



London Borough of Hammersmith & Fulham

Children and Education Policy and Accountability Committee Minutes

Tuesday 8 July 2014

PRESENT

Committee members: Councillors Caroline Needham (Chair), Alan De'Ath, Caroline Ffiske and Natalia Perez Shepherd

Co-opted members: Eleanor Allen (London Diocesan Board for Schools), Philippa O'Driscoll (Westminster Diocesan Education Service Representative) and Nadia Taylor (Parent Governor Representative)

Other Councillors: Ben Coleman, Sue Fennimore, Sue Macmillan, PJ Murphy and Stephen Cowan

Officers: Laura Campbell (Committee Co-ordinator), Andrew Christie (Executive Director of Children's Services), Alison Farmer (Tri Borough Assistant Director for Special Educational Needs), Ian Heggs (Tri Borough Director of Schools Commissioning), Dave McNamara (Director of Finance and Resources), Steve Miley (Director of Family Services), Ros Morris (Head of Commissioning for Specialist Intervention and Quality Assurance), Mike Potter (Head of Commissioning (Early Intervention), Steve Thompson (Head of Transport Commissioning Team)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Donald Johnson. Apologies for lateness were received from Nadia Taylor, Parent Governor Representative.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MEMBERSHIP AND TERMS OF REFERENCE

RESOLVED THAT:

The membership and terms of reference of the Committee was noted.

4. APPOINTMENT OF VICE CHAIR

RESOLVED THAT:

Councillor Caroline Ffiske be appointed Vice Chair of the Committee for the 2014/2015 municipal year.

5. PASSENGER TRANSPORT SERVICE

The Chair welcomed the number of parents and representatives who had attended the meeting to give their views and experiences in relation to the passenger transport contract.

Ros Morris, Head of Commissioning for Specialist Intervention and Quality Assurance, introduced the report which provided the Committee with information about the Borough's passenger transport service, gave an update regarding the mobilisation of the contracts and the implementation of the new service, reported on the actions being taken forward and provided an overview of the lessons learnt so far. There were a number of areas that had not gone well which were highlighted on page 17 of the report. It had been decided that the Council would organise training for the escorts and drivers and provide a schedule of training for the providers. It had also been agreed that drivers would now have an official phone on the buses so that there could be direct contact with the drivers.

There had been concern relating to lateness of individual taxis. Following work having been undertaken, a follow-up audit had been done on 2 July and it was found only 5% were outside of the timeframe of the target so there had been an improvement but this would be still kept under review. Measures had been taken to improve the arrangements relating to the after school clubs and provision. Lists were provided earlier in the day by the schools to the transport operators so they knew what equipment was needed on the buses.

Twenty complaints (in relation to LBHF children) had been raised relating to the passenger transport due to lateness, not having the correct equipment and length of the journeys. All of the enquiries were looked into and responded to. There were now three current complaints. These matters were able to be resolved and not gone on to be a formal corporate complaint.

Since the start of the contract 25% of spot checks had taken place on drivers and escorts and the road worthiness of vehicles checked.

The Chair welcomed questioned from Members of the Committee and the following points were raised:

Consultants

In response to a question, the Committee was told that different consultants were used at different stages of the process; such as one set of consultants were used with supporting the procurement and drawing up the contract, another firm used to set up the mobilisation and then another firm was used for their expertise and to put the arrangements in place. One of the lessons

learnt was that insufficient work was done to engage with the market and it was realised that robust arrangements were not in place in terms of the transitions team so the Council turned to consultants at that stage to help with capacity.

Transition

A member of the public reported that they had asked for a working party to be set up so there was a smooth transition but this was not taken up and he noted that the union notification was timed during the holidays so they were unavailable for comments. Andrew Christie responded that discussions took place with the unions and that the whole process took 18 months so it was not rushed through. It was decided at the time that it would be best to make the transition during the Easter break when schools were on holiday for 2 weeks as it gave time to work with the old and new contractors.

The Contract

It was asked whether officers thought the areas of concern had been addressed and there had been an improvement in the service. It was also asked if officers were satisfied in the service provided. Andrew Christie responded that not all areas of concern had so far improved sufficiently but there had been improvements, such as work had been done on lateness of transport and schools were reporting that the transport was now on time. He was not satisfied with the service provision and this was still being worked on. In response to a question on why the issue of lateness was only being addressed now, it was noted that this issue had been addressed throughout. The performance of the service in the first 2 weeks of going live was problematic but data was now showing that the vast majority of transport were arriving within the timeframe. It was acknowledged that in the London area there could be delays and this would be scheduled into the timeframe. Over 95% of the transport were arriving on time and majority were arriving early.

It was questioned whether the contract specified the same standard of care as the old contract or were the problems relating to the delivery of the contract. Ros Morris responded that there had not been a contract in H&F previously; the specification that had been used in RBKC had been reviewed at the time of letting and there was now a clear set of specifications.

The Chair then welcomed members of the public to present their views and the Committee heard the following comments:

Parents/Carers/Parents Representatives

A parent whose daughter had severe cerebral palsy, reported that they had 3 escorts so far; the first had complained of back problems and the current escort's English was not up to standard so that a teacher had to bring her daughter home when she was not well as this could not be communicated to the escort. She also noted that the 15 minute bus journey took an hour, as her daughter was dropped off last despite going past her home on the way. The company also put all wheelchair users on one bus instead of grouping journeys by the child's home location, which the parent felt was more

dangerous having all wheelchair users on one bus in case there was an emergency.

Another parent referred to the different drivers her son had; he was used to the same driver and when one did not turn up he was anxious. As the previous driver no longer got paid to do the after school run, she had to take her son out of the club as she was not confident for her son to go with the other drivers. The 2 hours a week when her son was at the after school club meant that her daughter was able to have a friend visit, as her son did not like other people around, so this had now impacted on her daughter as well. She stated that safety was paramount and that by having the same driver meant they knew what they were doing and understood the children's needs.

Nandini Ganesh, from Parentsactive, spoke about cases reported to her, which included drivers calling at a house early despite being asked not to as it made it difficult for the parent to get the child ready as they then wanted to get on the bus. There was another incident where a taxi was half an hour late for an appointment which made the child miss their appointment. Another incident involved 3 different buses and 3 different drivers for a child which resulted in the husband who had medical issues having to take the child to school himself.

The CEO of Playassociation H&F spoke about his service which sat outside the contract. As he foresaw problems with the changes, he met with HAT, told them of the needs of his service and brokered for his escorts to be on the buses as they knew the children and routes. He commented that it was vital that those officers commissioning the contract should undertake the training so they knew what was involved and asked that this be taken back to officers as there was a gap in their learning.

Headteachers/School Representatives

Fiona Mylchreest, the Acting Chair of Governors of Queensmill School (a provision for children and young people with autism) spoke about the experiences relating to the school and of her own personal experience relating to her son. The school had worked closely with Andrew Christie and Alison Farmer, Tri Borough Assistant Director for Special Education Needs. She had a huge file of complaints from parents and worked hard to resolve them. A meeting was held with Alison Farmer and Steve Thompson, Head of Transport Commissioning Team, where 3 targets were discussed; safeguarding, lateness of buses and routes for new journeys as the school was moving location in September. There had still been some calls relating to lateness and although there had been some progress with buses being equipped with harnesses, last week there had been an incident where a bus arrived without a harness and without knowing where it had to go.

She referred to a case of a child who liked to climb, was let out of the bus to go to his house by himself and got so upset by this that he hurt himself. Another incident referred to was relating to a child and his escort found wandering around the housing estate not knowing where to go. Another child had been told by a member of staff on the bus that he was not wanted on the

bus because he had behaved badly, but the child only wanted to sit by the window.

Fiona Mylchreest then told the committee about the experiences of her son, where 4 weeks ago he had been taken to the wrong address despite giving the correct address. This happened again the previous night, where the driver went to different addresses and finally arrived at her home asking if she knew the child. Her son was on the bus distressed and bleeding as he hits his head when upset. After bringing her son into their home, he suffered a massive seizure and an ambulance had to be called. Her son had not suffered from seizures before and she felt it was brought on by the panic he had experienced from the ordeal of being taken to different addresses.

Andrew Christie commented that this was a shocking incident and he had set up an enquiry into this and would report back to the Cabinet Member for Children and Education to be clear what went wrong. He noted that wider issues involved included safeguarding training and it was agreed more work was needed on this. More work was needed to understand the details of individual children and to look at what further enquiries would need to be made.

Jude Ragan, Headteacher of Queensmill, commented that you could only expect the best of staff if you trained and supported them and gave them the remuneration to do their job. She noted that HATS had sent staff on the training who were thoughtful and responsive but they had then left as they did not get the pay as stated. The incidents involving these vulnerable children were serious and would end up in a tragedy. The staff were working with highly vulnerable children and needed to have training and be retained, so they had the knowledge about the children and knew where they lived. Jude Ragan stated that the transport timetable needed to be reviewed regularly. Andrew Christie observed that when it was mentioned that staff needed training, they did not blame the staff for any short comings. Many of the staff were very loyal and capable and experienced. There was always the case of staff turnover and always the need to offer refresher training. The contractor needs to be held to account and appropriate action taken if the contractor could not deliver.

Councillor Sue Macmillan, Cabinet Member for Children and Education, reported that there had been a lot of concerns raised in the run up to the elections in respect of the contract and an emergency meeting was held on 11 June to review the service with Andrew Christie and the Chief Executive, and officers were asked to look at the provision. An urgent review has been asked for. Due to contractual reasons, Councillor Macmillan could not say anything further to prejudice any action to be taken, but she assured that the Council's priority was for these children and for a high standard of care.

The Leader of the Council, Councillor Stephen Cowan, reiterated that the priority was to raise the game of SEN transport and what was happening now was not good enough. Parents and representatives had been asked to come along to this meeting to give evidence. He noted that the contract had been inherited from the previous administration and he intended to review the

contract and was very clear on what the service outcomes were; the priority was to make sure the children were properly looked after.

Michele Rooney, Chair of Governors of Jack Tizard School, reported that 4 weeks into the implementation, the governing body made the decision to meet with officers and headteacher to discuss the issues. A meeting was held on 19 May with Steve Thompson. She noted that she had sent a formal complaint to Andrew Christie about the provision. The school had submitted its concerns with ongoing issues which related to health and safety, inappropriate harnesses, length of the journeys, poor communication of routes with drivers and not having the correct information relating to the children in order to transport them. She also noted the following concerns:

- whether DBS checks were in place due to the frequent changes of staff.
- she had witnessed some improper care of some pupils
- absence of proper identification in cases
- senior management staff at the school having to spend a large amount of time each day on these issues.
- if children did not come into school in a fit state then they were not in a fit state to learn
- the school had offered training but not all transport staff attended
- there were concerns about escorts/drivers being able to manage with an emergency on route. Some drivers spoke limited English and there was concern that there may be issues where they would not be able to explain a situation.
- many parents did not speak English as their first language and were not confident to go to the provider to express concerns so they contacted the school to manage this for them. The school had to contact the company every day.
- she noted that the same issues the children were experiencing would also be experienced by vulnerable adults who used the service. Some older people who also used the service did not have people to speak up for them.
- new staff were entrusted with a huge responsibility and if they were not equipped with the correct support then that was a problem. She commented that the Council should be assured that every element of the contract was complied with before the drivers went out.

Cathy Welsh, Headteacher of Jack Tizard, noted that the school was for pupils with very complex needs, many pupils were non-verbal so the drivers and parents had to be advocates for them as they did not have a voice. The school had concerns for the past 11 weeks in particular with one contractor, IHS, where she felt they delivered a service without showing an insight to the children. There had been incidents relating to pupils overheating on buses and pupils being inappropriately spoken to. Cathy Welsh referred to the previous comments about levels of English spoken by some drivers and the ability to be able to deal with an emergency which involved children with life limiting conditions, which was a huge concern for her. She noted that if she struggled to contact the contractor then parents would also. She also referred to a case where a child who had to travel 2 hours there and back to school. There was a whole catalogue of incidents and the school had concerns with several providers. Cathy Welsh stated that parental confidence was critical.

Escorts/drivers

One escort commented that the transport to the after school clubs used to run smoothly before the new contract. Her staffing contract had been transferred over to the new providers and since then her hours and pay had been reduced, therefore not fulfilling the TUPE arrangements. Due to the reduction in hours of the previous staff, new staff were then assigned to after school clubs and school runs, who did not know the children or their needs.

A previous contract manager spoke about setting up this service many years ago and had set up for CRB checks, drivers and Council licences etc. He referred to the drivers in attendance at the meeting who he had worked with, and noted that working conditions were not up to standard, such as having no toilet facilities at the depot. He expressed concern with the management of the company and questioned who was doing the CRB checks on the new staff. He noted that when the previous drivers were transferred over they were told they would be kept together as it was important for continuity for the children, but within a week IHS had broken up the escorts, some of which had been with some children for 16 years.

A driver who worked with elderly people, expressed concerns over the services. He commented on length of journeys of older people being on buses, especially as they needed to use facilities frequently. He noted that he had to work on a basic wage which was previously supplemented by overtime but this had now been taken away.

An officer for Unite Union spoke about staff being disrupted at work, and this was all due to costs. Some staff had not been paid and some had been moved to areas outside of the borough. He questioned what vetting had been done before the companies were awarded the contract.

Another driver reported that parents were given leaflets saying drivers would not change but this did happen. She remarked that drivers were not given inductions and contact telephone numbers for management. She also commented that the staff were all up to standard in terms of training. Due to the company not paying correctly her hours of service had been reduced by a quarter.

In response to a question on how much was saved a year by this new contract, Ian Heggs reported that H&F saved £0.5m a year which was shared between adults services and children's services.

Andrew Christie responded that in relation to background checks of staff, this was summarised in paragraph 4.9 of the report. Safeguarding checks, financial check and references were taken up. Every time a spot check was undertaken it included an examination of vehicle documentation, a cross check on the staff ID and checked that they had DBS. Spot checks would continue to run.

In respect of the comments relating to language capability, action had been taken with the contractor and new arrangements were now in place in the recruitment and selection process for staff. Andrew Christie noted that it was still clear that there were a lot of issues as raised this evening and details would be needed where there were short comings. Officers would meet with all contractors to discuss the issues and there were expectations and standards that officers would expect to be met.

Councillor Stephen Cowan, stressed that this issue was a high profile for the Council and he was grateful for those who had submitted their concerns relating to the service. He was pleased to see Councillor Ben Coleman and Councillor PJ Murphy in attendance who were the Chairs of two other Policy and Accountability Committees who were interested in the issue.

Councillor Cowan reported that the Council was taking action on this and a working party would be set up to take these issues forward, which would involve parents, teachers and professionals and would look at how to ensure that there would not be a disconnection as the current situation. He commented that in the short term this service was not good enough.

The Chair thanked all those for attending and for their valuable contribution. She commented that if any members of the public present or who were unable to attend the meeting wanted to submit their comments and experiences, to send it to the Committee Co-ordinator, contact details were on the front of the agenda, who would send it on as part of the evidence on the reviewing of this service.

RESOLVED THAT:

The comments made at the meeting and responses received following the meeting to be gathered as part of evidence of the review of the service.

6. PUBLIC PARTICIPATION

The Chair welcomed any questions from members of the public as part of the public participation agenda item.

In respect of the recent news that the Government had decided to withdraw funding for the new Fulham Boys School (FBS), a couple of parents of pupils who were due to attend the new school, thanked the Leader and Councillor Macmillan for their support in addressing this problem. It was reported that the Council would be meeting with Lord Nash and the Director of Free Schools the next day to discuss the future of FBS. The founder of FBS referred to a letter from the Director of Free School that had asked that the assurances of securing a permanent site was tangible and in writing, and she asked that this written assurance was produced for Wednesday's meeting so that the school could open in September. Councillor Ffiske proposed some recommendations that would show written support from Committee.

Another parent outlined their concerns of receiving the news that the FBS school would not be opening in September, when their child should be enjoying the last few weeks at their primary school. They had been sent alternative places at schools which included schools in other boroughs such as Camden and Southwark, which were some distance for a 10 year boy to travel to school every day. She asked that parents had some say in this decision and that a temporary site went ahead so that the school could open in September.

Councillor Macmillan was disappointed about the decision made by the Government. The Council had only received a letter on 2 July to notify that DfE had withdrawn support for the new school because of the lack of a permanent site. She reiterated the Council's commitment to FBS, noting that meetings had been held with the Leader, Headteacher and Vice Chair of Governors and also with Greg Hands MP. The Leader had also written to the Mayor of London to ask for alternative sites for the school; the Leader had suggested one possible site and it was noted that the GLA had also put forward one site. In respect of the issue of the extension of the lease at the temporary site at Gibbs Green, this was a decision for CAPCO, not the Council. However Councillor Macmillan noted that the DfE had said that the length of lease of the temporary site had no bearing on the decision.

The Leader commented that legislation was clear that free schools were not under the control of the local authority and that was why H&F had not been part of the process; it was down to the Secretary of State to find a site for the school. He understood the grief parents had faced and the need for a high quality secondary school in the borough, and that the Council and the school had come together to look at FBS' future. It was reported that there had been correspondence seeking clarification over the comments made that if the temporary site's lease could be extended to 3 years, then there could be influence that the DfE decision could be revoked. However solid information on this had not been provided.

Another parent thanked the Council for supporting FBS and appreciated what had been said. He hope that in the next 24 hours that a permanent site would be found. One of the FBS sponsors commented that a permanent site was critical. He noted that a key factor was also that suitable temporary accommodation for a sufficient length of time was secured.

The Leader reported that the Council would do the best it could and was ready to assist FBS. He commented that the DfE needed to be clear that the permanent site had been secured and suitable temporary accommodation for a length of time in place, but that the temporary site was not a factor in the decision. When he met with the DfE the following day he would ask the DfE to set out the current position. He noted that if it was beneficial to the decision that there be an extension to the lease of the temporary site, then he would add this to the list of negotiations to put to CAPCO when he met with them.

In respect of alternative school places, Ian Heggs commented that the Council had a duty to make sure parents knew the options and there were

alternative spare places for September in H&F and the Council was able to negotiate for places in RBKC also.

It was proposed and agreed by the members of the Committee, except from Councillor De'Ath, that the recommendations put forward be agreed subject to the amendment of recommendation 2 to include the words "on the basis that a permanent site can be secured".

RESOLVED THAT:

The Children and Education Policy and Accountability Committee

- (1) fully supports Fulham Boys School and its educational vision.
- (2) On the basis that a permanent site can be secured, fully supports Fulham Boys School in its effort to secure a longer lease (beyond two years) of the Gibbs Green school site, giving the school a workable timeframe to find a permanent site.
- (3) Will work to ensure that LBHF officers work cooperatively with Capital and Counties to understand and best manage planning and other permissions that might be required to enable the school to operate successfully on the site beyond two years.
- (4) Will work to ensure that councillors and officers of LBHF work cooperatively with FBS founders and other interested parties to find a permanent site for Fulham Boys School.

(The Chair proposed, and it was agreed by the Committee, that the guillotine be extended to 10.30pm).

7. EXECUTIVE DIRECTOR'S UPDATE

The Committee received an update report from the Executive Director.

In respect of the strategy and action plan for H&F Health and Wellbeing Board, as mentioned in paragraph 5.21 on page 30 of the report, it was asked that the review included supporting schools in respect of training for staff for mental health issues. It was mentioned that referrals to CAMHS could take 6 weeks whereas a referral via a GP was instant, so this could be speeded up with more training. Andrew Christie responded that officers were keen make sure there was improved access to services and this could be added to the review. Steve Miley noted that there had only been one meeting in respect of the review so the training of staff could be added to the terms of reference.

Councillor Fennimore requested that NEET figures be broken down by ethnicity and gender and sent to the Committee.

Action: Mike Potter

8. **SAFEGUARDING AND LOOKED AFTER CHILDREN PERFORMANCE INFORMATION REPORT ON ACTIVITY DURING 2013-14**

In response to questions relating to the child protection list and plan, it was reported that the electronic list was sent weekly to the main agencies, such as health and A&Es, but not schools directly due to the high volume of data and confidentiality. However schools were encouraged to consult the list and consultation was available if a school knew about a child on the list. Schools were always invited to the conferences affecting one of their pupils and the conferences were often held at the school.

In respect of the transition from primary school to secondary school, or when a child moved schools, the heads of year would be consulted to make sure the information relating to the child would transfer and officers worked with the schools for the pupil's transition.

The Chair was concerned that when phoning the social services section, there was not an option for if someone was concerned about reporting a child protection issue and this would be looked into.

Action: Steve Miley

It was suggested that a follow up report be considered on the prospects of children leaving care. Steve Miley, Director of Family Services, commented that children in care remained in care up to the age of 25 if still in education and if there continued to be a level of need, then the young person would be referred to adult services and continue to receive support.

The adoption performance on page 44 of the report was referred to and suggested that the average time interval depended on the care worker assigned, and it was asked if all care workers were of the same standard. Steve Miley responded that if there were issues, such as personality clashes, then this would be looked at. He noted that the age of a child was the single most important factor in respect of them being placed. Sibling groups were also another factor which made it harder to place children.

It was asked how the Council could work on ways to identify children at risk and were not comfortable in their home environment and it was noted that primary schools, which had such high levels of contact, were good at identifying risk. The Council wanted to have early identification with children so there could be early intervention. The Local Safeguarding Children Board (LSCB) did extensive training which was well received by schools. Schools also had a designated teacher for safeguarding issues. Part of the LSCB role was to make sure people were aware of how referrals could be made and the voluntary groups that officers worked with were very important with early identification.

The issue of protection of children whilst online was discussed and it was noted that this was a new concern as sometimes children were exposed to threats when online. The dangers of the internet and how it was used to exploit children was being looked at by officers.

9. THE IMPLEMENTATION OF THE REQUIREMENTS IN THE CHILDREN AND FAMILIES ACT FROM SEPTEMBER 2014

Ian Heggs, Tri Borough Director of Schools Commissioning, introduced the report, highlighting the key focus areas relating to the changes brought about by the new Children and Families Act. He reported that Headteachers at a meeting held earlier that day, had commented that the template for the new education, health and care plan, as attached as appendix 1 of the report, was helpful. Ian Heggs also reported that the team would be re-organised to create a team of key workers.

It was asked whether it was envisaged that some schools might struggle with the new requirements and how officers would assist the schools with the changes. Ian Heggs responded that officers offered a lot of training and support for schools. Alison Farmer, Tri Borough Assistant Director for Special Educational Needs, commented that there was a 3 year transition period to be fully compliant with the changes introduced by the Act. It was expected that the implementation funding for SENCOs (special educational needs co-ordinators) would be used to train other SENCOs.

In response to a question on the training of school governors in respect of these new requirements, it was noted that this would be included in the training programme. It was asked that this training also be extended to the Members of the Committee and details of the training sessions would be sent to the Committee Co-ordinator to pass onto the Committee.

Action: Ian Heggs

10. WORK PROGRAMME

The Committee discussed future agenda items and the following areas were suggested:

- a report on early years provision in the borough and the future funding of childcare be considered at the September meeting.
- the transition of pupils from primary to secondary school, in respect of school places; concerns were expressed over pupils without school places and not being eligible for places in a neighbouring borough.
- a task group to be set up to look at early prevention for child and adolescent health and looking at general wellbeing of children and young people.

For the next meeting in September, the Chair asked officers to prepare a report on early years and nursery education; there were some changes on how they were funded and the Chair asked that the report looked at childcare provisions in the borough, the need of childcare and its cost. Organisations who had a special interest in childcare and also parents would be invited to the meeting to discuss this issue.

RESOLVED THAT:

A report on early years and nursery education to be considered at the September meeting, also looking at childcare provisions in the borough, the need of childcare and its cost.

11. DATE OF NEXT MEETING

The next meeting would be held on 3 September 2014 at 7pm.

Meeting started: 7.00 pm
Meeting ended: 10.30 pm

Chairman

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