



## Report to the Standards Committee

<b>Date:</b>	<b>10 December 2020</b>
<b>Reference number:</b>	n/a
<b>Title:</b>	<b>Local Government and Social Care Ombudsman Report, 24 July 2020: Home to School Transport Progress Report</b>
<b>Relevant councillor(s):</b>	Cllr Anita Cranmer, Cllr David Martin.
<b>Author and/or contact officer:</b>	Lucy Pike
<b>Ward(s) affected:</b>	None specific

### **Recommendations:**

- 1. To note the further progress in implementing the recommendations required by the Local Government and Social Care Ombudsman Report of 24 July 2020.**

**Reason for decision:** The Standards Committee has been identified as the most appropriate forum to consider the Local Government and Social Care Ombudsman Report and progress updates. The Council is required to provide free home to school transport for children of compulsory school age. The actions being taken are to fulfil this requirement based on the Ombudsman's findings.

### Executive summary

- 1.1 This paper provides a further update on progress made against the recommendations identified in the Local Government and Social Care Ombudsman Report, published on 24 July 2020 that found the Council to be at fault for the way in which it provided home to school transport for 2 children with Special Educational Needs and Disabilities. The Committee requested an additional update following the report considered on 8 October 2020.

### Content of report

- 1.2 A parent of 2 children with Education, Health and Care Plans made a complaint to the Local Government and Social Care Ombudsman (LGO) in April 2019 about their

home to school transport arrangements. The Council was unable to provide suitable transport for the 2 children who were eligible for free transport due to their Special Educational Needs and Disabilities. The parent was receiving 2-way mileage to transport them herself to a school 8 miles away. The parent argued that this did not amount to free transport as her return journey home was not covered by the mileage allowance and it was unreasonable to expect her to wait at the school all day.

- 1.3 The parent submitted an application to the Transport Exceptions Panel to consider 4-way mileage and when the Panel declined the request, the parent progressed to the Independent Appeal Panel. This Panel also declined her request. During this time there was some confusion around whether the Council could provide suitable transport, particularly for the younger child and therefore whether the parent was voluntarily transporting her children. There was also confusion about whether an assessment of needs had been conducted. Following a number of delays the Council confirmed it could not provide suitable transport for the eldest child. At the time of the Ombudsman's report, there remained uncertainty about whether the Council could provide transport for the younger sibling.

#### Local Government and Social Care Ombudsman (LGO) Decision

- 1.4 The Ombudsman upheld the parent's complaint, identifying that 2-way mileage does not equate to free transport provision. The confusion, poor communication, delays in decision-making and errors in administering process were felt to be of no fault of the parent, and had caused unnecessary hardship, anxiety, time and trouble.
- 1.5 The Council has accepted all the findings in the Ombudsman's report and have taken steps to complete the recommended actions.
- 1.6 On the 8 October the Committee were provided with a progress update. This report provides a further update on the actions that remained outstanding at that time, and provides more information on those families similarly affected. The Council has until 24 January to complete all actions.

#### Actions

- 1.7 The Committee is referred to the report prepared for 08 October 2020. The Committee will note that all actions pertaining specifically to the complainant had been completed by that date (actions 1 – 3). The Ombudsman has confirmed satisfactory completion of these actions. The outstanding actions at the date of the last report were actions 6, 8 and 9. These are addressed below.
- 1.8 **Action 6: Take action to address the Council's apparent lack of suitable transport provision to ensure other children who require home to school transport are not adversely affected. Completed**

The Council has completed a review of its commissioning arrangements for transport for children with complex needs and disabilities, as part of a wider comprehensive transformation programme underway to improve the Council's transport services provided.

In February 2020 the Council launched a Client Transport Improvement Programme with dedicated transformation resource, and cross-council governance under a Board chaired monthly by the Corporate Director for Communities, and attended by senior officers across the organisation.

This is a three year transformation journey for the service with the objective to achieve excellence in the customer experience and provision of effective and efficient services.

As part of the transformation journey, hearing the voices and improving the customer experience of SEND parents and children is critical, and learning from complaints.

Work already completed following a detailed review includes:

- Reviewing the existing potential providers registered on the Dynamic Purchasing System, which is the Council's e-procurement system. Through this work a targeted promotions campaign has taken place to encourage new potential suppliers to register and to be able to bid for work to cater for a broader range of specialist needs.
- Planning for the retendering of all SEND contracts with modifications to the specification requirements, to drive up quality.
- Reviewing and updating the Transport Application and Assessment process to ensure the most up to date and relevant details are captured. This will enable better informed decision making on procuring suitable transport provision for each child.
- Restructuring transport services, leading to the appointment of 2 dedicated Transport Assessment Officers as part of the SEND Transport Operations Team to ensure more timely assessments are completed.
- Reviewing and updating the Home to School Transport Policy and associated Post 16 Transport Policy Statement. A public consultation on the refreshed content is currently live (since 12 October), closing on 7 December 2020. A key part of this proposed Policy and associated Statement is an improved offer relating to the use of Personal Transport Budgets. These enable parents/carers to exercise greater control, flexibility and choice about how their child travels to school/education. It is anticipated that the offer of Personal Transport Budgets will further support families to secure the most appropriate transport provision for their child. A project to establish and

promote the use of Personal Transport budgets is underway and will be completed by the end of January 2021 with a view to Personal Transport Budgets being available from February 2021.

Following the review work completed there is ongoing transformation activity which will take place as part of the Council's wider Client Transport Improvement Programme. Embedding changes systems, staffing, new offerings and culture takes time and we are committed to driving forward the transformation programme at pace whilst continuing to adapt and deliver our services in the pandemic.

A few of the headline areas of further improvements underway are:

- The retendering exercise on all SEND contracts. This activity will take place throughout 2021. It was originally scheduled to take place in 2020, however in light of the need to provide continuity of service provision in the pandemic and government guidance the tendering exercise has been re-phased to 2021.
- New systems for data sharing between the Integrated SEND Service in Children's Services and Transport Services have been procured and will be introduced by Autumn 2021. A key benefit from the new data system procured is that it will enable seamless record sharing, which in turn will speed up the internal processes within the Council to ensure quicker assessments and transport arranged.
- A new portal introduced for SEND transport applications for parents to complete as part of the new software system which will enable an automated workflow process for quicker and more effective communications.

**Action 8: The Council should update its Local Offer on the Bucks Family Information Service to reflect the transport provision available**

In October we reported that the Council were reviewing all its website content on transport provision and had updated the Council transport pages to ensure clarity: (<https://www.buckinghamshire.gov.uk/schools-and-learning/schools-index/school-transport/>).

The Local Offer website content is currently undergoing a complete overhaul as part of a project to design a new microsite for the Buckinghamshire Family Information Service (BFIS). This work incorporates specific content on home to school transport. The work is at an advanced stage and is anticipated to go live in mid-December as a MVP (minimum viable product). The Local Offer website content will be added to and enhanced over time and regularly reviewed to ensure the information for families stays current and relevant.

The new BFIS microsite and Local Offer webpage content is being designed using direct, simple language where possible, so that all users can understand the content

and also that the content is accessible for visually impaired users using screen readers. The content is also being designed to work well on mobile screens, which is how many users view content

**Action 9: The Council should provide the Ombudsman with a report confirming the actions it has taken.**

In October we reported that the Council had updated the Ombudsman on 22<sup>nd</sup> September 2020 with details regarding the completion of actions, enclosing the relevant evidence of such. Included in that response was clarification as to how the Council had calculated the sums paid to the complainant.

A further update was provided to the Ombudsman on 20 November 2020 on the Council's actions in satisfaction of the Ombudsman's recommendations

A final report will be provide to the Ombudsman in January 2020, in line with the timescales set out in the Report.

Additional information on families affected

- 1.9 In addition to the outstanding actions, the Committee on the last occasion raised additional questions in relation to completion of **Action 5**.
- 1.10 The Council were required to review other parents' and carers' mileage arrangements and where it was found that the Council were unable to provide suitable alternative transport, and, as identified in this case, the arrangement is not voluntary, it should pay the mileage costs of 4 legs of the journey where relevant. This action was completed and the outcome was shared with the Committee in October.
- 1.11 This review has been undertaken and the Council identified all parents/carers who were in receipt of 2-way mileage payments. The review identified 117 other families who were receiving 2 way mileage. The Council were unable to identify whether arrangements were entered into voluntarily by families or whether they were put in place as suitable transport could not be procured.
- 1.12 As part of the overall review of home to school transport, taking into account the recommendations of the Ombudsman together with the work being undertaken, as set out above, to develop an improved Personal Transport Budget offer, the decision was taken to pay all parents and carers who are transporting their children 4-way mileage in circumstances where their children are entitled to receive free home to school transport.
- 1.13 This change has already been actioned and the website update to reflect this. In addition, further clarification is provided in the amendments to the draft Home to School Transport Policy which is currently out for consultation, which make it clear that irrespective of the reasons, parents and carers who transport their children,

when they are entitled to free home to school transport, will receive 4 way mileage payments. This goes further than the recommendation of the Ombudsman, which only recommended increasing the mileage payments to those parents and carers who were not voluntarily transporting their children to school. This decision made it unnecessary to carry out a more detailed exercise to try to identify only those parents where the arrangement was not voluntary.

- 1.14 For new eligible transport applicants the offer of 4-way mileage was put in place and the website and communications information was updated accordingly. 204 families are currently in receipt of 4-way mileage.
- 1.15 In relation to the existing 117 claimants, who, at the time of the Ombudsman's report were receiving 2-way mileage, the Local Authority wrote to them on 19 August 2020 to advise that from September 2020 mileage payments would increase to 4-way mileage.
- 1.16 The Local Authority has published the Report of the Ombudsman, as it is required to do. Public notices were published in the Bucks Free Press and the Bucks Herald from 9 October 2020 to 8 November 2020. Any parent or carer who considers their circumstances are similar to those set out in the Report can contact the Local Authority and each complaint will be considered on the individual circumstances of the case. To date, 1 parent has come forward and this is being dealt with accordingly. Parents and carers may at any time seek reassessment of their child's transport provision if they wish to do so.
- 1.17 As part of the Local Authority's co-operation with the Ombudsman, an interim update was provided on 20 November 2020, ahead of the formal 6 month update which is due to be provided in January 2021. The update to the Ombudsman set out the matters contained in this report and how the Local Authority had actioned the recommendations. The Ombudsman has been invited to comment and provide any further guidance they consider is required to ensure the Local Authority has addressed the spirit and intention of the recommendations. The Local Authority will, of course, take into consideration any further guidance the Ombudsman provides.

#### Joint working across Education and Transport services

- 1.15 Joint working has increased over the last 12 months and there are many examples of good practice across the directorates. These include:
  - Jointly hosting a parent engagement session to seek feedback from families on SEND transport provision.
  - Collaboration on developing the draft Home to School Transport Policy and associated Post 16 Policy statement, which is currently being consulted upon.

- Joint working to enable children’s return to school during and following the COVID lockdown, ensuring the appropriate transport provision was in place for those pupils that need it, and schools were informed.
- Collaboration on the development of the infrastructure to award Personal Transport Budgets to ensure roles and responsibilities are clear, and the processes developed are streamlined and easy to implement by transport colleagues.
- Regular School Transport Liaison meetings are held that include representatives from the school network groups at primary, secondary and special school level, alongside the Director for Education and the Director for Transport.
- Collaboration at all levels on the key work streams contained within the Transport Improvement Programme under the leadership of Cllr Anita Cranmer and Cllr David Martin.

#### Other options considered

1.16 n/a.

#### Legal and financial implications

1.17 At the time of the last report, a total of £7088.66 has been paid to the family concerned. An additional £200 was subsequently paid following a discrepancy regarding the number of weeks the family had transported their children to school. The Council’s school attendance records did not match the families recollection of school attendance, however, the additional payment was made as a good will gesture.

1.18 The Council is also required to pay the family £50 per week going forwards in addition to the 4 way mileage claim, until such a point as the Council is able to provide a suitable alternative transport arrangement that meets the needs of the children, or the family advise they would prefer to transport themselves or are happy to do so. A process to make this additional payment is now in place and has been confirmed with the parent by letter (dated 17 Nov 2020).

#### Corporate implications

1.19 n/a

#### Consultation and communication

1.20 Cabinet member briefings have been held with Cllr Anita Cranmer and Cllr David Martin to discuss the Ombudsman’s findings and recommendations.

### Next steps and review

- 1.21 The actions described in Section 1.7 will continue to be progressed and an update will be shared with the ombudsman on their conclusion.
- 1.22 The overarching Home to School Transport Policy and associated Statement will be refreshed following consideration of the feedback from the public consultation (12 October – 7 Dec 2020). The revised Policy and Statement will be presented to Cabinet for approval on 30 March 2020 and will apply to children attending school from September 2021 onwards. The learning from the ombudsman's findings have informed the draft Policy.

### Background papers

- 1.23 LGO Report  
Letter sent to families re: 4 way mileage

