

Agenda

SAFEGUARDING PRACTICES WITHIN CLIENT TRANSPORT TASK & FINISH GROUP

Date: Tuesday 9 February 2010

Time: 10.00 am

Venue: Mezzanine Room 2, County Hall, Aylesbury

Please note that there will be a pre-meeting for Members of the Task and Finish Group at 9.30am in Mezz 2, County Hall,

Agenda Item	Time	Page No
1 APOLOGIES FOR ABSENCE		
2 DECLARATIONS OF INTEREST		
3 MINUTES The minutes of the meeting held on 12 January 2010 to be agreed.		1 - 8
4 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	10.00am	9 - 14
5 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	10.45am	15 - 22



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assessed and how any concerns are managed.

Caroline Penfold Manager Learning Disability Internal Provision
Adults and Family Wellbeing

- 6 EXCLUSION OF THE PRESS AND PUBLIC**
To resolve to exclude the press and public as the following item is exempt by virtue of Paragraph 2 of Part 1 of Schedule 12a of the Local Government Act 1972 because it contains information which is likely to reveal the identity of an individual
- 7 THE VIEWS OF RESIDENTS ON SAFEGUARDING ISSUES IN CLIENT TRANSPORT** 11.15am 23 - 36
Members will receive verbal and written evidence from parents, school governors and representatives from groups with special needs regarding their experiences.
- 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.
- Contributors**
- Zana Bayley** Parent participation worker
Penni Thorne Bucks Vision
Ruth Goodman member of the public
Simone and Paul Monk members of the public
Andrew Walker parent governor
- 8 INCLUSION OF THE PRESS AND PUBLIC**
- 9 SAFEGUARDING PRACTICES IN CLIENT TRANSPORT FOR CHILDREN** 12.15pm 37 - 40
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.
- 10 LUNCH** 1.00pm
There will be a half hour break for lunch
- 11 AFTERNOON SESSION** 1.30pm
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. If Members discuss the exempt appendices there will be a need to exclude the press and public.

*For further information please contact: Katy MacDonald on 01296 383604
Fax No 01296 382538, email: kmacdonald@buckscc.gov.uk*

Members

Mr B Allen
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

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.



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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

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.

Agenda Item 7

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Report for Scrutiny Review - Safeguarding practices in client transport

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.