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Date: 20 April 2022

Dear Member

SCRUTINY COMMITTEE - WEDNESDAY, 20 APRIL 2022

I enclose the Internal Audit Terms of Reference for the SEND Transport Lessons Learnt Review.

Agenda Item No

B1 **SEND Transport Update (Pages 1 - 8)**

Yours sincerely

A handwritten signature in black ink, appearing to read 'B. Watts', is written over a faint circular stamp or watermark.

Benjamin Watts
General Counsel

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SEND Transport Lessons Learnt Review

TERMS OF REFERENCE

Date: 23rd March 2022

Author: Jonathan Idle

1 BACKGROUND & OBJECTIVES

A. Background

1. This Internal Audit review has been commissioned by the Head of Paid Service, General Counsel and the s.151 Officer following significant and well publicised service failures in the redesign of Special Educational Needs and Disabilities (SEND) transport services and the adverse reputational impact upon and loss of confidence in Kent County Council.
2. The Council has a statutory duty to provide free transport arrangements to facilitate attendance at school for eligible children.
3. The impact of how the redesign of transport services has been managed has had significant and distressing impacts to pupils, parents and carers across the County, which has been a major contributory factor to the commissioning of this Review.

B. Objectives

4. To independently review and assess the governance, consultation with parents, control, monitoring, oversight and decision making arrangements in respect of the redesign of SEND Transport arrangements.
5. To ascertain the factors and underlying causes of “what went wrong” and to identify how Council services can better meet the transport needs of children with SEND, their parents and carers.
6. The review will form part of the Council’s intention to identify the relevant factors that created the significant levels of distress and anxiety to SEND pupils and parents so lessons can be learnt to ensure that a similar situation does not re-occur.

2 SCOPE

- 2.1 The independent review will be led and managed by Jonathan Idle, Head of Internal Audit and Counter Fraud with the involvement of various members of the Internal Audit Team. Where appropriate, access to additional expertise to assist in this review will be considered in consultation with the Head of Paid Service, General Counsel and the s.151 Officer.
- 2.2 The audit will be undertaken via discussions and interviews with relevant staff, analytical review, examination of documentation and sample testing, as necessary.
- 2.3 The scope of the assignment will include an assessment of the adequacy of the following areas:

1. Impact upon Families and Children:

- 1.1 To understand and collate information relating to the impact of the implementation of the re-tendering exercise upon families and children and consultation with Kent PACT.
- 1.2 To validate statistics of how many families and children were impacted and how quickly matters were resolved.
- 1.3 To collate information as to how many children have missed school as a consequence of the management of travel arrangements since September 2021 and review if / how this information was reported within the Council.

2. Consultation Process with Parents, Carers and Kent PACT:

- 2.1 To review the extent to which Parents, Carers and Kent PACT were consulted in the whole process of re-designing transport arrangements and the effectiveness of such arrangements.
- 2.2 Evaluate consultation arrangements compared to Council Consultation Strategies, Policies, Procedures and Equality Impact Assessment requirements.
- 2.3 To review what did occur from the Children, Young Persons and Education (CYPE) Directorate in respect of “co-production.”

3. Decision Making:

- 3.1 To review compliance with Council Decision-Making arrangements set out in the Kent County Council Constitution, including but not restricted to Key Decisions, Recording of Decisions, Delegations and Future Executive Decisions.
- 3.2 To review Member involvement and oversight in the decision and implementation process.
- 3.3 To review all relevant Council meetings and other forums for monitoring arrangements in relation to the re-tendering and reorganisation of SEND Transport arrangements.
- 3.4 To determine how decisions were made and by whom in the re-organisation of SEND Transport arrangements.
- 3.5 To determine whether an Equality Impact Assessment / Analysis (EqIA) was undertaken in respect of the re-tendering and reorganisation of SEND Transport arrangements to safeguard those who are within any of the nine categories defined in the Equality Act 2010 and specifically if:
 - EqIAs were completed for the key decisions and demonstrated proper consideration to equality risks.
 - EqIAs were conducted by the officer(s) responsible for the service, function, review, policy, strategy, or project.
 - EqIAs were clearly attached to relevant committee meetings and key decision documentation.
 - EqIAs were published and publicly available.
 - Actions were taken as a result of the EqIA.

4. Re-tendering and Contract Award Processes:

- 4.1 To review whether Council objectives for the reorganisation of SEND Transport were clearly set out and understood by relevant officers within the Council.
- 4.2 To assess whether procurement arrangements were undertaken in line with legislative and Council Procurement requirements.
- 4.3 To review the use of the Dynamic Purchasing System, including the basis on which it was selected as the most appropriate procurement approach, what advice was taken, used and checked.
- 4.4 To review the re-tendering timeframe and implementation of service changes and how delays were managed and communicated to both parents and members.
- 4.5 To assess the effectiveness of the process of how new and future numbers of SEND Children were factored into the modelling and planning for the tendering process and its implementation.
- 4.6 To review the procurement and specification of the new software and the management oversight of this process.

5. Project Planning and Change Management Arrangements:

- 5.1 To review the effectiveness of Project management in relation to the implementation of the reorganisation of SEND Transport, including but not restricted to project management techniques, arrangements and governance, use and reporting of milestones, escalation routes, identification and mitigation of project risks.
- 5.2 To evaluate the approach and effectiveness of planned arrangements.
- 5.3 To review whether risk assessments both in relation to children's needs as per the EHCP and safeguarding were properly accounted for and documented as part of the process.
- 5.4 To review change management arrangements in the planning for the journey times for children.
- 5.5 To assess project planning in respect of the implementation of new software in the redesign of transport arrangements.
- 5.6 To ascertain the reasons for the delays in the software implementation and review actions that were taken as a consequence of the delays.

6. Review of Risk Management and Assurances prior to Implementation:

- 6.1 To assess the effectiveness of Risk Management within the CYPE and GET Directorates in the reorganisation of SEND Transport arrangements.
- 6.2 Review the completion of relevant assurance statements provided by Corporate Directors and Directors for the Annual Governance Statement within the GET and CYPE Directorates in relation to the reorganisation of SEND Transport arrangements.
- 6.3 To review assurances that have been provided to members in respect of SEND Transport arrangements, including but not restricted to "robust" assurances as reported to Scrutiny Committee.
- 6.4 To review communications in the flagging up or escalation of risks relating to the implementation of the reorganisation of SEND Transport arrangements.

7. Communication Process with Parents, Carers and Kent PACT December 2021-March 2022:

- 7.1 To establish the detail and timeframe of the communications that occurred between KCC and Parents, Carers and Kent PACT between December 2021 and March 2022.
- 7.2 To review the effectiveness of KCC's response to the communications received from Parents, Carers and Kent PACT.

8. Growth, Environment and Transport (GET) Directorate Governance Arrangements:

- 8.1 To review the effectiveness of GET Directorate Governance arrangements in relation to the reorganisation of SEND Transport arrangements including but not restricted to decision making, co-ordination of the information that parents are required to submit to the Council, reporting at Directorate Management Team, reporting to Cabinet Members and the reporting of project risks.

9. Children, Young Persons and Education (CYPE) Directorate Governance Arrangements:

- 9.1 To review the effectiveness of CYPE Directorate Governance arrangements in relation to the reorganisation of SEND Transport arrangements including but not restricted to decision making, co-ordination of the information that parents are required to submit to the Council, reporting at Directorate Management Team, reporting to Cabinet Members and the reporting of project risks.

10. Cross- Directorate Governance and Communication between GET Directorate and CYPE Directorate:

- 10.1 To review the effectiveness of governance, decision-making and communication arrangements between the GET and CYPE Directorates in relation to the reorganisation of SEND Transport arrangements.

11. Review Effectiveness of Short-Term Remedial Actions from February 2022:

- 11.1 To validate the numbers of families and children who had transport arrangements resolved and in what timescale.
- 11.2 Assess the number of families and children who had transport arrangements resolved in line with the agreed Education and Health Care Plan (EHCP).
- 11.3 To review the effectiveness of financial reimbursement arrangements to parents / families.

2.4 Completion of the full scope of the review will be dependent on relevant documentation and explanations being provided promptly and officers and members being available in a timely manner to meet with and provide full answers to questions from Internal Audit. Any changes or reduction in scope and the reasons for this will be set out in the assignment report.

2.5 Subject areas not included within the scope of this Review are:

- EHCP Assessment Processing
- Transport Bus Services more generally
- Wider SEND funding matters
- An assessment of the reasons for the increase in SEND children who require transport
- SEND Written Statement of Action Plan
- Allocation of School Places to SEND Children
- A detailed assessment of the impact on children's education

The Council will assess whether further reviews in these areas are required.

3 REPORTING

- 3.1 On completion of the fieldwork, a draft report will then be issued for agreement of factual accuracy. Once agreed a final report will be issued.