

County Council
Thursday 16th February, 2023



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To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

8 February 2023



Chief Executive

A G E N D A

9. Questions from Members of the Council (Pages 1 - 8)

Answers to questions from Members of the Council pursuant to Standing Order 17.



QUESTIONS TO THE LEADER OF THE COUNCIL AND CABINET MEMBERS

Thursday 16 February 2023

1. QUESTION FROM COUNCILLOR HANNAFORD Re: Excess deaths in Devon

Current trends indicate that more than 650,000 deaths were registered in the UK in 2022 - 9% more than 2019. This represents one of the largest excess death levels outside the pandemic in 50 years.

Over the past five years how many excess deaths have occurred in Devon?

REPLY BY COUNCILLOR CROAD

When comparing the number of deaths with previous years it is important to use age-standardised rates to account for both population growth and population change (with an ageing population and lower birth rates in more recent decades). This means that comparisons based on the number of deaths from year-to-year are inappropriate, especially in counties like Devon with higher population growth and an older population profile. The table below compares age standardised death rates in the last five years with the previous five year period (2022 is compared with average rates from 2017 to 2021 and so on) to determine if excess deaths occurred in that particular year. This highlights that mortality rates in Devon have typically been consistent with or a little below expected levels between 2018 and 2021 and around 0.5% higher in 2022, with an estimated 51 excess deaths. Deaths rates during 2020 and 2021 were lower overall despite the emergence of Covid-19 which was influenced by the impact that Covid-19 measures had on the spread of other infectious diseases.

Date	Devon Death registrations (number)	Devon Deaths (DASR Direct Age Standardised Rate per 100,000)	Average DASR for previous five years	Difference from previous five years (%)	Estimated Excess Deaths
2018	9,074	882.6	883.1	-0.1%	-
2019	8,943	852.3	884.5	-3.6%	-
2020	9,167	855.8	882.1	-3.0%	-
2021	9,169	844.0	872.7	-3.3%	-
2022 (provisional)	9,643	865.9	861.4	0.5%	51

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2. QUESTION FROM COUNCILLOR HANNAFORD
Re: Trends in excess deaths

What are the latest figures and trends in Devon?

REPLY BY COUNCILLOR CROAD

Weekly figures based on death registrations for all causes are included in the Devon Coronavirus (Covid-19) dashboard ([Deaths from all causes - Coronavirus \(COVID-19\) \(devon.gov.uk\)](https://devon.gov.uk/covid-19)). This highlights an increase in death registrations during December 2022 and January 2023 largely driven by an increase in deaths in the Christmas and New Year period which was seen across the country, which has declined in late January and into February. Death registrations in January also included delayed registrations for deaths occurring in late December which is typical over the Christmas and New Year period.

3. QUESTION FROM COUNCILLOR HANNAFORD
Re: Causes of excess deaths

How much of this is being driven by the cost-of-living crisis, poverty, and cold homes in Devon?

REPLY BY COUNCILLOR CROAD

The influences on mortality rates are complex and varied, with key influences of excess deaths in the winter period relating to infectious diseases such as influenza, as well as circulatory and respiratory conditions.

4. QUESTION FROM COUNCILLOR HANNAFORD
Re: Actions taken to reduce excess deaths

What work are we doing with key partners and stakeholders to monitor and reduce these numbers?

REPLY BY COUNCILLOR CROAD

Excess deaths are monitored throughout the year across Devon County Council and the Integrated Care System. An excess deaths monitoring group is formed when increases in deaths are seen, such as at the beginning of the Covid-19 pandemic in 2020 and over the Christmas / New Year period. It is also worth noting that the work of the Devon Health and Wellbeing Board and the new One Devon Integrated Care Strategy is focused on the wider factors that influence health and wellbeing, such as economic resilience (including the current cost-of-living crisis), poverty, cold homes and climate change.

5. QUESTION FROM COUNCILLOR ASVACHIN
Re: Equality and diversity training

Can you tell me what percentage of councillors have completed the mandatory equality & diversity training?

REPLY BY COUNCILLOR SAYWELL

We have held two 'Equality, Diversity and Inclusion – Legal and Moral Duties' training sessions resulting from the Council's Race Equality Audit, these were held on Tuesday 6th December 2022 and Wednesday 8th February 2023. Members will know that the Council passed a motion to require Members to attend a session. 39 Members (65%) attended at least one of these sessions, with 7 Members attending both. Officers have contacted those who have not been able to attend a session and will be arranging at least one additional session to allow all members to have the opportunity to attend the session.

6. QUESTION FROM COUNCILLOR AVES
Re: Special Educational Needs and Disabilities Protest

Would the Cabinet member explain why he was not present at the DSCPP protest. What response is he able to give to the families at the protest about what he is going to do to improve communication and services for these families?

REPLY BY COUNCILLOR LEADBETTER

As soon as I was notified of the date, I realised that I was I was going to be out of the Country, and therefore contacted the organisers to express my apologies and arranged to meet with them 2 days before the protest, with the Director of Children's Services.

We have been working on a plan to address the issues in the Service for some time and this work has accelerated since the arrival of the new interim Director of Children's Services and Chief Executive.

I know that we need to do more in the way that we communicate with parents both in helping them with their specific cases but also how we and our health and school colleagues keep all parents, carers, and stakeholders informed about services and opportunities through the local offer and about our wider improvement journey. The Council is prioritising our SEND casework team, which is the key team in terms of direct communication with families. We are recruiting more staff to reduce workloads and providing training to staff in the team. Recruiting experienced staff for SEND is a challenge across the Southwest and we are urgently looking at support to the team from other council departments.

7. QUESTION FROM COUNCILLOR AVES

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Re: Educational Health Care Plan (EHCP) funding

Why are schools being paid the Educational Health and Care Plan money for children who are not attending their school when the school cannot accommodate their needs?

REPLY BY COUNCILLOR LEADBETTER

We acknowledge an issue that we are addressing.

8. QUESTION FROM COUNCILLOR AVES

Re: Alternative provision capacity for children in education

Why does Devon not have enough alternative provision capacity for children in Education other than at School, who should be receiving education for a minimum of hours per week?

REPLY BY COUNCILLOR LEADBETTER

There should be fewer children needing alternative provision and we need to support all schools to develop their capacity to support children to remain in school. For most children this the best option to meet their needs. We keep the need for high quality alternative provision under review and there is a challenge in getting well-performing providers for this type of provision.

9. QUESTION FROM COUNCILLOR AVES

Re: Tribunals for EHCPs

How many tribunals were there for Educational Health and Care Plans this financial year, what percentage of them did the parents win and how much did it cost Devon?

REPLY BY COUNCILLOR LEADBETTER

Number of appeals registered between 01/04/2022-13/02/2023
207

Outcomes

Withdrawn	Conceded	Consent order	Dismissed/ struck out	Ordered to assess	Ordered to issue	Ordered to amend	Ongoing
8	26	20	4	26	3	6	114

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% of appeals parents 'won' out of appeals with outcomes*
37.60%

* the term 'won' covers any outcome where the LA was ordered to assess/issue/amend although when ordered to amend though this may be only some of the sections, for example parent may have 'lost' the placement part of the appeal but the Local Authority are ordered to amend Sections B and/or F.

Funding

Tribunal Costs - as at 14/02/23

H360-H6458-4306	Global mediation	Pre-purchase	30,000
H360-H6458-4306	Global mediation	Overusage	44,375
H360-H6458-4306	SEND Education Ltd	Consultation	6,000
HG310-H6386-4314	Landmark	Counsel	1,100
HG310-H6386-4314	Landmark	Counsel	800
HG310-H6386-4314	Landmark	Counsel	2,200
HG310-H6386-4314	Landmark	Counsel	500
HG310-H6386-4314	Landmark	Counsel	500
HG310-H6386-4314	Landmark	Counsel	500
HG310-H6386-4314	Landmark	Counsel	500
			<hr/>
			86,475
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This tables highlights the additional costs our legal team pick up through tribunals. Please note this does not take into account staffing costs.

10. QUESTION FROM COUNCILLOR AVES Re: Communication of scrutiny reports

Why are scrutiny reports like the SEND Task Group Report not automatically going out through COMMS so that the public are informed?

REPLY BY COUNCILLOR LEADBETTER

The DCC communications protocol suggests that every effort will be made to promote the work of scrutiny and its key outputs subject to the availability of time and resources. To help this process, our media officer(s) regularly meet with the Scrutiny team to plan for forthcoming opportunities to try to make the most of these. In this particular case, unfortunately pressure on resources meant this report didn't materialise as a news story. However, reports from Scrutiny committees have been promoted to the media in recent months including new powers to reduce traffic congestion; brave new vision for children and young people; and recommendations to improve ambulance times.

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The SEND task group report is in the public domain, published as part of the Childrens Scrutiny agenda on 15 November 2022. However, I will discuss with the Head of Communications how we can make the SEND Task Group Report more visible to families as part of the improvement plan.

11. QUESTION FROM COUNCILLOR BAILEY

Re: Advice given regarding allegations against John Humphreys

At the DCC Cabinet meeting on 10th February you told me, in relation to former disgraced Cllr John Humphreys, that I should “leave this subject alone”. However, unfortunately questions remain not least because of the narrow terms of reference of the DCC-commissioned report and issues arising from the report itself:

Did any DCC officers advise any members of the Cabinet of the allegations against John Humphreys around the time of the LADO meetings (March 16, April 16, November 16) or at any time prior to John Humphreys being charged in November 2020?

REPLY BY COUNCILLOR LEADBETTER

We dispute that the terms of reference were narrow. The scope of the terms relates to DCC’s involvement and the actions taken by DCC. It would be entirely inappropriate for DCC to have investigated the roles and responsibilities of other parties and agencies. Ex Cllr Joh Humphreys was not a DCC elected member.

I would re-iterate that ex Cllr Humphreys was not a DCC elected member, he was an East Devon Councillor. DCC complied with its legal obligations in relation to the matter been dealt with by the LADO and ensured that there were no contacts with children and no children at risk as a result of the allegations. In addition to this DCC had to comply with its duties and cooperated with the police and retained confidentiality as required to so as to not jeopardise the highly important criminal investigation and ultimate successful prosecution and imprisonment of ex Cllr Humphreys.

12. QUESTION FROM COUNCILLOR BAILEY

Re: Information on multi-agency safeguarding meetings in 2016

The report that Mike Ferguson produced details two multi agency safeguarding meetings yet omits the third which took place on November 2016. Your response to my Cabinet Question of 10th February states “It would not be appropriate to share the confidential detail of any the multi-agency meetings held”. In fact, I am only asking you to explain in a consistent way what happened in the November 2016 meeting in the same way the report has detailed the March and April 2016 meetings. It appears to be a significant omission that the DCC commissioned report does not refer to the November 2016 meeting. Please advise the matters that were discussed and the outcomes in the same way that the report has done for the March and April 2016 meetings.

REPLY BY COUNCILLOR LEADBETTER

The LADO safeguarding meeting is a confidential meeting, the notes of which cannot be shared or published. As already confirmed the investigator was supplied with the full content of the meeting. Whilst I cannot share the full content with you, I can confirm the meeting discussed the issues which were already discussed, that ex Cllr Humphreys has been charged and bailed, and investigations were ongoing by the police. An update on the actions from the previous meeting was also provided.

I am very happy to discuss the Councillor's concern in a meeting with relevant officers.

