

Brighton and Hove City Council

Independent Review: Home to School Transport

28th - 30th January 2020

Feedback Report-FINAL DRAFT

1. Executive Summary

The Local Government Association was commissioned by Brighton and Hove Council to provide an independent review of the Home to School Transport Service (HTST). This review was prompted by the significant problems that occurred when the new system was implemented in September 2019. The review focuses on the decisions leading up to the changes, the implementation of the new system and the Council's response to the disruption and distress caused by the changes.

This independent review was asked to consider the procurement of the consultants working on the Home to School Transport Service (Edge Public Solutions). Edge Public Solutions began working on the service in April 2019. The independent review team found that many interviewees had concerns about the process of the procurement of the consultants. In the view of the independent review team the process was rushed and not well executed, with advice from both the Council's procurement and legal teams not taken on board. The team also found that member oversight of the decision appears to have been very limited.

The Dynamic Purchasing System and Procurement of Operators was also a source of concern for the independent review team. The new purchasing system and procurement of operators was done at great speed between April and June. Edge Public Solutions repeatedly highlighted a number of risks that flowed from such a tight timetable; however, they also stated they were confident of delivering and the decision was taken to proceed. The independent review team are of the view that moving to a very different system, so quickly, was not advisable and noted that many interviewees said they had raised concerns that moving to the new system with so little lead-in time was likely to cause significant problems. One interviewee summed this up saying: *"The crisis was predicted and predictable."*

The implementation of the new system was done very quickly due to the tight timescales, with Edge Public Solutions commencing work in April 2019 and the system due to be in place for September 2019. This meant there were limited opportunities to engage with parents, carers and schools before the new system was implemented. The concerns raised by parents, schools and operators were disregarded and key information about the changes were not effectively communicated to all stakeholders. Systems of communication between the Council and key stakeholders need to be improved going forward. Once the new service started there were clearly very significant problems from the outset, with some children not receiving a service at all, transport arriving late, others experiencing frequent change of operator, some being mixed inappropriately with other children and young people or experiencing very long journeys. The independent review team were also very concerned that there were a number of safeguarding incidents. The service has improved in the months that followed but it is vital the Council ensures that adequate safeguards continue to be in place and that children and young people receive a safe service, suitable to their needs.

The Council's response to the disrupted delivery of the Home to School Transport Service showed a willingness from many different officers and departments to come together to

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improve the service. Some officers clearly went above and beyond their usual duties in order to rectify the problems. However, some children experienced problems with the Home To School Transport Service for several months; the majority of these problems were resolved by the end of November. The impact of this on children and young people, and their families/carers should not be underestimated - it was significant. Members of PaCC, the local parent and carers' council, reported that the pressures in responding to parents' concerns had brought the organisation to near crisis point. The parents and carers the independent review team spoke to were clearly frustrated and distressed by the situation, and parents reported that they had lost all confidence in the local authority.

The independent review team took part in a number of parent/carers focus groups. There was clearly frustration with the way that parents' concerns and complaints had been handled. The overstretched Home to School Transport Service team were dealing with a very high volume of calls and emails, approximately 200 a day at the peak of the crisis. Senior managers did provide some additional support but did not seem to recognise that the team needed even more support. Whilst schools, parents and carers acknowledged that the team tried to fix the issues, some experienced weeks, and in some cases three months of disruption.

The independent review team also found that further, shared understanding and clarity is needed regarding the definitions and boundaries of informing, consulting and co-production. In order to rebuild trust and to ensure genuine co-production of solutions with parents/carers, schools and voluntary sector, greater understanding and more time is needed to work with stakeholders collaboratively. The Council is fortunate to have a vibrant and expert PaCC (Parents and Carers Council), which is committed to meaningful co-production and to restoring relationships and trust between the Council and parents, carers and the Voluntary and Community Sector (VCS) providers across the city.

The Council needs to put children and young people back at the centre of the Home To School Transport Service, making them the focus, their voice and needs should be more prominent. Parents wanted the Council to fully appreciate that *“transport is of huge importance to their family lives”*. Some parents stated that they considered the Council did not value the provision of home to school transport. They considered that the need to re-apply each year, the application form and the attitude of some Council staff were intended to dissuade them from seeking transport support for their child.

2. Key Recommendations

There are a range of suggestions and observations within the main section of the report that will inform some 'quick wins' and practical actions. The following are the independent review team's key recommendations to the Council:

- 1. Clear, consistent and urgent communication to all stakeholders (parents, carers, schools and settings etc.) about stability in the Home To School Transport (HTST) arrangements from this point onwards.** September 2020 must not be a repeat of 2019. The Council should also acknowledge the pressure on the base budget and that significant savings are unrealistic in the near future.
- 2. Rebuild trust with schools and settings, parents/carers, VCS, members and officers from other departments.** The Council should consider having a Special Educational Needs and Disabilities (SEND) charter and agreed Co-production policy (which includes the Home to School Transport Service), between parents/carers and the Council setting out clear roles, responsibilities and expectations.
- 3. The HTST policy (2015) needs to be updated with an emphasis on planning and training for independent travel, including an associated budget and sustainable strategy. It should also include a personal travel budget policy developed with parents/carers.** This should include a consistent independent travel training offer across the local authority. The team found there were some examples of good practice in children's social care. The updated policy needs to integrate with the Special Educational Needs and Disabilities strategy and should be used to re-engage and seek best practice.
- 4. Review the HTST processes and streamline them.** After initial agreement that travel arrangements are required, the Council should remove the requirement for parents to complete a transport request form each year and consider introducing a system as part of the Education, Health and Care Plan (EHCP) annual review to discuss and review travel. The annual review paperwork should be revised to ensure there is clear discussion about travel requirements, supporting the planning and training needed for independence and preparation for adulthood. The pupil information sheets, risk information, annual review and eligibility documents could be combined into a single travel plan to save duplication and aid clarity.
- 5. The Special Educational Needs (SEND) team and HTST team must work together more and share more information, reducing the burden on parents to repeatedly provide the same information.** Operational managers across departments need to work collaboratively to strengthen relationships between HTST and SEND. The newly strengthened Directorate Team need to work together more closely, to facilitate and encourage this.
- 6. The Council should ensure there is standardised and consistent training and performance expectation of drivers and Vehicle Passenger Assistants (VPAs) with monitoring.** Drivers and VPAs should complete comprehensive training to

ensure that they meet the needs of each child or young person for whom they are responsible, Training should include at least basic first aid and disability awareness. In addition, identification badges and high visibility jackets need to be worn consistently by drivers and vehicle passenger assistants.

7. **Review governance arrangements for projects and programmes so that all significant change projects go to the Modernisation Board.** The review should include simplifying governance arrangements, ensuring clear lines of accountability and decision-making, with a clear audit trail.
8. **Programme management needs to be strengthened to ensure that any significant changes to Council services are based on a full business case, that there are realistic timelines and clear lines of accountability.** The Council needs to allow adequate time to undertake transformational change in a service. Business cases should be used for significant changes and savings, as well as spending proposals.
9. **More support and oversight are needed from senior managers when significant changes are being made to council services.** Senior managers should also place more value on the professional advice of specialists within the Council, such as procurement, legal, communications and health and safety.
10. **The Council should consider strengthening contract management going forward and ensure all contracts with suppliers of HTST are signed and returned before a service starts.** The Council cannot continue to rely on implied terms and conditions for the remaining contractors who have not signed contracts.

3. Summary of the Independent Review Approach

The independent review team

The make-up of the independent review team reflected the requirements and the focus of the independent review. The independent review team were selected on the basis of their relevant experience and expertise.

The team who delivered the independent review at Brighton and Hove were:

- **Kevin Hall**- an experienced Director of Children's Services (retired from East Riding of Yorkshire Council in August 2019).
- **George Gilmore**-Headteacher of 3 special schools over 23 years, a local authority officer, and most recently an Ofsted Inspector.
- **Dr Jackie Lown**-Head of Specialist Services (East Riding 2009-2019) and member of Ofsted inspection teams for Special Education Needs (SEND) inspections.
- **Janine Walker**-Special Educational Needs/Disabilities professional, currently Head of SEND and Vulnerable Pupils, Nottingham City Council
- **Angela Kawa**-Programme Manager for London and the South East at the Local Government Association, and Independent Review Manager.

Scope and focus

The Local Government Association was commissioned by Brighton and Hove Council, to conduct an independent review of the Home to School Transport Service and the recent changes made to it. In particular, the Council requirements asked the team to focus on the following:

1. Procurement of consultants working on Home to School Transport Service
2. The Dynamic Purchasing System and Procurement of Operators
3. Implementation of the new system
4. The Council's response to the disrupted delivery of the Home to School Transport Service
5. Concerns and complaints

The independent review process

It is important to stress that this was not an inspection. The independent review team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The independent review team prepared for the review by considering a range of documents and information in order to ensure they were familiar with the Council and the challenges it is facing before arriving onsite. The team then spent 3 days onsite at Brighton and Hove, during which they:

- Spoke to 113 people including a range of Council staff together with councillors, stakeholders, parents and providers.
- Gathered information and views from more than 40 meetings, 33 survey responses, visits to schools and additional research and reading over 288 documents provided by the Council and other parties.
- Collectively spent more than 150 hours to determine their findings – the equivalent of one person spending more than four weeks in Brighton and Hove.

This report provides a summary of the independent review team's findings. By its nature, the independent review is a snapshot in time. We appreciate that some of the feedback may be about matters the Council are already addressing and progressing.

4. Main findings

4.1. Procurement of consultants working on Home to School Transport Service

Many interviewees expressed concerns about the procurement of the consultants working on the HTST service. These concerns primarily focused on the speed of the procurement, lack of political oversight, and the fact that Edge Public Solutions were the only bidder. The independent team understand from interviews with officers that the then Lead Member had oversight of the decision. The independent review team also understand that the Lead Members and Council Leader were briefed about the decision, but the team have not seen any formal minutes of the relevant meeting.

Members also expressed concerns to the independent review team that the value of the contract was only just below the level at which it would need to be taken to committee. The very tight timescale imposed by the Council meant that the involvement of members in the decision making, whilst technically within the legal procurement requirements, was very limited. Given the sensitivity of the decisions being made, more consideration should have been given to briefing and involving members. Member scrutiny should be welcomed, and in this case, may well have raised relevant concerns about changing the procurement system with such little lead-in time.

The independent review team were concerned that an evaluation report of the tender submitted by Edge Public Solutions was not completed. The team has seen written evidence that confirms this and confirms that concerns about the procurement process were raised repeatedly, and the risks highlighted internally. One email states that: *Edge began providing consultancy services on 1st April 2019, despite the fact their proposal was incomplete and as you know the contract is still not signed, a risk that xxxxxx and I have highlighted on a number of occasions.*

The independent review team note that the decision to change the procurement method and engage Edge Public Solutions to do this, was undertaken during purdah (pre-election period) using urgency powers. We also noted that an internal audit report (dated 2nd September 2019) states:

“The Director of FCL was advised that this was as a technical change to the procurement process rather than a change to the decision to tender the contracts. In addition, it was highlighted that if an additional PRG Committee were held, this would have coincided with local and European elections and the purdah period. Ultimately these considerations concluded with a Senior Lawyer advising the Executive Director of FCL that it would be appropriate to use urgency powers to make sure that the decision to change the procurement route was properly documented and authorised. We are therefore satisfied that this decision process was in accordance with existing Council procedures and delegations.”

The internal audit report also states that no business case was presented as to why the Council should move to a Dynamic Purchasing System. Instead “a briefing report for

Members and a presentation prepared for the Executive Leadership Team in March 2019 contains the key elements of a business case.”

The report also notes that *“Council arrangements only require a formal business case if additional funding is required or the plans have financial implications for other directorates, in which case these are presented to the Modernisation Board. In this case, no additional funds are being requested as all set up costs are covered within the existing budget. As a consequence, a formal business case was not required.”* The independent review team do not believe this is best practice.

The independent review team recommend that in future any significant changes to Council services should have a formal business case, which is presented to senior managers and lead members. Decisions made on modernisations and significant changes must be thoroughly documented to ensure there is a clear audit trail and clear lines of accountability. The professional advice of the procurement and legal teams should be given far greater consideration going forward. There should be a review of the modernisation board, its effectiveness and what matters go to it for consideration.

The independent review team were concerned that the decision to proceed with the Dynamic Purchasing System was made in the spring of 2019, leaving the Council and Edge Public Solutions only a few months to implement a new system, with new suppliers and new routes, in time for the new school year in September.

In our view, more consideration should have been given to extending the previous framework or issuing new contracts within the existing framework period, to give the Council more time to properly consider the changes to the system. This would also have allowed more time to engage with key stakeholders such as parents, carers, and schools.

4.2. The Dynamic Purchasing System and Procurement of Operators

The timeframe to deliver the new dynamic purchasing system and to procure new operators was extremely tight. Edge Public Solutions repeatedly highlighted many challenges and potential risks to the Council in their presentations: timetable to retender- extremely tight, supplier stronghold, limited resources in the Council’s Home to School Transport team.

There was an overly ambitious timetable for implementation of the procurement system. The independent team judged that the programme timings were far too tight and that having so many key milestones just before the summer school holidays was inadvisable. There was not sufficient time to deliver the significant changes being proposed without there being an impact on the service. The significant risks and challenges which had been identified do not appear to have been actively managed by the Council.

The independent review team have seen clear evidence that concerns were raised about the procurement on the Dynamic Purchasing System being done too quickly.

There were also concerns raised about the suitability of the e-auction system, with one interviewee stating: *“We would use e-auction for stationery, but these are people not*

pens.” Health and safety considerations, previously highlighted in 2018, do not appear to have been fully considered during the procurement process.

Many providers also expressed dissatisfaction with the new system, with many reporting difficulty using the system, there being little time ahead of the auction process to familiarise themselves with the system and there being insufficient information to accurately judge if they could provide the right vehicle for the routes. Providers also reported that the system allowed overbidding for routes, indeed some providers reported that they were encouraged to overbid. As a result, a number of providers under-estimated their success and won contracts that they subsequently were unable to deliver. In addition, providers reported conflicting advice from the Council and Edge Public Solutions regarding whether routes could be sub-contracted.

4.3. Implementation of the new system

The implementation of the new system was very rushed. As a consequence, there was very little time to properly engage with parents/carers, children and young people and schools about the changes. This led to problems such as parents not having information in advance about new drivers and routes, schools not clearly understanding that it was their responsibility to escort children from transport into the classroom and drivers not understanding children’s requirements.

The independent review team has had conflicting reports on the number of children who were adversely affected by the implementation of the changes, with the first member briefing referring to 30 children. What is clear is the impact, with one parent saying: *“I really think that if I hadn’t have already given up work, the lack of transport at the beginning of term would have tipped me over the edge.”* Some children and young people were left without transport at all, late arrival of transport, experienced very long journeys or were mixed with other children in large vehicles when this was not appropriate.

As a result of some drivers and VPAs not being informed about children’s special educational needs, some children were not adequately or safely supervised in vehicles once they arrived at school. Parents reported that on occasions drivers and VPAs called to collect a child from home not knowing the name of the child.

Half of parents/carers who were surveyed by PaCC, said they did not feel confident that their child was safe. There were a small number of potentially serious safeguarding incidents during the implementation of the new system:

- one incident involved a driver advising a Headteacher that he had “lost” a child who had left the vehicle and was subsequently found by school staff
- One parent commented that she received a phone call late one night to say that there would be no taxi for her son the following morning, as the usual driver had been found to have insufficient insurance cover.
- One parent said her son, in a wheelchair, was positioned in a multi-person vehicle, within striking distance of another child who lashed out at him (they were separated in school for this reason).

- One parent reported that they received a call from their child's school to say the child had been picked up, but no-one knew by whom and it took the Home To School Transport Service over an hour to find out where he was.

In addition, it was reported that a number of VPAs commenced contracts without DBS (Disclosure and Barring Service) checks and at the time of the review the team were informed that *"almost all VPAs' DBS checks had now been collated"*. Several parents mentioned the worry of putting their children into taxis when they had never met the driver/VPA before. A number of interviewees also raised concerns regarding licensing of contractors.

The independent review team found that pupil information sheets were either not received by providers, arrived far too late or did not provide sufficient information for providers and drivers. When questioned by parents as to why they did not have pupil information sheets, drivers and escorts stated that data protection regulations (GDPR) meant that they were not allowed to see this information. As stated in the recommendations, the Council should consider streamlining their processes to ensure this information is updated as part of the regular annual review.

Many parents/carers expressed concern about the directive given to them that they should not have any direct contact with drivers/VPAs, but that all communication should be made via the HTST team. They saw this as inefficient and cumbersome; parents/carers overwhelmingly expressed a view that this should be remedied.

A number of providers decided not to take up routes, in some cases providers reported this was because the information on the children's needs had arrived and they found they did not have the right sort of vehicle for a particular wheelchair, in other cases the providers had over-bid and could not deliver all of the routes. They also reported problems with the routing saying some of them were impractical. Given the tight timeframes, this had an impact on the service and caused a number of problems.

A further complication concerned the building works underway on each of the special school sites during the summer term – delays in the programme were not anticipated and the ongoing building works and site restrictions created additional logistical challenges for transport providers and school staff at the start of term.

The independent review also found that, as a result of Home to School Transport having been managed on behalf of the Council by a local provider over many years, there was a loss of school transport expertise within the Council. As a consequence, the data held by the Council regarding children's needs, routes and compatibility on shared transport was limited, incomplete and at times inaccurate.

The combination of all of these issues has meant that Brighton and Hove is still using a large number of individual taxis, as this was necessary in the aftermath of the implementation problems in order to ensure that children could get to school. This has meant that instead of achieving a reduced overspend on the Home To School Transport, there has been an even greater overspend than had been projected if the Council had kept

the previous system. Indeed, the latest actual forecast budget position has identified an overspend this year of £0.967m (as of February 2020, figure provided post-review based on the assumption of a one-year extension to the previous contract). Therefore, the position has worsened by £0.393m for this financial year.

Many parents and children had their routines disturbed, experienced disruption to their work and schooling, and were distressed by the problems. 57% of parents who responded to the PaCC survey said they were either very dissatisfied or dissatisfied with the service a third of parents/carers were satisfied or very satisfied with the new service. However, in general the implementation of the new service caused a host of problems to some families who are already facing challenges and need support.

4.4. The Council's response to the disrupted delivery of the Home to School Transport Service

The independent review team found that there was not a clear picture of the impact of the changes to the service and therefore there was a delay in contacting affected groups. Once the scale of the problem became clear, frontline staff, in the words of one interviewee "*went above and beyond*" to try and resolve the problems. However, it still took many weeks and in some cases months before children and young people who had been adversely affected by the implementation received suitable home to school transport. The significant impact on families and staff was underestimated

There were a number of safeguarding issues as a result of the implementation of the new service. The Council has now ensured that all the necessary checks have been undertaken but there was a point when the Council could not confirm this was the case.

The Council's communications team did not appear to have been given the correct information when they initially responded to member enquiries and produced member briefings, therefore figures in the early member briefings were incorrect, this led to some break down in trust. The Council's communications team were not forewarned of the scale of the change in advance and therefore were caught unawares when it became clear that the implementation of the new service had not gone well. Once they realised the scale of the problem, they acted quickly to provide information and support to members dealing with media enquiries.

The Council needs to develop a systematic response to crisis management and service continuity. There needs to be more consideration given to the impact of resources on other affected services. For example, communications, procurement, health and safety and legal. In the independent review team's judgement, the Council had limited capacity to resource an internal crisis and manage its aftermath. Some interviewees also reported that the corporate team were slow to understand the scale of the risks posed by the crisis. The independent review team have serious concerns that the focus on improving Home To School Transport will lose momentum without robust programme management support and a better understanding of risk. In our judgement the level of corporate risk was not understood during this crisis.

4.5. Concerns and complaints

At one stage of the crisis the Council was receiving approximately 200 emails and phone calls regarding home to school transport per day. There was clearly a significant impact on families and children, some coped well with the changes whilst others were very distressed. These were responded to, but the service was overwhelmed by the volume of enquires and complaints. Going forward, it is important that the Council promotes high quality customer service contact with parents and other stakeholders.

Parents and carers rightly want clarity on the transport arrangements for September 2020. The independent review team found that parents did not know what the arrangements will be in September, as a result, parents were anxious about whether routes will be retendered and changed. The Council urgently needs to communicate clearly their future plans for the Home To School Transport Service.

The comment of one parent was typical of many *“hopefully lessons have been learned and we won’t have a repeat of this fiasco again next September...parents are going to struggle to trust the system again for some time”*. Although senior leaders gave public apologies for the stress and disruption that had been caused at the time of the crisis, many parents felt strongly that senior leaders had not apologised in a meaningful way to affected families and without this they felt that it was difficult to move on.

Parent/carer anxieties about future travel arrangements appear to have become such a strong focus that other priorities around SEND have not progressed, for example SEND policy. Clear information and reassurance about travel arrangements for parents/carers is required, in order to engage them in meaningful co-production about wider SEND issues, of which travel is one element.

Members are also clearly concerned about the new system, the procurement and implementation. More than one member referred to it as *“a botched process”*. In our interviews some members expressed their frustration that they could not get accurate information from the Council and that many parents and carers had contacted them in distress during the midst of the crisis. The member briefings were welcomed but undermined by the inaccurate information provided. This seems to have been a result of a lack of data being in one place that was easily accessible. We are aware the Council has a new IT system for Home to School Transport, the Council must ensure that information it stores is correct and easily accessible to the appropriate staff.

Some opposition members also expressed concerns that they had resorted to using Freedom of Information requests to get information from the Council, as information had not been forthcoming via the usual routes, such as emailing officers for information. It should also be noted that the internal audit report referenced above was compiled following a concern raised by backbench councillors.

The Council has produced a detailed lessons learnt report (January 2020). The independent review team considers that whilst the analysis is helpful, and the 11 proposed actions are to be welcomed, the report does not fully recognise the extent of the internal

systems failure. The mitigating factors described in the report were largely within the control of the Council and should have been foreseen.

The independent review team also understand that a Council committee is due to consider the changes to the service and examine what went wrong and what changes need to be made.

5. Next steps

The independent review team appreciate that senior officers and political leaders will want to reflect on the findings within this report in order to determine how the Council wishes to take things forward.

The independent review team have identified a number of key recommendations, some of which the Council may already have in hand. We recommend that the Council's response to these recommendations includes the prompt development of an action plan which is sent to stakeholders and published on the Council's website.

The Local Government Associations' Principal Adviser for your region Mona Sehgal, and Children's Improvement Adviser Alison Michalska, will be in contact to assist Brighton and Hove City Council going forward.

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