

# Minutes

## *SAFEGUARDING PRACTICES WITHIN CLIENT TRANSPORT TASK & FINISH GROUP*

**MINUTES OF THE SAFEGUARDING PRACTICES WITHIN CLIENT TRANSPORT TASK & FINISH GROUP HELD ON TUESDAY 12 JANUARY 2010, IN MEZZANINE ROOM 1, COUNTY HALL, AYLESBURY, COMMENCING AT 1.00 PM AND CONCLUDING AT 4.00 PM.**

### **MEMBERS PRESENT**

Mr B Allen, Mr C Etholen, Mrs W Mallen (C), Ms J Puddefoot and Mr D Schofield

### **GUESTS PRESENT**

Mr P Dyson, Mr C Edwards, Mr G McKendry and Mr J Waddington

### **OFFICERS PRESENT**

Ms C Daltry, Ms H Halfpenny, Ms K MacDonald and Mrs A Macpherson

### **1 WELCOME**

The Chairman welcomed Members to the meeting.

### **2 APOLOGIES OF ABSENCE**

Apologies of absence were received from Mary Baldwin, Dev Dhillon and Michael Moore.

### **3 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **4 INTRODUCTION TO THE REVIEW**

The Chairman introduced the review by advising that the review had been commissioned by the Overview and Scrutiny Commissioning Committee to examine issues of safeguarding of vulnerable adults and children within client transport that has been outsourced to Amey plc from June 2008.



INVESTOR IN PEOPLE



The Chairman said that the review should look at how the Client Transport provision within Buckinghamshire County Council (BCC) was allocated.

The Task and Finish group will be looking at:

- Transport provision
- The cost and effectiveness of those provisions.
- Possible improvements in quality in service and whether this can be maintained.
- Members were advised that safeguarding should be firmly in their mind throughout the review whilst maintaining quality of service.

## **5 MANAGEMENT OF THE CLIENT TRANSPORT CONTRACT**

Helen Halfpenny – Client Transport Compliance Manager Buckinghamshire County Council attended the meeting to outline to members of the Task and Finish Group how the County Council monitors the contract that was awarded to Amey to ensure the safeguarding of children and adult users of client transport services. Members will hear detail of the contractual relationship with Amey, governance arrangements, the main requirements of the contract and how it is performance managed with a summary of the main key performance indicators (KPIs).

Helen Halfpenny made the following points:

### **Background**

- The contract with Amey is for five years with an option to extend
- Amey take the role of Management Agents
- They manage the service for BCC but the money stays in BCC
- Budget sits in transportation
- Helen Halfpenny manages the contract between BCC and Amey
- Service areas determine policies and who is entitled to the service
- Service areas send transport referrals for clients to Amey

### **Contract**

- Contract specifications include: Ensuring drivers and passenger assistants are CRB checked, journey lengths are within agreed timescales and training of staff. Helen Halfpenny said that she could provide a copy of the specification to Members if required.
- There are protocols around safeguarding e.g. if a driver delivers a child home and the parents are not at home
- The target price is agreed yearly with Amey
- BCC pay Amey a management fee and the TUPE costs
- Amey also get a margin, which is their profit
- If Amey do not meet the target cost, their margin is at risk. If they achieve savings they receive a percentage off
- There are seven performance indicators of the Amey contract:
  1. Target cost
  2. Punctuality of transport
  3. Contract compliance by sub-contractors
  4. Monitoring of contracts and transport contractors
  5. Customer satisfaction
  6. Training of drivers and passenger assistants
  7. Reduction of Carbon Emissions
- Complaints are recorded on the Routewise system
- Amey have an obligation to monitor contractors and also investigate individual problems

- Customer satisfaction survey are sent to Children and Young People and Adult and Family Well Being service users
- Amey are required to report on training (KPI)
- Reduction of carbon emissions (KPI)

#### **Governance**

- Helen Halfpenny meets with Jim Waddington on a weekly basis
- Complaints are referred to Helen Halfpenny if not dealt with satisfactorily by Amey
- Amey have monthly meetings with service areas
- TRANstat – Transport for Buckinghamshire’s monthly performance Board receives and challenges performance, financial and risk reports from Amey. This is attended by Steven Bagnall (C&YP) Jim Stevens Caroline Penfold (Adults and Family Well Being), (Head of Transportation), Val Letheren (Cabinet Member for Transportation).
- BCC and Amey are working for the same aims to have a successful contract
- Good communication is the key to success
- BCC ensure Amey are delivering on the contract through feedback from parents, schools and KPIs
- Contractually – there are remedies for BCC in the contract and ultimately can terminate the contract.

Members then made comments and asked questions which are summarised as below:

#### **Can you confirm the pre contractual budget?**

The actual spend was £21m 07/08 (£20.7m outturn)

#### **The contract requires Amey to save £1.66m**

£1.6m

£600,000 year 1

£1,000,000 year 2

#### **Are we on track to make those savings?**

We are on track for year 2. Savings would hit in on year 1. Amey phased in re-tendering. Budget was overspent on year 1. By the end of year 2 savings could be achieved.

#### **What has been the cost? There must have been cut backs?**

Savings were achieved through re-tendering. SEN and mainstream have been re-tendered (SEN came into effect April 2009). Contracts were grouped into bundles which increased competition and drove down prices.

#### **Does this encompass vulnerable adults?**

Yes, due to an increase in demand where the expenditure increased from £1.6m to £1.8m. £450,000 was spent for safeguarding children.

#### **Prior to Amey, Amey report in agenda said BCC spend was £23m plus.**

Spend 07/08 was £20.7m. The figures may be a gross income of £23m.

#### **What is the start date of the contract?**

The contract started in June 2008. In the financial year of 08/09 a saving of £600,000 was expected. Financial year 09/10 £1m giving at total of £1.6m. Inflation and growth must also be taken into account.

#### **Using a selection of taxis is a subcontract function by Amey.**

Yes, Amey procure these on behalf of Bucks County Council.

#### **What control does the County Council have?**

Subcontracted to Amey, who must comply with the contract specifications.

#### **Are you sure that this is done?**

Yes I get involved and see that Amey carry out the functions for the County Council and monitor contracts

#### **Do Amey own the vehicles?**

No

#### **Do they use Swan Rider?**

Yes

#### **What about the training of staff? – who is responsible for this?**

Amey continued to run Passenger Assistant Training (PATs) training and this has been extended to include 'Team Teach'. They started 'Team Teach' with contractors in the summer. They also provide Child Protection (CP) training. Amey have increased the training of staff.

**Presumably your role is monitoring? Are there pre-conditions on training?**

No, the budget is not split that way. Amey requires contractors to pay for training (Amey run the training and the sub contractors pay for staff time).

**This raises concerns are these issues are further away from BCC and the 'monitor'**

There is KPI around the number of staff who have been trained

**Is it given as a percentage?**

No actual figures

**Can you supply this information against a background of staff employed?**

**ACTION Helen Halfpenny**

**How are you going to reduce running costs?**

This is based on the way the contract is set up. Amey continue to drive down prices. The savings made were bigger at the start. They are smaller now. We will go back to service areas and have discussions regarding policies.

**With regards to the costs as far as Amey is contracted on, is it based on the number of children or the number of journeys? How do you arrive at these figures? (Amey might put the children together i.e. 6 instead of 3 in a vehicle to save money).**

The target cost was based on the outturn in the financial year 07/08. We had a record of the number of children travelling. Amey will be looking to run the transport as efficiently as possible and therefore will be increasing the number of children in a car. Some of the children cannot travel together due to the journey times or because of behavioural difficulties.

**Who makes the decision regarding escorts?**

When it is a Children services or Adult Social Care client they state whether a passenger assistant is required. Amey also do a risk assessment and they may decide if a child/adult needs a passenger assistant.

**Who has the final say?**

BCC. Amey have also been involving the schools in the process.

**Bucks County Council have to pay for TUPE. How does this work?**

Some staff were transferred under TUPE to Amey. Bucks County Council pay for the value of the TUPE staff. Bucks County Council pay Amey and the management fee covers the management structure (not all staff were TUPED across).

**How many staff were transferred across?**

24 were employed and had have salary paid by Amey, although Amey are refunded the salary cost.

**Is there an ongoing cost for the TUPE staff?**

This stays the same. There is an additional management fee which will reduce.

**When the original TUPED staff leave do BCC costs reduce as Amey appoint replacement staff?**

If any of the TUPE transfers leave then Amey replace them and BCC continue to pay their salary costs.

**As Amey have reduced the number of suppliers. Do you have any say regarding what sub contractors they use?**

The responsibility of this is delegated to Amey.

**What do you do with reports that transport vehicles are seen waiting around?**

We are only contracted for the journey. What the contractor does with the vehicle in the meantime is up to them.

**What happens when there is a problem with the contractor?**

Under the contract Amey must supply another contractor. There would be a financial penalty against the original contractor.

**How is information passed on to subcontractors?**

Information is supplied on a 'need to know basis'.

**What checks on subcontractors do Amey carry out?**

Amey carry out spot checks. It is BCC responsibility to ensure that Amey are carrying out their responsibility.

## **Who do parents complain to?**

Amey in the first instance. Amey must comply with the Council's complaints procedure and stages 1 and 2. Stage 3 is dealt with by BCC.

## **6 VETTING AND BARRING AND CRB CHECKS**

Chris Daltry - Human Resources Manager Buckinghamshire County Council attended the meeting to provide a background to the new Vetting and Barring Scheme and a briefing on the CRB process. Members had received a report.

The Officer made the following comments:

- The Government's generic guidance has been published. There will be a number of sector specific guidance documents which are due to be published in early 2010 and one is expected to be Transport
- The Safeguarding Vulnerable Groups Act 2006, following Sir Michael Bichard's Inquiry into the Soham murders (recommendation 19), introduced a new Monitoring Scheme for those who wish to work or volunteer with vulnerable groups.
- The Monitoring Scheme named Vetting & Barring will be run by the Independent Safeguarding Authority (ISA) and has a 5 year implementation plan.
- The Vetting & Barring Scheme (VBS) was launched on 12 October 2009 and brought in a number of changes
  - It introduced 'regulated' activity
  - It made it a criminal offence for barred persons to apply to work with children or vulnerable adults in a wider range of posts.
- The 'Drawing the line' report by Sir Roger Singleton was published on 14 December 2009. The main focus of which was to review the scope of ISA Regulated Activity to ensure that it remained proportionate.
- ISA Regulated Activity includes activities taking place in specific settings and establishments that meet the frequency or intensively threshold.
- Transport of Children, Young People and Vulnerable Adults are included within the scheme therefore Amey or client transport is included under the Scheme
- The scheme does not include general taxi drivers or bus drivers that may transport Children, Young People and Vulnerable Adults.
- The Registration Scheme will be launched on 26 July 2010 and it is from this date that the first applicants can be registered.
- Only those individuals who are considered to pose 'no known risk' will be given ISA registration.
- ISA registration is lifelong and involves continual monitoring.
- A person may require ISA registration and a CRB check as ISA registration does not present any details of a criminal record, just whether someone is barred or not barred.
- There will be no exception to start work without ISA registration once this comes into force in November 2010.
- The scheme is intended as an addition not as a replacement for a CRB Disclosure.
- The Scheme is not designed to assess the suitability of an employee – that is the responsibility of the employer.
- As with any legislation there will be legal penalties with non compliance.

Members then asked the following questions:

### **If you have a CRB and you are a school governor, will you need an ISA?**

Yes. However an ISA is transferrable whereas a CRB is not.

### **Who pays for the ISA?**

That is dependent on the employer. Amey will need to agree the cost with the contractor. The cost of a first ISA registration is £64.00 as a CRB is also required. The Officer said she would send to the clerk the breakdown of the cost of the ISA registration and that of the CRB.

**Action: Chris Daltry**

**[Addendum: post meeting note: The Officer confirmed that it is £36 for the CRB check and £28 for ISA registration]**

**With regards to the taxi drivers contracted to Amey, will they be required to have an ISA and CRB and who is responsible for this?**

Amey is responsible.

**Will the County Council keep records?**

No, it is up to the employer.

**Is everyone who works for Amey and involved with Children and Vulnerable Adults required to have an enhanced CRB?**

Yes. An Enhanced CRB means that the local police forces where the individual has lived have checked their records and any relevant information is included on the Disclosure.

## **7 OVERVIEW OF SAFEGUARDING PROCEDURES IN CLIENT TRANSPORT**

Jim Waddington Service Director Amey plc, Phil Dyson Amey plc Transport Operations Manager, Colin Edwards Commercial Manager Amey plc and Gordon McKendry Compliance manager Amey plc who are Members of Amey management team attended the meeting to provide the Task and Finish group with an overview of how the contract is being delivered, discuss mechanisms that have been put in place by Amey around safeguarding practices. Members will also learn of the current procedures in place for training drivers and passenger assistants. The complaints process will also be discussed, how they are handled and the main areas of focus around safeguarding.

Each of the management team introduced themselves and provided a summary of their working background.

The Management team made the following comments:

- Jim Waddington said that compared to the previous transport team there is now an in depth background and knowledge within the team whereas in comparison the team was previously purely technical.
- Amey is primarily a Health & Safety organisation. As the company's main income is through road maintenance a good health & Safety record is vital and they received BSI accreditation in May 2009.
- 'Safeguarded children' is a sub set within the overall group transport. This is a specific client group and includes home to school transport and respite care. At any time there may be 250-400 young people transported in BCC.
- Those with Special Educational Needs (SEN) are a vulnerable client group and additional systems in place when transporting.
- Amey have a specific contract with BCC and are responsible for procuring, managing and delivering transport.
- Amey does not deal with eligibility or entitlement issues.
- Some BCC staff have moved to Amey through TUPE.
- The contract sets out the KPIs, which are reviewed annually.
- Information with subcontractors is shared on a 'need to know' basis.
- Essentially following any complaints any investigations are carried out by the County Council.

Members then raised the following comments and questions:

### **What is 'Team Teach'?**

Team Teach is about anger management. There are different types of children who need transporting and we need to ensure that all the children are seated appropriately. The training focuses on risk assessments, journey length and medical information. There is a written test on the day. Team Teach is nationally accredited.

### **What is the procedure of recording incidents?**

If there is an incident on a vehicle, the contractor is expected to fill out a form and contact Amey in the first instance who will inform the parents, Social Services and others as required.

### **Who pays for the training?**

The companies.

### **What checks are carried out on the contractors?**

In relation to checks and monitoring, there were 984 checks carried out by BCC. In the first 9 months with Amey 1491 were carried out. Amey also now carry out depot checks to ensure that contractors have got the right paperwork for themselves and subcontractors such as insurance, driving licences and CRB. These are carried out twice a year. Amey have also brought in new system called Penalty Points. Companies receive penalty points for various situations such as arriving late. If they reach a certain number of penalty points they receive a warning and can be fined. If they reach 20 points they could lose their route. Amey are now getting less legal problems, which is probably the result of a smaller supply chain.

### **How are the client details passed onto the new drivers?**

This information is part of the information that the Governance Team collates (transfer risk assessment). The team receive details from the SEN team.

### **How often are the risks updated?**

They are renewed every couple of years and the SEN is reviewed annually. Amey should be advised of any changes.

Although a regular driver is usual however on occasion due to sickness the person taking over from the regular driver won't know the same detailed knowledge as the regular driver who has built up a relationship over time.

Amey and the contractor do the risk assessment. Both visit the home.

Continuity is important and Amey do all they can to maintain this and ensure that handovers to be less of an issue.

### **How are the specific needs of the children assessed – are they transport related?**

Basic details adults/children are taken including problems (medical/psychological). Whether a walking aid or wheelchair is used – this helps assess what the most suitable vehicle is and whether a passenger assessment is required? The question asked is how can we supply the best transport within the means we have? Members were asked if they would like to see a sample form.

**Action: Gordan McKendry**

### **Employment of taxi drivers is the responsibility of the contractor. What does the sub contractor have to do?**

The minimum required is to register with the local District Council. Different authorities have different requirements regarding standard or enhanced CRB

### **What assessment do you then make on drivers suitability to transport a client with needs?**

We carry out a risk assessment concerned with the access and mobility.

Amey have a set of Terms and conditions and service specifications which are equally applicable to sub contractors.

### **If there is a child at the bus stop with no pass what do you do?**

Amey need to carry out pass checks. If there is no pass for the journey home it is the company policy to take the child home. If it is on the journey to school it is the child and parents responsibility to ensure that the child has the pass with them and if they forget their pass the parent must get the child to school. We try to maintain a no bus pass, no travel policy, otherwise this may result in overloaded vehicles. BCC policy is first day name, second day refuse. It is not viable and difficult to operate as Amey deal with 2000 children at Aylesbury coach park.

### **Is there a similar standards for taxi's as buses?**

Taxi drivers also have Team Teach training

**In relation to the tenders for home to school transport. When you look at tenders, would you be tempted to look at those whose price is the most competitive but whose vehicles are not of such a high standard?**

All operators are visited and it is emissions are an element of the contract. From April 2010 vehicles must be compliant with Euro 4. The Amey contract was set up before recession. The reality is that we have to run older vehicles as it costs 300K to put a new coach on the road.

**What do you use Swan Rider for?**

Adult Social Care clients and school transport. They are a good quality provider and have a good quality of vehicles. Amey would like to continue working with them.

**If there are language issues between the drivers and the clients what do you do?**

Drivers have NVQ training. Assessments can be carried out on the standard of their reading and writing skills.

**What about sign language?**

We have flash cards which show such things as happy/sad faces. These help to give a basic understanding. The difficulty with sign language is that there are a few different versions.

**There are issues about drivers not speaking English – does this mean this will no longer be an issue.**

The aim is to use CRB forms to help judge a person's handle of English.

As time goes on more and more taxi operators will have better English. We will continue to work at the issue of language barriers and to reduce any issues concerning this.

**How will you maintain savings with the rising costs and also maintain quality?**

The business model is not built purely on re procurement. There is scope within transport for savings such as reviewing passenger assistants on routes, improving the routing arrangements. We need to get smarter with regards to reconfiguring the routes as the year goes on.

**Will you be integrating children and adults?**

There is some scope which needs to be carefully managed. It is Amey's intention to look at this but it is not imminent. Operators are on a 2 year plus 2 year contract.

**What variations are acceptable regarding punctuality?**

Statistics are gathered regarding 15minutes late, 30 minutes late, 5 minutes early and a complete no show. It is based on a penalty system.

**Is transportation to the Day Care Centres statutory?**

BCC assess the eligibility criteria for clients and Caroline Penfold is the relevant officer for Adult Social Care clients. Amey do not discriminate -if the County Council decide a client is entitled then they are transported.

## **8 DATE OF NEXT MEETING**

The next meeting of the Task and Finish group will be held on Wednesday 13th January 2010, 9.30am, Aylesbury Town Council, 5 Church Street Aylesbury, HP20 2QP

***[Addendum: post meeting note: Due to adverse weather conditions the meeting to be held on 13 January was postponed]***

**CHAIRMAN**