



Dear Member

**GOVERNANCE AND AUDIT COMMITTEE - THURSDAY, 29 SEPTEMBER 2022**

I am now able to enclose, for consideration at the Thursday 29 September 2022 meeting of the Governance and Audit Committee, the following report:

**Agenda Item No**

**7**

**SEND Transport Review Report - To Follow (Pages 1 - 26)**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ben Watts', is written over a faint, illegible printed name.

Benjamin Watts  
General Counsel

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# SEND Transport Lessons Learnt Review Report

29<sup>th</sup> September 2022

| <b>Report Distribution</b>   |                         |
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**The engagement was conducted in conformance with the International Standards for the Professional Practice of Internal Auditing**

## EXECUTIVE SUMMARY

This Internal Audit review was commissioned by the Chief Executive (Head of Paid Service when commissioned), 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.

The Council has a statutory duty to provide free transport arrangements to facilitate attendance at school for eligible children.

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.

### Objectives

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.

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.

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.

### Scope

The Lessons learnt review focussed on 11 scope areas which were as follows:

|  |  |
|--|--|
| Impact upon Families and Children  | Consultation Process with Parents, Carers and Kent PACT                          |
| Decision Making  | Re-tendering and Contract Award Processes  |
| Project Planning and Change Management Arrangements  | Review of Risk Management and Assurances prior to Implementation                 |
| Communication Process with Parents, Carers and Kent PACT December 2021- March 2022           | Review Effectiveness of Short-Term Remedial Actions from February 2022           |
| Growth, Environment and Transport (GET) Directorate Governance Arrangements                  | Children, Young Persons and Education (CYPE) Directorate Governance Arrangements |
| Cross- Directorate Governance and Communication between GET Directorate and CYPE Directorate |  |

Additionally, the review also focused upon processes relating to Budget Savings for SEND Transport.

## Conclusion

In the second week of February 2022, it became rapidly apparent to Members and Senior Officers in Kent County Council that there were highly significant delivery issues in the provision of Home to School Transport for children with special educational needs and disabilities.

This was a cause of immense concern to children, parents and carers and was documented and discussed in local and social media. The impact of the service failure has been the central consideration in the undertaking of this review.

This review was commissioned by the Corporate Statutory officers of the Council and is designed to highlight where the Council needs to focus its learning and adapt its operations to ensure similar situations do not arise.

This report in no way seeks to undermine the many hard working and committed officers who deliver services in challenging circumstances. This review has, however, highlighted serious flaws within the Council and if existing and longstanding governance arrangements contained both within the Council's Constitution and its agreed processes had been followed or complied with, then the service failure may not have occurred.

Specifically, if governance and processes relating to Key Decisions and associated Equality Impact Assessment, Project Management and the management of risk had been followed and raised with all appropriate parties and sections within the Council, then the impact upon children, parents and carers may not have occurred.

It is clear that the Council will continue to make significant financial decisions including the requirement for budget savings, however the precedence of good governance and the impact upon those who receive services must be at the forefront of all proposed decisions. Consequently, there now needs to be an increased emphasis upon a culture which ensures the consistent delivery of good governance at Kent County Council.

Observations and lessons learnt for each of the 11 scope areas identified are covered within section xx of the SEND Lessons Learnt Review.

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## What were the key themes?

From the lessons learnt review, several core themes for the failure to provide transport provision were identified:

Governance

Project Management

Compliance Culture

Risk Management

Communication

# 1. Impact upon Families and Children

## Key Observations

- SEND children and families were impacted countywide. The impact on families and children has been detrimental. Trust and confidence in the SEND Transport system was lost, with reputational damage to the Council.
- Social media forums captured the feelings of parents / carers and the impact the new arrangements had on them.
- This review has not considered the full impact of the SEND Transport re-tendering exercise in relation to journey times principally due to insufficient data held on previous journey making, a comparison between new and previous journey times not possible.
- Statistics and data were inconsistent. A definitive number of pupils without transport on the 14<sup>th</sup> of February 2022 could not be ascertained. Internal Audit determined a best estimate, which was significantly different to the various figures quoted in February 2022. The root cause of this was that there were no robust mechanisms in place to monitor and track the population of pupils requiring SEND transport and their allocation to routes and contracts.
- In response to the data issues, a daily Situation Report (SITREP) to analyse the SEND Transport data and provide structure and accuracy was introduced.
- The County Council received a range of comments relating to the impact. Some of these are referenced on the following page.

## Lessons Learnt

- Parent / Carer feedback should be used to inform management actions.
- KCC should work together with Kent PACT, families, and schools to restore trust and confidence in the Council.
- For future similar projects, an impact (quantitative and qualitative) assessment that informs the decision-making process should be undertaken and reported to Members and Senior Management.
- A range of mechanisms, including the SITREP, to monitor and track pupils transport arrangements be established, deployed and maintained.

## Conclusion

There has been a detrimental impact on SEND children and families across Kent that has resulted in a lack of trust in SEND transport.

A formal analysis of the impact upon journey times should be undertaken to determine the impact of the new transport arrangements. This should be reported to management and members.

Statistics and data were inconsistent, specifically the number of children affected and without transport. In response to the data issues, a daily Situation Report (SITREP) was developed and introduced by an independent team post 14<sup>th</sup> February 2022.

## What was the impact on families?

### Feedback from Kent PACT and Parents/Carers on the frustrations of the SEND Transport failures

"Monday still no email or call re transport. My emails are being ignored. Even my MP not got anywhere. So frustrated and upset"

Parent

"My little one is anxious too. Squashed in the back of a taxi with sensory processing issues and they hate being touched. I don't know what to do to be honest. Had to calm them this morning"

Parent

"I'm still struggling to understand why they would end contracts without new ones sorted and in place ready"

Parent

"So damaging to our children's mental wellbeing and ours to be honest"

Parent

"In terms of what we are doing about those who still have no transport arrangements, I wish to clarify. We are communicating with Cabinet Members, Corporate Directors and Management continuously. We request updates frequently on actions being taken to ensure our children and young people will have suitable transport asap. Our priority and focus is that this happens. Only then will we move forward, unpicking every area of transport from eligibility to allocation including comms and work with (including challenge) KCC to ensure this never happens again"

Kent PACT

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

### Key Observations

- The formal KCC consultation process was not employed for the SEND Transport retender.
- There was engagement with messaging from the Council to Kent PACT that included emails to parents / carers and the You Tube Q&A video.
- Social media forums captured key consultation themes from parents / carers.
- An Equality Impact Assessment (EqIA) was not undertaken as should have been expected by the Council.
- Schools were involved in the 'shareability' (children sharing vehicle with other children) exercise, and some meetings were held to disclose details of the re-tendering exercise.
- Member briefings in advance of the re-tendering exercise covered a range of challenges facing SEND Transport. The briefings did not include either how these challenges would be met or specifically the re-tendering exercise.
- There was an absence of co-production across the CYPE Directorate and there was limited co-production undertaken by Client Transport who were engaging with Kent PACT and Schools.

### Lessons Learnt

- In future, a full consultation exercise be considered by Members and Senior Management for such projects.
- Parent / Carer feedback to be used to inform management actions and decisions.
- An Equality Impact Assessment (EqIA) must be undertaken for such projects.
- Members should be provided with briefings which include the rationale for proposed changes and their potential impacts on those using council services.
- There needs to be more understanding and appreciation of what co-production is, mapping out all parties who should be involved, who is responsible for ensuring effective co-production occurs and how it is factored into the key stages and decisions.

### Conclusion

There was an absence of consultation and no Equality Impact Assessment (EqIA). However, there was some engagement (emails and the Q&A video – see also Section 7 of the report) with Kent PACT and parents / carers.

This did not extend to engaging parents / carers in a manner where their concerns could be raised and reviewed.

Member briefings did not specifically cover how the challenges facing SEND transport would be addressed and the forthcoming SEND re-tendering exercise.

There was an absence of co-production across the CYPE Directorate with limited co-production undertaken by Client Transport.

## 3A. Decision Making

### Key Observations

- There was a distinct lack of accountability between both CYPE and GET.
- It would have been beneficial if there had been more structured handover arrangements of information for new Cabinet members. (Please Cross Reference to Section 8)
- There are currently 3 Cabinet Member with potential links to the decisions surrounding home to school transport which complicates accountability for the service.
- Public Transport are the delivery agent for providing home to school transport however, there is no formal Service Level Agreement (SLA) in place between CYPE and GET setting out roles and responsibilities and reporting requirements. (Please Cross Reference to Section 10)
- There were no clear governance arrangements set out for the project and no reporting lines into a specific Cabinet Committee. These should have been set out at the outset of the project. (Please Cross Reference to Section 5)
- Under the Council's Constitution, a key decision should have occurred however, no key decision was undertaken.
- From interviews conducted in this review, there was a continuing theme regarding the awareness of what a key decision constitutes.
- Informal governance forums did not sufficiently consider the key decision requirements and project governance for the changes to transport arrangements.
- Agreement of the budget may have been misrepresented as a decision to pursue the Home to School Transport re-tender. The agreement of the budget sets out the plan in which the

### Lessons Learnt

- Clear governance arrangements should be set out at the start of major projects.
- Home to school transport may benefit by falling under the clear and documented remit of 1 Cabinet member as the political responsibilities for SEND Transport appear to lack clarity.
- Awareness/ training of what and when a key decision must be undertaken should be reviewed.
- A formal SLA should be documented to outline the roles and responsibilities for the service between CYPE and GET. Please Cross-Reference to Section 10).
- Where there is a potential impact on protected characteristics, an Equalities Impact Assessment (EQIA) should be undertaken.
- Informal Governance forums should be reviewed for their purpose and should have clear Terms of Reference.

The Council requires a more effective second line of defence to ensure that governance principles are complied with and there should be consideration of where this enhancement and the resources should sit.

Council wants to take and where necessary, such as the re-tender of Home to School Transport, would require a key decision.

- No Equality Impact Assessment (EqIA) was undertaken for the re-tendering exercise.

**Conclusion**

A key decision for the re-tendering of the entire SEND Home to School transport network should have been undertaken. As a key decision was not undertaken, this had led to a number of processes not being undertaken such as an EQIA.

There was a lack of clarity between Officers in CYPE and GET as to who had responsibility for the key decision. This should have been developed jointly between the Directorates.

## 3B. Budget Savings

### Key Observations

- The inclusion of the CYPE £2m budget saving for 2021-22 to “Restructure and Retender the SEN transport network to achieve efficiencies” did not fully consider all potential risks / impact.
- The budget saving proposal did not allow sufficient time for the implementation of Travel Service Optimisation (TSO) and the subsequent re-tendering exercise.
- Officers and Members interviewed during the review did not have a consensus view on whether or not the SEND Transport re-tendering budget saving proposal for £2m warranted a Key Decision.
- There is insufficient clarity in terms of the accountability and responsibility for SEND Home to School Transport (HTST) budget (£36m).
- Monitoring arrangements for the delivery of the saving in 2021-22 were insufficient.

### Lessons Learnt

- There has been a significant increase in the numbers of EHCP’s since 2015, leading to an increase demand in HTST applications.
- The SEND HTST budget should be managed and monitored jointly between CYPE and GET with improved and formal communication and accountability, roles and responsibilities being clearly defined.
- It should be ensured that sufficient information is presented to support future budget saving proposals to ensure sufficient information is presented to decision makers, particularly in relation to how the saving was calculated with potential risks / impact and opportunities
- All future budget savings proposals should be led and managed by the respective budget holder, who should “sign off” the business case with close oversight of the respective Finance Business Partner, to ensure the correct information is being presented and processes followed.
- Meeting notes, decisions and actions from discussions about future budget saving proposals at informal governance forums should be recorded in sufficient detail and filed for future reference.
- Where budget savings proposed impact across multiple Directorates, it should be ensured that there is consistent collaborative work by staff in Finance.
- Decision makers should provide more robust scrutiny / challenge over proposed budget savings to ensure the proposals are reasonable / deliverable.
- All future budget saving proposals to be reported to the respective Directorate Management Teams and Corporate Management Team prior to seeking Member approval.
- Greater transparency and formal monitoring are needed to evidence the delivery of agreed budget savings.

**Conclusion**

The need to make budget savings was one of the main drivers behind the SEND Transport re-tendering exercise. The review identified a lack of understanding across officers and Members that the £2m budget saving proposal should have been subject to a key decision.

There were significant weaknesses and clarity in:

- the accountability and responsibility of the HTST budget;
- the adequacy of the HTST budget saving business case - including how the budget saving proposal of £2m was derived and who was involved in this calculation process;
- the decision-making process to approve the budget saving proposal and;
- the subsequent monitoring and tracking of budget saving delivery.

The review also identified that the proposal budget savings were highly unlikely to be deliverable within the intended timetable.

These weaknesses led to the HTST budget saving proposal being agreed without full consideration of all of the risks and impact.

## 4. Re-tendering and Contract Award Process

### Key Observations

#### Re-tendering of the SEN Transport Contracts:

- The KCC standard procurement plan was not utilised, resulting in key information being missed such as governance requirements, risk management arrangements and the resources needed.
- The Dynamic Purchasing System was identified to retender the whole home to school transport service. However, the improvements identified as part of the Strategic Commissioning – Improve Phase Report had not been implemented which would have provided some efficiencies in the process.
- There was a lack of engagement with the GET Project Management Office and Strategic Commissioning to provide relevant challenge and support.
- The retender was driven by the need to meet a £2m savings target that had been agreed in the budget in 2021.
- The time frame to retender the whole SEN transport network was over ambitious (seven weeks in Jan-Feb 2022). Previous tenders have occurred over the summer holidays which allows the service more time to resolve any contractual issues.
- Staff involved in the re-tendering exercise worked extraordinary long hours and at weekends to try and complete the re-tendering exercise, often impacting on their wellbeing.

#### Contract award of the Travel Service Optimisation (TSO) software:

- The benefits (including the savings it can offer) of using a TSO solution was initially based on use over a four-year period, however the decision to retender the whole SEN transport contracts to meet a £2m saving led to TSO being awarded a one-year contract.

### Lessons Learnt

- The CYPE Commissioning Plan requires enhancing to include the commission of SEND Transport to ensure there is relevant oversight at a strategic level.
- Both CYPE and GET might benefit from a Project Board structure to ensure the strategic aims of commissioning SEND transport are being met through the operational delivery being managed by GET.
- Applying the commissioning principles in the re-tendering of SEN transport would have identified the need for project management and commissioning expertise.
- Where service decisions are linked to savings targets it is essential to identify the additional costs of the action proposed as part of the decision-making process.

#### Conclusion

The re-tendering timeframe of the entire SEN transport network was over ambitious and treated as business-as-usual activity rather than the complex commissioning exercise that it was. Consequently, there was no support from GET's Project Management Office or Strategic Commissioning.

The procurement of a TSO solution followed KCCs commissioning principles up to the award stage to support the retendering of the SEN transport network and has supported the service in meeting a £2m saving, however costs in excess of £1m for TSO were not factored into the initial savings calculation.

- Although there was relevant review of the procurement of TSO by Strategic Commissioning and Senior Officers, the 'Authority to Award' form was completed but was not signed off by the Corporate Director who has budget responsibility for the spend. There may be additional review to be undertaken in this area.
- The £2m savings identified by the service through the re-tendering of the SEN transport network did not take into account the £910k spend to procure TSO nor the initial £150k cost. (Please Cross-Reference to Section 12).

## 5. Project Planning and Change Management Arrangements

### Key Observations

- KCC principles and tools for project management were not utilised for the project. Methodologies of the provider were utilised; however, these lack the granular detail of KCC methodologies.
- GET did not utilise their Project Management Office (PMO), who have the necessary expertise in Project Management. High reliance was placed on the supplier to bring project management expertise.
- The re-tendering should have been recognised as a project rather than being regarded business -as-usual activity.
- Dedicated resource was not assigned to the re-tendering exercise and was completed alongside business-as-usual leading to Officers working excessive hours.
- There was no project board set up for the major project leading to insufficient governance and oversight of the project.
- Re-tendering of an entire network is not common practice and additionally no contingency was built into the project to account for any delays.
- Officers commented that anomalies identified during the pilot of the system were still present during the final output which may have been a contributing factor to the delays.
- There were insufficient monitoring arrangements in place to track the progress of the tendering exercise.
- There was no Data Protection Impact Assessment (DPIA) undertaken though the procured system utilises personal data.
- A project risk register was not developed or established.

### Lessons Learnt

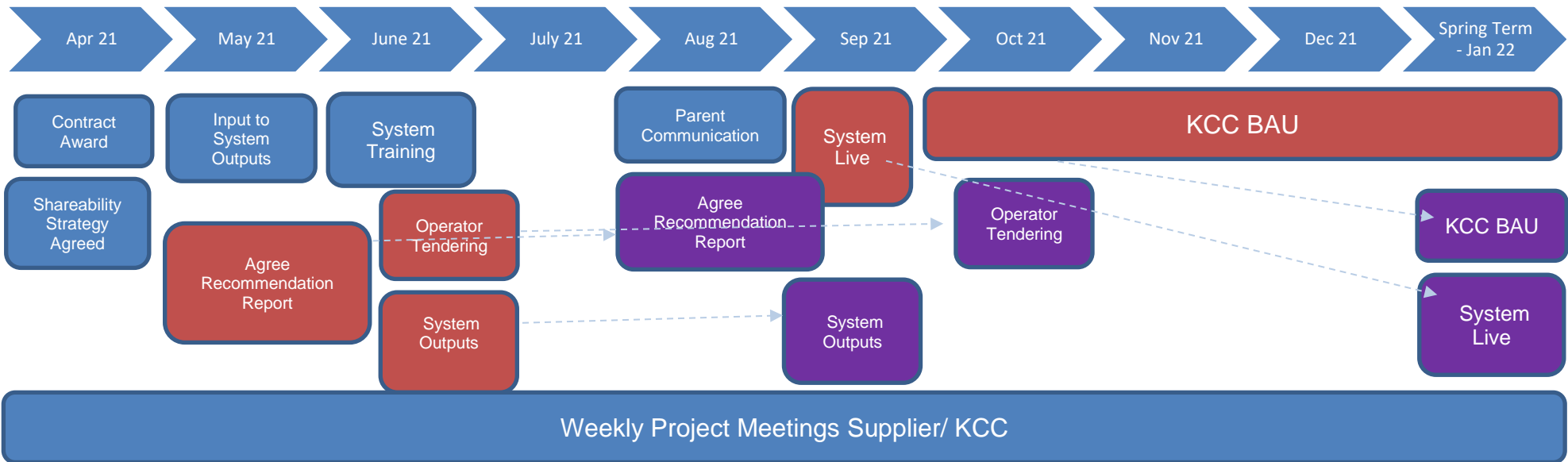
- The PMO must be utilised for significant projects to ensure that adequate project planning, governance and oversight are undertaken.
- There should be consideration of a centralised PMO function for the whole of the Council as a means of ensuring consistency in the application of project management approaches and principles.
- There are a wide range of guidance and tools readily available to support officers in managing a project and these must be utilised where experience from the PMO is not utilised.
- A DPIA must be undertaken for the procured system to understand whether there are any risks that the Data Protection Officer needs to be aware of.
- Risks for the project must be continually assessed from the outset of the project to full implementation which can be easily undertaken as part of development of a project risk register.

### Conclusion

Overall, the re-tendering of the entire Home to School Transport was not treated as a project but as business-as-usual activity.

The project would have benefitted from utilising already available expertise from the PMO which may have led to stronger project planning. Contingency was not built into the project to account for any delays and therefore more robust project planning should have been undertaken. The timeline for the project can be found overleaf.

# Project Timeline



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## Legend



Above details the original project timeline for the re-tender of the entire Home to School Transport Network. Themes related to re-tendering on this scale is not normal practice which were identified as part of interviews with Officers. The timescales set out for the project were ambitious and did not account for potential project slippages. The **icons in red** detail some of the key milestones which were not met to expected timescales and the **purple icons** show where these had slipped to in the project timeline.

## 6. Review of Risk Management and Assurance prior to Implementation

### Key Observations

- Prior to the SEND Transport failure in February 2022, there were no risks recorded in the JCAD risk register relating to the SEND Transport re-tendering and service allocation process, within CYPE, GET or Corporately.
- The risks that have been subsequently added to the JCAD risk register are not sufficient.
- Risks relating to the SEND Transport re-tendering have not been discussed at Management team meetings in detail. Where risk was discussed, the focus was on finance and achievement of budget savings.
- There is no evidence of a significant risk assessment being completed with regards to the impact of the SEND transport changes prior to the re-tendering exercise.
- No communications have been identified to support the escalation of risks regarding the impact of the project.
- The assurance statements from the GET and CYPE Directorates for the 2021-22 Annual Governance Statement (AGS) do not include any reference to SEND transport risks.
- Briefings to members and committees regarding the project did not include reference to risk management.

### Lessons Learnt

- Risk Registers within both CYPE & GET should be updated to include more specific risks with regards to the provision of SEND transport with a more dynamic assessment of risk for projects such as this. Consideration should be given to the full range of risks, such as: the restricted SEND transport market and increased demand, service failure and the impact on children and families, workload of officers and their wellbeing when undertaking significant additional work with tight timescales and budget/ cost pressures.
- Where appropriate, the SEND Transport risks should be escalated to the CYPE and GET Directorate risk registers and potentially to the Corporate Risk Register.
- As a cross-directorate process, the risks raised and actions taken to address them should be co-ordinated, with a link between the risk registers for CYPE and GET.
- The AGS for 2021-22 should reflect SEND Transport re-tendering.

### Conclusion

There has been a failure of Risk Management and a general lack of awareness of risk has been noted from the Officer and Member interviews undertaken during this review. In addition, the AGS submissions for 2021-22 did not reflect SEND Transport re-tendering.

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

### Key Observations

- Contact details of parents/carers were not up to date, and this resulted in limited or delayed communication with them.
- Social media platforms captured key communication themes.
- Client Transport sent a range of emails to parents/carers providing generic information about changes to SEND transport.
- A YouTube Q&A video (8<sup>th</sup> February 2022) was produced, with PACT asking questions on behalf of parents /carers.
- There was no mention of a considerable number of pupils without transport on the emails sent by Client Transport or the video.
- Kent PACT knew that the SEND transport service was not ready before CYPE did.
- Support from the Marketing and Resident Experience team, who later advised on engagement and how to address concerns, was not sought at an early stage of the project.
- High volumes of SEND Transport emails were received with the vast majority going into the Client Transport Inbox, which was managed by minimal staff and no contingency arrangements, resulting in emails not being dealt with in a timely manner. In addition, parents/carers phoning KCC could not get through and receive adequate responses in a timely manner. This position was compounded by the same Client Transport staff also having to deal with transport tenders to be concluded.
- Devolved complaints management meant that Client Transport should have dealt with all complaints, however they came through a number of channels leading to disorder and confusion.
- The Marketing & Resident Experience Team offer to assist with enquiries and complaint management, (as did the CYPE Directorate), however such offers were initially rejected. Once they were involved, the enquiries and complaints were triaged to

### Lessons Learnt

- Data cleansing of contact details of parents/carers should be performed.
- Parent / Carer feedback should be used to inform management actions.
- The Marketing & Resident Experience Team must be deployed from the early stages of such projects to assist with communications and enquiries and complaints management.
- Customer phone and email management processes be reviewed and revised to ensure that customer contact is responded to in a timely manner.
- There should be consideration of centralised complaints handling and management and ensure that any complaints received from other channels are re-directed to the central complaints team.

### Conclusion

Generic emails and the Q&A video with Kent PACT were used to communicate the changes to SEND transport to parents/carers, however this effectively delivered false assurance to parents and carers in relation to forthcoming travel changes.

The Client Transport and Eligibility teams did not hold up-to-date contact details, and this had an adverse impact on communications.

Parents/carers did not receive timely responses from telephone enquiries.

SEND transport emails (enquiries and complaints) went into the Client Transport Inbox with insufficient staff to respond to them. In addition, complaints came through several channels, and this further compounded the position.

prioritise according to importance and urgency, and responses were written empathetically.

Once it was clear that the existing team could not address all issues, the Marketing & Resident Experience Team assisted with enquiries and complaints. This had a positive impact.

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

### Key Observations

- Roles and responsibilities within GET in relation to the SEND Transport re-tendering exercise were not clearly defined.
- There was limited information reported to the newly appointed GET Cabinet Member following the May 2021 elections.
- There was no formal decision made or EQIA completed by GET in relation to the procurement of TSO, or the SEND Transport re-tendering exercise. Assumptions were made that this had been covered by CYPE and verification checks not completed.
- The Transport Information Forms submitted to GET are not always complete / accurate, which can lead to delays.
- The Client Transport Team was not sufficiently resourced or managed to deliver the SEND Transport re-tendering exercise, within the specified timeline, alongside business-as-usual activities, and concerns raised about resources capacity and well-being during the exercise were not heeded.
- The success of delivering the re-tendering exercise was reliant on a small number of officers and the Client Transport Team working excessive hours for a prolonged period of time.
- There was no formal project management in place over the SEND Transport re-tendering exercise, which led to gaps in the tracking, monitoring and reporting of re-tendering exercise.
- There is no evidence that updates on the Transport re-tendering exercise were being formally reported to Senior Management and Cabinet Member.
- There were no project risk management arrangements in place over the SEND Transport re-tendering exercise, which meant key risks and emerging risks were not identified, assessed and mitigated. (Please Cross-Reference to Section 5).

### Lessons Learnt

- Improved clarity on roles and responsibilities within GET on future SEND Transport re-tendering exercises.
- GET Directorate to work more collaboratively / closer with CYPE Directorate on future SEND Transport re-tendering exercises.
- Future re-tendering exercises to follow formal project management and risk management methodology and to be completed in accordance with the Council's Constitution.
- Future SEND Transport re-tendering exercises to be subject of more robust monitoring, tracking, reporting and escalation.
- Future SEND Transport re-tendering exercises to be resourced appropriately, taking into account well-being, resource gaps, working hours and business-as-usual workload.
- The findings of the original February 2021 Continuous Improvement review should be revisited and actioned as needed.
- IT systems inefficiencies to be identified and resolved.

### Conclusion

The governance, project management, risk management and resource management arrangements in place within GET in relation to the SEND Transport re-tendering exercise proved ineffective, which contributed to home to school transport not being provided by the agreed date.

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

### Key Observations

- There was no reliable and regular performance monitoring information by CYPE as commissioner to review the position of the SEND Transport re-tendering.
- Lack of co-production between the SEND Team and the Eligibility Team. (Please refer to Section 2).
- CYPE staff interviewed were not aware that there were issues with the re-tendering process until February 2022. Members and staff felt misled by officers in GET.
- CYPE budget holders felt that they had no control over the budgets for which they were responsible.
- Lack of engagement at all levels with CYPE on the redesign of SEND transport services e.g., Cabinet Committee, CMT and DMT despite this directly impacting on ability to deliver statutory responsibilities.
- No collaborative decision making; CYPE were informed of the decisions made by GET and Finance despite the statutory responsibility for the provision of education lying with CYPE.
- The needs of individual children are at the heart of the process and demonstrated by personalised EHCPs.
- Provision of informal Member updates resulting in an inability to demonstrate that Members have been sufficiently briefed on ongoing projects.
- Despite being responsible for planning, managing, review of strategic development and operation of school transport and having responsibility for mainstream & SEND transport budgets, the role of the Head of Fair Access has no dotted reporting line with GET.
- Internal Audit were informed that senior management within CYPE requested a delay to the re-tendering process due to concerns that this would not be delivered, this request was not actioned due to budget pressures.

### Lessons Learnt

- The CYPE Directorate have not sufficiently exercised contract management with the GET Directorate in relation to the provision of SEND Transport.
- There was a lack of ownership of the SEND Transport re-tendering from the Directorate with statutory responsibilities.
- A more effective collaborative approach of working between Directorates in the Council needs to be embraced and the removal of silo working.
- The co-production principles which the Directorate have signed up to were not followed.

### Conclusion

The CYPE Directorate did not exercise sufficient management and oversight of the SEND Transport re-tendering as would be expected with their statutory responsibilities.

- CYPE were not actively involved in the communication with parents and carers. (Please refer to Section 7)
- Risk identification and mitigation processes fell short of expectations (Please refer to Section 6)

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

### Key Observations

- There was no effective shared governance between the two Directorates with accountabilities and responsibilities not being sufficiently clear and requiring clarity.
- Communications between the two Directorates on SEND Transport are based upon informal arrangements, which are not fit for purpose.
- There is no Service Level Agreement (SLA) between the CYPE and GET Directorates in relation to the provision of SEND Transport.
- The communication of transport requirements between the two Directorates requires improvement in order to improve planning efficiency.

### Lessons Learnt

- Recognition of cross-directorate projects via the performance of an impact assessment at the early planning stages.
- A formal SLA between CYPE and GET, must be introduced including meaningful performance measures, which are subject to contract monitoring arrangements and robust escalation procedures where needed.
- Officer and Member accountability, roles and responsibilities on SEND Transport and future re-tendering exercises to be clearly defined.
- To improve and formalise the communication between CYPE, GET and key stakeholders.
- Future SEND Transport re-tendering exercises to be managed as a cross-directorate initiative and in accordance with the Council's Constitution and project management methodology.
- To review communication of transport requirements between CYPE and GET, including the transport information forms and the transition from year 6 to year 7.
- For CYPE and GET to operate collaboratively in order to deliver the Council's statutory duty for SEND Transport.

### Conclusion

The cross-directorate governance arrangements in place in relation to the HTST service and HTST retendering exercise have been inadequate. This resulted in service delivery failings. Significant improvement is needed to ensure there is greater unity between the Directorates, to enable more effective service delivery in the future.

## 11. Review Effectiveness of Short Term Remedial Action from February 2022

### Key Observations

- There was a lack of progress monitoring throughout the re-tendering of transport routes. It was, therefore, not clear how many children without transport was outstanding and Management Information at a student level was not available after the proposed go live dates of the contracts to manage the situation.
- Since February 2022, the Growth Environment and Transport (GET) Project Management Office has been utilised and there is also regularly Sitreps in place.
- The numbers of children with transport outstanding in February 2022 was not as high as some parties indicated.
- The majority of the delays for students awaiting allocation of transport were remedied within three weeks.
- Where individuals had specific requirements such as single occupancy, this was found to align with the new allocated transport arrangements.
- A scheme to reimburse parents was put in place promptly and advertised on the website.
- The scheme allowed timely payment of claims to parents and was processed outside the Client Transport team to allow them to focus on the allocation of transport to students.
- There were 167 reimbursements made to 139 claimants. The total value of claims was £36,604.
- Payments were authorised by Client Transport in a timely manner and regular payment runs were made to claimants.

### Lessons Learnt

- There was no student level monitoring of progress towards achieving the re-procuring of home to school transport, leading to poor oversight and scrutiny.
- After the delays in the re-procurement of Home to School Transport were realised, there was still a lack of insightful management information to either quantify the magnitude of the issue or to assist in managing its resolution.

### Conclusion

There was no regular monitoring of progress for the procurement of SEND Home to School Transport, either during or immediately after the proposed implementation date, 14<sup>th</sup> February 2022. This meant there was no escalation of delays and then no accurate information on the number of those students left without transport immediately after the implementation date.

The Client Transport Team worked long hours to resolve outstanding issues and the majority of delays were rectified within 3 weeks, and there are now regular SitReps in place to monitor students requiring transport.

Ultimately, officers from several sections of the Council were required to respond to the remedial actions required by the Council.

The reimbursement scheme set up to recompense parents for travel costs was set up promptly and adequately managed.

## Appendix B – Glossary of Terms and Abbreviations

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**Annual Governance Statement (AGS)** – The purpose of the AGS is for an authority to report publicly on its arrangements for ensuring its business is conducted in accordance with the law, regulations and proper practices and that public money is safeguarded and properly accounted for. The AGS provides an overview of how the Council’s governance operated.

**Business Case** – Provides justification for undertaking a project, programme or portfolio. It evaluates the benefit, cost and risk of alternative options and provides a rationale for the preferred solution.

**Client Transport & Eligibility Team** - assess the eligibility for children with an Education, Health and Care Plan (EHCP) for transport assistance based on the defined criteria.

**CMT** - Corporate Management Team.

**Commissioning Principles** - Commissioning to get the best possible services that deliver value for money. If the principles are embedded, these could yield efficiency gains and community benefits, through smarter, more effective and innovative commissioning, and optimal involvement of third sector organisations in public service design, improvement, delivery and holding the local government to account. This should result in better public outcomes for individuals and communities.

**Constitution** – Sets out how the Council conducts its business, including who is responsible for making decisions and how decisions are made, procedural matters (set out in the ‘standing orders’), the role of officers and standards & ethical governance.

**Co-Production** – Co-production is defined by KCC as follows – *“Everyone, including young people, coming together from the start; to work collaboratively as equal partners, communicating and listening in a respectful manner; to achieve the best possible outcome for everybody”*.

**Corporate Statutory Officers** - Chief Executive (Head of Paid Service), General Counsel and the s151 Officer (Corporate Director of Finance).

**CYPE** – Children, Young People & Education Directorate.

**Data Protection Impact Assessment (DPIA)** - A Data Protection Impact Assessment (DPIA) is a process to help identify and minimise the data protection risks of a project.

**Data Protection Officer (DPO)** - The primary role of the data protection officer (DPO) is to ensure that the organisation processes the personal data of its staff, customers, providers or any other individuals (also referred to as data subjects) in compliance with the applicable data protection rules.

**DMT** - Directorate Management Team.

**Dynamic Purchasing System** – A dynamic purchasing system (DPS), is an electronic method of procurement, used for the supply of goods and/or services. It is different to traditional procurement routes as it operates an ‘open market’ for suppliers to join either constantly or very frequently.

**Dynamic Risk Assessment (DRA)** - The process of continually observing and analysing risks and hazards in real-time in a changing or high-risk environment. This is done while completing a task, so you can continue to carry out duties safely. This allows to quickly identify new risks before they can do any harm and remove them.

**EHCP** – Enhanced Care Plan.

**Equality Impact Assessment (EqIA)** - An Equality Impact Assessment (EqIA) is a tool that helps us to place equality, diversity, cohesion and integration at the heart of everything we do and make sure our strategies, policies, services and functions do what they are intended to do and for everybody. Carrying out an EqIA involves assessing the likely (or actual) effects of policies on people in respect of protected equality characteristics including age, disability, race and sexual orientation.

**Finance Business Partner** – Finance Business Partners are accountants who work very closely with the business to help it make key financial decisions. They discuss historical results as well as future projections. Key strategies are also discussed, as these all impact on the financial results. Finance business partners will often be embedded within specific business units to create active partnerships that provide real-time support and analysis. This makes them trusted advisers focused on adding value to businesses.

**GET** – Growth, Environment & Transportation Directorate.

**GET Project Management Office (PMO)** - department that defines, maintains and ensures project management standards within the GET Directorate.

**HTST** – Home to School Transport.

**Improve Phase Report** - Focuses on developing ideas on how to remove sources of variation in the process. This phase deals with testing and standardising potential solutions. The idea at this point is to understand what is really occurring in the process and not what is perceived to be the root cause(s) of any variation. Once you have identified specific inputs that affect the outputs, you can start to develop a strategy on how to control the process.

**Internal Audit** – provision of independent assurance that an organisation’s risk management, governance and internal control processes are operating effectively.

**JCAD** – Electronic risk register used by KCC to monitor risks.

**KCC Standard Procurement Plan** - also known as a procurement management plan, is a document that is used to direct the process of selecting and finding a supplier. It justifies the necessity for an external supplier and describes how the process of finding a supplier will be undertaken.

**Kent PACT** – Kent Parents & Carers Together Kent PACT is a parent carer forum set up for parents of children and young adults with disabilities and additional needs.

**Key Decisions** – A key decision is defined as: A decision which is likely to result in significant expenditure or savings, or a decision which is likely to be significant in terms of its effects on communities living or working in two or more wards.

**Marketing & Resident Experience Team** - The core purpose is to ensure that; KCC's reputation is protected, enhanced and promoted and that the customer experience is championed, enhanced and protected across all contact channels. Working with services to help design and improve the customer and user experience, the team anticipates and responds to the needs of services, residents and other stakeholders.

**Members** – Elected councillors.

**Officers** – Member of staff employed by the Council.

**Project Board** - The main role of the project board is to direct the project in line with the corporate project mandate. The project board is therefore ultimately responsible for a project’s success (or failure). The board’s responsibilities evolve through the lifetime of the project, but chief among them is to ensure communication channels between the project management team and external stakeholders (e.g., corporate management) are working as they should.

**Risk Identification** - The purpose of risk identification is to reveal what, where, when, why, and how something could affect a company's ability to operate.

**Risk Mitigation** – A strategy to prepare for and lessen the effects of threats faced by a business. Comparable to risk reduction, risk mitigation takes steps to reduce the negative effects of threats and disasters on business continuity (BC). Threats that might put a business at risk include cyberattacks, weather events and other causes of physical or virtual damage. Risk mitigation is one element of risk management.

**Root Cause Analysis (RCA)** - A popular and often-used technique that helps people answer the question of why the problem occurred in the first place. It seeks to identify the origin of a problem using a specific set of steps.

**S151** – Section 151 Officer - Section 151 Officer. An officer appointed under section 151 of the Local Government Act 1972 which requires every local authority to appoint a suitably qualified officer responsible for the proper administration of its affairs.

**Second Line of Defence** - The second line of defence (functions that oversee or who specialise in compliance or the management of risk) provides the policies, frameworks, tools, techniques and support to enable risk and compliance to be managed in the first line, conducts monitoring to judge how effectively they are doing it and helps ensure consistency.

**SEND** – Special Educational Needs & Disabilities.

**Service Level Agreement (SLA)** – A service level agreement (SLA) is a contract between a service provider and a customer, defining the types and standards of services to be offered.

**Shareability** – Children sharing a vehicle with other children.

**SITREP** – Daily situation report.

**Stakeholders** - Stakeholders in local government are normally considered to be the residents of the local government area but can also include residents' associations, sports clubs and community associations, such as Scouts and Community Gardens groups, who use the grounds and facilities in the local government area.

**Statutory Duty** Local authorities are bound by statute. Their functions are set out in numerous Acts of Parliament and many of these functions have associated legal duties.

**Strategic Commissioning** – the Division responsible for strengthening commissioning capability, and leading and shaping commissioning activity for the Council. The Division works closely with Directorates to provide specialist professional services for all phases of the commissioning cycle and provide strong capability across the key functions of commercial leadership and judgement, and evidence-based decision making.

**TSO** – Travel Service Optimisation.