

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Audit Committee
Report of:	Education and Skills
Date of Meeting:	19 th October 2021
Subject:	Home to School Transport: Safeguarding
Wards Affected:	All
1. Purpose of Report	
1.1	To update the committee on progress that has been made since Weightmans LLP submitted the report into issues related to the Travel Assist Service in January 2021.
2. Recommendation	
2.1	That the Audit Committee: <ul style="list-style-type: none">i) notes and accepts the update provided against each of the four recommendations identified for the Travel Assist Service.

3. Background

- 3.1.** Weightmans LLP was commissioned to write a report by the then Interim Chief Executive, Chris Naylor following a motion passed at full Council in September 2020. This followed a series of incidents that had taken place that indicated that safeguarding processes were not sufficiently robust.
- 3.2.** The Terms of Reference for this report are given in the report itself, but broadly the purpose was to:
- 3.2.1.** Provide assurance that all drivers had an up-to-date DBS certificate, and that BCC had the correct processes in place to assure itself of this;
 - 3.2.2.** To ascertain whether previous recommendations made in earlier reports by Audit and in a previous review had been actioned;
 - 3.2.3.** To ascertain the veracity of responses to FOIs and letters and of statements that had been made at committees and meetings by senior officers;
 - 3.2.4.** To assess the arrangements the (then) DCS, AD SEND and Wellbeing and Director of HR had in place in order to assure themselves that the appropriate systems, checks and balances were in place.
- 3.3.** In order to do this, interviews were conducted with staff and documents and processes were reviewed.
- 3.4.** This update will focus on areas to the degree that this is possible given that (a) some of the individuals referred to in the report are no longer working for BCC and (b) one of the individuals referred to in the report is subject to ongoing matters that are private and confidential which means it is not appropriate to comment further on this issue.
- 3.5.** As referred to in section 3.4, it is not appropriate to comment on the actions or behaviour of existing Officers. However, it is accepted Members are entitled to and should expect to receive accurate briefings and responses at all times. If this has not happened, with regards to the former DCS and former AD SEND and Wellbeing, the Council apologises unreservedly. BCC commits going forward to ensuring that briefings and statements issued in relation to this complex area pass through enhanced quality assurance steps to ensure veracity and reliability are maintained at all times.
- 3.6.** Since the Weightmans Report was published a new Head of Service was appointed in February 2021 and an Interim Director of Transformation was appointed in March 2021 to oversee improvements in Home to School Transport. An Interim DCS is also in post, joining in May 2021.

4. Findings and Recommendations

4.1. The Weightmans Report noted that some improvements had taken place in the Travel Assist Service and made four key recommendations in relation to service delivery matters regarding the service:

4.1.1. The deed of variation should be executed with all providers as a matter of urgency.

4.1.2. An Internal Audit Review of Progress is completed as a matter of urgency and includes a detailed audit of data held by Travel Assist and HR in the safeguarding process.

4.1.3. The new IT system is implemented as a matter of urgency and the management of data is closely monitored and reported to the AD and DCS on a regular basis.

4.1.4. Audit to agree with Travel Assist and HR what is meant by a central record, what information should be held and by whom and how long it should be held. This should be done in consultation with legal services.

5. Progress Update against Recommendations

5.1. The table below summarise progress that has been made since the Weightmans Report was completed in January 2021.

5.2. Overall, progress has been made and all actions should be concluded fully by the end of December 2021, although depending on certain variables the roll out of 365 may go on into the Spring Term in order to ensure it is successfully rolled out.

Recommendation	Progress
The deed of variation should be executed with all providers as a matter of urgency	The Deed of Variation referred to here is in relation to providers being required to send all positive DBS Disclosures to BCC's Corporate DBS Panel, to be reviewed and assessed as to whether they are suitable to drive. As of September 2021, all providers have now signed this Deed of Variation.
An Internal Audit Review of Progress is completed as a matter of urgency and includes a detailed audit of data held by Travel Assist and HR in the safeguarding process	The Internal Audit review is well underway. The agreed scope of the audit has been to review the level of progress that has been made in implementing the previous audit

	<p>recommendations, as well as reviewing new key areas of control that were not included in the previous review.</p> <p>Internal Audit have confirmed that Travel Assist Management have been both supportive and pro-active during the audit and have looked to address issues as quickly as they are able to.</p> <p>This report contained 19 recommendations. Of these 19 actions, 12 are completed and 7 are in train or further work has been identified as being necessary.</p> <p>A detailed progress update is provided in Appendix A – Internal Audit Update which has been provided alongside this formal report.</p> <p>Work on assessing the level of progress made on implementing the previous recommendations is largely complete and an interim report has been issued to help management address concerns identified so far during the audit, some of which are significant.</p> <p>It is planned for the audit to be completed by November 2021 and the formal report to be issued shortly after.</p>
<p>The new IT system is implemented as a matter of urgency and the management of data is closely monitored and reported to the AD and DCS on a regular basis</p>	<p>365 is an IT system that BCC has procured with the following intentions:</p> <ul style="list-style-type: none"> • To monitor all operators providing transport for the children and ensure all safeguarding requirements are met. • To provide real-time information on operation of routes that can be accessed by parents and the Service

	<ul style="list-style-type: none"> • Improve reporting capability • Hold data on pupils, routes, guides and compliance as far as possible in one place <p>The project is underway and is being rolled out as a pilot currently with some of the providers. A review of 365 implementation is under way and a revised project plan that confirms what will come on stream when will be completed by the end of September. September will also see a refresh of the system with more operators being live on the BCC system during the autumn term.</p>
<p>Audit agree with Travel Assist and HR what is meant by a central record, what information should be held and by whom and how long it should be held. This should be done in consultation with legal services</p>	<p>Considerable improvements have been made in the Management Information that is produced by the HTST service and a suite of reports and MI is available on SharePoint. The Compliance Team have worked hard to develop this and are continuing to do so.</p> <p>There is a record kept for those drivers who need to be assessed by the DBS Panel (i.e., positive disclosures) and new starters and renewals are recorded on the Operator Profiles MI (populated from the providers Monthly MI). As yet a Single Central Record (SCR) has not been fully implemented but this is being actively worked on.</p> <p>During the Audit of Provider that the Council has commissioned, 365R will input all data onto BCC's 365 platform at the same time. This will be invaluable to support the implementation of 365 across the HTST service. Providing this is maintained, with starters and leavers, this will provide the Council constant real-time assurance that can be monitored using a performance dashboard. This work will be completed in October 2021.</p>

	Where Provider employees have given consent, during the Audit 365 will also upload a copy the DBS which is stored securely on the Council's platform.
6. Current Process for Checking DBS Certificates	

- 6.1.** BCC takes its responsibility for ensuring all children are kept safe very seriously. The process outlined below is designed to ensure that all drivers are suitably vetted.
- 6.2.** Since May 2021, all providers who have signed the Deed of Variation have submitted copies of the DBS certificate for all new drivers to Travel Assist. This ensures that Travel Assist are able to check the DBS and can be assured there are no positive disclosures. Where there are positive disclosures these are referred to the positive DBS panel described below. Two further providers signed the Deed of Variation more recently meaning that all providers are now obliged to comply with this process.
- 6.3.** For new applications, when the DBS certificate has been seen, a badge can be issued by BCC and is collected in person. Parents, schools and pupils are all aware that all drivers and guides must be wearing this badge in order to transport children. Regular compliance spot checks are also carried out at schools in order to check provider compliance and schools are asked to notify Travel Assist of any concerns noted in relation to this or other inappropriate guide or driver behaviour. Where non-compliance is identified, action will be taken.
- 6.4.** This year the Council have taken the decision with two providers to issue temporary badges for a short period of time. This is because in one instance they had not yet signed the Deed of Variation (now signed), and in the other instance was due to the late mobilisation of the provider. Once we have seen the DBS certificates (as above), permanent badges will be issued in person.
- 6.5.** Where positive disclosures are identified, they are put through the Positive DBS Disclosures Safer Recruitment Panel. This meets weekly and is chaired by an Assistant Director of HR. The panel considers the suitability of the driver to transport pupils in accordance with the principles of safe recruitment and the Rehabilitation of Offenders Act. Terms of Reference can be seen [here](#). The Panel will consider each individual case on its facts and circumstances, considering the available evidence and consideration of any relevant professional codes of practice and legislation. If the driver is cleared to drive, Travel Assist and the provider are notified, and a badge can be issued following the process outlined above.
- 6.6.** Records from this committee are kept and a copy of the DBS itself is retained in accordance with the Police Act 1997 and the Data Protection Act 2018.
- 7. Recent Identification of Drivers with Positive Disclosures who had not been approved through panel**
- 7.1.** Audit Committee will be aware of the recent termination of a transport provider contract, following this a further desktop audit was conducted of all providers.

7.2. BCC has now commissioned a full Audit of Providers' DBS compliance by an external provider (365R). This audit will undertake additional checks to cross-reference all our data and will be completed by the end of October.

7.3. Given this, Audit Committee may wish to understand two key points in relation to recent events where it was identified that there were drivers working on routes who had positive disclosures that had not been cleared to drive:

7.3.1. How was it possible that there were drivers identified who had positive disclosures that had not been considered at the HR panel?

7.3.2. How is the Council ensuring and how can Members be assured that this won't happen again?

Both of these points are addressed in the table below:

Question	Response
How was it possible that there were drivers identified who had positive disclosures that had not been considered at the HR panel and were not known about?	This is possible when operators either deliberately misrepresent their information to us or where operators make mistakes. We have experienced incidents of both issues and the taken the appropriate contractual action. We can detect these issues through ongoing monitoring of information returns and auditing of operator records. Until we fully implement the software to automate the management of this information and bring the DBS application and administration process in house, we cannot be fully assured in real time. The planned audit of DBS compliance in September/October 2021 will be a significant step towards automating the process. There is also a plan being formulated to evaluate the possibility of bringing the DBS application process in house in order to exert maximum control of the process.
How is the Council ensuring and how can Members be assured that this won't happen again?	The measures to prevent drivers being on route with a positive DBS (without clearance from panel) are as follows: <ul style="list-style-type: none">○ The Terms and Conditions of the contract set out our expectations with regards to safeguarding and DBS compliance. This has been signed by all operators and is a legally binding contract.

	<ul style="list-style-type: none"> ○ All operators have signed Deed of Variation Two that sets out further requirements with regards to compliance. ○ All operators have been sent Deed of Variation Three that sets out further requirements with regards compliance. This will soon be signed by all operators. ○ Operators are required to return management information (MI) monthly; this is reviewed by the BCC Contract and Compliance Team for compliance. ○ The Contract and Compliance Team conduct a programme of audits to check DBS compliance. ○ 365 Response Ltd have been contracted to conduct on site audits of all operators by the end of September 2021. This work will include putting information onto our 365 database providing ongoing assurance of DBS compliance (if the system is kept up to date with new starters and leavers). ○ The plan to fully implement the 365 database will ensure compliance further. A full project plan for roll out of this system will be in place by the end of September. ○ BCC is investigating the possibility of bringing the DBS application and administration process in house and no longer rely on operators to assure us of the compliance of drivers. This will give us still greater assurance. A formal Options Appraisal will be undertaken. <p>All reasonable steps are being taken to assure Members of the DBS compliance.</p>
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8. Mobilisation of new Transport Provider

8.1. As referenced in section 7.1, a decision was taken to terminate the contract of an existing transport provider following concerns raised regarding the misrepresentation of information during compliance checks.

8.2. Following this decision an immediate and robust procurement exercise was undertaken which resulted in the award of contract to HATS Group just over two weeks prior to the start of the new academic year 2021/2022.

- 8.3.** An expedited mobilisation of this new transport provider including vehicles, staffing, and route information was carried out with collaboration between colleagues both within Home to School Transport service, Commissioning, and wider BCC corporate areas.
- 8.4.** Whilst HATS Group have undertaken numerous mobilisation activities the compressed timescale for readiness, this mobilisation was impacted by an uncooperative predecessor which did present several challenges. This included the failure of 55 trained drivers not attending work on Day 1 and Day 2 of the new operation, and incomplete contact information for all parents/carers to advise of new arrangements.
- 8.5.** Due to the impact of these challenges a decision was taken to pause HATS Group mobilisation on 8th September, with daily checks with the provider to resolve issues and check readiness to mobilise which resulted in a phased and controlled reintroduction of their service.
- 8.6.** Service levels have continually improved throughout this period and have been monitored through daily calls, and weekly through formal SITREP reporting. As at 24th Sep, 100% of 123 routes were running, transporting 756 pupils to 6 schools.

9. Further Assurance

Although, not an official recommendation, it is felt to be appropriate to also comment on the arrangements senior leaders in Education and Skills have in place in order to assure themselves that appropriate systems, checks and balances are in place as this was a failing identified in the report.

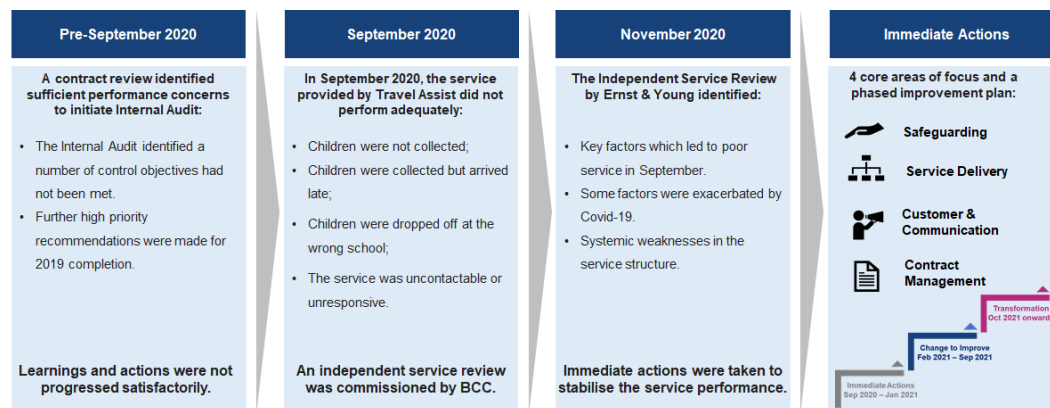
- 9.1.** In May 2021 a regular 6-weekly Safeguarding Stocktake was introduced. This is chaired by the Transformation Director and is attended by colleagues from Audit, Commissioning, TAS, HR, and Legal. In this meeting senior officers examine progress against all recommendations made in reports conducted into safeguarding, review live safeguarding incidents and lessons to be learned, and walk-through safeguarding processes to ensure they are effective.
- 9.2.** As well as this, weekly management information is provided by the Service on ongoing incidents.
- 9.3.** Additional work has also been carried out to review the degree to which safeguarding is embedded in all of the processes run by Travel Assist and an ongoing programme of work is underway overseen by the Interim Transformation Director.
- 9.4.** During late Spring and Summer 2021, the Contract & Compliance function was established to support and undertake appropriate checks and reviews of our transport providers, including those relating to DBS. Its work has identified the need for ongoing funding to address and establish continued improvement in this area.

9.5. The Leader of the Council has personally chaired a monthly Task and Finish Group that brings together stakeholders to monitor and drive progress and has held two public meetings focused on this issue, demonstrating personal commitment to improving service performance.

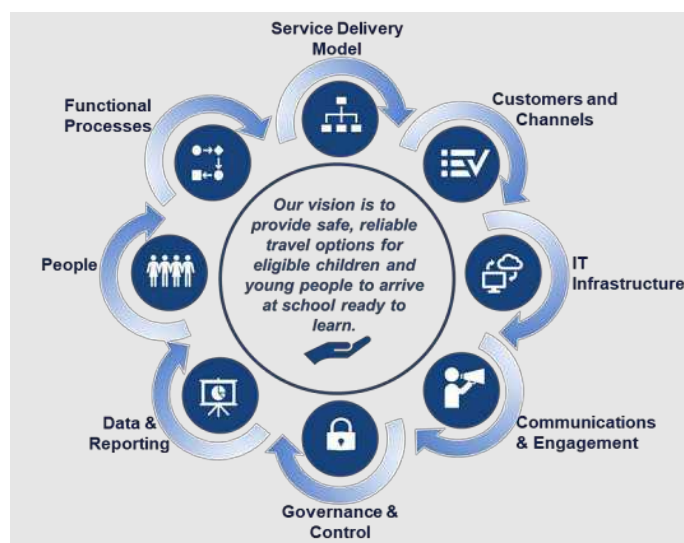
10. Overall Improvements in the Travel Assist Service

10.1. There have been well-documented failures in the performance of the Travel Assist Service over a number of years. As a result of this, investment has been made in improving the service and this has paid off with performance improving steadily over the academic year 2020/21.

10.2. The improvement journey is documented below:



10.3. The Service is on an improvement journey with the next phase beginning post-implementation in October 2021 with the proposed move to an Integrated Transport Unit. Improvement focuses on all of the areas identified in the image below:



10.4 Service performance is good and improved steadily over the academic year 2020/21:

- 99.94% of routes expected were delivered throughout April, May, and June
- 99.44% of routes delivered were on time throughout April, May and June
- 99.95% of pupils expected to travel were transported throughout April, May, and June
- Prior to the last two weeks of August which have seen a dip in service due to increased call volume, over 96% calls answered each week (corporate standard is 90%; 4,002 calls since April)
- 85% reduction in bus pass applications taking more than 20 working days to assess since April
- 84% reduction in transport application taking more than 15 working days to assess since April

10.5. During the start of any academic year there is an anticipated drop in service performance due to the settling-in period whilst new transport routes become operational. The service has continued to monitor performance through their weekly SITREP process.

10.6. Service performance has continued to improve since the start of the new academic year and for the week ending Friday 24th September (latest available data at point of writing):

- 99.17% of routes (1052 routes) expected to run were delivered
- 99.13% of routes delivered were on time
- 99.82% of pupils expected to travel were transported
- 91.49% of calls were answered across the full week despite staff absences (corporate standard is 90%)

11 Conclusions and Recommendation

10.1 BCC takes its responsibility of providing a safe and high-quality home to school transport service very seriously and as such has invested significantly in improving the Home to School Transport Service.

10.2 There is demonstrable progress against the four recommendations in the Weightmans Report.

10.3 Given the serious and wide-ranging nature of the service's historic failings, this improvement journey is taking time but is now well underway.

10.4 Next steps for this improvement journey are:

- Improve data quality through implementation of 365 and implementation of Impulse in SENAR.

- Continue to operate Home to School Transport Improvement Programme to steer and oversee progress with regular reporting to the Chief Executive and Lead Member.
- Investigate the option of bringing the DBS process in-house.
- Continue to work towards scoping of an Integrated Transport Unit with a proposal for this being put to Cabinet in November.
- Final Internal Audit Report completed in November 2021.

10.5 The Audit Committee is asked to note and accept this summary update in response to the recommendations identified for the Travel Assist Service in the Weightmans Report.

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