them to continue. When it has broken en route to school this has resulted in a bus being late to pick up the other children on the route. The children that were already on the bus struggled to cope with the situation as waiting is a big issue for our students, which resulted in challenging behaviours. Also the minibus was very late to school, therefore having a negative impact on the children's learning.

5.35 Children being out of education because of transport issues has been discussed above in relation to a potential safeguarding risk. However, members were also informed by the special schools about the significant adverse impact both on the attainment of the children involved and on the attendance figures of the school involved (all schools have a statutory requirement to report attendance to the DfE).

5.36 The Parent Carer Forum highlighted the impact of service failures (this includes awaiting assessments, cancellation of routes, changes to routes at short notice etc.,) on vulnerable children, parents, families and staff in schools which has a major impact due to the ripple effect that is created. Members were informed that this affects and impacts on vulnerable children, families and staff in school.

5.37 The special schools echoed this and stated that '*the time spent in schools supporting people is huge*' and includes the impact on staff time and teaching time with designated staff required to manage transport, complaints, missing guides, parent calls etc., with this now becoming "the norm" when it should be the exception. The safe and well checks they are obliged to undertake also add to the burden on schools.

5.38 Also special schools stated that "*parents are losing faith in schools as they think the schools are responsible"* for the transport provision. In addition "*parents cannot rely on the service as to whether their child will be taken to and from school"* and "*the daily devastation due to the issues should not be underestimated*".

6 Executive Response to Issues Raised

6.1 The Committee welcomed the commitment from the Cabinet Member and the Director that they are open to changing the approach and listening both through the Parent Carer Forum and more widely, to consider where they can make changes in the medium term in the context of the statutory duty about making sure they use the budget wisely for all the children in the city.

6.2 The Cabinet Member made a welcome statement at City Council on 4th February 2020:

"It is a huge problem to transport over 4,000 children every single day across this city – 350 minibuses for that purpose. It is an enormous task and continues to be an enormous task to review that service and ensure that we have for our

children and young people and their families a service which is fit for the 21st century. It is tough going, we've got new people in place in the directorate, it's an absolute focus of mine and I will be doing my absolute best and I will not flinch until we have the kind of service I would expect for any of my grandchildren, so you have my absolute assurance that I will stick with this one and we will turn it around, it cannot be rushed, it has to be done properly and we really need to crack on and modernise this service. I've got the people in place, I'm in place, we will carry on, we will do our best, it will happen".

6.3 They also noted, in the evidence gathering session that: "*it had been frustrating that there have been a number of historical issues that have been brought up and they are very well aware of these and they have made huge moves forward in the service since the consultation. The context being that over 4,000 children are transported per day. Although, there was recognition of the profound concerns from a number of families and some schools, the point was made that there are a lot of parents and children using the service who are not finding those issues".*

6.4 However, on the evidence provided, the committee thought that it was important to note that children and families are still being failed and have been for a number of years. Some of these may be related to the provider failure last year, and members requested further information on issues with the provider failure.

6.5 Members also expressed frustration that the Council seems to be in the same position as it was in 2015 and scrutiny has heard this again and again and there was concern that the Council will still be in this position in two years' time. This was illustrated by the July 2017 report of the Improvement Quartet to City Council and to the Committee, where it stated:

'The service was the subject of a root and branch review in Autumn 2016. Since then great progress has been made to modernise the service and address previous issues. A Strategic Steering Group has been established which oversees these improvements. Changes include a full benchmarking review of delivery against other Local Authorities, greater contract management to make providers more accountable, re-establishing relationships with headteachers and key stakeholders such as SENDIASS, Elected Members and the Parent Carer Forum. In addition, an Independent Travel Training Programme has been introduced. A new Head of Service has been appointed and a staffing redesign has been completed. The service has also just purchased a routing system that will reduce costs and the time children spend on transport. Complaints have dramatically reduced, and the team are working hard to meet with parents and headteachers to talk through options for the Autumn term 2017/18'.

6.6 Concerns were raised by parents prior to the January 2020 evidence gathering session and by the Parent Carer Forum on behalf of parents and families involved. The presence of and strength of representations made by special schools and COBS and the Parent Carer Forum reinforced and legitimised the concerns raised by scrutiny and councillors and this urgently requires an effective response.

7 Next Steps – The Executive

7.1 The range of issues raised in this inquiry, and the fact that work is on-going to bring about improvement, means that the committee agreed not to make specific recommendations. However, we will be following the improvement journey closely and set out below some key areas that we ask are incorporated into the Directorate action plan to be monitored by scrutiny going forward.

7.2 **Safeguarding**

Safeguarding our children has to be our primary concern and responsibility. Some of the safeguarding risks, for example in relation to ensuring that all drivers and guides have DBS checks, will be addressed through the actions following on from the Audit Report but there are other issues, mainly relating to driver and guide training, which should be addressed in the Directorate action plan. These include:

- Measures to address driver training as well as progress with the specialised project which members were told is already underway to address the training requirements of guides.
- Involving and working with the special schools utilising their knowledge of the needs, conditions and disabilities of the children involved, to facilitate relationship building and a better understanding of the range of conditions and disabilities of the children together with techniques for handling and managing challenging behaviours.
- Subcontracting of the service to other providers can also give rise to safeguarding concerns and needs to be reviewed, improved and monitored in partnership with the Business Improvement Team.

7.3 **Safety**

- Safety is an issue which is often related to safeguarding and it was noted during the evidence gathering that some of the safeguarding risks also impact on the safety of children using the service.

The incidence of the service being suspended due to behavioural issues and safety issues arising from the inadequate training of drivers and guides should be improved by the actions noted in 7.2.

7.4 **Monitoring of the Service/Key Performance Indicators (KPIs)**

There needs to be clear benchmarking and robust performance monitoring of the service from this point forward. This should include:

- agreed KPIs developed in conjunction with Business Improvement which are reported through a dashboard or scorecard that is monitored on a regular basis by scrutiny;
- measures around response times, management of and robust monitoring of complaints about the service; and
- reviewing the incident log systems which are maintained by schools to log issues with the Travel Assist Service, using a system provided by the council, to strengthen them with particular reference to capturing data on children who are 'out of school' due to home to school transport issues and the subsequent impact on the schools and their reporting to the DfE on absence and exclusion figures.

7.5 **Parent Carer Forum**

The Cabinet Member has already committed to strengthening engagement and input to the Parent Carer Forum. A plan needs to be developed to provide a suitable structure and support and to develop the growth of a wider parent network beyond the Parent Carer Forum, which can provide genuine city-wide involvement, feedback and input to the service with a view to fostering improved relationships and re-building trust. Consideration should also be given to the possibility of including Parent Carer Forum representation on the Schools Forum.

7.6 **Communication**

Gaps in and instances of poor communication were acknowledged by the executive during the evidence gathering and members were told that there is already a Communication Plan which can be shared with the committee. This needs to be shared with the committee so that progress can be monitored by scrutiny. The plan should include:

- Clarity around how timely communication will be maintained with schools and parents/carers.
- Clarity around how emergency protocols/arrangements are communicated to parents and carers and about what will happen when routes are cancelled or changes made to pick up times, which can sometimes happen at short notice, and details of who to contact in these situations. Compliance should be monitored through the KPI process.
- Clear communication with parents when communicating decisions about home to school transport applications clearly setting out the legal basis on which the decision was made.

7.7 **Policy**

Some areas of policy which need to be addressed emerged from the evidence provided to the committee. Specifically these included:

- A proposal by both SENDIASS and COBS about having a separate policy for children with SEND, children attending special schools and children attending COBS.
- There was also a suggestion that COBS should have a separate application process; with additional exceptional circumstances to be considered as part of the application process. This

related to the fact that some children cannot travel through certain parts of the City. This should be built into the DPS process.

- Clarification about the policy where an emergency home to school transport application is made as a result of a change in circumstances.
- Clarification is needed about the interpretation of the meaning of 'exceptional circumstances' with examples included in guidance so that parents and carers can better understand how the term is being interpreted and implemented in relation to young people aged between 16-18.
- Clarification of the role/responsibility of the local authority where home to school transport is managed by the users, including schools or parents or carers.

8 How will this be Followed up by Scrutiny

8.1 Having considered the impact of the Home to School transport service on the parents, carers and children involved, the committee have set out above a number of detailed asks. The aim is to support two key outcomes:

- To ensure an effective and efficient service that fits with the aspiration for Birmingham to become a child friendly city; that keeps children safe and that transports them to school ready to learn;
- To rebuild trust across the different stakeholders; in doing so the City Council must pay particular regard to safeguarding and statutory requirements in all service delivery.

8.2 The committee received an update on home to school transport in July 2020 and intends to follow this up in future meetings; those who have given evidence to the inquiry at the 22nd January 2020 meeting will be invited to attend – representatives from the Parent Carer Forum, special schools, COBS and SENDIASS.

8.3 Committee members will also receive an update on the 4th February City Council motion:

> **'The Council will build on the ongoing work of the Directorate and Scrutiny to produce and comprehensively monitor KPIs which cover waiting times for referrals and appeals; route cancellations by the supplier/lateness/length of journey; route cancellations because of the guide and quality assurance checks.' (Motion to Full Council, 4th February 2020)**

9 Motion to Full Council

9.1 The Committee asked Full Council to agree the following motion:

> **That the Executive provide an assessment of progress against the outcomes set out above, and the key areas listed in Section 7 in this report, to the Education & Children's Social Care Overview & Scrutiny Committee in March 2021.**

9.2 However, following the issues that came to light after publication of this report the following motion was agreed at City Council:

That the Executive provide an assessment of progress against the outcomes set out above, and the key areas listed in Section 7 in this report, to the Education & Children's Social Care Overview & Scrutiny Committee in March 2021.

That the Chief Executive at Birmingham City Council:

a) Take steps to ensure that immediate changes will be made to the most pressing issues within the Travel Assist service, including [but not limited to] safeguarding of children, cancelled routes, guide changes, bus lateness, and telephone lines going unanswered;

b) Commission an external and independent inquiry into the Full Travel Assist Service that fully addresses the concerns laid out by Parents, Carers, Schools and other users of the service as listed in section 7 and listed in paragraph number a) above, by providing clear recommendations, lines of accountability together with an open and transparent timetable for sustainable improvement;

c) Commission an external and independent investigation into the assurances that have been given to Members about the safety of the service and the status of improvements at meetings of Overview and Scrutiny, City Council and Audit Committee since January 2020

The investigations referred to in paragraphs b) & c) will report by 1 November 2020.

Appendix 1 – 22nd January 2020 evidence gathering session

- Councillor Kate Booth, Cabinet Member for Children's Wellbeing
- Sabiha Aziz, Chair, Parent Carer Forum
- Carolyn Bird, Forum Secretary and Transport Lead, Parent Carer Forum
- Barry Bowles, Chair of the Management Board, COBS and Member of the Management Board of SENDIASS
- Denise Fountain, Head Teacher, Dame Ellen Pinsent
- Jon Harris, Head Teacher, Hamilton School and Chair, Special Schools Forum
- Simon Harris, Interim Headteacher, Mayfield School
- Steve Hughes, Executive Head Teacher, Wilson Stuart School
- Nasreen Hussain, Head of Service, SEND Information, Advice and Support Service (SENDIASS)
- Lisa Richards, Independent Travel Trainer / Learning Mentor, Queensbury School
- Mary Riddell, Parent Carer Forum
- Nicholas Taynton, Deputy Head of Service, SENDIASS
- Colin Jones, Head of Occupational Therapy and Team Manager, Home to School Transport
- Nichola Jones, AD, Inclusion and SEND
- Dr Tim O'Neill, Director for Education and Skills
- Katie Williams, Deputy Head Teacher, Hamilton School