

Birmingham City Council

Executive Response to Call-In

11th January 2021



Subject: Improving Home to School Transport
Report of: Chris Naylor, Interim Chief Executive
Relevant Cabinet Member: Cllr Ian Ward, Leader
Relevant O&S Chair(s): Cllr Kath Scott

Does the report contain confidential or exempt information? Yes No

If relevant, provide exempt information paragraph number or reason if confidential:

1 Executive Summary

1.1 On the 6th January, the appended Improving Home to School transport Cabinet Report was subject to call in to Overview and Scrutiny Committee.

1.2 The reasons set out for call in were as follows:

- 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);
- the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision;
- the Executive appears to have overlooked some relevant consideration in arriving at its decision;
- the decision has already generated 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;
- 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.

1.3 The Home to School Transport Service is a critical service that, several times, has failed to meet the needs and expectations of Children, Young People and their Families and Carers. As a result of significant failings in September a further set of actions were mandated by Full Council on the 15th September to understand why at

the start of term, the service failed to respond effectively to new ways of working in the context of the pandemic.

- 1.4 EY LLP undertook an Independent Service Review that was published on the 25th November. This review identified a range of systemic factors that not only led to the failings in September but appeared to also have been contributing factors to some of the key failings identified and experienced by users of the service in previous academic years.
- 1.5 There have been several investigations, inquiries, audit reports and reviews of this service, all of which (where appropriate) were reviewed as part of the Independent Service Review. These included Home to School Transport Inquiry, Education and Children's Social Care O&S Committee; the Response to the Home to School Transport Inquiry by Cllr Scott; the Cabinet Report on the Interim Service Provision Arrangements for Home to School Transport (March 2019); the internal audit report into Travel Assist–Commissioning, Safeguarding and Quality Assurance; and Cabinet Report from July 2019: Home to School Transport -Contract Award Report.
- 1.6 The highlighted performance issues and root causes behind these, necessitated a more detailed operating model assessment of the service to be completed. As a result of this assessment a set of recommendations to address the fundamental and systemic flaws in the Council's service operating model were set out. These are summarised on pages 7-13 of the Cabinet report (Appended).
- 1.7 The Cabinet Report made 10 recommendations, set out in section 2 of the Appended report. These were based on recommendations made within the [Home to School Transport Inquiry](#) document as well as informed by lessons learnt through the immediate fixes work and the parallel investigation being undertaken with regards to DBSs.
- 1.8 In the context of the reason for the call in, the three key concerns raised at the Overview and Scrutiny meeting were:
 - 1.8.1 The scope of the 'Independent Service Review' report published in November in the context of the mandate given by Full Council
 - 1.8.2 The level of consultation on the recommendations, and during the 5-week review, with Parents and Carers
 - 1.8.3 If the recommendations made in the Cabinet report were aligned to the findings / recommendations set out in the Overview and Scrutiny report, undertaken in September 2019
- 1.9 In the next two sections this covering report sets out the Executive's response to the above key points.

2 Additional or Amended Recommendations

- 2.1 Recognising the importance of the service for our Children, Young people and their families and carers and in the context of our commitment to a more transparent and collaborative way of working with our citizens and users of our

services, the Executive would like to thank O/S committee for the opportunity to cement our commitment to collaborative improvement of this critical service.

2.2 Amended recommendation:

Recommendation 2.2: Note the Inquiry's findings and recommendations and; note the approach to incorporating additional input of parents and carers agreed with the Parent Carer Forum on the 30th November. (Set out below in section 3)

3 Response to Reasons for Call-In

3.1 The scope of the 'Independent Service Review' report published in November in the context of the mandate given by Full Council.

3.1.1 On the 15th September 2020, Council agreed to initiate an independent inquiry to ascertain the facts, chronology, roles and responsibilities of individuals in order to determine if due procedures were followed in terms of decision making, governance and implementation of the recommendations of an audit report. The meeting culminated in the agreement of a motion that approved the following:

3.1.1.1. 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.

3.1.1.2. 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 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
- C. Commission an external and independent audit 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 ((sic) of the report presented by Scrutiny to Council on 15th September) and listed in paragraph number A above), by providing clear recommendations, lines of accountability together with an open and transparent timetable for sustainable improvement;

3.1.2 In response the above, the Chief Executive commissioned 5 streams of work, in acknowledgment of some of the potential HR implications of the action required to complete the activity described in Paragraph B:

- i. Short term service improvement plan

- ii. Independent Investigation
- iii. Independent Audit
- iv. Medium to long term Improvement plan
- v. Health Check for the wider SEND programme

3.2 In reference to paragraph 3.1.1.2 C and points 3.1.2 iii and 3.1.2 iv above, The Chief Executive appointed an external party. Their brief was to understand:

3.2.1 what were the circumstances that led to the service failures in the run up to and at the start of term including poor communication, cancelled routes, failed customer access channels and children despatched to the wrong schools etc;

3.2.2 a critical assessment of the improvement planning arrangements in place; their recommendations about how those arrangements need to be strengthened; and

3.2.3 a transparent road map for service recovery and improvement with clear milestones and dependencies highlighted.

3.3 As well as the Independent Audit the Independent investigation highlighted some critical improvement areas, which have been progressed as part of the short-term and medium-term improvement plans

3.4 The Cabinet report recommendations 2.15 – 2.17 acknowledge the scale of change required to deliver a better service, with an operating model that is resilient and effective to ensure the failing identified in all the activity strands 1-5 are addressed in a more sustainable way.

3.5 The level of consultation on the recommendations, and during the 5-week review, with Parents and Carers

3.5.1 The Executive comprehensively acknowledges the importance of involving families and carers robustly and meaningfully in both the monitoring of the improvement journey and the design process for any changes.

3.5.2 Acknowledging the urgency with which the review needed to be undertaken and the fact that a multitude of inquiries/ complaints etc have been undertaken- a robust review of all existing documentation / complaints was completed. As part of the engagements, a number of stakeholders were engaged with who spoke of their experiences, frustrations and areas of concern. This included the Chair of the Education and Children's Social Care O&S Committee; the Chair of the Parent Carers Forum; head teachers from two special schools; one of the Council's transport providers; as well as a range of internal officer stakeholders.

3.5.3 However, given the importance of incorporating parent and carer views on an ongoing basis agreed with the Chair of the PCF at the Public Meeting on the 24th November, EY met with the PCF on the 30th November following the Chair's review of the report.

3.5.4 Four facilitated feedback sessions between the 20th and 27th January are being held, to incorporate further feedback from parents and carers on the document.

These views will be incorporated as an addendum to the report. As agreed with the PCF chair these will include, new information on service performance and discussions on forward engagement approach. The PCF and the Council will be jointly publicising these sessions, information has already been shared on social media and the forums will be open to all parents and carers and a range of times have been selected to ensure maximum access to all parents and carers is made available. In the communications regarding these sessions, the opportunity to provide written feedback before the end of the month will be made clear.

3.5.5 It is important to note that this Parent and Carer engagement serves two purposes in the context of the recommendations to Cabinet:

3.5.6 To ensure the views and parents and carers on the report findings have been fully captured

3.5.7 To ensure that, as the recommended improvement programme progresses to detailed design, the critical aspects of parent and carer feedback are integrated into and used as a critical test of success for future design proposals

3.5.8 In addition, to the Leader and Interim Chief Executive, met with the PCF on the 18th December and discussed the ongoing engagement of parent and carers in the improvement programme. A task and finish group is being convened, with the first meeting on the 21st January, to monitor progress against the recommendations made in the report.

3.5.9 Finally, the programme design document described in section 2.1.7 and engagement and governance plan would be set out and mutually agreed with the PCF. This has now been included in section 2.3 as a specific additional recommendation.

3.6 If the recommendations made in the Cabinet report were aligned to the findings / recommendations set out in the Scrutiny report

3.6.1 The Executive acknowledges and thanks the ongoing role that Overview and Scrutiny has played in challenging the improvement journey the home to school service had undertaken. In scrutiny report (February 2020) 7 key themes of findings were identified. The Executive should note that a full update on the progress against these areas is due to return to scrutiny in March 2021. However, it is recognised that the Scrutiny Inquiry report gathered significant evidence and views from stakeholders and highlighted some clear issues to be addressed.

3.6.2 The findings from the inquiry should be a key consideration both for the improvement programme, and the ongoing corrective action that is being taken by the service. The Chair of the Scrutiny Committee Education and Children's Social Care O&S Committee will be invited to the Leader's Home to School Task and Finish Group to go through the recommendations and progress made against them.

3.6.3 A summary from the Scrutiny Report has been provided below to show how the recommendations were considered in the EY review, or elsewhere.

Finding or Recommendation from Scrutiny Report	Were the findings considered in the EY Home to School Service Review (November 2020)?	Were the findings considered in the 5 scope areas defined from the Full Council motion?	How has this been addressed/ will be addressed in the improvement programme?
<p>1. Policy</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>No</p> <p>The scope of the review did not cover the policy, assessment nor support planning of the Home to School Transport Service.</p> <p>The Service Review observed comments from stakeholders around concerns with the application of the policy which were fed back through the report including concerns of parents being unaware of their rights on appeals.</p>	<p>Short term HTS transport service improvement plan * Independent Investigation * Independent Audit * Medium to long term Improvement plan * Health Check for the wider SEND programme ✓</p>	<p>As committed in the Scrutiny Report from February 2020, the Service will report back to Scrutiny in March 2021.</p> <p>Engagement is planned with parents and carers for January when policy will be discussed, and any ongoing concerns captured.</p>
<p>Communication</p> <p>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.</p> <p>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. 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</p>	<p>Yes</p> <p>One of the key findings identified in the Service Review was:</p> <p>"Lack of timely communication with all stakeholders and customers regarding any changes to service delivery, and key accountabilities and responsibilities related to this"</p>	<p>Short term HTS transport service improvement plan ✓ Independent Investigation * Independent Audit * Medium to long term Improvement plan ✓ Health Check for the wider SEND programme ✓</p>	<p>The Service Review recommended:</p> <p>"Implement a new approach to communicating changes to route information and real-time updates when routes are delayed or cancelled".</p> <p>This recommendation is being addressed through both the</p>

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<p>was that parents have a better experience when they contact the contractor directly.</p> <p>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.</p>			<p>implementation of 365 software and also as part of the medium to long-term improvement plan.</p>
<p>Safety</p> <p>The main three issues raised were:</p> <ul style="list-style-type: none"> • Suitability and safety of vehicles. • Suspension of service due to a child's behaviour whilst travelling. • Suitability of guides and drivers. 	<p>Not Explicitly</p> <p>The scope of the review was not to look at issues associated with safety of the vehicles, suspension of service or suitability of specific guides and drivers.</p> <p>As part of reviewing the delivery model, the review identified several areas of concern and made relevant recommendations. These included:</p> <ul style="list-style-type: none"> • The recent appointment of an interim senior compliance officer and daily compliance checks are now completed • The lack of confidence in the capacity and capability of guides 	<p>Short term HTS transport service improvement plan ✓</p> <p>Independent Investigation ✗</p> <p>Independent Audit ✗</p> <p>Medium to long term Improvement plan ✓</p> <p>Health Check for the wider SEND programme ✓</p>	<p>Action has been taken to increase compliance resources to inspect and address safety concerns, and to improve the management reporting information from providers to support this.</p> <p>Work has also been undertaken to increase the council's oversight and assurance of DBS checks and compliance.</p>
<p>Safeguarding Risk</p> <p>Safeguarding issues were raised both at Full Council and at the Audit Committee in relation to home to school transport. 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.</p>	<p>Not Explicitly</p> <p>The Service Review did not cover the review and assurance of the DBS process and associated questions raised around compliance with these; nor the policy,</p>	<p>Short term HTS transport service improvement plan ✓</p> <p>Independent Investigation ✓</p>	<p>Action has been taken to increase compliance resources to inspect and address safety concerns, and to improve the management reporting</p>

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<p>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”.</p> <p>The number of children being out of school because of unsuitable or lack of transport was raised by COBS and the special schools’ representatives.</p> <p>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’.</p> <p>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’.</p>	<p>assessment nor support planning of the Home to School Transport Service.</p> <p>The Service Review observed comments from stakeholders around concerns with the application or the policy which were fed back through the report including concerns of parents being unaware of their rights on appeals.</p>	<p>Independent Audit ✘</p> <p>Medium to long term Improvement plan ✓</p> <p>Health Check for the wider SEND programme ✓</p>	<p>Information from providers to support this work has also been undertaken to increase the council’s oversight and assurance of DBS checks and compliance.</p>
<p>Assessments (including Appeals)</p> <p>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.</p> <p>What was felt to be inappropriate provision was at times offered, such as bus passes, pick up points and Personal Transport Budgets</p>	<p>No</p> <p>The scope of the review did not cover the policy, assessment nor support planning of the Home to School Transport Service.</p>	<p>Short term HTS transport service improvement plan ✘</p> <p>Independent Investigation ✘</p> <p>Independent Audit ✘</p>	<p>As committed in the Scrutiny Report from February 2020, the Service will report back to Scrutiny in March 2021.</p>

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<p>(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 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”.5.29The 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. 5.30Members 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.</p>	<p>The Service Review observed comments from stakeholders around concerns with the application or the policy which were fed back through the report including concerns of parents being unaware of their rights on appeals.</p>	<p>Medium to long term Improvement plan ✓ Health Check for the wider SEND programme ✓</p>	<p>Engagement is planned with parents and carers for January when policy will be discussed and any ongoing concerns captured.</p>
<p>Impact on Children, Families and Schools</p> <p>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.</p> <p>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.</p> <p>A written question at City Council on the 25thFebruary 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.</p>	<p>Yes</p> <p>The review considered and heard of the impact that the poor service in September had on the lives of families. Further consultation and engagement is planned for January and an addendum to the report will be published.</p>	<p>Short term service improvement plan ✓ Independent Investigation ✓ Independent Audit ✓ Medium to long term Improvement plan ✓ Health Check for the wider SEND programme ✓</p>	<p>The focus of the improvement plans (both short-term, and medium to long-term) is to improve the service to pupils, parents and carers and deliver better outcomes that will give them the best start in life.</p> <p>Engagement with parents, carers, pupils and schools will be a central part of the approach. A number of sessions with parents and carers will be held in January organised with the Parents Carers Forum (PCF).</p>

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<p>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:</p> <p>'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 enroute 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 enroute 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</p> <p>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).</p> <p>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.5.37The special schools echoed this and stated that 'the time</p>			

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<p>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.</p> <p>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".</p>			

4 Appendices

- 4.1 The original Cabinet Report, approved on the 15th of December can be found here:

[Home to School Improvement Cabinet Report](#)