

**Report to:** Audit Committee

**Report of:** Education and Skills

**Date of Meeting:** 19<sup>th</sup> October 2021

**Subject:** Home to School Transport: Safeguarding  
**Appendix A – Internal Audit Update**

**Wards Affected:** All

## 1. Purpose of Appendix

1.1 This paper 'Appendix A – Internal Audit Report' has been submitted to support the formal paper 'Home to School Transport: Safeguarding' which has been prepared in readiness for Audit Committee scheduled 13<sup>th</sup> October 2021.

1.2 The Appendix is submitted for noting only.

## 2. Internal Audit Update

2.1 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.

2.2 One of the four recommendations was specifically that 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.

2.3 This internal audit review contained 19 recommendations. Of these 19 actions, 12 are completed and 7 are in train or further work has been identified as being necessary.

2.4 An assessment of progress is shown in the table below. It is important to note that this review is not yet concluded and so the final report may reach different conclusions, as the service is still working on taking action to implement all of the recommendations:

|   | Recommendation  | Progress |
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| 1 | Any future contracts, where Cabinet delegate approval for their extension to the directorate must be actioned and authorised by the Director of Education & Skills. The reasons for extending | Complete |

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|   | the contract must also be recorded as part of any approval and reported to Cabinet once complete.  |   |
| 2 | Where required, amendments made to contracts should be done through a Deed of Variation to ensure these variations are legally enforceable. The use of CPS will help ensure this is done correctly.  | Complete  |
| 3 | Wherever possible, the Education and Skills Directorate should use CPS when commissioning new contracts or contract renewals. This will help ensure the contents of the contract meet all legal requirements, best practice and the correct procedures are followed.   | Complete  |
| 4 | The safeguarding requirements contained in any future contracts must be strengthened and include a requirement to follow recognised best practice in relation to DBS checks.   | Complete subject to embedding of the strengthened contractual requirements and exploring the possibility of bringing the DBS checking process in-house  |
| 5 | Formal procedures of the processes that need to be followed in relation to home to school transport must be drawn up. This will give staff a clear understanding of the processes that need to be followed. The development of these procedures provides an ideal opportunity to identify any unnecessary processes or where additional controls are needed. The procedures should be reviewed and where necessary updated on an annual basis. | Formal procedures of the process that need to be followed have been drawn up for several aspects of the HTST service. It is therefore acknowledged that progress has been made in this area. However, there are still a number that need to be finalised and others that need to be drawn up. This has been raised as an action that is being actively tracked as part of the Safeguarding Stocktake group. A project is currently underway to map all safeguarding 'as is' processes and to design 'to be' processes. This has highlighted the need for additional resource. Once this is in place, safeguarding manuals will be |

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|   |  | created for staff, guides, schools and drivers.  |
| 6 | Due diligence checks must be undertaken on all transport providers before entering into a contract with them. This must include the financial stability and the suitability of the provider to deliver home to school transport. Regular re-tendering of this contract will drive on-going due diligence checks. | Complete   |
| 7 | The Education and Skills Directorate must continue to cleanse and correct the driver and guides management information (in particular the safeguarding/DBS information) to ensure it is complete, accurate and up to date.   | <p>A Compliance Team has been implemented within the HTST service. The team collate Monthly MI returns produced by the contractors and carry out checks to verify accuracy. These MI returns include details of the DBS checks that the providers have undertaken on their drivers (and where appropriate their guides). However, to date providers have only sent in DBS disclosures for new starters and renewals (positive disclosures follow a different process) and not for existing staff.</p> <p>The second Deed of Variation means that BCC and appropriate third parties can see DBS for all drivers.</p> <p>Additional audit checks being carried out by 365R during September and October will ensure all existing drivers are checked against the following criteria:</p> <ul style="list-style-type: none"> <li>• DBS Validity</li> <li>• DBS Status</li> <li>• DBS Panel Letter (if applicable)</li> <li>• DBS Update Service Records</li> <li>• Evidence of Council issued ID badges</li> <li>• Driver compliance check against allocated route IDs</li> </ul> |

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|   |   | <p>Where the Council is informed of non-compliance, appropriate action shall be taken to sanction providers.</p> <p>programme of monitoring and compliance checks remains in place.</p>   |
| 8 | <p>The current process of recording safeguarding checks on different records must cease and a Single Central Record showing providers, drivers, routes, children, guides and the safeguarding checks must be established, monitored and kept up to date.</p>  | <p>Considerable improvements have been made in the MI 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 Providers that the Council has commissioned to take place in September 2021, 365R intends to input all data onto BCC's 365R platform at the same time.</p> |
| 9 | <p>On-going safeguarding audits must be introduced so that the Travel Assist Team can be assured that the providers are undertaking the required safeguarding/DBS checks on their drivers. This must include sample testing of the drivers DBS certificate. Records of the audits must be retained, and the results reported to the appropriate Assistant Director.</p> | <p>A Compliance Team has been implemented within the HTST service. Part of their role is to ensure the Monthly MI returns produced by the contractors are accurate and up to date. These MI returns include details of the DBS checks that the providers have undertaken on their drivers (and where appropriate their guides). The new Deed of Variation will mean that original DBS documentation will be shared directly with BCC and retained in accordance with legal guidance.</p>  |

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|    |  | All Providers will be audited by the of end September by 365R. An ongoing programme of monitoring and compliance checks remains in place.  |
| 10 | The Head of Service should introduce arrangements to ensure the key management information in relation to drivers, providers, routes, children and safeguarding is accurate, up to date and complete. It is suggested that this is achieved through monthly verification checks. The results of these checks should be reported to the appropriate Assistant Director. | Complete   |
| 11 | The Education and Skills Directorate must introduce a new safeguarding / DBS checking processes for assessing positive disclosures.  | The original action has been completed and a DBS checking process has been put in place. 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 <a href="#">here</a> . However, due to the fact that recent issues have highlighted non-compliance with this process, options are being explored to consider bringing the entire DBS process in-house in order to exert maximum control over the process and a full audit of current providers is being carried out and is due to conclude in October. |
| 12 | A review of the Council's corporate DBS policy and arrangements (including those in relation to commissioned services) must be carried out to ensure they are robust, fit for purpose and do not expose BCC  | Complete   |

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|    | and its service users to unacceptable risks   |   |
| 13 | The serious incident (referred to in the report) by one of the commissioned transport providers, in relation to the DBS and safer recruitment process must be independently formally investigated to establish how this occurred as well as identifying how the systems can be improved to prevent it from happening again. | Complete  |
| 14 | Quality assurance checks in relation to the drivers and the providers must be introduced as soon as possible to monitor and manage the quality of services. The results of these should be recorded and results analysed and issues rectified.  | <p>Quality assurance checks have been introduced and a new Compliance Function (interim) has been created.</p> <p>Recent issues have indicated that there is a need to increase capacity in this function significantly and as a result an independent audit has been commissioned.</p> <p>Long-term BCC is evaluating the size and structure of the compliance and contract management function that is needed in order to manage and monitor the quality of services and a request for additional funding is being worked up to submit to Council for approval.</p> |
| 15 | KPIs should be drawn up to measure the achievement of key service delivery objectives and MI produced monthly to monitor the results. For example, quality assurance checks – target to actual. These should be reviewed by the Head of Service and appropriate Assistant Director monthly.                                 | Complete  |
| 16 | Dedicated contract management capacity should be put in place to manage home to school transport contracts  | Complete  |
| 17 | Any sub-contracting of routes must only be undertaken once all legal and contractual  | The original action has been completed, and the Council has put in further controls to  |

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|    | requirements have been met and proper approval has been given. This must not be done on the basis of a verbal agreement.  | strengthen its operational processes. This includes an application form rather than written consent and a template subcontracting agreement to ensure the provider and subcontractor are fully aware of their responsibilities. However, this area still holds risks that are being addressed currently. |
| 18 | Any future contracts, where Cabinet delegate approval for their extension to the directorate must be actioned and authorised by the Director of Education & Skills. The reasons for extending the contract must also be recorded as part of any approval and reported to Cabinet once complete. | Complete   |
| 19 | Where required, amendments made to contracts should be done through a Deed of Variation to ensure these variations are legally enforceable. The use of CPS will help ensure this is done correctly.   | Complete   |

2.5 A fuller update will be given at the point that the report is concluded in November.

2.6 It is anticipated that further progress will be demonstrated across all areas although there are some actions that will not be fully concluded and will still be in train. However, recent actions taken by BCC in relation to providers not meeting safeguarding standards confirm that (1) BCC has systems in place to identify non-compliance (2) how seriously BCC takes these issues and that appropriate action will be taken when suppliers do not comply with expected standards.

**Name of report Author:** Deborah Brooks

**Title:** Education and Skills Transformation Director

**e-mail address:** [deborah.e.brooks@birmingham.gov.uk](mailto:deborah.e.brooks@birmingham.gov.uk)