

CHILDREN, YOUNG PEOPLE & SKILLS COMMITTEE ADDENDUM

4.00PM, MONDAY, 16 SEPTEMBER 2019

COUNCIL CHAMBER, HOVE TOWN HALL

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ADDENDUM

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12 (A)	APPOINTMENT OF CHAIR	
	To appoint the Chair of the Committee.	
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	(c) School Transport – Letter from Councillors Wares and Mears.	

Subject:	Appointment of Chair		
Date of Meeting:	16 September 2019		
Report of:	Executive Director for Families, Children & Learning		
Contact Officer:	Name:	Mark Wall	Tel: 01273 291006
	Email:	mark.wall@brighton-hove.gov.uk	
Ward(s) affected:	(All Wards);		

FOR GENERAL RELEASE

Note:

By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Deputy Chair of the Committee has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency to avoid any prolonged delay and to ensure the committee has a designated Chair.

The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that confirmation from the Labour Group on the changes to committee and their nominated person for the role of Chair could only be confirmed after the 9th September.

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The report informs the Children, Young People & Skills Committee of the resignation of Councillor Childs as Chair of the Committee and seeks the appointment of his replacement.

2. RECOMMENDATIONS:

- 2.1 That Councillor Allcock is appointed as the Chair of the Committee.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Following Councillor Childs's resignation from the committee, there is a need to fill the vacant Chair's role and in accordance with the agreed protocol for working under no overall control, the Labour Group have nominated Councillor Allcock to be Chair.
- 3.2 The Leader of the Labour Group, Councillor Platts has confirmed Councillor Allcock's appointment to the committee in place of Councillor Childs.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 There is a need to appoint a Chair in order for the committee to be fully effective and to prevent any undue delay it is recommended that the matter is dealt with at the meeting on the 16th September rather than waiting for full Council on the 24th October.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The Leaders of the Groups have been consulted and support the appointment of the Chair.

6. CONCLUSION

- 6.1 The appointment of Chair will ensure the requirements of the constitution are met.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The change of Chair has no direct financial implication as the SRA for the role is included within the Members Allowances budget for 2019/20 and is paid directly to the post-holder.

Finance Officer Consulted: Peter Francis

Date: 12/09/19

Legal Implications:

- 7.2 The Constitution provides for the full Council and/or the respective committee to appoint the Chair of Committee.

Lawyer Consulted: Abraham Ghebre-Ghiorghis *Date: 12/09/19*

Equalities Implications:

- 7.3 An Equality Impact Assessment has not been carried out; the appointment of the Chair is for the committee.

Sustainability Implications:

- 7.4 There are no sustainability implications in relation to this report.

Any Other Significant Implications:

- 7.5 There are no other significant implications in relation to this report.

FOR GENERAL RELEASE

Note:

By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Deputy Chair of the Committee has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency in view of the issue outlined in the letter.

The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) is that the matter was raised after the publication of the agenda.

Geoff Raw – Chief Executive
Brighton & Hove City Council

10th September 2019

Dear Geoff

We are submitting this letter under Council Procedure Rule 23.3 to be included on the agenda for the Children, Young People & Skills Committee meeting of 16th September 2019.

We acknowledge this letter is submitted after the constitutional deadline for Members, but we feel that the matter is of such gravity and urgency that we would request the Chair of Committee use their discretionary powers to accept this letter onto the agenda.

Within the last week the new school transport contract has been implemented. On the 11th July we raised this subject as a Corporate Risk and we are greatly concerned that our fears are being realised. We are troubled that this Council is potentially putting the lives, mental and physical wellbeing and safeguarding of children with special educational needs and disabilities and vulnerable adults at risk.

As Councillors we are Corporate Parents and we have a duty to ensure that children and vulnerable adults with protected characteristics are properly looked after and catered for.

To that end, we request that Committee authorise and convene an urgent meeting with Councillors, officers, representatives of The Parent Carers' Council, transport operators, the Council's consultants and representatives of the schools.

Our concerns are based on information received from various parties, conversations with, and correspondence from, parents and carers and from our own independent observations having attended Downs View and Hill Park schools. The concerns from parents and carers are significant and we are seeing and receiving countless complaints.

We have written numerous times to the Council in recent weeks/days highlighting concerns and requesting information. We are not receiving answers. We are also aware that the Council has issued several communications where it suggests that the schools, parents/ carers and operators are primarily to blame for the issues. We note that the Council have issued apologies, but the problems do not appear to be start-up “teething issues” but fundamental structure issues in how the new service is provided.

For the benefit of Committee in considering this request we highlight several issues. This list is not exhaustive, and we have included a number of examples where parents and their children and young people have been let down. These examples illustrate an impact on their working lives, education, mental state, safety, well-being and dignity.

We are advised that: -

1. Numerous families have not yet received transport solutions for their children.
2. Families are experiencing “no shows” from operators due to the lack of paperwork and round structures.
3. Due to lack of space in vehicles, the mix of children with conflicting complex needs and inadequate health and safety Risk Assessments, that parents are refusing to allow their children to travel in the transport offered by the Council.
4. A child was not collected from a school this afternoon.
5. A parent was advised only at late yesterday afternoon that there would no transport for their child today.
6. A parent who has no transport solution and cannot get their child to school themselves has been forced to withdraw their child from school.
7. A parent advised us “However, these have not gone to plan, with contracts being returned from taxi companies, staff not trained or DRB checked, information sheets with medical and SEN details not passed on from County to taxi drivers to name a few concerns”.
8. A parent who has not received a transport solution has to take their child on the bus across the city taking 90 minutes each way.
9. A parent has not received a transport solution even though they had provided information to the Council. It appears the Council communicated with the other parent who has a restraining order on them not to have contact with the child.
10. A child in a wheelchair had a vehicle arrive that couldn't be used for the wheelchair. The second vehicle loaded the wheelchair/child but then couldn't

shut the tailgate. The third vehicle never turned up so the mother took the child to school.

11. A child was to be picked up by minibus but when it arrived it drove by full of children. The parent had to take the distressed child to school.
12. The school was advised at 3.15pm that a child would not be picked up. The school were asked to contact the parent to come and pick the child up.
13. The Council has not issued or signed off all the necessary Health and Safety Risk Assessments prior to the service beginning.
14. The Council has not checked vehicles prior to transporting to confirm compliance with the Blue Book.
15. Schools were not issued pupil documents and transport plans in a timely fashion.
16. Drivers and escorts have not had all their training documentation checked by the Council.
17. Drivers and escorts are not always fully briefed on the conditions of the passenger and subsequently may not have appropriate training to deal with any issues arising.
18. Operators are not permitted to take children home to another parent or carer, reducing respite time or removing the ability to attend after school activities. They can only take children back to the main address (unless the operator wishes to pay for the alteration irrespective of there being no proper risk assessments).
19. School staff are advising that there are too many children in some vehicles.
20. Parents and carers are concerned that the changes and implementation has been the worst they have ever experienced.

We have witnessed: -

21. Children being held in vehicles outside and on school premises for more than 20-30 minutes causing anxiety and stress. We have seen children screaming, shouting and banging their heads on windows and equipment.
22. A child arrived at school with their hands sellotaped together due to the risk they posed to other children.
23. A child arrived at school who had previously had an epileptic episode the night before but there was no spare seat next to them in the event emergency treatment was required. We are advised that instructions are to try to deal with them on the floor of the vehicle and as a last resort to take them out of the vehicle and provide aid on the roadside.
24. Vehicles are being used that are not compliant with the Blue Book such as not having on-board CCTV.
25. Operators have off-loaded children on the street because they could not access the school grounds or secure a staff member. They self-assessed that this was the lesser risk given the deteriorating condition of the children rather than keep the children in the vehicle.

26. Drivers and escorts have been waiting for more than the five minutes allowed by the contract; sometimes up to 20-30 minutes.
27. Delayed building works are creating risks and time implications on dropping-off or picking-up children.
28. Some school staff are each losing 60-80 minutes of teaching time a day for the children.
29. Vehicles are stacking up on the street with marshalling arrangements initially not being in place. On day one we witnessed such overwhelming chaos that we were compelled to write to the Director to advise that all transport should cease immediately. The Council, consultants or members of the Administration were not on site to assess how things went. Changes have subsequently been made but only added to issues of children being held in vehicles too long and school staff and operators spending longer than required dealing with the impact. Hill Park school (lower site) still has considerable issues for vehicle movements.

We have made formal enquires to a number of entities and once we have collated the information we will pass this to the Council and Administration.

In concluding, we would reiterate to colleague Members that it is our collective responsibility to ensure this service is delivered properly and appropriately. It is our duty to collectively oversee and scrutinise the situation, acting swiftly and radically if necessary to put things right. It is the Administration's responsibility to make this happen and through this Committee we hope that you will agree to our request for the sake of those that are impacted by the school transport service.

Yours sincerely

Cllrs. Lee Wares and Mary Mears