

# **BRIGHTON & HOVE CITY COUNCIL**

## **HOME TO SCHOOL TRANSPORT - POLICY PANEL**

**9.30am 23 JANUARY 2020**

### **AUDITORIUM - BRIGHTELM CHURCH AND COMMUNITY CENTRE CENTRE**

#### **ACTION NOTES**

**Present:** Councillors Clare, Hills, Mears, O'Quinn, Wares and Wilkinson

**Also present:**

Officers: Georgina Clarke-Green, Natasha Watson, Giles Rossington, Edd Yeo and Carolyn Bristow.

Invited guests:

Rob Arbery (Chair of Governors HillPark), Sue Hillier and Scot (Radio Cabs), Andy Cheeseman – (Southern and Streamline), Fiona England (Parent & Carers Council), Diana Boyd (Parent & Carers Council), Adrian Carver (Executive Head Teacher, Downsview).

There were several members of the press and public also in attendance.

#### **1 WELCOME AND INTRODUCTIONS**

- 1.1 Cllr Clare welcomed everyone and gave an overview of the agenda. She explained that if there was to be a vote it would be Members only.

#### **2 SCOPE OF THE POLICY PANEL**

- 2.1 Cllr Clare explained that the scoping meeting agreed that the panel's work would be in two halves. Firstly, meeting monthly in public to look at current issues until Ind Review is concluded and the report was available for the Panel.
- 2.2 The panel had determined the current issues to be:
- Impact on children and families at the present time
  - Impact on schools at the present time
  - Training and health and safety issues relating to operators (vehicles, drivers and vehicle passenger assistants)
  - Route allocations and how these are determined
  - Impact on year end budget – this will require an officer report
- 2.3 If there is something that is outside of the current issues, then the Panel may refer it to the Ind Review.

- 2.4 After these 'first half' meetings, there will be a further scoping meeting of panel members. The scope of further public meetings is likely to include looking at the list Cllrs Wares / Mears provided at the previous scoping meeting:
- Procurement of services
  - Use of urgency powers
  - Alternatives to work with other LAs
  - Routes that were returned by operators
  - Issues relating to Edge
  - In-House resource to manage the issue
- 2.5 People will be invited to make submissions to the Panel on these matters if they wish to.
- 2.6 The ambition is for the Panel to report to June CYPS committee, but we can extend that if needed.
- 2.7 Members of the panel were asked for questions or comments at this stage. None were raised.

### **3 UPDATE ON THE INDEPENDENT REVIEW**

- 3.1 Georgina Clarke-Green gave an update on the Independent Review. The team will begin on 28<sup>th</sup> Jan and be onsite for 3 days.

The team are:

- Kevin Hall – DCS for East Riding Council.
- George Gillmore – Headteacher from special schools, LA officer and Ofsted inspector
- Dr Jackie Lown – East Riding Head of Service and Ofsted Inspector
- Janine Walker – Head of SEN from Nottingham
- Angela Kawa – LGA Programme Manager

Stakeholder engagement

- All stakeholders listed in the ITQ have been invited to provide submissions and as of today 219 pieces of info have been shared with the LGA team via a secure site.
- Timetable has been arranged with a wide range of involvement from stakeholders including over 40 hours of interviews

Question

- 3.2 From member of the public on whether any of the LGA team have any involvement with Edge Public Solutions / Local Providers?
- 3.3 Georgina Clarke-Green - replied that the specification required them not to.
- 3.4 Fiona England - wanted to add that Contact are involved too.

## Question

- 3.5 Cllr Wares – Can colleagues check that whether the uploaded info to the LGA answers the outstanding FOI?
- 3.6 Natasha Watson - explained that the FOI is being worked on and he should have a response as soon as possible.
- 3.7 Georgina Clarke-Green - confirmed that the Panel should still expect to see a draft report at the end of February but that may be updated following the work onsite.

**4 DISCUSSION ON ANY CURRENT ISSUES**

- 4.1 Three representations have been received which Cllr Clare shared and invited comments / questions from Panel / Invited guests and then the public in the gallery.
- 4.2 Cllrs and Officers present were first invited to raise any concerns. None were raised but Cllrs Mears and Wares said that they'd reserve the right to raise concerns / questions as the discussions happen through the session – Cllr Clare agreed.
- 4.3 Invited guests were asked to raise any initial concerns – none.
- 4.4 Submission 1: PaCC read their statement.



Submission 2 PaCC  
submission for the HT

- 4.5 Cllr Mears thanked PaCC and wanted to seek more on their views about how children were currently affected. When she visited schools earlier last term she saw children upset. Now we are 5 months in, how are the children settling down to this contract?
- 4.6 Fiona England wanted to be clear that the statutory guidelines state that children should arrive ready to learn. Generally, there has been improvement since the autumn, but we still hear of occasions when children and young people are not arriving to school in a stress free manner and ready to learn. When we get permission from families that report that on, we are passing that to the LA. She suggested that the schools were asked too as they were present. She wanted to add that children and young people do get HTST to mainstream schools too and we must ensure staff and pupils feedback for mainstream is included in these processes too.
- 4.7 Diana Boyd added – re customer care element is really important – having a friendly interaction with driver really sets the day up well.
- 4.8 Cllr Mears – agreed and said she was concerned about Edge wanting to use larger vehicles and putting children in a stressful state.

- 4.9 Fiona England – as PaCC we remain critical and provide challenge on the size of vehicles. This matter is essential for the comfort of children and it's essential that children are seen as individuals and that their individual needs are taken into consideration.
- 4.10 Cllr Hills – thanked PaCC. Children were arriving late and some of this has been attributed to building works – have these been rectified? Are children arriving on time?
- 4.11 Rob Arbery (HillPark) – was aware of two issues where children are consistently late to school and this is unrelated to the building works.
- 4.12 Adrian Carver (Downsview) – Stated that a significant amount of his time was being spent on this matter, that many issues have come out of this contract change. Woodingdean now runs relatively smoothly, with all vehicles disembarked within 10/15 mins but the school now have to employ an extra person 2 hours a day to manage car park. Also a senior staff member needs to be out there. There are larger vehicles being used and a larger number of vehicles too. School staff have to manage the queue so that Warren Road isn't blocked. To start in Sept it was taking 40 mins but it's now improved with the new one way system.
- 4.13 The parents who transport their children themselves used to arrive at the same time as taxis, but now because of difficulties, those parents are imposing a shorter day on their children (arrive late / come early to pick them up) which is an absolute by-product of the changed system. The school are working with families to see if there are other ways to manage this but there are about 6 children on Woodingdean site affected by this. Situation is compounded by volume of parents driving their children to Woodingdean Primary School next door.
- 4.14 Cllr Mears – has Downs View on a number of occasions recently. Before this there were works on the car park, which were delayed. She wanted to commend the Head and staff for the way they worked collecting children. Taxi providers used to take children in, then an issue of insurance arose, then we were told it would be ok for providers to take them in. This matter still needs clarity.
- 4.15 Adrian Carver – agreed that longer term clarity on child handover arrangements was needed.
- 4.16 Cllr Clare - also wanted to seek clarification on this matter.
- 4.17 Andy Cheeseman –provided some background on this matter. The contract asked operators not to but then it was clear in September that wouldn't work for the schools.

This came up a year ago with Pinaki with insurance. Things are now 98% better at Downs View but arrangements now are 20mins longer for the drivers than we have budgeted for – about £40K annually this is costing which at some point will need to invoice the LA for. Southern insurer wrote in Nov / Dec and haven't had a reply. The line is that it is low risk. Would welcome further clarity.

- 4.18 Diana Boyd – there is a fundamental point about when there is a risk of impact on children. We must always consider what the impact will be on children and Diana felt this has been overlooked in this case.
- 4.19 Cllr Mears – agreed – the children were really stressed. Issue of Officers not having clear direction.
- 4.20 Diana Boyd – there is a fundamental point about when there is a risk of impact on children. We must always consider what the impact will be on children and Diana felt this has been overlooked in this case.
- 4.21 Cllr Mears – agreed – the children were really stressed. Issue of Officers not having clear direction.
- 4.22 Natasha Watson – insurance is about liability. The responsibility for the safe transportation of children rests with the council ultimately. If we decide that the risk is low, the risk lies with the council if there is an issue between child leaving vehicle and into school. This is an assessed risk, lies with the council. We've been given conflicting advice by insurers which hasn't helped. Natasha said she was reluctant to give full advice here live, it needs to be followed up after the meeting.
- 4.23 Andy Cheeseman – gave further history on this matter, been doing it previously for over 30 years. There was an incident in the past where a child tried to run in the road and there was a concern raised. It can be difficult though for families to bring to children to and from the vehicles, especially if there are other children in the home. He was concerned that money was taken from the contract and that has resulted in more children per Vehicle Passenger Assistant on some routes.
- 4.24 Cllr Wilkinson – thanked PaCC for submission, really helpful. Interested on Impact on schools at current time. To what degree are pupils are more unsettled when arrive at school – how far is this attributable transport rather than 'normal transition disruption/distress'.
- 4.25 Fiona England – each individual child's profile must be considered. Parents can report that it's very hard to prepare children with additional needs to get ready for school in the morning.
- 4.26 Cllr Clare as chair summarised the key points
- Timekeeping – performance data relating to this is available and must be used to Can the LA respond?
- 4.27 Edd Yeo – This issue has been mentioned before and discussed with PaCC in a different meeting. We are told that schools are making allowances when considering a pupil late knowing that they have received transport, so they are not always recording those pupils late. Therefore, when the Council is asking for records of lateness there is nothing of note, we then don't know the extent of the issue. We need an agreement with schools around recording of this matter that captures all of the lateness, so we have a full picture.

- There being a published complains process – can we make sure there is one and highlight it? Fiona wanted to stress that it is Issues and complaints

- 4.28 Edd Yeo – we can make sure this is really clear for families, firstly with the service and then with formal council complaints procedures.
- 4.29 Adrian Carver – this isn't about complaints, it's about timing. Many children are arriving in an ok state but what we don't know is how long children are sitting on the bus – what time the first child is being picked up and then we can log when they arrive.

Some children in Hollingdean are still very upset about the changes. It can be difficult to do a causal link though to transport as it's complex for these young people. A lot of the vehicles' crews at Hollingdean are working hard to ensure children arrive in a sufficiently good state so it's not a bleak picture at all and we should note that.

100% better than Sept / Oct but there are still some things to fix.

- 4.30 Andy Cheeseman – felt that the LA did have access to information about vehicle journey times etc but can provide that detail. Currently running at 98% running on time, which is an achievement in Brighton traffic. When the issues were happening crews might be there for an extra 40 mins in morning and 30 mins at home time.

There have been Issues at Hill Park and some staggering of vehicles has had to happen, sometimes children are therefore having to be kept in vehicles for 5-20 mins. Ultimately, we are taxi drivers, need good VPAs. We do now have more children on vehicles. Andy then raised pupil information sheets, that he was missing some when the service started in the autumn but wanted to transport the children to ensure they went to school.

- 4.31 Diana Boyd – re causal links and children being unsettled. There will be some children who settled down but there will be reports of a small number where children continue to be unsettled. There will be a number who have remained unsettled.
- 4.32 Cllr Wares - Not clear on insurance. Some operators are not insured but the council have said move the children anyway and legal say the council is taking the liability on as it's a minimal risk and we are underwriting that. Is that right? We need someone to have moral and financial responsibility.
- 4.33 Natasha Watson – it's a big question to answer and we must be clear there is a real difference between criminal and civil liability. Re civil liability – if something went wrong and (not all operators think it's an issue) the operator was uninsured ultimately the council would step in. If there was fault we'd have discussions about that.
- 4.34 Cllr Wares – we need urgent clarity on this. Cllr Wares raised a question about whether there was a discrepancy in communications about pupil information sheets, about whether some companies were missing more than the council reported to Members in October.

- 4.35 Sue Hillier – pupil info sheets, we've only just got the last few, from Sept we were still waiting for them and then they came in a couple of weeks ago. She felt parents were blamed for not sending them in. Over last 3/4 weeks got them all in.
- 4.36 Andy Cheeseman – Raised a case where Southern felt critical information had only been shared after the route commenced.
- 4.37 Cllr Wares – remained concerned about children receiving transport when operators do not have the full information.
- 4.38 Cllr Clare - asked whether this was a current or historical matter. Southern felt they may have a small number still outstanding.
- 4.39 Georgina Clarke Green – asked that if anyone was aware of any children being transported without the operator knowing the right information / not having a pupil information sheet to report to her immediately so that action could be taken.
- 4.40 Fiona England – this is an issue. We've been trying to comment on this pupil information sheet process for years. Fiona wanted to defend the parent/carer community here with regards to blaming us for not returning. We do know of a few cases where people have been chased unnecessarily. We are happy to work with officers to solve this.
- 4.41 Cllr Wares – sounds like Southern might be sending in a big bill for the extra time – if this is coming this will make the overspend worse. He also said that he was aware of a child in Patcham going to HillPark who has to make a 90 min journey has gets picked up first.
- 4.42 Andy Cheeseman - said that he'd been asked to provide a new invoice for the waiting time.
- 4.43 Cllr Wares – wanted clarity from officers on how different elements of HTST spend was being recorded.
- 4.44 Cllr Wares raised questions on other points raised in the PaCC statement:
- Parents are afraid to complain to the council? Why? PaCC replied that is a complex issue. For a parent with a SEN child there are huge concerns throughout the life journey – everything is about assessment and there is a high level of scrutiny of families. Some families start to buckle under this pressure and become very scared to challenge back in case they lose anything along the way. This left a question on what do parents / carers need to be able to voice their fears?
  - Training – we've been told that a review took place in August and all credentials were checked – including for changes in September. Operators have suggested this is not the case and he asked PaCC if they had concerns on that. PaCC replied that with the case of the recent sudden operator withdrawal it can cause a drop-in confidence of the service. We would hope that checks would be ongoing to pick these matters up. So, there is some anxiety with parents on whether all issues will be picked up. Parents / carers need greater evidence that these checks are in place

- We are being told that all providers are fully checked and trained – is that correct operators? Radio Cabs – yes, we provided that to Edge in the summer.

4.45 Cllr Wares – asked for clarification on whether any children were transported without all the checks in place such as DBS, it was confirmed that a small numbers of VPAs worked whilst DBSs were being completed.

Andy Cheeseman expanded on this below:

4.46 Andy Cheeseman – when we were asked to bid everything became very late for the checks. Companies work for others too so there is a need to plan which vehicle are needed in the fleet etc and we increased our HTST routes significantly at short notice. So, in September there were a small number of unchecked VPAs that operated with permission. Vehicle have CCTV, voice and audio recordings and checked drivers. Children’s wouldn’t have got to school if the routes had been stopped. All other providers had been exhausted too.

4.47 Cllr Wilkinson – re pupil information sheet, glad to hear the number outstanding has significantly reduced and we need to work with families to solve this process going forward.

4.48 Cllr Mears – Observed a spot check and there were some concerns raised. Cllr Mears was concerned that blame was being pushed elsewhere. Council needs to address the issue, not shift the blame.

## Submission 2

4.49 Cllr Clare read out the local resident concern and asked it got referred to Individual review.



Submission 1  
Anonymous HillPark re

Submission 3



Submission 3  
Community Transport

4.50 Cllr Clare will refer to Ind Review – Georgina Clarke Green to share with them.

4.51 Adrian Carver – as an experienced headteacher, has never known transport to work perfectly. In schools we have trained staff, we manage children in very specific ways – we hand them over to relatively untrained individuals. It’s never going to be a stress-

free thing – even if this had gone well, there would still be children who find the journeys difficult. We need to be honest that it will never be perfect.

However, he did want to raise a concern about how much it costs –when you compare with the money that schools get. He had sympathy for those unpicking this issue now, but he had concerns about heads being consulted on how best to make it work and their view not being listened to. He knows it's not easy but mistakes were made. He also added that he has to rely on the LA having made the right checks etc so he'd like assurance it's done as expected.

- 4.52 Cllr Wares – expressed worry about what was being shared today. He felt it was important to look both forward and back on this matter.
- Needs to be better oversight of budgets
  - Concern over school time being reduced – these children are already disadvantaged, being discriminated against
  - Would like clarity on what the 'lost school time / costs' would be of staff to do the child handover as proposed. A figure was provided but the LA hasn't provided a full response.
- 4.53 Fiona England – we now have 7 months to get it right for Sept 2020. This is important.
- 4.54 Edd Yeo – we already have plans on how to do this and the actions won't wait until after this or the Ind Review – we're working on them now.
- 4.55 Andy Cheeseman – It's important for operators to know earlier about upcoming changes so these can be prepared for. It's also difficult to pay staff on the living wage when the DPS system makes it harder to predict what contracts will be awarded.
- 4.56 Natasha Watson – suggested a summary list of matters that require a LA response to the next Panel meeting.
- Data needed on current journeys – numbers of children being carried / length of journey – including averages plus case studies of the longest, anecdotally there are some on for 90 mins / numbers of children on vehicles / ratios of children to VPAs / ratios of children being transported by Drove Road staff)
  - A truer understanding from schools on the degrees of issues with children arriving late and being picked up early – Adrian thinks there are 6 children where parents are doing this to avoid the traffic queues once the taxis arrive – there was also a suggestion that Drove Road staff are doing the same. Schools are not necessarily recording these as lateness as they are being considerate of the situation – but it means we don't in the LA have an accurate picture of the situation.
  - Clarification over what the handover expectations is going to be longer term
  - Final and full clarification on insurance
  - If schools are expected to do handover a true financial impact picture to be given
  - A number of clarifications needed on budget - there was a suggestion in the room that we were hiding some of the impact of all of this. There was a suggestion that Southern's charges for waiting time would be paid by another budget. They'd like clarity on exact costs of the impact. Also need to clarify where respite charges are being lodged. Some operators are separating it on invoices and some are not.

- Clarification needed on whether all drivers and VPAs have the DBS checks and training required. Plus, clarification on how this is monitored eg spot checks, systems in the team to do this etc.
- Pupil Information Sheets – questions over whether some are still outstanding and whether we'd misled about the numbers we'd had in the past (discrepancy in Member Briefings)

4.57 Pippa Hodge (in public gallery) read a statement

"I can tell you that you don't get out for nowt out of the system in these tough times. In fact, the LA make sure we are VERY CLEAR about that when their HTST Application form states something along the lines of "within our limited budget we need to ensure we help the families in greatest need....." and then go on to grill whether you have a car, DLA, whether you work, what prevents you from transporting your own child etc. All irrelevant and coercive questions that have no bearing on legal eligibility under the SEND Law.

When setting up EHC Plans or Annual Reviews, families are given the form to complete, and there is a section for the staff to additionally complete. The letter states that without completing the form, you don't get the transport. I was contacted again recently by a member of the Transport Team who said they had 5 Questions to ask - and started to ask me if my child has any difficulties with communication. To which I replied, if you look at my son's information sheet which I sent in when requested, you'll see that he has Down Syndrome and autism and he is non-verbal. He has complex needs, and challenging behaviour and all of this is detailed on his form, which I repeat every year, adding further information as his vulnerability and volatility increases. It's clear that they didn't have the form in front of them. I told them that the reason I fill out the form in detail is so that I don't have to then take a phone call when I'm trying to have just 5 minutes for myself, and instead I'm in public, discussing my son's vulnerabilities with an unknown person on the phone. We really DO have enough on our plates. I repeatedly fill out the forms I'm asked to do, so it's extremely insulting that someone from the LA is scapegoating parents.

"The person said that quite a few parents had said the same thing and that they must be going to some other dept at the council.

Who sent that email (to Radio Cabs Rep) that said the Passenger Safety & Information sheets not being in place is due to parents not completing the form? And what evidence did they base that on?"

Pippa Hodge  
Parent Carer

- 4.58 Member of the public reported that this was a very good session – was worried to hear about a vulnerable child sitting in a vehicle for 90 mins. We are talking about discrimination and equalities – case and state law;
- we must deliver that we deliver what is needed not what is the cheapest. They asked if the Full Edge contract is in the public domain. Cllr Wares clarified that a redacted version had been shared with him following an FOI request.

- 4.59 Cllr Wares continued that there had been little mention of Edge today. The LA were working on that matter and he would expect to be able to talk about the impact of that work at a future meeting. He also asked whether this Panel may look at what happened with Hayward's Heath Taxis'. Cllr Clare thought that possible, but it was currently under investigation and it may need to be under a Part 2 (and therefore press and public excluded) part of a future meeting.
- 4.60 Member of the public – please consider asking the taxi trade on their knowledge of ICT to look at what software might work better. Input from taxi trade were helpful.
- 4.61 Andy Cheeseman – LA was offered system free of charge, which allows a minute by minute check. We have live tracking on this and enables us to go a different route.
- 4.62 Pippa Hodge – not all families who get HTST engage with PaCC so with that in mind there should be broader comms out and don't rely on posting on council website . She added that some families were confused about whether to contribute to this or the Ind Review or both.
- 4.63 Diana Boyd – HTST is not perfect and hasn't been for a long time. . PaCC have repeatedly met with Council and discussed issues, application process, eligibility, PIS, we've repeatedly challenge budget savings – Cllrs have agreed savings we've challenged. We've always challenged overspends. When you have a shaky system and when you are trying to force through savings, it's exposed shakiness. Things coming up now have always been there.
- 4.64 Cllr Wares – would like to see consideration soon on how the coproduction element of this work will ensure that PaCC are well supported but are able to remain truly independent.
- 4.65 Andy Cheeseman – felt that in the past there were more open meetings between LA, PaCC/Amaze and the operators and perhaps that should be considered again.

## **5 AGREEMENT ON FUTURE MEETING DATES AND AGENDA**

- 5.1 It was agreed that a meeting would be set up for February, likely to be after half term. Thursdays at 10am would be best, but if not, another day at 10am should work ok.
- 5.2 Cllr Mears cannot do the 24<sup>th</sup>. It must be within school hours and avoiding drop off and pick up times.

## **6 ANY OTHER BUSINESS**

- 6.1 None.

