

Agenda

SAFEGUARDING PRACTICES WITHIN CLIENT TRANSPORT TASK & FINISH GROUP

Date: Wednesday 13 January 2010

Time: 9.30 am

Venue: Council Chamber, Aylesbury Town Council, 5 Church Street, Aylesbury, Bucks HP20 2QP

Agenda Item	Time	Page No
1 APOLOGIES FOR ABSENCE		
2 DECLARATIONS OF INTEREST		
3 CLIENT TRANSPORT POLICY - CHILDREN An overview of the current policy for safeguarding children in client transport will be presented to the review panel. Members will also have the opportunity to discuss the draft behaviour protocol that is under consideration for implementation. Stephen Bagnall Divisional Manager (Joint Commissioning) Children's Services	9.30am	1 - 6
4 CLIENT TRANSPORT POLICY - ADULTS The adult social care lead for transport will brief the panel on how the safeguarding concerns for vulnerable adults are represented in current policy and how this is reflected in the contract. The biggest users of transport within the service area are people with learning disabilities and members will hear of the day opportunities for users of the service, how this is risk assessed and how any concerns are managed. Caroline Penfold Manager Learning Disability Internal Provision Adults and Family Wellbeing	10.15am	7 - 14



INVESTOR IN PEOPLE



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| 5 | <p>THE VIEWS OF RESIDENTS ON SAFEGUARDING ISSUES IN CLIENT TRANSPORT</p> <p>Members will receive verbal and written evidence from parents, school governors and representatives from groups with special needs regarding their experiences.</p> <p>The parent partnership group provides impartial information, advice and support to parents and carers of children with special educational needs. This group has particular interest in the subject of the review and will inform the review panel of their current concerns around safeguarding issues for children in client transport.</p> <p>Contributors</p> <p>Zana Bayley Parent participation worker</p> <p>Penni Thorne Bucks Vision</p> <p>Ruth Goodman member of the public</p> <p>Simone and Paul Monk members of the public</p> <p>Andrew Walker parent governor</p> | 11.00am | 15 - 20 |
| 6 | <p>SAFEGUARDING PRACTICES IN CLIENT TRANSPORT FOR CHILDREN</p> <p>The Local Authority Designated Officers (LADO) for child protection will provide an overview of the procedures for compliance with safeguarding requirements. The officers will also provide information as to how allegations relating to child protection are investigated.</p> <p>Sarah Harris and Bridget Day Local Authority Designated Officers for Child Protection</p> | 12.00pm | 21 - 24 |
| 7 | <p>LUNCH</p> <p>There will be a half hour break for lunch</p> | 12.30pm | |
| 8 | <p>AFTERNOON SESSION</p> <p>The afternoon session will provide the opportunity for members of the review panel to assess both the written and verbal evidence, discuss next steps and outline recommendations.</p> | 1.00pm | |

Members

Mrs M Baldwin
Mr D Dhillon
Mr C Etholen

Mrs W Mallen (C)
Ms J Puddefoot
Mr D Schofield

Co-opted Members

Mr M Moore, Roman Catholic Church

Briefing Note for Overview & Scrutiny work on Safeguarding in Transport

For Children & Young People's Services the core issue is the policy framework within which transport is provided. The key elements here are eligibility and safety. We work with Transport colleagues and Amey to ensure that our policies are delivered. These can be viewed on 5 levels:-

1. National Statute and Guidance.

2. The Councils Transport's Policy for Children & Young People.

This was revised in 2009 and confirmed as a Cabinet Member Decision. It is primarily about eligibility but safety is an important consideration in determining eligibility. An example here is the determination of whether there is a safe walking route to school.

3. The Standards Required of Our Contractors.

This is set out in the contractual relationship with Amey and includes vehicle safety and staff recruitment checks.

4. Operational Guidance and Interpretation.

There are various standing groups that meet for monitoring the contract with Amey. In addition the Divisional Manager for Joint Commissioning in Children's Services chairs a monthly meeting which focuses on monitoring the day to day successful operation of our policy framework. One of the things that can arise is the need to clarify guidance about the policy's application or interpretation, especially if new or problematic scenarios arise. A recent example of the work of this group is the revision of the Behaviour Protocol.

5. Procedures

Procedures to be followed if problems arise are kept under review. For example if there is an allegation against a member of staff this is referred to the Safeguarding in Education Team, who work within the policy framework of the Buckinghamshire Children and Young People's Safeguarding Board

Stephen Bagnall
Divisional Manager, Joint Commissioning
Children & Young People's Services
January 2010



Behaviour Protocol: Access to Transport

Introduction

The Amey – BCC Client Contract acknowledges that in limited, specific circumstances, transport may be suspended / withdrawn. Amey operate within the policy framework set by the County Council. The relevant section of the contract is:

4.4 *Suspension of Services to Pupils*

4.4.1 *As a result of a Critical Incident the suspension of Services to a Pupil may be necessary to protect the health and safety of other Pupils, Drivers or Passenger Assistants. The suspension of Services to a Pupil shall be a last resort. The Contractor will discuss the issue/incident with the appropriate officers of the Authority to seek a solution and the outcome may be to temporarily suspend the Service to a Pupil if:*

- (a) *the health or safety of other Pupils, Drivers or Passenger Assistants would be compromised by the continuation of the Service to such Pupils; and*
- (b) *No immediate solution can be found.*

4.4.2 *The Contractor in consultation with the Authority's Contract Manager will explore all reasonable options to restore Services to a Pupil which have been suspended as soon as possible provided that:*

- (a) *the risks to other Pupils, Passenger Assistants and Drivers can be reduced to levels acceptable to the Authority and to the Contractor;*
- (b) *the new arrangements can be made within the guidelines provided by the Authority's Transport Policy;*
- (c) *the Family and where reasonable the Pupil is consulted about any new arrangements.*

Protocol

1. Principles

- 1.1 Where behaviour is unacceptable transport may be withdrawn but this should be a matter of last resort.
- 1.2 Health & safety must be taken extremely seriously and must not be compromised.
- 1.3 Any response must appropriately take into account the personal circumstances of the pupil and their mental capacity.
- 1.4 If a parent or carer puts children at risk as a result of their behaviour this may be a factor in determining whether or how their child can be transported.
- 1.5 If transport is withdrawn, it remains the parents' responsibility to ensure the pupil gets to school.
- 1.6 Schools / parents/pupils should be made aware of the Protocol.

2. Definition of "Unacceptable Behaviour"

Behaviour which is likely to significantly offend, or endanger, others including:

- 2.1 Serious damage to the vehicle by the pupil
- 2.2 Actions which may constitute a health and safety risk
- 2.2 Assaults on others
- 2.3 Verbal abuse of other people including swearing, taunting, racist, sexist, homophobic comments, threatening behaviour
- 2.4 Incitement of others to engage in misbehaviour
- 2.5 Making repeated malicious allegations of mistreatment requiring investigation
- 2.6 Serious misuse of a bus pass
- 2.7 Failure to comply with the reasonable instructions of the driver, passenger assistant, member of Amey Client Transport staff, authorised member of school / establishment staff.

3. Process

3.1 Decision-Making

- Decisions are made by the Transport Operations Manager who must consult with the school and the BCC Contract Compliance Manager.
- In the absence of the Transport Operations Manager, decisions are made by the Contract Manager (CM). In the absence of either person, a decision may be made by a Senior Transport Officer.
- In the absence of the BCC Contract Compliance Manager a senior manager in Children's services must be consulted, usually the Divisional Manager for Commissioning

3.2 The Decision

The relevant officers noted above can determine:

- That a written warning is sent
- Temporary suspension of transport pending further investigation
- Continued transport pending further investigation
- Immediate withdrawal of transport

Where further investigation is being carried out this should be:

- Explained in writing to the parent
- Completed in as prompt a time-scale as possible proportionate to the circumstances

It is up to the relevant officers to determine who should best investigate the matter.

3.3 The Period of Transport Withdrawal

This is for the relevant officers to determine but it should be proportionate to the incident[s] and consistent with the principles of the protocol.

3.4 Return to Transport

During the period of withdrawal steps will be taken to address the problem behaviour. This may include work required at school or at home e.g. working through a booklet about behaviour issues to raise awareness of the risks and consequences of inappropriate behaviour. Return to transport may be conditional on the completion of such work.

3.5 Appeals and Complaints

An initial appeal may be made to the Transport Operations Manager in Amey who will refer it to senior Council staff who have had no previous involvement. They will review the case promptly, but if the withdrawal of transport stands, any further appeals or concerns from the parent will be dealt with through the Council's formal complaints procedure.

3.6 Communication

Parents will receive written notification and explanation of any decision to withdraw transport and details of the period of transport withdrawal, return to transport, appeals and complaints. This will also be copied to the school.

Nov. 2009.

ADULT SOCIAL CARE (ASC) TRANSPORT POLICY DOCUMENT

Title:	Transporting Service Users
Version No:	5
Document Author:	Name: Caroline Penfold
	Position: ASC Transport Lead
Document Owner:	Name:
	Position:
Date of ratification:	September 19 th 2008
Signed off by:	Adult Social Care Senior Management Team
Implementation from:	Oct 08
Review Date:	October 2009

Purpose of document:

Policy and guidance for the assessing of need and transportation of ASC Clients.
(See also referral procedure and process map.)

Applicability:

Buckinghamshire Learning Disability Service; Physical and Sensory Disability Services; Older People's Services; and Buckinghamshire County Council Client Transport Services Contract.

Essential principles underpinning the Policy and related procedures

Transportation to day opportunity services, respite centres, and other essential destinations, will be provided for those Buckinghamshire residents whose needs have been assessed against this policy and eligibility criteria.

No assumption that transport will be provided can be made until Transport Need has been assessed, except where it constitutes an essential component of a persons care package, and is demonstrated as contributing to the care package objectives.

A persons need for transport will be assessed as an integral part of their initial assessment of needs or when a persons needs are subsequently reviewed under the annual Community Care review process. The Assessment for Transport Need (see Attachment 1) process, forms part of the Care Managers toolkit.

For transport to be commissioned as well as the service itself there must also be a specific identified need for support.

Consideration must also be given to providing temporary transport pending active work to enable persons to become independent e.g travel training.

All transport requests must be submitted to the contracted transport procurer on the transport Referral Form (see Attachment 2), with all essential information completed.

The Referral Form must give information to allow the transport procurer to investigate transport options that are available/ appropriate and facilitate the most cost-effective arrangement that meets the person's needs. No assumption that travel will be by individual taxi can be made unless all parties deem this is the only appropriate option.

Transport arrangements must (at minimum) be approved 'in principle' by the budget authoriser or their agreed representative before being passed to the transport procurer. Although the final decision to arrange and therefore fund transport can be made after the costed option is provided to the Referrer.

Decisions on transport provision must be regularly reviewed and at minimum on an annual basis in line with the annual Community Care review process

Criteria for the funding of transport by Adults/Older People's Social Care Services

It is important that ASC Clients are supported to be as independent as possible, and that they are able to access identified appropriate methods of transportation.

The following guidance is provided to assist Care Managers in making decisions on whether to recommend the provision of assistance with transport.

Transport provision will only be considered following an Assessment of Transport Needs by Care Managers or Care Staff.

In the case of day services, transport will be provided only to the nearest day opportunities facility that meets the assessed need.

When it is assessed as essential that a carer/partner escort a person to respite care, return transport for the carer/partner will only be provided if the person is unable to travel home independently or arrange alternative transport. If they are to remain at the destination to settle the person they support then a later return journey must be booked for them as a person assessed as needing transport in their own right on a separate referral form.

Key factors influencing eligibility for transport are:

- A persons physical ability to use public transport
- A persons cognitive ability to plan and carry out journeys
- The environment /where they live/ ease of journey
- A persons ability to learn to travel independently (travel training)
- Whether there is an independent transport option such as a family car, especially where motability funded.

Passenger Assistants

Where there is an assessed need for support during travel to and from a day service, either because of the level of the person's disability, their vulnerability, or the possibility of inappropriate behaviour, a Passenger Assistant will be provided with the transport.

The need for a Passenger Assistant, and whether this must be individual or could be shared with a specified number of other people, must be clearly stated on the Referral Form.

Charging for the use of subsidised transport

Service Users who do not qualify under the eligibility criteria may use transport provided on behalf of Adult or Older People's Services, if:

- Sufficient capacity is available,
- They contribute towards the cost

Service Standards

Drivers and Passenger Assistants must be subject to the enhanced CRB check to ensure their fitness to work with vulnerable adults.

The safety and general comfort of ASC Clients must be given priority when assessing transport needs.

For journeys that begin and end with the county the duration from pick up time to drop-off should ideally be no longer than 60 minutes. However there may need a need for this be shorter for some individuals and this should be identified through further risk assessment.

Communication between the ASC Client and the transport service

When a transport provision is agreed, the service user, carer or key worker will be contacted by the Special Needs Transport Team prior to their first journey. They will provide details of:

- the day(s) of travel;
- the approximate time to be collected from home (or other agreed location);
- the approximate departure time from the establishment

- and the name of the person (and their contact details) to contact if they have any queries.

Once the transport service has commenced, details of any significant changes to the travel arrangements will be communicated with the ASC Client, carer or key worker.

Any changes to transport arrangements which the ASC Client, carer or key worker agree must be communicated to the Special Needs Transport Team immediately so that they can make the necessary arrangements.

Drivers and Passenger Assistants

Drivers and Passenger Assistants will receive training to enable them to provide ASC Clients with a safe, comfortable and pleasant journey. They will introduce themselves when they first meet the ASC Client and will carry formal identification.

Drivers and Passenger Assistants will greet all ASC Clients in a welcoming manner; be friendly, courteous and helpful; and will treat all ASC Clients with respect and dignity and be sensitive to their confidentiality and cultural needs.

Whenever possible the same drivers and Passenger Assistants will be used in order to maintain continuity.

The Journey

The Special Needs Transport Team will aim to collect from designated home no later than 15 minutes from the notified time. If this is not possible on a particular day, the driver or escort will explain the reason why and Special Needs Transport Team will take the appropriate steps to avoid it happening again.

If an ASC Client requires assistance, staff will help the ASC Client on and off the vehicle and to and from their seat. All passengers will be required (when available) to wear a seatbelt at all times, assistance will be provided to fasten and unfasten seatbelt if required.

In some circumstances the driver/ Passenger Assistant will be expected to enter an ASC Clients home to collect the ASC Client and may need to hold sensitive information such as key box codes. This information must be kept confidential.

Standards for transporting ASC Clients who use wheelchairs are outlined below. The Driver / Passenger Assistant will (if required by the [Risk Assessment]?) accompany the ASC Client to and from their door and ensure they are safely inside their home.

The Special Needs Transport Team will endeavour to minimise travelling time to the nearest suitable establishment.

The Vehicle

The procurer will ensure that

- All ASC Clients travel in safety and appropriate comfort.
- All vehicles shall be clean and warm.
- All vehicles will be fitted with equipment to help ASC Clients get on and off as easily as possible.
- All vehicles are to be regularly inspected to ensure that they comply with strict maintenance standards. All seatbelts and wheelchair securing systems must meet national safety standards.

Health

The procurer will require contractors to ensure that all drivers are regularly health checked and fit to drive.

Responsibilities

The procurer will require contractors to ensure drivers are responsible for the care of the vehicle, and its passengers, and that the vehicle is driven in such a manner as to safeguard themselves and their passengers.

The transport of clients who are wheelchair users

If service users are not able to safely transfer to a vehicle seat then they must be transported in their wheelchairs in a suitable wheelchair accessible vehicle.

All wheelchairs (with their users) must be appropriately secured, with the appropriate passenger/ wheelchair restraint system fixed to the floor tracking in the vehicle, and with the wheelchair brakes applied.

ASC Clients in wheelchairs must not be transported in any vehicle that is not equipped with the appropriate wheelchair restraining facilities.

Where ASC Clients are able to transfer to a conventional seat, their wheelchair may be carried separately in the vehicle. It needs to be stored securely so that it will not move when the vehicle is in motion or stopping and must not obstruct gangways, entrances to or exits from the vehicle.

Risk Assessments

An initial risk assessment will be carried out in relation to transporting individuals by the assessor/ Referrer; this will include information about

persons environment/ physical/cognitive impairments/level of support required. Information from this will be passed to the transport contractor on the Referral Form

A more detailed specific transport risk assessment will be carried out by appropriately trained transportation personnel to identify specific transport requirements e.g. type of wheel chair restraint etc.

In exceptional emergency situations where a specialist risk assessment cannot be completed by Special Needs Transport within the required time frame. The Referrer may then agree to the transport being provided without the initial need for a specialist risk assessment, provided the risk assessment is carried out retrospectively and within a maximum 5 working days. It will be understood that this formal risk assessment may lead to a change in this client's future transport arrangements.

Management of transport procurement

This is covered by the Service Specification included at Schedule 1 of the Client Transport Services Contract.

Management Information

The Special Needs Transport Team will provide management information on:

- Activity,
- Costs,
- Complaints.

Referral Procedure

- 1) Eligibility will be determined by assessor/ Referrer
- 2) If transport is agreed a Referral Form for transport will be sent (by e-mail) to the Special Needs Transport Team to which a cost code will then be provided.
- 3) The Special Needs Transport Team will then procure the most cost effective option for transport.
- 4) For some day centres, Swan Rider will be the preferred provider, although it will also be subject to the same cost comparisons as other providers,
- 5) It will then be the responsibility of the referring Care Manager/ Officer to confirm that the assessed option is an appropriate type of transport for their service user, that the budget holder has approved the expenditure, and that the Special Needs Transport Team should progress the provision of transport.

6) The Special Needs Transport Team will then have five (5) working days from final confirmation to confirm that the transport is arranged and that the ASC Client is able to travel. Urgent requests may be telephoned or e-mailed direct to SNT, but must be followed up by a completed Referral Form within [24] hours.

7) If the arrangement is for a person previously unknown to the Special Needs Transport Team and there is a need to complete a specific transport risk assessment the response time shall be extended from five (5) to ten (10) working days.

8) The Special Needs Transport Team will only accept Referrals from Care Managers and named staff from within adults & older people's social care e.g day centre staff.

Transport for Visually Impaired Children and Young People

Where Visually Impaired Children and Young People are transported by taxi there have been

- issues with taxi's not dropping off at the correct place
- lack of understanding of the methods of assisting a visually impaired person's access/ egress to a vehicle
- lack of training in guiding visually impaired people
- lack of training in the problems that visually impaired people have in communicating with others and their lack of awareness of the non verbal signals that others use

Where Visually Impaired Children and Young People travel on mainstream school transport there have been issues with them accessing seating as they cannot see where the seats are free. They also struggle with getting on and off the bus due to the numbers using this transport.

Transporting Visually Impaired Young People by taxi contributes to a culture of dependency as they are not given mobility training to ensure that they are independently mobile and safe for themselves. Mobility training should be given to all visually impaired children to prepare them for life and to enable them to fully participate in the activities of their school life. This would then give older Young People the same opportunities as their peers to become more independent and to travel to school independently where this is feasible.

Service User Concerns

Concerns directly relating to health and safety:

Safety Whilst Travelling

I am so worried about my son going into the taxi in the morning. He has very complex needs and I do not feel the driver and escort fully understand her medical condition. I have tried talking to them but they do not understand me. He has medicine in case of emergencies but I don't know if they would know what to do with it. He is very fragile and until I know he is safe in school I worry. I get very emotional.

My child was transported to a SEBD with three other children going to the same school. They all struggle to sit for the (rather long) journey and often my son comes home with scratches and bruises caused by scuffles in the cab. Because of the number of passengers they have to sit next to each other, which really doesn't work. Just because they go to the same school, doesn't mean that they should have to travel together, it really doesn't seem safe to me.

My daughter took the taxi last year and she had to sit in the middle in the back, of a smallish car, with another child in a car seat one side, and a largish(without being rude!) chaperone on the other. My daughter told me that she didn't want to take the taxi as she was squashed and the car smelt. I did take this matter up with county, and was not satisfied how it was resolved. I had to take my daughter to school myself for 2 months until they were prepared to put on a larger taxi.

My child has no verbal communication and is being transported to school with children who have behavioural difficulties, and an escort who doesn't speak English. I am so worried things could be happening in that car that he isn't able to tell me. The other children are really noisy and fidgety, I feel scared just putting my son in the car in the morning.

I noticed a taxi with three children in it dropping off a child in my road. The driver double parked in the road, got out and took one child to the house, whilst leaving the other two unattended in the car! There was no other adult with him!

Staff and Training

I am concerned that the taxi staff and escorts are not trained in dealing with my child's specific needs, or how to deal with several children at once all with differing conditions. No-one talks to parents or involves them in any training, and yet they are the experts on their child!

How do we know that taxi's and minibuses are road worthy etc? Read a lot in paper about Aylesbury taxis not being roadworthy. Also drivers - how do we know that is the driver that's pictured on the I.D?

I was told by Amey that their transport staff would receive training, and it would take two years to get everyone trained. I'm shocked that firstly the drivers and escorts aren't trained already, and secondly my child could be transported for the next two years by untrained people! Also, what is this training, and how do I know it is enough for them to be able to deal with my son and his specific needs which are very complex. Even school staff liaise with me as the "expert" as they are not always sure how to handle him or what to do in certain situations - so what hope is there for a taxi driver and an escort?

Vehicle Safety

My daughter has severe speech and language delays and generally she could not be understood by the driver, and vice versa, as the driver also did not speak very good English. For a child with special needs communication is vital!

Time Issues

My son's taxi never turns up on time. Sometimes it is nearly 30 minutes late and she gets very anxious and worried about being late. He has autism and needs things to be on time as much as possible! The problem is also made worse because sometimes they use different cars, different escorts and different drivers, we never know what or who to expect. On three occasions last term it never turned up at all.

I was told by Amey that my child would not be in the taxi for more than 45mins. She regularly is in the car an hour or more, due to traffic and the route they take. This means for over 2hrs a day she is in a car, which isn't appropriate for a child with ADHD, who struggles to sit still. If they didn't transport other children in the same vehicle it wouldn't take this long.

I had to wait far too long for transport to be sorted out for my child – it took ages to get a space on a bus! This has caused anxiety and worry for all of us, especially my child.

I want to know why when you inform transport that your child is sick in enough time, they are still coming, wasting time, petrol etc and still inconveniencing us by ringing the bell and disturbing my child even when we have rang them on the mobile or company number? Surely this is not good use of money or time, and why should we inform them if they ignore what we tell them?

Concerns indirectly relating to safeguarding:

Customer Service Issues

I've tried complaining to Amey about our taxi service to school, but nothing has been done. It is very hard to talk to anyone, and they just fob you off by saying they are looking into it. How long does it take?

Jim Waddington came to some parent meetings in the Summer and said lots of things, but I'm not seeing them happening. I've complained about the poor service, but not had any response; the staff are unhelpful. I was told we would have a transport group where he would come and talk to us again and answer our concerns, but it has still not happened. The Parent Participation Worker said she is finding it very hard to contact him directly. Are they actually bothered about hearing from parents at all?

Eligibility for transport (BCC responsibility)

My son has always had transport to Pebble Brook School that is within the 3 mile radius, unfortunately as he is going into year 10 Keystage 4, he has now lost it, the school saying he is more than capable of finding his own way to and from school. He is one of the more capable children within that school, but nonetheless, it is a special school and he is there for a reason.

The walk that my son will have to take to school means he has to encounter 3 major roads that are exceptionally busy during the peak hours. The taxi driver who used to collect him (he only ever went in the mornings) says that he will still be going past our front door with other children, yet still County refuse to let my son on their transport. I even appealed against their decision but the answer was still no.

I have told them of my worries regarding the safety of the roads in peak hours, I have only ever asked for transport 1 way, I have offered to pay for the transport, I explained that this will result in my son either taking himself or maybe into town before school as he doesn't understand the importance of time, he will be late for school, that both his father nor I are not in a position to give up work and yet they still wont help us.

MY QUESTION IS: Why do they ever offer it in the first place if through the child's education they intend to take it away? These children already have significant unrest in their lives for County Council Transport to add to them! They may be reducing their costs, but at the risk of our children's safety!

Influence of cost of transport on choice of education

Transport cost should never be an issue for a disabled/statemented child but incorporated as a matter of course whenever they are schooled i.e. not influence statement or decision.

Eligibility for transport to parental choice of school

Whilst county mad deem a local school capable of dealing with a child's specific needs quite often the parent has a better understanding on their child and will choose a school accordingly. In that case transport should be offered by County albeit perhaps with parents contributing to cost. Currently parents have to arrange and pay the whole cost, which could prevent children going to the most appropriate school.

Eligibility for transport to respite services

Why can't transport be offered to/from respite care during school holidays? I am unable to arrange transport for school so it is provided, so why can't transport be provided for respite as this is also arranged by the Council, to help the family and my child?

Eligibility for passenger assistant

I would like to know the criteria for declining an escort for my 5yrs old daughter who has a statement for speech and language with acquired brain injury. I stressed during the risk assessment that my daughter has no safety awareness which was clearly highlighted on her statement. I have to keep going with her on her transport to school because it is not safe on her own and am not happy she will be on her own with the driver. My daughter is not aware of setting boundaries with strangers as she has to relearn her lost skills.

Eligibility for transport with siblings

Children with a statement should be given priority on school bus services if they are able to travel independently, particularly if a sibling is already on that bus. Currently transport do not apply the same rules as schools for places, but issue them on a first come, first served basis. What do transport not apply the same principles re: SEN? What about their wellbeing?

Eligibility for transport on mainstream services

Transport for a child with a disability/specific learning difficulties is important, however some could cope with general school transport and it would provide them with a safe, structured way to and from school which would in turn help them develop some sense of independence.

Report for Scrutiny Review - Safeguarding practices in client transport, from Bridget Day and Sarah Harris

Roles

BD manages the Safeguarding in Education Team, BCC and also holds the role of Local Authority Designated Officer for Child Protection (LADO) for Education-related cases. The staff of the Safeguarding in Education team provide advice and guidance to schools about all child protection matters, deliver child protection training to education staff, and ensure compliance with the Safeguarding requirements of the 2002 Education Act. As LADO, BD is the first point of referral for any allegations against staff or volunteers working in education settings in Buckinghamshire, and is responsible for oversight and monitoring of these cases.

SH manages the Specialist Investigation and Assessment Team (SIAT), Social Care, BCC, and also holds the role of LADO for non-Education cases. In partnership with the Police, the SIAT Team investigates serious allegations of abuse against people in a position of trust working with children and young people. SIAT also have the responsibility of investigating historical allegations of child abuse and organise or institutional abuse cases. These investigations are in line with the requirements of the Children Act 1989 and Working together 2006. SH's responsibilities as LADO for non-Education cases are exactly the same as BD's.

Overview of Safeguarding issues in client transport

It should be acknowledged from the start that matters relating to the transportation of children and young people will only be referred to the LADOs when there are problems. In relation to the (approximately) 1600 SEN children in Buckinghamshire for whom Amey Client Transport provide home to school transport, the number of cases referred to the LADOs is relatively small – and there is no evidence available to the authors that the vast majority of contracts for these children are anything other than safe and satisfactory.

The main reason for involvement of the LADOs in transport-related cases is when an allegation of abuse or inappropriate behaviour on the part of transport staff is made. During 2009, 15 incidents of this nature were referred: a summary of these cases will be given below, and some commentary on the process of investigation and difficulties arising.

The Safeguarding in Education Team also receives occasional information about situations where school staff have other safety concerns about transport arrangements. An example of this type of concern will also be given.

Investigation of allegations

Nature of cases referred in 2009

15 cases were referred to the LADOs last year, of which:

- 12 related to incidents arising during home to school transport, and 3 involved transportation of children in care
- 8 related to a Driver, 6 to a Passenger Assistant, and one to both.
- 9 of the alleged incidents were reported to be of a physical nature, 5 of inappropriate behaviour, and 1 of a sexual nature
- 7 incidents were jointly investigated by Police and the SIAT team, 6 by SIAT only, and 2 by the children's allocated social workers.

The process of investigation: referral and initial strategy meeting

When a child / young person makes an allegation of a child protection nature against a driver or passenger assistant, the person to whom the child reported the abuse is required to inform Amey Client Transport immediately, who in turn will inform the LADO. Decisions are taken between Amey staff and the LADO about the need for immediate suspension of the driver / PA's badge, and a strategy meeting will be planned. At the strategy meeting, decisions are taken about the appropriate investigation required in the circumstances (which could range from the child's social worker having a discussion with him/her to establish facts, to allocation to a Police officer and SIAT social worker for the more serious allegations.) This part of the process generally works well, and unacceptable delays are rare.

Completion of investigations

Whilst the early stages of cases usually proceed without difficulty or delay, there are frequently delays in completing these cases, and this is a matter of concern. Over the past year, Social Care and/or the Police were responsible for delays in one or two cases, but a more significant problem has been delays on the part of Amey Client Transport staff in completing Management Reviews. It is believed that this is a capacity issue, but it results in individuals being left for lengthy periods with no clear decisions about the allegations made against them, which is most unsatisfactory.

DCSF guidelines are that once it is clear that no police action will be taken against an individual, disciplinary action (which in the case of these allegations involving transport staff is usually in the form of a formal management review) should take place within 15 working days, (or 25 working days, if further investigation by the employer is required.) Of the fifteen cases, following the appropriate investigations, the authors are aware that 6 were completed within the timescales. Of the remaining cases, 1 was completed after a delay of about three months, 3 were closed by the LADOs without confirmation from Amey staff that the management interview had been

completed, and the remainder are as yet uncompleted, at various stages in the process.

Outcomes

It is of utmost importance to obtain a clear outcome for every allegation – so that individuals who have been wrongly or mistakenly accused can be exonerated, and appropriate action can be taken in cases where it is proved that staff have harmed children. The table below indicates possible outcomes in cases involving transport staff:

Outcome	Meaning	Action	No. of completed cases last year
Malicious		NFA: Immediate reinstatement	1
Unfounded	Clear evidence that no harm took place, but not deliberately malicious	NFA or training Reinstatement.	3
Unsubstantiated	Insufficient evidence to prove or disprove	Management review, resulting in NFA, training or warning. Reinstatement	2
Substantiated	Evidence that harm took place, but no criminal offence committed	Management review resulting in training, warning or permanent removal of badge	5
Substantiated	Evidence that a criminal offence was committed	Prosecution. If convicted, permanent removal of badge	0

General Issues

The majority of allegations against transport staff arise when children with SEN Statements for emotional and behavioural difficulties are being transported: these children can be extremely challenging. Factors that exacerbate the problem include:

- Communication difficulties on the part of some of the individuals concerned
- Insufficient training (despite the recent initiative outlined below) of relevant staff
- The number of SEN children in any one vehicle, and the ratio of staff to children

- The particular combination of SEN children in any one vehicle
- The distance that some children need to travel (and hence the length of time they spend in the vehicle.)

It is recognised that Amey staff conduct risk assessments for each SEN child, and that they are generally very willing to revisit these when new circumstances arise (including individual children having major fall-outs with fellow passengers in their taxi.)

It must be acknowledged that transporting children with special needs is a very challenging task, being undertaken by staff who have not chosen childcare as their primary occupation. However, it is important to maintain standards of appropriate behaviour towards children at all times – and to be clear that using foul or derogatory language and assaulting children (physically or sexually) is wholly unacceptable.

Availability of training

In the past 6 months, Amey Client Transport has introduced additional training for transport staff, including Team Teach training (for the management of children with behaviour difficulties) which is being delivered to all transport staff working with children attend BESD Special Schools. This initiative is most welcome.

Other concerns about transport

As stated above, the Safeguarding in Education Team is from time to time alerted to other concerns about transport, not related to allegations. A recent example involved a group of young people being transported to school in a people carrier with no escort: the school staff felt that the number of youngsters involved was too great for safety, and that there was an accident waiting to happen. This matter was followed up with Amey Client Transport staff.

Concerns of this kind are infrequent – the Safeguarding in Education is probably only made aware of one or two such issues per term.

Bridget Day
Sarah Harris

05.01.10