

BIRMINGHAM CITY COUNCIL

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

1400 hours on Wednesday 6th January 2021, Online Meeting

Action Notes

Present:

Councillor Kath Scott (Chair)

Councillors: Mohammed Aikhlaq, Barbara Dring, Charlotte Hodivala, Kerry Jenkins, 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 Robert Alden

Councillor Kate Booth, Cabinet Member for Children's Wellbeing

Councillor Ian Ward, Leader

Chris Naylor, Interim Chief Executive

Ceri Saunders, Acting Group Overview and Scrutiny Manager

Amanda Simcox, Scrutiny Officer

Emma Williamson, Head of Scrutiny Services

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) and that members of the press/public may record and take photographs except where there were confidential or exempt items.

2. DECLARATIONS OF INTERESTS

Councillor Alex Yip declared that his sister works for National Express, which is the parent company for National Express Accessible Transport (NEAT).

3. APOLOGIES

Apologies were submitted on behalf of Councillor Olly Armstrong and Adam Hardy, Roman Catholic Diocese Representative.

4. REQUEST FOR CALL IN: IMPROVING HOME TO SCHOOL TRANSPORT

(See documents No. 1, 2, and 3).

The Chair stated that the purpose of this meeting was to discuss whether the Committee should, or should not, exercise its power of call-in, that is whether to formally request that the Executive reconsiders its decision.

Cllr Yip introduced the reasons for the call-in and stated it was to consider the Cabinet report's recommendations following the report prepared by Ernst & Young (Independent Service Review of SEND Home to School Transport, Key Findings and Future Improvement Plan, November 2020). It is Cllr Yip's contention that the report and recommendations failed to deliver on the motion which mandated the investigation.

Cllrs Alden and Yip stated the following call-in criteria applied:

- 3. The decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny body (and accepted by the full Council or the Executive);*
- 4. the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision;*
- 5. the Executive appears to have overlooked some relevant consideration in arriving at its decision;*
- 6. the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely so to do;*
- 8. There is a substantial lack of clarity, material inaccuracy or insufficient information provided in the report to allow the Overview and Scrutiny Committee to hold the Executive to account and/or add value to the work of the Council.*

The key reasons for the request for call-in were summarised by Cllrs Alden and Yip, and responded to by the Cabinet Members and officers, as follows:

- 3 - The motion at Full Council mandated the Chief Executive to, amongst other things, 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.

The scope of the EY report and the failure to bring in other relevant reports, such as the Scrutiny Inquiry's report and the Audit report, means that the recommendations within the Cabinet report are flawed and do not go far enough.

The motion also mandated the Chief Executive to investigate the assurances that have been given to Members about the safety of the service as Audit, Scrutiny and Full Council has had multiple assurances in the past. The EY report does not address the second demand of the motion around the investigation into the assurances given to Members and therefore the EY report does not satisfy what was mandated at Full Council.

The report does not provide clear lines of accountability of how the improvement journey will be taken forward. There is a lack of clear action taken, clear recommendations and timetable of implementation. These were clearly mandated in the motion at Full Council.

The Leader confirmed the EY report was commissioned to investigate the failings that happened in September 2020. The Council meeting requested for this to be a fast piece of work and to report back on 1st November 2020. There is a separate ongoing investigation looking at the other issues and they will report in due course. EY checked the recommendations in November with the Parent Carer Forum (PCF) and they were comfortable with these. The Cabinet report therefore contains recommendations based on the EY report. The separate investigation alongside this EY report will meet in full the agreed motion.

The investigation into accountability, DBS checks and assurances that may have been given to this Committee and Audit Committee last year is ongoing, and is separate to this EY report, and does not appear in the Cabinet report.

The Leader explained that the Executive took the decision for EY to report back to the Council on such a tight timeframe because they were taking the view that this needed to be addressed at pace, sorting out the errors that occurred in September, and making sure they were improving the Home to School Transport Service as quickly as possible. The Leader referred to some of the recommendations within the Cabinet report and felt that if they had waited until the other investigation is completed then they would be delaying making those changes.

The Leader is happy to ensure the recommendations from the Scrutiny report are adopted as part of the transformation of the service going forward.

- 4 - The recommendations are not based on proper consultation and do not fully address the concerns of children and families, as they have not been properly consulted before the recommendations were made. This includes, schools, parents, carers, guides, drivers, users etc. There are c.4,000 service users and there were nine non-BCC stakeholders contacted, therefore the failure to fully consult must undermine the findings. Also, there are only seven people on the Parent Carer Forum (PCF), and they are not the voice of all parents.

Cllr Yip contended that there was a level of frustration demonstrated by the PCF, parents, carers and schools at the November launch event where the EY report was discussed. There is a widely held belief that parents and schools were not consulted and therefore decisions are based on incomplete information. Assurances that consultation comes after the recommendations have been agreed is inappropriate, Cllr Yip maintained, and does not restore trust with parents and users. The voice of the child needs to be at the centre.

The Leader explained that the EY report not being based on consultation was raised when EY made their presentation on the 24th November 2020. The Leader was keen that EY present to parents and carers before they presented

to anyone else. EY explained that given due to the tight timescales there had not been time to fully consult with parents and carers. Subsequently, on the 30th November 2020, EY met with the PCF and the Chair of the PCF confirmed they were happy with the recommendations. The Leader also met with the PCF in December 2020 and he was assured they were happy with the recommendations.

The Leader highlighted that they are not pushing ahead without consultation, as per the Cabinet report, paragraph 2.1.5 states 'agree in principle to create an IPTU, subject to the approval of an online business case and to do that by the end of the financial year'. Paragraph 2.1.6 states 'agree that the outline business case set out a new organisational structure which will be consulted upon'. Therefore, they are intending to consult upon this before taking the full business case forward. Also, the Board will sense check this, and if it is clear from parents that if it is not what they need or want, they will think again.

As to the EY report being flawed, the Leader questioned what would have been picked up in further consultation that has been omitted from the report. Also, in order again to check on the improvements and changes the Leader gave assurances that there will be a further public meeting with parents in June 2021,

The Board has a provisional date for the first meeting to be held on the 21st January 2021. The proposal is that it will be chaired by the Leader and the Cabinet Member will be in attendance. There will be some parent representatives, including a representative from the PCF, and several head teachers. The idea is that the Board can sense check and co-design the improvements by calling officers in to outline the improvements they wish to introduce.

The Board will have representatives from parents and advice has been sought from the Special Schools Forum, via Steve Hughes, as to how they might get meaningful representatives from the schools and parents onto the Board, and how the Special Schools Forum could assist with a mechanism for reporting back to the broader number of schools and parents across the city. This would be a two-way process, whereby the small number on the Board are getting information from a much larger group of both parents and schools. The Leader is also having other conversations as to how this can be undertaken in a meaningful way.

- 5 - the report lacks how this is going to be implemented, clear costs and timescales for delivery. Also there was a lack of detail provided to Cabinet and this includes: the information requested by Cllr Yip, and for which he has submitted an FOI, the departure of the Director, and the failure of the Cabinet Member to answer when there will be a date for this service being safe.

The Leader stated that the FOI information is not part of this report and people need to be held to account for the failure of the service in September and the service needs to be improved.

- 6 - press articles, concerns of parents etc., shows that Scrutiny can demonstrate this applies. Reference was made to the tweet from the Birmingham Labour Group account.

The Leader stated that the call-in was about the Cabinet report and not a tweet or other issues.

- 8 – Cllrs Yip and Alden asserted that the EY report is a flawed report and the recommendations do not add anything new but rather is a rehash of what has been said before in three previous re-iterations. There are several full page pictures and pages 4, 5, 6, 7, 8, 9, 11, 12, 13, 16 and 17 are replicated. This demonstrates that over a third of the report is extraneous and highlights the superficiality of the report, and is likely to repeat the cycle, with this cycle needing to cease.

They asserted that there needs to be one definitive report and the EY report does not include the Scrutiny report into Home to School Transport that includes key areas, such as safeguarding and safety, nor the Audit report.

Cllr Yip raised his outstanding FOI request. Included within this are concerns about safeguarding and questions regarding the 19 drivers who have outstanding DBS checks, and Cabinet was not given this important information.

Cllr Alden raised that the recommendations do not contain enough detail, and this includes costs. A later item on the same Cabinet agenda procured more consultants for this service but this was not included within this report.

The Leader explained that there are clear recommendations within the Cabinet report, and they are set out in paragraph two, and the EY recommendations are listed in the table within the report. Also, he gave assurances at the Cabinet meeting to set up a Board where parents, carers and head teachers will have the opportunity to sense check improvements that have been brought forward to improve the Home to School Transport service. The Leader drew Members' attention to the recommendations, specifically paragraph 2.1.6 which makes it clear that there will be a new Integrated Passenger Transport Unit overseen, as per paragraph 2.1.8.1, by a dedicated Transport Lead, looking to transform this service.

The Leader commented that the PCF have indicated that they want the recommendations to be implemented and are pushing for the Board to be set-up.

The Chief Executive stated that 95% of the answers to Cllr Yip's letter and FOI should be available in the next couple of days.

The Leader suggested that he could invite the Chair or other Member of the Committee to attend the first meeting of the Board to speak about the Committee's report and recommendations, concerns and anything else that may have been omitted.

The remit of the Board is to hold to account those responsible for the service, and the Board will be monitoring the performance of the service provided.

The Board will sit until September 2021 as by then the improvements should have been made and the service should be fit for purpose.

During the discussion the main points included:

- In response to how the Board is going to be different to what Scrutiny has been doing over the years in holding people to account, the Leader suggested the Committee may wish to invite him to the Committee's January meeting. Others, such as the PCF, could also be invited to discuss what is needed in a wider context to improve this service, as this goes beyond the Home to School Transport Service.
- It was suggested that we need to decide how the Council engage and work with the PCF going forward as they are not representative of c.4,000 parents. Assistance could be given so they become more representative by helping to promote and encourage parents to use and join them.
- The call-in is about the decisions in the EY report and not whether the Committee agree with failings of the system. Therefore, it is not about deciding on how good or not the system is.
- It was questioned whether the Council needs to bring the service back in house like other projects that have failed.
- The Chair stated that Committee should congratulate itself on the hard work done for children and parents in the city, cross party, and the EY report was a direct result of that hard work.
- It was questioned whether we would expect to have a detailed action plan, that includes all the stages Cllrs Yip and Alden have said are missing at this point in a council decision making process, and whether Members could simply vote a straight yes or no to call-in or ask for certain things to be added, such as the Scrutiny report. The Chair clarified that the Committee could ask for things to be included.
- There is much to agree within the Executive report and the decisions, however, the process was flawed by being too limited in scope with a low level of consultation.
- Members indicated they would like to see the results of the inquiries, investigations and consultation undertaken with parents and schools to give a complete picture for the Executive to take their decision. Although it may have the same conclusion, it's about the process and how we got to that point.
- There is a need for clarity about some of the things that have been agreed in the cabinet report, such as consultants, as this may leave the Council open to decisions being taken that Members have no access to.
- There is no information on safeguarding and other issues which is a big part of the service and it was questioned how the Executive decisions were made without that being considered as part of the whole. The Chair stated that the motion was divided into different parts, so that doesn't come under this report. The Chair agreed there isn't anything in this report she wouldn't recommend, but

there may be things missing and she is happy to write to the Leader asking for these to be included or considered.

- There is a need to be clear on accountability and who is responsible when something goes wrong and action needs to be taken straight away.
- The Chair suggested that a letter might want to be sent to the Executive regardless of the outcome of the call-in vote.

RESOLVED

The Committee resolved to call-in the decision for reconsideration by Cabinet by a vote of 7 Members to 2.

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

None.

6. OTHER URGENT BUSINESS

None.

7. 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.

The meeting ended at 16.14 hours.