

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.