

Report for: Cabinet – 10 December 2019

Title: Call In – Award of Contract for the provision of SEND Transport Transformation Consultancy Services

Report Author: Councillor Lucia das Neves, Chair of Overview and Scrutiny Committee

Ward(s) affected N/A

Report for Key/ Non Key Decision: Key decision

1. Describe the issue under consideration

1.1 This report sets out the outcome of the Overview and Scrutiny Committee's consideration of the Cabinet's decision on the Award of Contract for the Provision of SEND Transport Transformation Consultancy Services on 12th November 2019,

2. Introduction

2.1 The Overview and Scrutiny Committee considered the Cabinet's decision at a special meeting on 3rd December 2019. The Committee heard representations from the following:

- Brian and Sue Leveson - Parents and service users of SEND transport;
- Marta Garcia de la Vega – sendPACT founder and parent/carer representative; and
- Paul Murphy – Head Teacher of Lancastrian School.

2.2 Consideration was given to the views expressed by the signatories of the call-in, as follows;

- It was acknowledged that SEND Transport needed drastic improvement. The objection was to the bringing in of a private, profit making company to determine and manage the changes. These included reductions in the operational budget for the service and the vast majority of the savings that arose would be given to the private company in the first two years;
- The private company in question had been brought in to conduct a scoping exercise that had resulted in a recommendation for an external partner to be appointed for change management. The company appointed for this was the same company that had undertaken the scoping exercise;
- The private sector did not have a magic wand nor an ethos that was superior to that of the public sector. Any genuine efficiencies which could be made in the service could be identified without giving £600k plus to a private company;
- There was unlikely to be any improvement in the genuine involvement of parents and carers by bringing in the private sector at this level. The addition of a company motivated by profit was more likely to cause a further diminution in the input and influence of service users;

- The gainshare arrangement, whereby a further 40% of the savings above the expected level would be given to the company, added to the concern that the company would push through the most swingeing cuts possible in order to maximise its income;
- It was far from clear if or how it would be ensured that the changes were genuine efficiency savings and not merely service cuts or adverse changes for staff;
- The changes brought about by the contractor appointed when it had worked in Brighton had resulted in disruption of service and adverse changes being implemented, which had been objected to by schools, parents and trade unions. The Deputy Council Leader had needed to issue two separate public apologies as a result and the Council had set up an independent inquiry in response;
- At least one of the changes in Brighton was a service reduction as the escorts were no longer allowed to accompany the children and young people from vehicles to the school doors;
- Based on its practice in Brighton, there was a likelihood that the contractor would have an operational role;
- It was unclear what the financial consequences would be if all or part of the changes proposed by the company were rejected or if the contract was terminated early;
- The decision represented a large transfer of resources from the public to the private sector and might:
 - Lead to changes which are not in accordance with the Council's values;
 - Not represent value for money compared with alternative ways forward; and
 - Lead to reputational damage to the Council and its present leadership, which would be blamed for any adverse effects resulting from the involvement of the company.

2.3 The Committee considered the views expressed by parents and carers and, in particular, the following issues:

- There were new officers in the Children and Young People's Service as well as a new Cabinet Member for Children and Families. They had shown an increased interest in working jointly with parents and carers but there had not yet been any significant level of behaviour change within the service. In particular, co-production had not been implemented fully;
- Parents and carers had been involved in large-scale events, such as the one that had taken place as part of the Fairness Commission, and had mentioned their wish to be consulted on the development of SEND transport services. In addition, transport had been mentioned in passing as part of the engagement process for the recent Scrutiny Review that had focussed on children and young people with Social, Emotional and Mental Health (SEMH) issues and autism. However, the references to transport in such discussions were incidental and did not represent co-production or collaboration, which was an integral part of the SEND Code of Practice;
- Parents and carers who would be affected by changes to SEND transport needed to be fully involved. Their views on the issue had been taken out of context. Hearsay should not be presented as consultation.

- 2.4 In addition, the Committee heard from Paul Murphy, the Headteacher of Lancasterian School. The school shared a site with the Vale Special School. There had been continual issues with transport which included arrival times and the difficulties experienced by some parents and carers in arriving at the school on time. This had been raised but little progress had been made.
- 2.5 Cllr Brabazon, the Cabinet Member for Children and Families, and officers from the Children and Young People's Service responded to the representations and call-in as follows:
- She did not disagree with many of the sentiments that had been expressed but the decision that had been called in concerned a very narrow area that specifically concerned the procurement process;
 - The cost of the procurement was not coming out of the budget for the service;
 - The intention was that the change process would include the explicit involvement of parent and carer representatives, who would collaborate in its management and be an integral part of its Steering Group. There was a genuine commitment to co-production. This would begin once the contract began and continue for its duration;
 - The change process that was being adopted had worked very well elsewhere. The service would remain in-house. The involvement of the private company would cease after two years;
 - The transformation process had a broad scope. Efficiencies would be in the background and would not impact directly on service;
 - Due diligence had been undertaken in respect of the contractor appointed. The problems referred to in Brighton had not arisen from the involvement of the contractor. Positive feedback had also been received from elsewhere;
 - The service could not remain as it was. Improvements needed to be implemented.
- 2.6 The Committee noted that the scope of the transformation process had been based on internal and external feedback on the service from a wide range of sources. These included parents, carers, schools, complaints and blogs. Parent and carer representatives felt that these had been taken out of context and did not constitute meaningful engagement. Some parents present at the meeting stated that they did not have any particular view on the contractor who had been appointed.
- 2.7 In answer to a question, officers stated that they were of the view that the percentage split of savings that were achieved with the contractor was reasonable. The Council would also benefit from the savings and increased savings on a long-term basis.
- 2.8 The Cabinet Member reported that the contractor appointed had specialised expertise that was not available in-house. The service was very complex and there were a wide range of inter-related issues to be considered. There was also a need to collaborate with parents and carers and this would be built in to the process. The changes would be managed by the Council. The process did not constitute outsourcing but was change management. The Invest to Save funding that had been obtained had been directly linked to service transformation and would not have been provided otherwise. The service would continue to be

provided in-house. Only the drivers and the buses were provided externally and the option of bringing them in house as well would be considered in due course. The Committee was given and discussed exempt information as provided to Cabinet in formulating its views.

- 2.9 The Committee deliberated on the evidence that it had received and views expressed. It was of the view that no evidence had been presented to suggest that the decisions taken were outside the budget or policy framework. It had received clear evidence on the need for change within SEND Transport Service and that the decision taken by Cabinet sought to address this matter. The Committee discussed evidence concerning whether alternative options had been considered and received the Director of Children's Services views on these.
- 2.10 In determining its conclusions, the Committee took advice from the Monitoring Officer. It agreed to the matter refer back to Cabinet, as the decision maker, as in paragraph 10(b) of the Call-In Procedure rules set out in Part 4 Section H of the Council's Constitution. In particular, it emphasised the key role of co-production and the need for meaningful engagement with families and carers given their feedback on the process so far.
- 2.11 The Committee was aware of examples of co-production in commissioning and delivery of these type of services. It felt strongly that Cabinet should consider how all commissioning in the borough incorporates co-production. The Committee was disappointed that families had not been engaged with significantly since it had scrutinised the Invest to Save projects in Children's Services as part of the Medium Term Financial Strategy (MTFS) update in July 2019. Co-production has been a weakness across the Council and the Committee noted that this is an area that parents and carers would like the Council to continue to improve upon.

3. Recommendations

- 3.1 That Cabinet strengthens co-production in the SEND transport transformation process prior to phase 1 of the contract;
- 3.2 That Cabinet follow best practice in good governance in formulating the Steering Group referred to during the meeting and in doing so that it refer to parent and carer advocates and respected co-production organisations;
- 3.3 That Cabinet co-produce the terms of reference for the Steering Group and that the membership of the group follow best practice examples;
- 3.4 That Cabinet asks its chosen external partner to sign up to an agreement or charter which clearly sets out the participation and role of parents and carer representatives within the transformation process;
- 3.5 That Cabinet acknowledge and understand that parents should be seen as equals and given confidence that they will be listened to; and
- 3.6 That any decision on phase 2 of this contract should also fully involve parents, carers and service users on the same basis as within the formulation of the Steering Group.

4. Appendices

Appendix 1 Call in submission

Appendix 2 Officer response to call in

Appendix 3 Monitoring Officer report

Appendix 4 Excerpt of Cabinet minutes 12th of November

Appendix 5 Cabinet report on Award of Contract for the provision of SEND Transport Transformation Consultancy Services

Appendix 6 – Exempt cabinet Minutes on Award of Contract for the provision of SEND Transport Transformation Consultancy Services

Appendix 7 – Exempt appendix on Award of Contract for the provision of SEND Transport Transformation Consultancy Services