

# Internal Audit Final Report

## Home to School Transport

### Governance Opinion

<b>Adequacy of System</b>	<b>Satisfactory</b>
<b>Compliance</b>	<b>Limited</b>
<b>Organisational Impact of Findings</b>	<b>Major</b>

<b>Report Issued</b>	26 August 2022
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## Executive Summary

### 1 Background

West Northamptonshire Council (WNC) has a statutory duty to make such travel arrangements as is considered necessary to facilitate attendance at school for eligible children. This includes:

- Providing free transport for all pupils of compulsory age (5-16) if the nearest suitable school is beyond a set distance.
- Make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues.

This is a hosted service and therefore covers both WNC and NNC. There are over 800 individual contracts in place at any one time and the annual cost of the service over the last 3 years is summarised below:

Financial year	Budget	Actual/Forecast	Variance
*20/21	18,077,366	17,993,058	(84,308)
19/20	18,022,366	17,862,523	(159,843)
18/19	17,149,366	17,498,925	349,559

\*Note: Excludes £2,158,260 of expenditure which was funded by the Home to School covid19 grant

### 2 Scope of Audit and Approach

#### Scope

This audit relates to the following corporate risks that have been identified through the risk management process:

- **Corporate Plan 2021-25** – Key Priority No.3 (of 6) – Connected Communities – Transport and Connectivity.
- **Executive Risk Register** – E02 – Statutory Functions – Failure to deliver statutory duties to residents, including safeguarding duties to vulnerable residents and children. (Rated as Medium Risk).

The audit will seek to provide assurance that the Council has in place appropriate arrangements to commission Home to School Transport with the safeguarding needs of children being a priority. However, note we (BDO) are not safeguarding experts and any assessments in this area are around compliance with expected controls. Linked to the assignment objective, the review will consider the following key controls:

- Key policies are in place and clearly define roles and responsibilities for the various provisions provided in respect of Home to School Transport.
- Appropriate contract management arrangements are in place to oversee the provision of Home to School Transport.
- Children safeguarding issues (for drivers and assistants) are reviewed and documented in relation to the types of transport provided, including detailed review prior to the award of contracts (the service works closely with the Council's safeguarding designated officer and does not only rely solely on information provided by suppliers etc.).

- Sufficient checks are in place to verify the identity, right to work and suitability of drivers and assistants, to prevent contracts being awarded based on fraudulent information.
- The commission of services liaises with the relevant regulatory service (eg. For Taxi's used liaison with Taxi Licensing) to verify eligibility etc (eg. DBS checks, driving License checks etc).

### **Limitations**

No limitations to the scope of this audit were highlighted.

### **Approach**

Internal Audit will assess the controls in place, review documentation and conduct appropriate testing to determine whether there are adequate controls in operation to ensure that the objectives listed above are met.

### **Acknowledgements**

We would like to thank all the members of staff consulted, for their assistance and co-operation during this review.

### 3 Internal Audit Opinion and Main Conclusions

3.1 The opinions presented for system design, compliance and organisational impact were founded on the six essential and important recommendations raised as part of our review of the Home to School Transport Service at the Council. Three recommendations are in relation to operational design and three in relation to operational effectiveness.

3.2 Based on the audit findings, the assurance given to the system design is **Satisfactory** as overall testing and discussions with key officers found that there are clearly documented Home to School Transport policies, Codes of Conduct and related guidance in place, which set out arrangements for the transport services and outlined roles and responsibilities of various stakeholders.

However, Home to School Transport policies did not outline the escalation/ complaints process, and this process was not clearly signposted on the 'School Travel Assistance' pages of the Council's website, which is not in line with the current legislative requirements. Further, at the time of the audit, there was limited cooperation between the Home to School Transport and Taxi Licensing Service Teams and the few processes in place where the team's shared information were not documented.

3.3 Based on the audit findings, the level of assurance given to compliance is **Limited**.

Our testing identified several weaknesses and non-compliance with the established policies and procedures, including:

- The annual audits of transport providers to confirm their suitability to be delivering services for the Council were not completed in a timely manner. Upon further enquiry, the team have acknowledged that this is mainly due to the team's capacity and lack of operator cooperation.
- Safer recruitment training for key staff at each operator and safeguarding awareness training for all drivers and PAs has not been delivered, which is not in line with the requirements are set out within the DPS Service Specification and Supplier Agreement documents.
- Monthly management information has not been agreed or provided by the operators
- Regular meetings with operators have not been taking place.
- Inconsistencies were noted in the way the spot checks and complaints forms were completed.
- It was unclear whether actions were followed up appropriately due to inadequate record keeping.

From discussions with key officers, we noted that one of the major challenges for the Home to School Transport team is capacity. At the time of the audits, the team consisted of two Compliance Officers after recently losing a part time member of staff. As mentioned later in this report, there are potential opportunities to be explored and evaluated around greater collaboration with the Taxi Licensing Service Team.

3.4 The organisational impact of the findings is assessed as **Major** as the weaknesses identified during the review have left the Council open to significant risks. Annual audits were not completed consistently on operators, no management information was being provided in relation to the service provision, spot checks and complaints records were not consistent and actions were not

always followed up in timely manner. If the risks materialise it would have a major impact upon the organisation as a whole.

### 3.5 Main recommendations

- The Council should ensure that all audit actions are followed up before operators are accepted onto the DPS and that annual audits are undertaken consistently. The Council should consider implementing an integrated audit processing and approval system that sends a notification when audits are due and requires all fields to be completed before the operator can be approved. **(Essential - Map 2.1 and 4.1)**
- Management should ensure that:
  - complaints and spot check monitoring forms are accurate, up to date and fully completed
  - a single central record is developed to ensure the key management information in relation to complaints and spot checks, actions and timeframes is captured.
  - complaints and spot checks data are reviewed and analysed to identify and address trends and any potential safeguarding concerns in a timely manner.**(Essential - Map 3.2)**
- Management should ensure that:
  - They are complying with the provision of training as outlined in the DPS Specification, which should include safeguarding training at a minimum.
  - Regular passenger surveys are undertaken, analysed and actioned accordingly.**(Essential - Map 4.2)**
- The Council should update the Home to School Transport policies to include the complaints/escalations procedure and clearly signpost this on the website. **(Important - Map 2.1)**
- Management should agree a set of KPIs to monitor performance and measure the achievement of key service delivery objectives for each provider and Management Information produced on a regular basis to monitor the results. For example, this could include:
  - Number of routes.
  - Cancelled routes/ unavailable drivers.
  - New drivers/ Passenger Assistants.
  - Number and type of complaints.
  - DBS due to expire in the next 2 months and confirmation that new DBS has been requested.
 These should be reviewed by the management on a regular basis and actioned appropriately. **(Important – Map 3.1)**
- The Council should set up a meeting between the licensing authority and education transport authority to discuss licensing policies and home to school transport arrangements, make sure they are aware of each other's responsibilities, exchange ideas and explore how best to work together. **(Important - Map 5.1)**

For all issues identified as part of this audit, actions have been agreed with management and are detailed in the Management Action Plan (MAP) at pages 11 to 16 of this report. When implemented these will positively improve the control environment.

## DETAILED FINDINGS

### 4 Assurance Area - Policies and Procedures

**Risk - Key policies are not in place and do not clearly define roles and responsibilities for the various provisions provided in respect of Home to School Transport.**

- 4.1 The Department for Education's statutory 'Home to School Travel and Transport Guidance', issued in July 2014 states that local authorities must publish general arrangements and policies in respect of home to school travel and transport for children of compulsory school age in a clear, easy to understand format. It should explain both statutory transport provision, and that provided on a discretionary basis. Authorities should also have in place both complaints and appeals procedures for parents to follow should they have cause for complaint about the service or wish to appeal about the eligibility of their child for travel support. The procedure should be published alongside the local authority travel policy statement.
- 4.2 Northamptonshire County Council (NCC) had in place a Home to School Education Transport Policy and a NCC Post 16 Education Transport Policy which were last reviewed and updated in September 2021. The Council has also published two code of conduct documents; one for the mainstream transport passengers and one for pupils with special educational needs. All documents are available and clearly signposted on the 'School Travel Assistance' pages on the Council's website. Further, the Council maintains a comprehensive spreadsheet which clearly documents the procedures for processing applications of all categories of eligible children including mainstream, special educational needs, post 16, and social care and health, as well as the procedures for processing transport procurement contracts.
- 4.3 Our review of these policies and procedures noted that these documents:
- Outline key roles and responsibilities for each aspect of the application and procurement process, including duties of a passenger, parent/guardian/carer.
  - Clearly define the approach which the Council follows when providing transport services.
  - Set out the legal requirements of the service.
  - Processes surrounding lost property.

For each procedure there is clear documentation of the task category, system to be used, team it must be completed by, procedure guide and timings per step.

However, our testing found that the Home to School Transport Policies provided no clear guidance on the complaints procedure and whilst the Code of Conduct documents include telephone numbers to contact if anyone has concerns regarding the transport, the complaints process is not defined. There are pages on the Council's website which provide guidance on how to report a concern about a child and where safeguarding concerns can be raised in relation to an adult working with children and young people however, these are not specifically in relation to Home to School Transport. Furthermore, these pages are not clearly signposted, and the escalation/complaints process is not clearly outlined on the 'School Travel Assistance' pages of the website. The Council has a safeguarding escalation process evidenced in a Safeguarding Process Map which was provided to us. However, this is documentation of an internal process and is not publicly available.

We also found that the Home to School Education Transport Policy and NCC Post 16 Education Transport Policy did not have version control, ie. outlining the author, approver, or review information. Further, both policies were revised in September 2021 and branded as NCC. We have

been informed by the Home to School Transport Service Manager that the Council is planning to review and re-brand the policies once the disaggregation of the service is completed, which is expected to take place by December 2022. In the meantime, the existing policies continue to apply. We also found that the safeguarding escalation process refers to an NCC Local Authority Designated Officer (LADO) Referral Form. We are aware that this process will continue to be carried out until disaggregation is finalised however, following disaggregation the Council should also review this process and re-brand it.

- 4.4 Without current and up to date policies and procedures which are easily accessible by all members of staff, there is an increased risk of errors, resulting in inconsistencies, inefficient training, little accountability, and wasted time, leading to operational, financial, legal and reputational consequences for the Council. Furthermore, there is a risk that if that if the escalation/ complaints process is not clearly signposted in the Home to School Transport Policy or on the Council's website, it could lead to delays in addressing safeguarding concerns and non-compliance with the Department of Education's statutory guidance.
- 4.5 The Council should update the Home to School Transport policies to include version control and the complaints/escalation procedures and ensure that this is clearly signposted on the website. Furthermore, the Council should ensure there is a planned schedule in place to re-brand the policies and processes following disaggregation.

**(See MAP 1)**

## **5 Assurance Area - Contract Management (DPS)**

**Risk - Contract management is not undertaken to monitor provider compliance with and performance against agreed contracts.**

- 5.1 The Council utilises the Dynamic Purchasing System (DPS) for the purchase of passenger transport services, including home to school provision. Suppliers must meet specified selection criteria and once approved and accepted in to the DPS, can bid for the contracts. Operational and safeguarding requirements are outlined within the DPS Service Specification document, which was last reviewed in April 2020. In addition, there is also a requirement to undertake an audit of each provider before they can tender for contracts on the DPS and subsequent audits at least every 12 months thereafter.
- 5.2 At the time of this audit, the Council had 186 operators listed on the DPS. We selected a sample of 15 operators to ascertain whether they were managed in line with the DPS conditions and reviewed the last audit undertaken for each. During our testing we were made aware that one of 15 of our chosen sample was a 'Test' Supplier and therefore this was removed from the testing, reducing the sample size to 14. The following was found:
- In 5/14 (36%) cases, various driver or vehicle licences were found to be out of date at the time of the audit. We were not provided with clarification for how this was addressed. We were unable to obtain any evidence to ascertain whether the operators were suspended until the required documents were received, or if the operator was able to remain on the DPS and operate with out-of-date information.
  - In 2/14 (14%) cases, there was no record of an audit being carried out within the 12 months from joining or last audit as required by policy. However, these audits have subsequently been completed after 13 and 17 months respectively. The team provided justification with regards to the latter as the operator remains suspended on the system.
- 5.3 If annual audits are not carried out, there is an increased risk that emerging problems or issues may

not be identified and addressed in a timely manner, resulting in non-compliance, poor standards of services and failure to identify opportunities for possible improvements, leading to operational, financial, legal and reputational consequences for the Council.

- 5.4 The Council should implement arrangements to ensure audits are undertaken in a timely manner. In addition, any instances of incomplete or failed audits should be followed up before operators are accepted onto the DPS, or if the operator is already on the DPS, that the operator is suspended until the audit is complete to a satisfactory standard. The Council should consider implementing an integrated audit processing and approval system that sends a notification when audits are due and requires all fields to be completed before the operator can be approved.  
**(See MAP 2)**

## **6 Assurance Area - Contract Management (Service Agreement)**

**Risk - Contract management is not undertaken to monitor provider compliance with and performance against agreed contracts.**

- 6.1 A standard Supplier Agreement is signed by all operators when they are accepted onto the DPS, and this specifies the terms and conditions relating to the 'DPS Framework Agreement for Passenger Transport Service'. The providers can then bid for service agreements for routes; contract information for which is held on the Council's procurement system Adam. A sample testing of 20 active service agreements noted that:
- In 19/20 (95%) cases the dates, service templates and service categories on the service agreement aligned the records on the procurement system. However, for one case the dates did not agree, and we were advised that this was due to a human inputting error when updating the system.
- 6.2 The Supplier Agreement requires operators to submit management information to the Council throughout the contract period (on the last day of every month) and the authorised representatives (and key personnel) to meet in accordance with the details set out in the Order Form with the operator presenting its previously circulated management information at each meeting. However, discussions with key officers noted that there were no regular meetings with the providers and no management information is provided to the Council.

In addition, the operator is required to comply with the monitoring arrangements set out in the Order Form including, but not limited to, providing such data and information as the operator may be required to produce under the contract. However, we were advised that these are only produced in exceptional cases. This section is included as a provision in the contract to allow for children with acute medical needs or extremely challenging behaviours and the Home to School Transport Service Manager is not aware of any recent contracts for which this is needed.

- 6.3 Management should agree a set of KPIs to monitor performance of and measure the achievement of key service delivery objectives for each provider and Management Information produced on a regular basis to monitor the results. For example, this could include:
- Number of routes.
  - Cancelled routes/ unavailable drivers.
  - New drivers/ Personal Assistants.
  - Number and type of complaints.
  - DBS due to expire in the next 2 months and confirmation that new DBS has been requested.
- These should be reviewed by the management on a regular basis and actioned appropriately.



6.4 We were informed that the only forms of contract monitoring undertaken was management of complaints and performing spot checks. The Council maintains a centralised complaints log with 181 complaints raised between 3 September 2021 and 26 April 2022. There is a standard complaints form used to report complaints and an issue investigation form used by the team to investigate the complaints.

We tested a sample of 10 complaints to ascertain whether they were followed up appropriately and in a timely manner and found:

- For 3/10 (30%) cases we were unable to determine whether the complaint had been resolved in line with the process as the complaints log had not been updated with the outcome. We have been advised by the Home to School Service Team that record keeping can be affected when multiple teams become involved in dealing with the complaint as the systems are independent of one another.

The Council carries out spot checks on active services, whereby the Council officers attend schools to observe pick-ups and drop-offs and request evidence from drivers that they are meeting the requirements of the service. Between 13 April 2021 and 29 March 2022 a total of 156 spot checks have been undertaken. These consisted of 103 Special Education Needs, 37 Mainstream, 12 Social Care and Health and 4 adhoc/other routes. At the time of this audit, there were no documented procedures outlining the rationale or frequency for spot checks, but it was brought to our attention that if a supplier raises concerns, they are targeted more frequently.

We tested a sample of 15 spot checks and the following was found:

- In 1/15 (7%) cases the monitoring form could not be found and the inspector who carried out the inspections has now retired.
- In 10/14 (71%) cases, the monitoring forms were not consistently completed, and missing details included date and location of inspection, the inspector completing the check, contract reference and service numbers, and service type.
- In 2/14 (14%) cases, the DBS of the driver and/or PA was found to be out of date at the time of the check. For one sample, the incident details were logged, a meeting was held with the operator, and it was advised that a request to terminate the contract would be sent to the contracts team. For the other sample, the check was undertaken on 29 March 2022 and we have been advised that an in-date DBS was received for the driver on 22 April 2022.
- In 2/14 (14%) cases, did not state the actual or scheduled times of drop-off meaning it is not possible to determine whether the service is being provided in line with the agreement.
- None of the 15 cases had fully and consistently completed inspection forms. The gaps included blank Yes/No/N/A boxes. Upon further enquiry, we were informed that a single form is used for the completion of all spot checks, but that not all sections are relevant to all services. Officers completing the spot checks have been leaving non-relevant sections blank, as opposed to marking them as not applicable, making it difficult to determine whether a check was required but not completed.
- In 3/14 (21%) cases, issues were identified in the spot check including lack of booster seat provision and drivers not wearing face masks during Covid-19, but we have seen no evidence to show these have been followed up with the operator providing the service to either obtain the missing evidence or suspend the service until such evidence is provided.

If the monitoring forms are not completed and followed up appropriately by inspectors, there is an increased risk that the inaccurate information will be used, resulting in incorrect decisions being

made by management, leading to operational, financial, legal and reputational consequences for the Council.

6.5 Management should ensure that:

- Complaints and spot check monitoring forms are accurate, up to date and fully completed.
- A single central record is developed to ensure the key management information in relation to complaints and spot checks, actions and timeframes is captured.
- Complaints and spot checks data are reviewed and analysed to identify and address trends and any potential safeguarding concerns in a timely manner.

(See MAP 3)

## 7 Assurance Area - Safeguarding Checks

**Risk - Children safeguarding issues (for drivers and assistants) are not reviewed and documented in relation to the types of transport provided, including detailed review prior to the award of contracts.**

7.1 The Department for Education's statutory 'Home to School Travel and Transport Guidance', issued in July 2014 states that it is the responsibility of the Council to ensure the suitability of the employees of any contractors by undertaking the required safeguarding checks, which is primarily demonstrated by a valid enhanced DBS (Disclosure & Barring Service) certificate for all drivers and passenger assistants (PA) (not be older than 3 years). Furthermore, all local authorities should ensure that appropriate training has been undertaken by all drivers and escorts and is kept up to date.

7.2 Our testing of a sample of 15 suppliers from the DPS system noted the following anomalies and non-compliance instances:

- One PA DBS certificate was due to expire six days following the audit.
- Four PA PATS training were found to be out of date by 5, 13, 41 and 52 months respectively. We were not provided with clarification for how this was addressed. It is unclear as to whether these instances were followed up and the operator remained in suspense status until the required documents were received or if it was left and the operator was able to remain on the DPS with out-of-date information.
- Safer Recruitment training is not provided by the Council to key staff at each operator and free-of-charge training for drivers and PAs on safeguarding awareness is not provided despite this being regarded as 'mandatory' in the DPS specification.
- In addition, we have not seen evidence that passenger surveys have been undertaken, which is not in accordance with the Service Specification which states that 'The Client's Inspectors may board the Providers' vehicles from time to time to carry out inspections and passenger surveys'.

7.4 If safeguarding training is not provided for drivers and PAs, there is an increased risk that that they may not provide a safe and suitable service to vulnerable passengers of all ages. They may also be unable to recognise what makes a person vulnerable, understand how to respond and report safeguarding concerns or know where to get advice.

7.5 Management should ensure that:

- All inadequate audit checks are followed up before operators are accepted onto the DPS.
- All drivers and PAs are trained in a timely fashion as per DPS Specification.
- Regular passenger surveys are undertaken, analysed and actioned accordingly.

(See MAP 4)

## 9 Assurance Area - Cooperation

**Risk - The commission of services does not liaise with the relevant regulatory service (eg for Taxi's used liaison with Taxi Licensing) to verify eligibility etc (eg DBS checks, driving License checks etc).**

- 9.1 Before an audit check is authorised on an individual driver working for a taxi licensing firm, the Home to School Transport team contact the Taxi Licensing team for confirmation. However, this process of information sharing has not been documented.
- 9.2 From discussions with the Home to School Transport Service Manager and the Licensing and Environmental Support Services Manager it was noted that despite this contact there is limited communication between the Taxi Licensing and Home to School Transport departments.
- 9.3 Whilst there are different DBS requirements applicable to the Taxi Licensing and Home to School Transport departments, there are potential opportunities for greater cooperation between the two departments which could include:
- Sharing of information with regards to proof of identity, right to work and information held on the NR3 database if a taxi driver has had a licence revoked or refused elsewhere.
  - There could be increased efficiency in audit checks if driver/ vehicle licenses were checked with the Taxi Licensing team.
- 9.4 Best practice has been observed at another local authority where a Joint Operating Framework (JOF) for the Transportation of Children and Adults with Care and Support Needs and Taxi Licensing was commissioned to provide a single set of minimum standards for agencies working in this industry. We have provided an extract from this framework outlining the policy sharing arrangements in Appendix II which the Council should consider utilising with regards to the Taxi Licensing Service Team.
- 9.5 There is a risk that without cooperation between the Service Teams that there will not be a unified approach to dealing with agencies who have responsibilities for transporting children. Each department could assume responsibility lay with the other authority and/or due to inefficiencies and lack of capacity, checks could go uncompleted leading to severe safeguarding risks.
- 9.6 The Council should set up a meeting between the licensing authority and education transport authority to discuss licensing policies and home to school transport arrangements, make sure they are aware of each other's responsibilities, exchange ideas and explore how best to work together. The Council should consider establishing a data sharing protocol between the licensing authority, education transport authority and operator. This should be included in a home to school transport contract and outline the type of concerns that would prompt a disclosure and when this information should be shared. If there is a safeguarding concern, this should be reported to the licensing authority as they may need to revoke a licence. If a licensing authority knows a driver has a school contract, then the safeguarding concerns should be reported to the education transport authority immediately.

(See MAP 5)

## MANAGEMENT ACTION PLAN

The Agreed Actions are categorised on the following basis:

Likelihood	H	S	I	E	<b>Essential</b> -	Action is imperative to ensure that the objectives for the area under review are met.
	M	S	I	E	<b>Important</b> -	Requires action to avoid exposure to significant risks in achieving objectives for the area under review.
	L	S	I		<b>Standard</b> -	Action recommended to enhance control or improve operational efficiency.
		L	M	H		Impact

Ref	Issue	Recommendation	Management Comments	Priority	Officer Responsible	Due Date
1	<b>WEAKNESS:</b>					
	1.1 The Council's Home to School Transport policies do not include author, approver, and review information.	1.1 The Council should ensure that all policies have a version control and include author, approval and review information as a minimum	1.1 Policy is reviewed annually as a matter of course and dated. Version control table will be incorporated as part of the annual review in September.	Standard	Tom Callaghan	30/09/22
	1.2 The Council's Home to School Transport policies do not include the escalation/ complaints procedure and this is also not clearly signposted on the 'School Travel Assistance' pages of the website	1.2 The Council should update the Home to School Transport policies to include the complaints/escalations procedure and clearly signpost this on the website	1.2 Will be included as part of the annual review cycle in September.	Important	Tom Callaghan	30/09/22
	1.3 The policies and processes are currently branded as NCC policies and should be reviewed following disaggregation when services are no longer provided county wide.	1.3 The Council should ensure that there is a planned schedule in place to review and update all Transport related policies, processes and procedures to bring them in line with the new	1.3 Significant changes to policy require cabinet approval. Following disaggregation of the Highway and Transport service, the policy will	Standard	Tom Callaghan	30/09/23



Ref	Issue	Recommendation	Management Comments	Priority	Officer Responsible	Due Date
	<b>RISK:</b> Key policies are not maintained and kept up to date, resulting in roles and responsibilities for delivering the home to school service being unclear.	corporate template under the name of the new organisations.	be subject to a comprehensive review and public consultation.			





Ref	Issue	Recommendation	Management Comments	Priority	Officer Responsible	Due Date
3	<p><b>WEAKNESS:</b></p> <p>3.1 The Council is not complying with the practices outlines in the current supplier agreement signed by all providers joining the DPS framework</p>	<p>3.1 Management should agree a set of KPIs to monitor performance and measure the achievement of key service delivery objectives for each provider and Management Information produced on a regular basis to monitor the results. For example this could include:</p> <ul style="list-style-type: none"> <li>• Number of routes.</li> <li>• Cancelled routes/ unavailable drivers.</li> <li>• New drivers/ Passenger Assistants.</li> <li>• Number and type of complaints.</li> <li>• DBS due to expire in the next 2 months and confirmation that new DBS has been requested.</li> </ul> <p>These should be reviewed by the management on a regular basis and actioned appropriately</p>	<p>3.1 Due to the number of operators on the DPS Framework, reviewing performance data on a monthly basis data may be difficult to achieve with current resourcing.</p> <p>The new disaggregated structure will support the introduction of performance monitoring by merging contracts and compliance under one manager.</p> <p>The service will devise a KPI monitoring sheet for each operator to complete and submit monthly. This will be reviewed with particular focus on areas where service is falling below standard.</p>	Important	Geoff Beedell/Tom Callaghan	31/12/22



Ref	Issue	Recommendation	Management Comments	Priority	Officer Responsible	Due Date
	<p>3.2 The complaints logs and monitoring forms are not consistently completed and follow actions are not consistently recorded and/or undertaken</p>	<p>3.2 Management should ensure that:</p> <ul style="list-style-type: none"> <li>• Complaints and spot check monitoring forms are accurate, up to date and fully completed.</li> <li>• A single central record is developed to ensure the key management information in relation to complaints and spot checks, actions and timeframes is captured.</li> <li>• Complaints and spot checks data are reviewed and analysed to identify and address trends and any potential safeguarding concerns in a timely manner.</li> </ul>	<p>3.2 Agreed and appropriate training provided to staff.</p> <p>This functionality will be available with the new system (365) which is scheduled to be implemented by the end of October.</p> <p>As above and reviewed quarterly for any trends.</p>	<p><b>Essential</b></p>	<p>Geoff Beedell</p> <p>Tom Callaghan/Geoff Beedell</p> <p>Geoff Beedell</p>	<p>30/09/22</p> <p>31/12/22</p> <p>31/12/22</p>
	<p>3.3 The dates on one service agreement sampled were not in alignment with the dates recorded on the system.</p> <p><b>RISK:</b></p> <p>Contract management is not undertaken to monitor provider compliance with and performance against agreed contracts.</p>	<p>3.3 The Council should rectify the dates on the sample where we found the dates input on the system to be out of alignment with the service agreement.</p>	<p>3.3 The dates will be updated to correct the errors.</p>	<p><b>Standard</b></p>	<p>Geoff Beedell/Cindy Baysal</p>	<p>30/09/22</p>



Ref	Issue	Recommendation	Management Comments	Priority	Officer Responsible	Due Date
4	<b>WEAKNESS:</b>					
	4.1 It is not clear whether any failed DBS and PATS training checks are adequately followed up	4.1 The Council should ensure that all inadequate audit checks are followed up before operators are accepted onto the DPS.	4.1 The DPS Framework (Adam) restricts any new operator from tendering for contracts until they have satisfied all entry requirements. The service will ensure this is evidenced prior to operators being accepted.	Essential	Geoff Beedell	30/09/22
	4.2 Requirements of the current DPS Service Specification are not carried out in practice	4.2 Management should ensure that: <ul style="list-style-type: none"> <li>All drivers and PAs are trained in a timely fashion as per DPS Specification.</li> <li>Regular passenger surveys are undertaken, analysed and actioned accordingly,</li> </ul>	4.2 There is limited capacity within the team to undertake safer recruitment and safeguarding training for all approved drivers and PA's (over 2000). Team will explore 'on line' virtual training tools for drivers, PA's and operators to undertake and include within the annual audit process.	Essential	Geoff Beedell/Paul Meadows	30/09/22
	<b>RISK:</b> Children safeguarding issues (for drivers and assistants) are not reviewed and documented in relation to the types of transport provided, including detailed review prior to the award of contracts.		The service already hosts a parent forum group with representation by parents who co-		Geoff Beedell/Paul Meadows	30/04/23



Ref	Issue	Recommendation	Management Comments	Priority	Officer Responsible	Due Date
			<p>ordinate any service issues or concerns.</p> <p>Annual 'service user' surveys will be undertaken in conjunction with schools.</p> <p>The academic starts in September and therefore surveys will be scheduled around Easter.</p> <p>Additional resources will be needed to facilitate this.</p>			



Ref	Issue	Recommendation	Management Comments	Priority	Officer Responsible	Due Date
5	<p><b>WEAKNESS:</b></p> <p>5.1 There is limited cooperation between the Home to School Transport and Taxi Licensing Services. The limited processes currently in place where the team share information are not documented</p> <p>5.2 The service areas could improve the amount of data sharing to improve the safeguarding controls.</p> <p><b>RISK:</b> The commission of services does not liaise with the relevant regulatory service (eg for Taxi's used liaison with Taxi Licensing) to verify eligibility etc (eg DBS checks, driving License checks etc)</p>	<p>5.1 The Council should set up a meeting between the licensing authority and education transport authority to discuss licensing policies and home to school transport arrangements, make sure they are aware of each others responsibilities, exchange ideas and explore how best to work together.</p> <p>5.2 The Council should consider establishing a data sharing protocol between the licensing authority, education transport authority and operator. This should be included in a home to school transport contract and outline the type of concerns that would prompt a disclosure and when this information should be shared. If there is a safeguarding concern, this should be reported to the licensing authority as they may need to revoke a licence. If a licensing authority knows a driver has a school contract, then the safeguarding concerns should be reported to the</p>	<p>5.1 Regular meetings are already scheduled with colleagues in Licencing, which will be used to explore options to improve collaborative working.</p> <p>5.2 Internal data sharing between the service and licencing is already in place. Options are currently being explored to allow direct access to Licencing Team data however additional resource may be required to ensure compliance with GDPR.</p> <p>Data sharing is already embedded within the DPS Framework with operators.</p>	<p>Important</p> <p>Standard</p>	<p>Tom Callaghan/Louise Faulkner</p> <p>Tom Callaghan/Louise Faulkner</p>	<p>01/08/22</p> <p>Ongoing</p>



Ref	Issue	Recommendation	Management Comments	Priority	Officer Responsible	Due Date
		education transport authority immediately.				

## Appendix 1 – Glossary / Definitions

There are three elements to consider when determining an assurance opinion as set out below.

### 1 Control Environment / System Assurance

The adequacy of the control environment / system is perhaps the most important as this establishes the key controls and frequently systems ‘police/ enforce’ good control operated by individuals.

Assessed Level	Definitions
Substantial	There are minimal control weaknesses that present very low risk to the control environment.
Good	There are minor control weaknesses that present low risk to the control environment.
Satisfactory	There are some control weaknesses that present a medium risk to the control environment.
Limited	There are significant control weaknesses that present a high risk to the control environment.
No Assurance	There are fundamental control weaknesses that present an unacceptable level of risk to the control environment.

### 2 Compliance Assurance

Strong systems of control should enforce compliance whilst ensuring ‘ease of use’. Strong systems can be abused / bypassed and therefore testing ascertains the extent to which the controls are being complied with in practice. Operational reality within testing accepts a level of variation from agreed controls where circumstances require.

Assessed Level	Definitions
Substantial	The control environment has substantially operated as intended with no notable errors detected.
Good	The control environment has largely operated as intended although some errors have been detected.
Satisfactory	The control environment has mainly operated as intended although errors have been detected.
Limited	The control environment has not operated as intended. Significant errors have been detected.
No Assurance	The control environment has fundamentally broken down and is open to significant error or abuse.

### 3 Organisational Impact

The overall organisational impact of the findings of the audit will be reported as major, moderate or minor. All reports with major organisational impact will be reported to ELT along with the relevant directorate’s agreed action plan.

Organisational Impact of Findings	
Level	Definitions
Major	The weaknesses identified during the review have left the Council open to significant risk. If the risk materialises it would have a major impact upon the organisation as a whole.
Moderate	The weaknesses identified during the review have left the Council open to medium risk. If the risk materialises it would have a moderate impact upon the organisation as a whole.
Minor	The weaknesses identified during the review have left the Council open to low risk. This could have a minor impact on the organisation as a whole.

#### 4 Findings prioritisation key

When assessing findings, reference is made to the Risk Management matrix which scores the impact and likelihood of identified risks arising from the control weakness found, as set out in the Management Action Plan.

For ease of reference, we have used a high/medium/low system to prioritise our recommendations, as follows:

Category	Definitions
Essential	Action is imperative to ensure that the objectives for the area under review are met.
Important	Requires actions to avoid exposure to significant risks in achieving objectives for the area.
Standard	Action recommended to enhance control or improve operational efficiency.

## Appendix 2 – Information Sharing extract from a Joint Operating Framework for the Transportation of Children and Adults with care and Support Needs and taxi Licensing

- The Information Sharing Schedule for the exchange of transporting children/vulnerable adults and taxi licensing information sits under the Information Sharing Protocols of the Safeguarding Children Board, the Safeguarding Adults Board and the Safer Communities Partnership and can be found on the next page.
- The Schedule supports the exchange of information necessary to prevent and detect crime, and support and protect children and vulnerable adults.
- Information exchanged between licensing authorities and the County Council ensures that decisions on complaints, enforcement, suspension and revocation, convictions and public safety concerns are shared in a secure and timely manner on a formal basis, and prevents drivers at risk of losing a licence at one authority from simply obtaining a licence from a neighbouring authority.
- The information is used to risk assess drivers, investigate complaints fairly and proportionately and ensure that those denied licences or having a licence revoked in one area are not able to get a licence in another authority.
- Informal information sharing takes place between the district councils and the county council to ensure that there is a joined up approach to manage issues regarding vehicle quality, health and safety, driver behaviour and safeguarding, using the county council's risk categories 3 and 4 as a guideline.
- Each Local Police Area must have an arrangement to regularly identify and pass on information of concern, as governed by the common law duty. Data sets to be reviewed include Command and Control, Niche and Custody systems.
- The County Council has no powers to enforce or undertake investigations regarding the licensing of vehicles, operators or drivers. Such matters are passed to the Districts and Police who do have the powers to enforce and investigate.
- Failure to share information results in drivers / vehicles / operators continuing to carry children, vulnerable persons, and all of the public when action could have been taken to remove them from being able to.
- All allegations concerning those who work with children are passed to the Local Authority Designated Officer (LADO) and Adult Safeguarding without delay. Details are included in the Information Sharing Schedule on the next page.

## INFORMATION SHARING AGREEMENT: SCHEDULE

This information sharing agreement should be **read and applied** in the context of the information sharing policies adopted by:

- The Safeguarding Children's Board
- The Safeguarding Adults Board
- The Safer Communities Partnership

The information exchange process is subject to the provisions of the Data Protection Act 1998 and the common law duty of Confidentiality. The information must not be used for any purpose other than that for which it is requested and must not be disclosed to an unauthorised person.

Information will only be shared as relevant and necessary.

The statutory powers to exchange information are set out in the information policies approved by the Safeguarding Boards and the Safer Communities Partnerships. That is:

- *Adult Safeguarding: Sharing Information (Social Care Institute for Excellence)*
- *Safeguarding Children's Board Information Sharing Protocol*
- *Community Safety Information Sharing Protocol*

In particular, information sharing under this agreement will conform to the *Seven Golden Rules of Information Sharing* which are outlined in each of the above policies.

The process for exchanging information for the purpose of Hackney Carriage & Private Hire Safeguarding and Public Protection will be those described in the associated Safer Communities Partnership Information Sharing Protocol.

No information is to be accessed or shown to individuals who have not agreed and signed the Confidentiality Agreement. Any breach in confidentiality may result in sanctions described with the Confidentiality Declaration outlined at the end of this document. No information provided by partners to those procedures will be released to any third party without the permission of the owning partner.

Before a decision is made about disclosure, a professional must consider the following factors, based on case law decisions:

- Belief in the truth of any allegation
- Legitimacy of the interests of the person needing this information
- Degree of risk if disclosure is not made
- Relevance and importance of the information
- Urgency of the disclosure
- Whether consent for the disclosure has been sought (if appropriate)
- Interests of the vulnerable person or persons
- Impact upon the person to whom the information relates

**Should this agreement at any time be required to be terminated the instigating Designated Officer must notify all relevant parties.**



**Name of Designated Officer instigating this procedure**

**Post of Designated Officer**

**Date instigated**

**Review date**

**Schedule title**

Information Sharing Agreement (Hackney Carriage & Private Hire)

**Information sharing process**

*(Please show how personal information is necessary to enable the appropriate authority to carry out their respective duties in relation to the regulation of contracts to transport vulnerable children and adults, and to the regulation of taxi licensing across the area. Information sharing would be used directly to facilitate:*

- **driver, vehicle and operator vetting processes**
- **reviewing the status of current licence holders and new applicants,**
- **to prevent crime and disorder, and**
- **to uphold our safeguarding obligations)**
- **to assist those authorised to make decisions as to the suitability of an applicant or the continuing suitability of a current licence or badge holder where information is required to promote public safety**

The purpose of the information sharing is informed by the following context:

- All drivers licensed by the District Councils and those seeking to carry out transport services on behalf of the County Council are required to undertake an Enhanced Disclosure & Barring Services Check.
- All drivers licensed by the District Councils are subject to enforcement actions taken following complaints made against them, or matters witnessed by Officers.
- Suspending or revoking a County Badge does not stop the driver from still doing all other work given to him/her by the Operator.
- A vehicle identified as being unfit for purpose will still be used if the correct authority is not informed.
- An operator who may be carrying on illegal activities will still pose a threat to safeguarding and public safety if the other authorities are not informed.
- Revoking a licence may result in the person seeking a licence from a neighbouring District.

**Types of information exchanged under this Information Sharing Procedure**

- Details of licences / badges suspended, refused or revoked (drivers, vehicles, operators)
- All substantiated outcomes that relate to the following categories:
  - Driver Behaviour
  - Road Traffic Accident
  - Overloaded Vehicle

- Un-badged Driver
- Undersized Vehicle
- Unlicensed Vehicle
- Vehicle Condition
- Details of criminal investigations undertaken by Police and shared with any of the Authorities and County Council
- Matters witnessed by Officers / complaints received that would lead to concerns in relation to public safety
- Matters witnessed by Officers / complaints received that would lead to concerns in relation to the safeguarding of children, young persons and vulnerable adults
- References by Licensing Authorities to County Council in relation to applicants for County badge

**Transmission, storage and retention period of data exchanged under this information sharing process**

- Any information printed off will be kept in the file in a locked drawer or cabinet, or electronically with access only provided to such persons authorised to see such information.
- All papers that are shared will be encrypted and security marked.
- Information shared in the categories identified will be on the secure 'operational' spreadsheet between District Councils and the Transport Hub and will be shared in a timely manner.
- Information shared verbally will be further supported in written form to ensure accuracy.
- Information shared by those signed up to this agreement will be the responsibility of the delegated officer giving it and receiving it.
- No information will be held for longer than is necessary in accordance with each authority's retention schedules and relevant statutory provisions.

**Licensing managers, their officers, the police and the County Council Transport Hub and LADO are responsible for sharing the information**

I have read and understand the Confidentiality Agreement

**For Office use only**

Organisational Signatories agreed  Schedule meets ISP Requirements

Copy all Confidentiality Agreements received

<b>Schedule Reference:</b>	
<b>Organisation holder:</b>	
<b>Initiating Designated Officer:</b>	
<b>Review date:</b>	

## **Annex on Information Sharing: Information Sharing with the Local Authority Designated Officer (LADO) and Adult Referrals:**

“Working together” (2015) requires that arrangements should be put in place to ensure that any allegations about those who work with children are passed to the designated officer (LADO) without delay. There are similar requirements for adults with care and support needs in the Care Act 2014.

The local authority has in place arrangements to provide advice and guidance on how to deal with allegations against people who work with children.

The role of the designated officer is to ensure that there are appropriate arrangements in place and to effectively liaise with the police and other agencies to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process. The Designated Officer also has a role to challenge organisations whose processes are not fair open and compliant.

A licensing authority should ensure that the designated officer is informed, within one working day, of all allegations that come to their attention. Appropriate referrals should be made directly to the Designated Officer or through the safeguarding lead for transport.

### **3.1.1 Information sharing**

Information will be shared with district councils in line with legal requirements and locally agreed protocols. The basic principle is that the child’s welfare is paramount and information will be shared where there is any potential safeguarding risk to a child or children identified in relation to a driver or an escort. The normal process would mean that if this individual or individuals have their the County Council badge removed, the appropriate district or districts will be informed of the reasons for this and the actions taken. In certain circumstances where there is a sensitive criminal investigation and at the request of the Police, where they consider releasing information may interfere with an investigation, the County Council will not disclose until such time as agreement is reached with police.

The Designated Officer role is a statutory role and the process around this also statutory so it is important the Designated officer is informed about any allegation where the concern relates to a potential risk to children. This means that there should be a two way flow of information in line with the agreed protocol but requires referrals to and info to be shared with the designated officer where the referral criteria are met.

These criteria are; any adult employed or volunteering in a position where there is access to children where the adult is alleged to have:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicates they may pose a risk of harm to children

The requirements in the statutory guidance require organisations to make referrals under the above criteria within 24 hours so in the norm referrals should come straight to the Designated Officer rather than MASH. It is then for the Designated Officer to involve Police and or social care and other agencies as appropriate.

**Full Report Issued for Action:**

Fiona Unett – Assistant Director for Highways and Waste  
Nick Henstock – Head of Highways and Transport  
Tom Callaghan – Home to School Transport Service Manager

**Full Report Issued for Information:**

Martin Henry – Chief Financial Officer and S151 Officer  
Stuart Timmiss – Executive Director of Place, Economy and Environment

**Issue Date:**

26 August 2022

This audit and report have been prepared in line with the Internal Audit Manual and has been subject to appropriate review.

**Chief Internal Auditor Approval:**

Greg Rubins – Partner (BDO) and Gurpreet Dulay – Director (BDO)

**Quality Reviewed:**

Jenia Islentsyeva – Manager (BDO)

**Lead Auditor:**

Lucy Burgum - Internal Auditor (BDO)