

Final Internal Audit Report

SEN Transport (Safeguarding)

July 2021

Distribution: Interim Executive Director for Place Department
Director of Public Realm
Head of Independent Travel
Deputy Head of Service Independent Travel

Assurance Level	Issues Identified	
Limited	Priority 1	2
	Priority 2	2
	Priority 3	0

Confidentiality and Disclosure Clause

This report ("Report") was prepared by Mazars LLP at the request of London Borough of Croydon and terms for the preparation and scope of the Report have been agreed with them. The matters raised in this Report are only those which came to our attention during our internal audit work. Whilst every care has been taken to ensure that the information provided in this Report is as accurate as possible, Internal Audit have only been able to base findings on the information and documentation provided and consequently no complete guarantee can be given that this Report is necessarily a comprehensive statement of all the weaknesses that exist, or of all the improvements that may be required.

The Report was prepared solely for the use and benefit of London Borough of Croydon and to the fullest extent permitted by law Mazars LLP accepts no responsibility and disclaims all liability to any third party who purports to use or rely for any reason whatsoever on the Report, its contents, conclusions, any extract, re-interpretation, amendment and/or modification. Accordingly, any reliance placed on the Report, its contents, conclusions, any extract, re-interpretation, amendment and/or modification by any third party is entirely at their own risk.

Please refer to the Statement of Responsibility in Appendix 3 of this report for further information about responsibilities, limitations and confidentiality.

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3. Statement of Responsibility

1. Introduction

- 1.1. Parent, Carers are responsible for ensuring that their children attend school regularly under s.444 of the Education Act 1996 (as amended). This includes arranging any necessary travel arrangements to and from school and/or accompanying their child.
- 1.2. Under the Education Act 1996 (as amended by the Education and Inspections Act 2006), local authorities have a duty in certain circumstances to make such travel arrangements as they consider necessary to secure that suitable home to school travel arrangements are made for the purpose of facilitating a child's attendance at relevant educational establishments for children aged 5-16. In addition, local authorities also have a duty to facilitate access to full-time education for young people aged 16-19 and this may include assistance with travel in certain circumstances.
- 1.3. In dealing with the effects of the Covid-19 pandemic, the Service has made arrangements to limit the number of children transported and help ensure that a safe distance is being maintained. In addition the Service has offered 'lateral flow' testing for eligible frontline staff which includes drivers and guides. Accompanying this is a risk assessment detailing potential hazards with control measures which the service will look to review on a monthly basis.
- 1.4. The fieldwork for this internal audit was completed during the government measures put in place in response to COVID-19. While our review and testing was performed remotely, we have been able to obtain all relevant documents required to complete the review.
- 1.5. The audit was undertaken as part of the agreed Internal Audit Plan for 2020/21 based on a risk assessment. The audit focussed on the safety / safeguarding aspects of the Service and the objectives, approach and scope are contained in the Audit Terms of Reference at Appendix 1.

2. Key Issues

Priority 1 Issues

The 'Application Form: Home to School Travel Assistance (for ages 5-16)' although obtaining consent to process the personal data of the parent/carer and child did not also obtain consent for the processing of the personal data of the emergency contact. **(Issue 1)**

Examination of a sample of ten contracts found that seven had not been evidenced as signed or dated, two contracts were signed but had not been dated and one contract could not be located on SharePoint. **(Issue 4)**

Priority 2 Issues

Examination of a sample of 15 processed application forms found that in two instances acknowledgement and confirmation that the applicant had read the 'Home to School Travel Assistance Policy' was not evident. (**Issue 2**)

Examination of the staff records supplied by the passenger transport contractors for a sample of ten vehicles (being ten drivers and seven passenger assistants) found that three of the DBS checks were older than three years old contrary to Council policy. (**Issue 3**)

There were no Priority 3 issues arising.

Control Area 2: Eligibility Assessments

Priority	Action Proposed by Management	Detailed Finding/Rationale - Issue 1				
1	<p>The application form has been updated to reflect the need to gain consent for the processing of the personal data of the emergency contact. A conversation was had with the Information Management Team in May 2021 to confirm that we had a justifiable reason for processing the information, but that we should amend the application form to reflect the need to obtain the consent for the processing of the emergency contact. The amended form has been forwarded for upload to the Council's website.</p>	<p>The General Data Protection Regulations (GDPR) article 6 (1) requires any organisation processing personal data to have a valid legal basis for that processing activity. The law provides six legal bases for processing, namely consent, performance of a contract, a legitimate interest, a vital interest, a legal requirement, and a public interest.</p> <p>Parents or carers who wish to apply for travel assistance for their child are required to complete an 'Application Form: Home to School Travel Assistance (for ages 5-16)' either on-line or by downloading it and providing personal information about them and their child.</p> <p>Examination of the application form confirmed that the parent or carer completing the form was required to formally acknowledge that they had had read and understood 'The General Data Protection Regulation Privacy Notice and I give my consent for the data provided in this form to be used and shared accordingly.'</p> <p>The application form; however, also includes the requirement to <i>'provide the details of a second contact in the event that we are unable to make contact with you'</i> but consent of this individual is not sought or evidenced on the form.</p> <p>Where personal data is collected and stored without a legal basis in line with the requirements of the GDPR, the Council is in breach of the GDPR and may face fines and/or sanction from the Information Commissioners Office.</p>				
	<table border="1"> <thead> <tr> <th>Responsible Officer</th> <th>Deadline</th> </tr> </thead> <tbody> <tr> <td>Head of Independent Travel</td> <td>Complete</td> </tr> </tbody> </table>	Responsible Officer	Deadline	Head of Independent Travel	Complete	
Responsible Officer	Deadline					
Head of Independent Travel	Complete					

Priority	Action Proposed by Management	Detailed Finding/Rationale - Issue 2				
2	<p>Acknowledgement on system 25/05/2020, confirmation applicant has read policy dated 07/05 added to client's file 10/02</p> <p>Acknowledgement and confirmation the applicant had read the policy (11/11/2020) updated onto client file</p>	<p>Section 5 of the 'Application Form: Home to School Travel Assistance (for ages 5-16)' is required to be signed by the parent / guardian confirming that, 'the information on this application form is true and correct to the best of my knowledge' and 'If I do not accept the travel assistance allocated the application will be withdrawn and I will take responsibility for my child's travel to and from school.'</p> <p>Regardless of the method of submission (i.e. online or hardcopy), applicants are also required to acknowledge and confirm that they have read the 'Home to School Travel Assistance Policy', the 'Code of Conduct', the 'Privacy notice' and 'Legal Declaration.'</p> <p>Examination of a sample of 15 processed application forms found that in two instances acknowledgement and confirmation that the applicant had read the 'Home to School Travel Assistance Policy' was not evident.</p>				
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Responsible Officer	Deadline					
Deputy Head of Independent Travel	Complete					

Control Area 3: Vehicle Assessments

Priority	Action Proposed by Management	Detailed Finding/Rationale - Issue 3				
1	A request was made for the contract documentation from Procurement who advised that they don't store it. I have sought the copies from legal (who procurement inform keep the signed copies) and will locate, and upload them to our SharePoint Site.	<p>The Council's Tender and Contract Regulations detail in regulation 4.2 that Officers must, <i>'Obtain all required approvals at the correct point in the procurement process as advised by these Regulations and complete a written contract (signed and/or sealed, as required) before placing an order or raising a purchase order for any supplies, services or works.'</i></p> <p>It was established that the Service used 26 different suppliers for the different transport routes provided. It was explained that routes are let through a Dynamic Purchasing System (DPS) (all companies are evaluated thoroughly before joining the DPS system), for which companies then bid/auction for a route or routes. Usually the cheapest is awarded. Upon award the successful company is required to sign a contract acknowledging their agreement to the terms and conditions and routes specified.</p> <p>Examination of a sample of ten contracts found that:</p> <ul style="list-style-type: none"> • seven contracts had not been evidenced as signed or dated • two contracts were signed but had not been dated • one contract could not be located on SharePoint, (the tool which contracts are stored on.) <p>Where signed contracts are not held, there is a breach of the Council's Tender and Contract Regulations and a risk that the Council may have limited recourse in the event of a dispute.</p>				
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Control Area 4: DBS Checks

Priority	Action Proposed by Management	Detailed Finding/Rationale - Issue 4				
2	<p>The process for reviewing contractors' staff details has been revised, with the implementation of conditional formatting on each of the contractors' returns, which highlights to the Contracts and Procurement officer when a DBS (and other info such as PCO Licence) is approaching 60 days' from expiry, 30 days from expiry, and has gone past their expiry.</p> <p>This has been incorporated into a new schedule of checking those sheets on a monthly basis (all) and replying to contractors who have staff members whose DBS (and other qualifications) are due to expire within the next 60, 30 (or imminently) days.</p>	<p>The 'Passenger Transport - Service Specification' paragraph 5.3 details that, <i>'The Contractor is to ensure that Enhanced Disclosure and Barring Service (DBS) checks (including Protection of Vulnerable Adults (PoVA) and Protection of Children Act (PoCA) checks) are carried by the Contractor out on all staff including Drivers, Passenger Assistants, and Accompanying Guides, and any replacements, involved in the execution of services for the Council, before they are employed on the execution of the Services required by the Council. Portability of DBS checks carried out by a previous employer will not be permitted except where specifically agreed with the Council in exceptional circumstances.'</i> In line with Council Policy, all DBS checks are required to be renewed every three years. In this regard, passenger transport contractors are required to submit termly staff records to the Council, which will include DBS, PoCA and other details, to be checked.</p> <p>Examination of the staff records supplied by the passenger transport contractors for a sample of ten vehicles (being ten drivers and seven passenger assistants) found that three of the DBS checks were older than three years old, as follows:</p> <ul style="list-style-type: none"> • (a) the driver's DBS was three years old on 14 February 2021; • (b) the driver's DBS was three years old on 15 June 2020; • (c) the passenger assistant's DBS was three years old on 20 February 2021; <p>DBS checks are only accurate on the day that these are conducted, therefore where these are not periodically updated at least every 3 years in line with Council Policy, there is a risk that changes in individual's DBS status are not detected in a timely manner and that consequently passengers may be at risk.</p>				
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AUDIT TERMS OF REFERENCE

SEN Transport (Safeguarding)

1. INTRODUCTION

- 1.1 Parents/carers are responsible for ensuring that their children attend school regularly under s.444 of the Education Act 1996 (as amended). This includes arranging any necessary travel arrangements to and from school and/or accompanying their child as necessary.
- 1.2 Under the Education Act 1996 (as amended by the Education and Inspections Act 2006), local authorities have a duty in certain circumstances to make such travel arrangements as they consider necessary to secure that suitable home to school travel arrangements are made for the purpose of facilitating a child's attendance at relevant educational establishments for children aged 5-16. In addition, local authorities also have a duty to facilitate access to full-time education for young people aged 16-19 and this may include assistance with travel in certain circumstances.
- 1.3 There is no statutory entitlement to travel assistance for children under 5. Children of pre-school age will not be provided with travel assistance other than in exceptional circumstances.
- 1.4 Best practice suggests that the maximum each way length of journey for a child of primary school age to be 45 minutes and for secondary school age 75 minutes. For children with SEN and/or disabilities, journeys may be more complex and a shorter journey time, although desirable, may not always be possible.

2. OBJECTIVES AND METHOD

- 2.1 The overall audit objective is to provide an objective independent opinion on the adequacy and effectiveness of controls / processes.
- 2.2 The audit will for each controls / process being considered:
- Walkthrough the processes to consider the key controls;
 - Conduct sample testing of the identified key controls, and
 - Report on these accordingly

3. SCOPE

- 3.1 This audit included the following areas (and issues raised):

Control Areas/Risks	Issues Raised		
	Priority 1 (High)	Priority 2 (Medium)	Priority 3 (Low)
Legislative, Organisational and Management Requirements	0	0	0
Eligibility Assessments	1	1	0





SEN Transport (Safeguarding) 2020-21

Control Areas/Risks	Issues Raised		
	Priority 1 (High)	Priority 2 (Medium)	Priority 3 (Low)
Vehicle Assessments	1	0	0
Drivers Assessments and Safeguarding checks	0	1	0
Relevant Health and Safety Training	0	0	0
Journey Time Management and Performance Monitoring Arrangements	0	0	0
Total	2	2	0

Definitions for Audit Opinions and Identified Issues

In order to assist management in using our reports:

We categorise our **audit assurance opinion** according to our overall assessment of the risk management system, effectiveness of the controls in place and the level of compliance with these controls and the action being taken to remedy significant findings or weaknesses.

	Full Assurance	There is a sound system of control designed to achieve the system objectives and the controls are constantly applied.
	Substantial Assurance	While there is basically a sound system of control to achieve the system objectives, there are weaknesses in the design or level of non-compliance of the controls which may put this achievement at risk.
	Limited Assurance	There are significant weaknesses in key areas of system controls and non-compliance that puts achieving the system objectives at risk,
	No Assurance	Controls are non-existent or extremely weak, leaving the system open to the high risk of error, abuse and reputational damage.

Priorities assigned to issues identified are based on the following criteria:

Priority 1 (High)	Fundamental control weaknesses that require immediate attention by management to action and mitigate significant exposure to risk.
Priority 2 (Medium)	Control weakness that still represent an exposure to risk and need to be addressed within a reasonable period.
Priority 3 (Low)	Although control weaknesses are considered to be relatively minor and low risk, still provides an opportunity for improvement. May also apply to areas considered to be of best practice that can improve for example the value for money of the review area.

Statement of Responsibility

We take responsibility to the London Borough of Croydon for this report which is prepared on the basis of the limitations set out below.

The responsibility for designing and maintaining a sound system of internal control and the prevention and detection of fraud and other irregularities rests with management, with internal audit providing a service to management to enable them to achieve this objective. Specifically, we assess the adequacy and effectiveness of the system of internal control arrangements implemented by management and perform sample testing on those controls in the period under review with a view to providing an opinion on the extent to which risks in this area are managed.

We plan our work in order to ensure that we have a reasonable expectation of detecting significant control weaknesses. However, our procedures alone should not be relied upon to identify all strengths and weaknesses in internal controls, nor relied upon to identify any circumstances of fraud or irregularity. Even sound systems of internal control can only provide reasonable and not absolute assurance and may not be proof against collusive fraud.

The matters raised in this report are only those which came to our attention during the course of our work and are not necessarily a comprehensive statement of all the weaknesses that exist or all improvements that might be made. Recommendations for improvements should be assessed by you for their full impact before they are implemented. The performance of our work is not and should not be taken as a substitute for management's responsibilities for the application of sound management practices.

This report is confidential and must not be disclosed to any third party or reproduced in whole or in part without our prior written consent. To the fullest extent permitted by law Mazars LLP accepts no responsibility and disclaims all liability to any third party who purports to use or rely for any reason whatsoever on the Report, its contents, conclusions, any extract, reinterpretation amendment and/or modification by any third party is entirely at their own risk.

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