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To: Governance and Audit Committee – 1st February 2024

Subject: Management response on actions undertaken since the SEND Transport Lessons Learnt Review

Classification: Unrestricted

1. Introduction

- a) The SEND Transport Lessons Learnt Review was commissioned by the Corporate Statutory Officers (CSO's) - Chief Executive (Head of Paid Service when commissioned), General Counsel and the S.151 Officer - following 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.
- b) The SEND Transport Lessons Learnt Review Terms of Reference, which were much more wide-ranging than simply a focus on the actual incident, were published on 23rd March 2022. The objectives of the original lessons learnt review were:

“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/carers so lessons can be learnt to ensure that a similar situation does not reoccur.”

- c) The SEND Transport Lessons Learnt Review report was published during the Governance and Audit Committee on 29th September 2022.
- d) Since that meeting, there have been a number of reports from CYPE and GET Directorates providing updates on management action to address the areas of concern. Members of the Committee have also received updates through the

Annual Governance Statement as to how some of the governance changes and improvements suggested as lessons to be learned would be embedded.

- e) At the last meeting of this Committee, Members received an update in relation to the follow up by Internal Audit colleagues on the original review. Since the last meeting, further activity has been delivered and the final version of the follow up report has been published by Internal Audit and agreed by the relevant Corporate Directors.
- f) Previous reports and discussions are not repeated here and accordingly, this paper sets out the broad range of activity that has been undertaken to embed the learning from the original report and to follow up the issues raised.

2. Update

- a) Both GET and CYPE as well as the corporate response through the Annual Governance Statement have recognised the importance of embedding the learning. Since the report was published, there has been a range of activity across the directorates and corporately to reflect on the improvements that could be made and to meaningfully deliver them.
- b) As the Internal Audit follow up recognised, some of the lessons learnt are still in progress but it has been established that there are improved arrangements in relation to resourcing, communication, collaborative working, reporting and oversight. This has enabled the SEND HTST service to return to business-as-usual, with good outcomes in terms of the provision of transport for September 2023.
- c) In relation to the impact on families and children, there has been a large amount of formalised activity to proactively communicate, engage and collaborate with key stakeholders in relation to SEND HTST. This includes a formal memorandum of understanding between KCC and Kent PACT. This will be an ongoing programme across all SEND programmes and the Council's commitment to co-production on SEND HTST with all key stakeholders has been set out in the 4-16 Home to School Transport Policy 2024-25.
- d) An impact assessment on school attendance was completed after the initial SEND HTST retendering incident. It has been recognised that all future projects will have an impact assessment (quantative and qualitative) to inform decision-making. Alongside this, monitoring and review of all new project plans is being undertaken to ensure appropriate EQIA (Equality Impact Assessment) and DPIA (Data Protection Impact Assessment) remain relevant and in place through the project. This approach has been embedded on more recent projects such as the Charging of 16+ HTST changes for 2024 and 4-16 Home to School Transport Policy 2024-25.
- e) There are now a wide range of mechanisms in place to monitor and track delivery of the SEND HTST service that weren't in place two years ago. During the follow-up review, further improvements were suggested to enhance

transparency on the fortnightly SitReps that have been introduced and increase transparency of tracking and monitoring of SEND HTST applications across both GET Client Transport and CYPE Transport Eligibility. Other improvements in relation to the way in which data is being shared and forms are completed will be implemented by the end of March 2024.

- f) Since the original SEND HTST review, it has been confirmed that the numbers of students impacted by the HTST retendering exercise was as follows:

Date	Number of students not on transport	Percentage of total students
Total number of students on HTST	5,455	
14 February 2022	1,390	25%
21 February 2022	300	5%
23 February 2022	170	3%
25 February 2022	100	2%

- g) The GET Client Transport Team are now fulfilling all HTST applications within 4 weeks of receipt. The number of students on hired transport has increased by 537 since February 2022. This review has not examined the increase in numbers in detail as this is within the scope of the Council's SEND Transformation Programme and Scrutiny's Home to School Transport Short Focused Inquiry. At the time of follow up there was one complaint in progress in relation to the SEND HTST service.
- h) In relation to project management, it has been accepted that all teams need to continue to strengthen capability and share project management expertise. It has been accepted that CYPE do not currently have dedicated project management resource, which it is also accepted presents a risk. However, that is mitigated through the fact that the main CYPE projects are part of the Strategic Reset Programme with embedded practices and resource.
- i) It was found that all officers interviewed during the follow up review demonstrated a good understanding of the Council's project management approach and awareness of and willingness to utilise available tools and resources outside of their directorate's project management arrangements.
- j) Since the original report, arrangements around information governance and DPIA have been strengthened in both directorates. A range of training has been available to support the strengthening both at Information Asset Owner and operational levels. Members of the Committee will be aware that a DPIA app has been developed since this project and which is now used by all directorates.
- k) The follow up review has confirmed that CYPE and GET have the resources and expertise to complete DPIA's, with evidence that DPIA's are completed on other

initiatives. Procurement for new route planning software is in progress and alongside reflecting other lessons learned, DPIA will be completed and kept updated throughout.

- l) One of the key lessons learned which was picked up in the follow up work by internal audit related to the need to continually assess risks for a project from outset to implementation. The follow up has concluded that there are strong risk management arrangements in place including the maintenance of a comprehensive risk register and regular review and reporting to key stakeholders. Both directorates are aware of the need to pull these practices into current and future projects and have worked hard to do so following the initial review.
- m) The recent follow up audit has picked up some improvements that could be made around the way in which directorates work together through the business planning process and these will be picked up through Corporate Management Team. The follow up did recognise there has been good progress between CYPE and GET to identify cross-directorate projects at the earliest interval.
- n) Some of the original findings related to the lack clarity and consensus regarding accountabilities and responsibilities. One key suggestion from Internal Audit was the need for the agreement of a formal Service Level Agreement or Memorandum of Understanding between GET and CYPE. The importance of this was impressed again at the November meeting of this Committee and we are able to confirm that the document that had been drafted and subject to discussion has now been agreed.
- o) A significant amount of work has been completed to agree and define officer and Member accountabilities, roles and responsibilities in relation to SEND HTST. Furthermore, a number of changes have occurred with key officer and Members involved in SEND HTST to provide more resource stability.
- p) Further to the above, Members of the Committee will be aware that the Annual Governance Statement in recent years has impressed the importance of the separation of powers through the concept of “stay in lane” to avoid confusion. Training has been delivered to Cabinet and a Member Development Sub-Committee of Selection and Member Services is developing a detailed programme of work on Member development which has now started delivery.
- q) Additionally, in response to the lessons learned, the Cabinet portfolio responsibilities as expressed in the Constitution were reviewed by the Leader to ensure clarity and political accountability.
- r) Communication between CYPE, GET and key stakeholders has vastly improved and it is intended that the introduction of the MoU will formalise these communication arrangements. The HTST Board provides an effective and formal setting for all SEND HTST issues to be discussed. However, Internal Audit have made further recommendations around ensuring actions are always captured and reviewed and both services and the Chair of the board will ensure this happens going forwards and test this again in April 2024.

- s) A decision has been made not to complete a whole market SEND HTST retendering exercise again in the future. An agreed retendering strategy has been published as part of the as part of the 4-16 Home to School Transport Policy 2024-25.
- t) The follow up has found that CYPE and GET are working effectively together in collaboration to deliver the Council's statutory duty in respect of SEND HTST. This is evidenced by the monthly HTST Monitoring Board meetings, fortnightly in-office working between GET Client Transport and CYPE Transport Eligibility to coordinate current bookings, SitReps and monthly client liaison meetings between GET & CYPE. It is recognised that the introduction of the MoU will formalise this collaboration.
- u) As part of the follow up, there are a number of further management actions that have been agreed and are being delivered over the coming months.
- v) Members of the Committee have seen through the Annual Governance Statement a range of actions identified and now being delivered that are improvements built on the lessons learned report. Members have the current Annual Governance Statement on the agenda and will be tracking the conclusion of those actions at the March and June meetings of the Committee.
- w) Changes where necessary to the Council's written governance have taken place and programmes of training and explanatory notes have taken place but across the Council, as the current AGS notes, for all Members and Officers a greater focus on compliance with those written rules is needed. All of the changes and all of the transformation still need a compliance mindset if they are to be successful.
- x) Importantly, both GET and CYPE have volunteered to be key partners in the piloting and delivery of some of the governance transformation activity in the coming months.
- y) Colleagues in GET will be the pilot for the new decision-making tool that will streamline the way in which decisions are taken and tracked providing greater transparency for Corporate Management Team and Cabinet Members across portfolios and directorates on the journey through decision-making.
- z) CYPE will be working with Governance, Law and Democracy to look at different ways of providing early advice on governance issues within and to the directorate alongside a review of how the work of the directorate feeds into the Cabinet Committee outside formal decision-making.

3. Conclusions

- a) There has been significant work completed in response to the lessons learned report and the experience of families, both within the directorates and across the organisation. It is recognised that there is work still to do and actions will

continue to be delivered and tracked. Members will be aware of the dynamic nature of the services and the subsequent actions taken in relation to SEND services but can be assured that the Corporate Directors remain committed to ensuring that improvements are made.

- b) Colleagues in internal audit and across the services who have worked hard in developing and responding to the lessons learned and delivering services in this area are thanked for their considerable commitment and for the improvements that have and are being made to services.

- c) Given the Committee's previous involvement and to provide assurances about the service and the effective management of risk, it is recommended that an annual report is provided including a data analysis and commentary on the risk assessment and management of SEND Home to School Transport, with a section contributed by PACT including parental/carers views.

4. Recommendations

The Governance and Audit Committee is asked to:

- a) NOTE the update provided

- b) AGREE that the Committee will receive an annual report for assurance including data analysis and commentary on the risk assessment and management of SEND Home to School Transport, with a section contributed by PACT including parental/carers views.

5. Report Author and Relevant Director

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