

## **BIRMINGHAM CITY COUNCIL**

# **EDUCATION AND CHILDREN'S SOCIAL CARE OVERVIEW AND SCRUTINY (O&S) COMMITTEE – PUBLIC MEETING**

**1000 hours on Wednesday 22<sup>nd</sup> January 2020, Committee Rooms 3 & 4**

### **Actions**

#### **Present:**

Councillor Kath Scott (Chair)

Councillors: Mohammed Aikhlaq, Barbara Dring, Charlotte Hodiala and Alex Yip

Other Voting representatives: Omar Hanif, Parent Governor Representative, Rabia Shami, Parent Governor Representative and Sarah Smith, Church of England Diocese Representative

#### **Also Present:**

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 and Vice-Chair SSHTA

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

Rose Kiely, Group Overview and Scrutiny Manager

Dr Tim O'Neill, Director for Education and Skills

Amanda Simcox, Scrutiny Officer

Katie Williams, Deputy Head Teacher, Hamilton School

## **1. NOTICE OF RECORDING/WEBCAST**

The Chairman advised that this meeting would be webcast for live or subsequent broadcast via the Council's Internet site ([www.civico.net/birmingham](http://www.civico.net/birmingham)) and that members of the press/public may record and take photographs except where there were confidential or exempt items.

## **2. DECLARATIONS OF INTERESTS**

- Mary Riddell is a Governor at Wilson Stuart School.
- Councillor Alex Yip is a Governor at Wilson Stuart School and was the Chair of the previous Education Awards (Review) Sub-Committee.
- Councillor Mohammed Aikhlaq is on the Board of Directors for the Leigh Academy Trust.

## **3. APOLOGIES**

Apologies were submitted on behalf of:

- Councillors: Kerry Jenkins and Chauhdry Rashid.
- Adam Hardy, Roman Catholic Diocese Representative.

## **4. ACTION NOTES AND ACTION TRACKER**

(See documents 1 and 2).

Barry Bowles advised that Steve Howell, Head Teacher, City of Birmingham School (COBS) would like to have been at the meeting, however he has had to submit his apologies.

### **RESOLVED**

Confirmed the action notes of the 9<sup>th</sup> October 2019 and noted the action tracker.

## **5. HOME TO SCHOOL TRANSPORT INQUIRY**

(See documents 3, 4, 5 and 6. Document 6 was tabled at the meeting).

The Chair advised that the reason for undertaking this Inquiry was due to concerns continuously being raised regarding home to school transport. This was brought up at City Council on 10<sup>th</sup> September 2019, where the Chair agreed that the committee would look at possibly undertaking a scrutiny inquiry. The committee agreed to undertake the Inquiry the following day.

Parents, carers, children and young people are at the centre of this Inquiry and the Chair has had some 'face to face' meetings with parents and there was a 'call for evidence' that included a consultation on the Council's website.

The key question for this Inquiry is: 'what are the impacts of the Home to School Transport application process, and its subsequent outcomes, on the parents/carers

and child's capacity to access their education and how does that fit with the aspiration for Birmingham to become a child friendly city?

#### Parent Carer Forum

Sabiha Aziz, Chair; Carolyn Bird, Forum Secretary and Transport Lead and Mary Riddell attended from the Parent Carer Forum. Written evidence had been provided and is contained within the papers.

The following were among the main points made during the introduction:

- This is still a failing service and it affects the mental health of both the parents and children. Issues include:
  - Unsuitability of the staff.
  - Poor communication from the service to parents and carers.
  - Difficulty in contacting the service via email or telephone.
  - Cancelled routes: although it is stated that there were no cancelled routes in December, this relates to cancellations by the provider only and in fact routes have been cancelled because of guides sickness. Therefore, stating there have been no cancelled routes does not mean that children are arriving at school. Also, routes may be changed at short notice without consultation.
  - There is no consistency of services as some buses will only wait 2 minutes when picking up a child and others may contact the parents.
  - Suitability and safety of the vehicles.
  - Safeguarding - concern was expressed regarding training and safeguarding in relation to the drivers and guides, for example a child may have epilepsy and have an epileptic fit on a bus.

The following were among the main points made during members questions:

- 75% - 80% of parents are experiencing issues with the service and this includes the reliability of the transport provision.
- Parents and schools are either told at the last minute that routes have been cancelled, or they are not told at all.
- Recommendations are included in their written evidence and they would like to add the recommendation that Travel Assist should not be in the middle, instead parents and schools should contact the service provider directly.
- There is confusion regarding the appeals, complaints and Ombudsman process.
- It was queried whether the transport provider has a contract / arrangement with the parent, so they know what is expected of the transport provision.
- Members were informed that although there were consultations for the new policy this did not influence the policy.

- Impact of service failures on vulnerable children, parents, families and staff in schools has a major impact due to the ripple effect that is created. This affects and impacts on the vulnerable children, families and staff in school, for example a parent had to give up work to transport their child. Therefore, there is a need to really understand the issues.
- This is about vulnerable children and parents are putting their trust in the service.

The Chair summarised the points and possible outcomes:

- The need for a robust strategy.
- Delivery of the service needs improving: although this Inquiry is capturing a portion of the 4,250 service users' experiences and issues, these issues highlight fundamental problems in the system that need to be addressed
- Health and safety and mental health were a serious concern.
- The service needs to be led by the parent perspective.
- Parents need to have faith in the service and trust needs to be rebuilt.

#### SEND Information, Advice and Support Service (SENDIASS)

Nasreen Hussain, Head of Service and Nicholas Taynton, Deputy Head of Service attended the meeting from SENDIASS. Members were informed that written evidence was provided (via Barry Bowles, page 38 – 44 in the evidence pack).

The following were among the main points made during the introduction:

- They are contacted by parents and schools.
- They have significant concerns regarding various aspects of the policy and about its implementation.
- There are concerns regarding the assessment of 'exceptional circumstances.'
- The eligibility criteria is being misinterpreted.

The following were among the main points made during members questions:

- There should be a distinct policy for SEND and COBS to avoid confusion regarding the eligibility criteria.
- Statutory school age ends when children are 16 years old and it is encouraged by the government that parents should be making a contribution towards the travel costs.
- The schools have information on who will continue in education and therefore transport provision should be continued when they reach 16 years old, albeit with a charge.
- Decision makers are placed in a difficult position when assessing whether an applicant has 'exceptional circumstances.'

- There are delays with the appeals process and parents and children face problems whilst they are waiting for the decision / provision.
- Personal Transport Budgets (PTB) are encouraged, however it was felt these were very difficult and not always financially sensible and it was questioned how these improve efficiency. An attendee has a PTB and informed members that a mileage cost of 45p per mile was paid and they categorised this as expenses rather than income.
- Parents are being informed they need to take young people 18 years and over with SEND to school. This is not the case as parents are no longer responsible for this.
- The safety of drivers and guides is important, however it is concerning that transport is suspended because of a child's behaviour.
- The service is relying on an OT assessment rather than speaking to the school who have a better understanding of the children.
- The request for help and advice from SENDIASS is cyclical and this averages three or four requests per week.
- Members queried whether the council was asking too much from the guides and drivers and need information as to what is expected and what training is provided.
- Schools are taking on the responsibility of transporting children.
- Legally an Education, Health and Care Plan (EHCP) is not needed to apply for transport assistance, however in practice it was felt that an EHCP was needed, especially for a place in a special school. The EHCPs are not reviewed annually and therefore issues are overlooked.
- There is a need for adequate travel training in schools and schools do a lot of work.

#### Special Schools Head Teachers and City Of Birmingham School (COBS)

Jon Harris, Head Teacher, Hamilton School and Chair, Special Schools Forum; Steve Hughes, Executive Head Teacher, Wilson Stuart School; Barry Bowles, Chair of the Management Board, COBS and Member of the Management Board of SENDIASS; Denise Fountain, Head Teacher, Dame Ellen Pinsent and Vice-Chair SSHTA; Simon Harris, Interim Headteacher, Mayfield School; Lisa Richards, Independent Travel Trainer / Learning Mentor, Queensbury School and Katie Williams, Deputy Head Teacher, Hamilton School attended the meeting.

The following were among the main points made during the discussion:

- The evidence provided indicates the scale of the issues and this has been going on for a number of years.
- The time spent in schools supporting people is huge.

- In some instances guides were not made aware of the issues or the background or trained to deal with children's conditions.
- In 2017 routes were cancelled due to a lack of drivers, guides and maintenance problems. After the summer holidays it was hoped that the issues would be resolved. Unfortunately, it was chaotic and students were out of school. It was so bad that a meeting with special head teachers was called and at short notice 23 head teachers from special schools met on the 15<sup>th</sup> September 2017 to discuss with ATG and Travel Assist the continuing issues and chaos. Examples were given and the biggest issue was that the children have very complex needs and they were collapsing routes because they did not have a guide and the guides had no knowledge of the children and their issues. Three suggestions / requests were made by the special schools:
  - That schools recruit and manage the guides locally and deal with safeguarding and upskill the guides.
  - The contractors used to send the Travel Assist Service a list of routes they have cancelled and therefore the schools produced their own database for this.
  - A lack of communication or involvement with special schools in relation to decisions, route changes, cancellations, removal of guides etc. Schools offered a dedicated person to work on a daily basis to improve communication.
- As there were no improvements a second meeting was called with an Assistant Director in November 2017 and the same issues were discussed. Councillor Yip mentioned in January 2018 that the Committee had been informed that the issues had been resolved even though this was not the case.
- It has taken two years for the new Council's database for all the special schools to use, this needs to be rolled out and promoted and it should be a requirement of schools for them to input the information as this could be a valuable tool.
- Gross mismanagement as a lot of money is spent on the service.
- Parents cannot rely on the service as to whether their child will be taken to and from school.
- The daily devastation due to the issues should not be underestimated.
- There is a lack of training for the drivers and guides when dealing with children who are displaying everyday behaviours.
- Children are spending longer on the buses.
- Schools are spending a huge amount of time speaking with angry parents who think the schools are responsible for the home to school transport.

- Routes are being changed at the last moment and an example was provided of an e-mail being sent to Mayfield School late on the last day of term informing them that 17 routes are being changed. Further information will be provided to the committee.
- Pupil independence and travel training is a long educational process.
- Contact with the service is poor and this includes not receiving responses to e-mails.
- Problems with the service have a 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). For instance, between September and December: 11 pupils have missed 316 school days at Mayfield School and Dame Ellen Pinsent School estimated half a term's worth of days had been lost.
- 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.
- The management and training of the guides was queried and more information is needed on this.
- 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 need to take into account that some pupils cannot travel on a bus that goes through certain postcodes as this is a safeguarding issue. Details of the numbers still waiting will be provided to the committee.
- It is good that parents can now attend the Stage 2 Appeal, however it was queried whether the panel is independent, especially if officers are from the same department.
- The budget needs to be set against "need" and this does not appear to be the case.
- Appeals would reduce if the right decision was made in the first place.
- The service is still offering inappropriate travel assistance such as bus passes and PTB. This is frustrating and appealing takes a lot of time.
- The Travel Assist service is relying on the good will of the schools.
- There are travel issues when children have respite care.
- Members requested information about what was in the contract regarding the transport service (National Accessible Transport (NEAT) contract etc).
- Parents wellbeing is a hidden cost and parents are losing faith in schools as they think the schools are responsible.

### Cabinet Member and Senior Officers

Councillor Kate Booth, Cabinet Member for Children's Wellbeing; Dr Tim O'Neill, Director for Education and Skills; Nichola Jones, AD for Inclusion and SEND and Colin Jones, Head of Occupational Therapy (OT) and current Team Manager of the service attended.

The following were among the main points made during the introduction:

The Cabinet Member reassured attendees that they had been in another room listening to the meeting and have been taking copious notes and they will try and address the issues raised today. However, there are a number they will provide written answers to. They are hoping to provide the data and clarification of the processes at the meeting.

The Cabinet Member stated that it has 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.

In the last six months there have been a lot of changes and it is hoped that they are able to provide information on the improvements and what has been done and bring things into 2020s as issues have been mentioned about 2016 and 2017. The service is changing and it is very dynamic and very fluid and they are doing a lot of work on that at the moment.

The Director commented that it was great to see so many friendly faces in the room, people that he is actively working on the system with and it is very important to make that point, as he did not want colleagues not involved in that work to think that it is a them and us situation. It is very much about working together on the system and certainly if there is anybody in the room that feels that this is not working as well as it should, then he is very open to changing that approach so he can make sure it works as well as it can as head teachers, SENDIASS etc are really key players in the system change.

The second point is that he would not want colleagues to forget that they have a Written Statement of Action (WSOA) and they have a DfE direction that sits in the back of some of the changes they are making. It is about the whole SEND system and people will hear more from us and colleagues throughout the year about the transformation work that is happening across the city. It is important to say that the home to school transport arrangements are a part of the whole system change.

The third point is that they are looking at the home to school transport changes that are happening in the context of the whole system and not separate from it. He knows that Travel Assist for all the good reasons heard this morning has a life of its own in relation to the importance to children and young people, and parents and carers, in terms of a service that needs to work for them, but it is important to see it in that context.

The Director wanted to make sure that colleagues and parents and carers in the room are aware that he has been in post for a year and the new team has been in post less than that. They are charged with moving that service to where it works better for children and families and he knows that the system does not work as well



as it should for children and families and at the front line. They have been having very active conversations regarding the workflow and work programme in the background with key players in the room and will continue to do so. He is cautiously optimistic that they have got positive changes happening in the system.

There was provider failure last year and they have quickly put new arrangements in place and if you compared and contrasted the contract and commissioning arrangements with this process and previous efforts they have moved with some speed, as they are very aware of the issues around this service being critical to young people's futures and critical also to their wider family and it was important they got that right.

They are making system changes that will not come pain free and the reason for that is (a) the system that has been inherited does not work for children and families as well as it should and they are improving that and (b) they cannot lose site of the wider policy framework of the 2014 Act and that means that all the 152 local authorities are struggling to make the policy work for children and families on the ground and we are not alone in this and they are garnering leadership capacity expertise.

For the Director, the critical points moving forward are the gaps where they are really struggling around communication and this is an organisational struggle to invest enough, as there has been a 40% cut in the last 10 years and that is a conversation he is having with his leadership group – what can we do more and better.

The Director is very happy to have a conversation about the policy issues as we move through the year because it is not a fixed point of reference. The policy is in place, but it should be reviewed regularly and it will be. That is not to say that it will definitely change, as this is not his decision, but 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.

They went through a process last May and the consultation went very well for a consultation of this type and they are very happy to listen both through the Parent Carer Forum and more widely, where perhaps 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.

The following were among the main points made during the discussion:

- The plans to improve communication were questioned and members were informed they are working really hard on this and for SEND as a whole and this is not only the responsibility of the Council.
- The Cabinet Member was questioned as to what was meant when she stated this service was a very dynamic and very fluid service, when that is not what has been heard at the meeting and this does not only go back to 2016 and 2017. The Cabinet Member clarified that the words used were as a physicist, meaning it is constantly changing and they are working with a system that is in flux and rapidly changing. It was felt that this needed to be put in context, the service transports over 4,000 children every day and whilst there is

recognition that there are profound concerns from a number of families and from some schools, there are a lot of people who are using the service who are not finding those issues.

- Members expressed frustration that the Council is 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'.
- The Cabinet Member informed the Committee that she came into post in 2018 and there have been a lot of changes in relation to the Director and Assistant Directors. There was a consultation and the Cabinet Member will go back out to schools etc., to talk about the journey of the child and they are listening intently to what the children, parents and schools etc., are telling them.
- The Cabinet Member stated that they are looking at IT and a new routing system, as parents should know where the mini bus is, whether it is late etc., and this information will assist with tightening up the service. This does take time and money and this is one of the priorities in the Cabinet Member's portfolio.
- The Cabinet Member informed members that over 50% of routes have changed provider and this was a huge piece of work. It has brought some changes, for instance ATG was a charity and as such the drivers did not need to fulfil the same criteria of expectation that they do now. Therefore, a lot of re-training has had to be undertaken and this will lead us to a better service.
- It was queried whether an assessment for travel assist was sufficient or would a system where assessments are made by the schools be quicker and more accurate. The Director stated the critical issue is to invest in the right system as it can be very disruptive for children and families if they invest in the wrong system. This is at an advanced stage and they might be able to involve Scrutiny in this process.

- The AD informed members that performance data will be absolutely critical moving forward. Summarised data is in the paper tabled today. There is evidence that there is progress, as of 13<sup>th</sup> January 2020 there are 18 referrals outstanding. There is also a team in place to address the backlog of appeals and they started the academic year with over 200 Stage One Appeals and there are 60 now. This still is not good enough or acceptable. For the Stage Two Appeals there were about 40 appeals and this is around six now.
- Home to school commissioning and the new processes were set up and they cannot underestimate how much work and time this took. They now have a new contract manager, as there was not a contract manager and the contract is managed via penalty points. The AD committed to meeting with schools and parents after scrutinising the quality assurance programme and dashboard to understand what is not working within Travel Assist.
- The AD stated that the level of guides sickness was unacceptable and apologised in relation to the 22 routes cancelled in December 2019. The AD commented that they are moving towards local working with families and schools and they are looking to “creative opportunities” to work with special schools in relation to guides. They have also put in capacity to undertake a review into that area.
- They have put in short term measures around parents liaising directly with providers in January 2020 and this is part of the new Dynamic Purchasing System (DPS) procurement system. Early implementation has happened for 570 children and they recognise the late information being sent out informing them of the changes.
- Members were informed that pick up and drop off points were introduced a year ago and have not been very successful and are disliked by the parents. They are now looking at a more graded approach and having better consultation with parents.
- Under the new Stage 2 Appeal process 22 cases have been heard plus an additional six cases that were to be heard under the old process, but the parents wanted them assessed under the new process. Over 50% of appeals are being approved because of additional information being provided either before the panel meeting or at the meeting.
- It was queried whether the same mistakes were being made and whether there will be benchmarking, so that in a year’s time there will accountability. It was also queried whether officers would accept about 10 Key Performance Indicators set by the Head Teacher’s criteria and assessment. Members were informed that the SEND Programme Board were developing KPIs with schools and parents and they will bring this back to the Committee. This is about cultural change and improvement on the ground.
- Members were informed that the natural justice approach was used for the Stage 2 Appeals. Each panel consists of three officers from a pool of six and an administrator.

- They are bringing expertise in the area and are undertaking a review to drill down as it is unsatisfactory. They will be investing in the right App for the longer term and this is in the advanced stage.
- 2,000 children are transported by NEAT and all new drivers who are under the new DPS are trained. this includes first aid training and there are penalties built in if requirements are not met.
- There have been issues regarding training of the guides and delivering more relevant training.
- They are having a more strategic approach to commissioning and creating a dashboard for the contract.
- There is a lot of work in the background and this will be shared with members including:
  - The plan and the details as to what has been done to-date in the background.
  - Details of the issues and complexities encountered during the process of moving providers as it was felt that this has been underplayed, especially the impact on service users.
  - The communication plan as there have been gaps in communication for home to school transport and SEND as a whole.
  - Details of the budget for 2020-21 and the discussions regarding funding of the service as it states there will be a year on year decrease.
  - Details of what is expected of the guides and drivers.
  - Training and development information to include changes to the Dynamic Purchasing System (DPS) and monitoring of the training and development of the drivers and guides.
  - Further information regarding the new DPS and the T23 framework to be provided regarding commissioning.
  - Details of contract requirements with the providers.
  - Information on the cancelled routes, including numbers and timeliness of communication.
  - A written response about the current situation in relation to the availability of APPs/technology which could assist.
  - Further information on appeals.
  - Details of the KPIs the SEND Programme Board are developing with schools and parents.

### **RESOLVED**

The committee undertook evidence gathering for the Home to School Transport Inquiry and an informal meeting to discuss the evidence will take place on 4<sup>th</sup> February 2020. Members to be provided with the written information discussed.

**6. WORK PROGRAMME**

(See document 7).

Councillor Yip queried the need for further evidence for the Inquiry at a formal meeting and Councillor Aikhlaq was in agreement with this.

**7. REQUEST(S) FOR CALL IN/COUNCILLOR CALL FOR ACTION/PETITIONS RECEIVED (IF ANY)**

None.

**8. OTHER URGENT BUSINESS**

None.

**9. AUTHORITY TO CHAIRMAN AND OFFICERS**

**RESOLVED**

That in an urgent situation between meetings the Chair, jointly with the relevant Chief Officer, has authority to act on behalf of the Committee.

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The meeting ended at 13.38 hours.