

CHILDREN'S SCRUTINY COMMITTEE

16 September 2024

Present:-

Councillors T Adams (Chair), P Sanders (Vice-Chair), S Aves, J Bradford, J Brazil, M Squires and C Slade; and Councillors C Channon, L Hellyer and J Wilton-Love (remote)

Apologies:-

Councillors A Dewhirst, P Maskell, R Peart, R Radford and C Mabin (Church of England Diocesan representative)

Members attending in accordance with Standing Order 25

Councillor L Samuel (Cabinet Member for Children's SEND Improvement Services) and J McInnes

* 160 **Chair's Announcements**

The Chair welcomed the representatives of school leaders and partner organisations that were present to speak to the Committee, thanking them for their attendance.

* 161 **Declarations of Interest**

The Chair reminded Members they should declare any interests they may have in any item to be considered, prior to any discussion taking place on that item. [A list of county councillors who are also district, borough, city, parish or town councillors.](#)

* 162 **Minutes**

RESOLVED that the Minutes of the meeting held on 17 June 2024 be signed as a correct record.

* 163 **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* 164 **Public Participation**

There were no oral representations from members of the public.

* 165 **Responses of the Cabinet to Reports of the Committee**

There was no specific update on responses of the cabinet to reports of the Committee that warranted comment under this item. The Cabinet Member for Children's SEND Improvement Services advised that they would provide relevant information under the appropriate items during the meeting.

* **166** **Scrutiny Committee Work Programme**

The Scrutiny Officer updated Members as follows:

- Masterclass on Lifelonglinks – scheduled for 24 September 2024;
- The next meeting of the Scrutiny Committee – scheduled for 11 November 2024 – including the items for consideration at that meeting;
- The possible future consideration by Scrutiny of Family Hubs, as recommended by Cabinet on 14th August 2024 and the Youth Justice Plan which was considered by Full Council on 5 September 2024

* **167** **SEND Transformation Programme Update**

(In accordance with Standing Order 25, Councillor L Samuel attended and spoke to this item with the consent of the Committee)

The Committee considered the Report of the Director of Children & Young People's Futures (CS/24/24) which provided the Scrutiny Committee with an update on progress made on the SEND Transformation Programme since the last meeting of the Committee.

The supplement to the Report updated on progress made under a number of categories, these being SEND Strategy; Early Help & Inclusion; Preparation for Adulthood; Statutory SEN Processes; Sufficiency; Financial Management & Placement Value; and Multi-agency Pathways, as well as providing key statistical information around Education, Health and Care Plans (EHCPs) and placement costs. A programme milestone tracker was also included.

There was significant discussion around capacity in the Statutory SEND Team. This included concern around the SEND overspend, reported as £7 million at the Devon County Council Cabinet, in the context of the Local Authority needing to make savings and increase this capacity whilst also protecting the interests of vulnerable children. There was further detailed discussion around EHCPs including:

- The absence of EHCP timeliness statistics in the report;
- Challenges with retention, recruitment and long-term sickness in the Statutory SEND Team;

- That several performance indicators pertaining to EHCPs had started to trend positively;
- Challenges around EHCP assessments. Representatives of school leaders and partner organisations spoke to these challenges and the impact that, for instance, unsuccessful applications or the difficulty of procuring timely assessments can have on the overall experience of families, children and schools, and the timeliness of the process;
- That there was still a significant backlog of outstanding EHCP reviews, but that backlog was reducing, indicating a positive trend;
- The admission that there was still inconsistency in the experience of families and children with regard to the EHCP process; and
- The mechanisms surrounding cessation of EHCPs and the support given to young people at this point.

Other aspects of the discussions between members and officers included:

- Support voiced for the layout and format of the information provided, appreciating the Red, Amber, Green (RAG) ratings and simple layout of the supplement which enabled the Committee to easily track progress;
- The mechanisms by which Children's Services got feedback from service users to ensure that the positive steps reflected in the report were being felt 'on the ground';
- School attendance and whether there had been improvements. It was noted that this was a complex issue, and that children with complex needs were more likely to have low attendance;
- The unique nature of rural deprivation versus urban and the importance of recognising this, noting however that both were of importance;
- Inequalities in school funding which worked to the detriment of Devon, who received significantly less money per year from Government to fund its schools. The Council's leadership had been lobbying its MPs for assistance with this;
- Funds that had been paid to the Authority which were being used to support Educational Psychologist provision and development of Early Help services. However there was concern raised by a school leader representative of the implications of schools being directed to return funding to the Council, which necessitated the removal of pastoral and SEND support. Additionally there was an increase in students receiving

Early Help involvement, with schools being asked to take the lead on this, negatively impacting staff time and resources;

- Member opinion that work to improve communications should be done in liaison with parents to ensure that changes to communications and use of language is informed by service user understanding.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Slade and

RESOLVED that the Scrutiny Committee:

(a) Welcomes the update from the SEND Transformation Programme laid out in the report with partners.

(b) Supports the Council's continued lobbying of Devon MPs on fair funding for Devon's Schools, working with the f40 Group.

(c) Asks that the next update report also includes further information on the safety valve transformation implementation programme, EHCPs including timeliness and communication with families.

* 168

Sufficiency Strategy

The Committee considered the Report of the Director of Children's Services / Head of Service of Commissioning and Resources (CS/24/25) on the draft Sufficiency Strategy for Children in Care and Care Leavers 2024 – 2029. This strategy, which was [available online](#), pertained to the Authority's needs to fulfil its Corporate Parenting responsibility for children within its Local Authority Area. The Strategy had five key areas of focus: Providers; Building Bridges; Fostering; Promoting Stability; and Stepping Forward. The Report highlighted the vision to "have the majority of children in care in family-based placements" and "to significantly reduce the ratio [...] of out of area placements."

Discussion points between members and officers included:

- What level of consultation had been done with children in care in the preparation of the strategy. Officers explained that the draft strategy included a "Feedback from children and young people" section and that, whilst they had not been presented with the strategy itself per se, officers were confident that young people's views had been collected and considered. Officers further noted that they had received feedback from some young people feeling 'over consulted,' which officers wished to be mindful of;
- Reference in the Report (2.9) to the upskilling of staff: the rationale for doing so and mechanisms to achieve this. Members heard that an audit of the training by external providers given to their staff was

underway to ensure that the training was suitable and fit for purpose. In the meantime, the Service was having targeted conversations with provided on an as-required basis concerning individual young people with complex needs;

- Whether there was feedback regarding the 'Stand Up Speak Up' with regard to effectiveness and take-up and how the website was promoted to young people; and
- The assertion in the Report that there were theoretically sufficient providers in Devon to enable all Devon children in care to live in the county versus the realities of the situation. Officers explained that there were cases where a child in care would be placed outside of Devon because that was in that child's best interest, but acknowledged that there were children in care placed outside of Devon inappropriately, with work ongoing to rectify that, which was yielding promising results early on.

Members welcomed the positive aspects of the report and associated strategy. There was comment however that the Scrutiny Committee would like to see future reports include information – plans, outcomes – to support their scrutiny and overview function.

It was **MOVED** by Councillor Aves and **SECONDED** by Councillor Adams that the Scrutiny Committee supports the overall direction within the Strategy and welcomes further engagement on the strategy.

It was then **MOVED** by Councillor Brazil and **SECONDED** by Councillor Sanders that the motion be **AMENDED** by the addition of the following:

That the Scrutiny Committee ask Cabinet to consider the use of the second home council tax premium to invest in housing for both key workers and care leavers.

The amendment was put to the vote and declared **CARRIED**.

It was therefore voted on (as the substantive motion) and **RESOLVED** that the Scrutiny Committee:

(a) supports the overall direction within the Strategy and welcomes further engagement on the strategy; and

(b) asks Cabinet to consider the use of the second home council tax premium to invest in housing for both key workers and care leavers.

* **169** **Local Government and Social Care Ombudsman (LGSCO) Report - Update on Progress**

The Committee considered the Report of the Director of Children and Young People's Futures (CS/24/26) which updated the Scrutiny Committee on the actions taken arising from recommendations made in a Local Government and Social Care Ombudsman (LGSCO) report regarding Special Guardianship Allowance (SGA) payments.

Members were advised that the complainant in question had received the payments that were due to them and that the Service had undertaken reviews of all other SGAs in light of the LGSCO's findings.

Members raised concern around the delays seen in the Stage 2 complaints process; and confirmed with officers that the Authority had allocated sufficient funds to cover its liabilities in relation to the LGSCO's findings moving forward.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Slade and

RESOLVED that the Scrutiny Committee welcomes and supports the progress with the implementation of the actions arising out of the recommendations made in a Local Government and Social Care Ombudsman Report.

* **170** **Children's Scrutiny Social Care Visits Report**

The Committee considered the Report of the Director of Legal and Democratic Services (LDS/24/28) on the Children's Scrutiny Committee visits to the Council's Front Door, Assessment Teams and Public Health Nursing staff.

Of particular note was the theme of wellbeing, in particular how the Council could be proactive in supporting its staff in terms of building resilience and supporting staff to manage issues and concerns before they grow into large-scale problems. There was also recognition of supporting staff where problems do arise, such as through the Employee Assistance Programme (EAP).

Member discussion points included:

- Front Door referral rates, including how Devon's compared to other authorities and variance depending on the time of year; and
- Frustrations that had been raised to councillors regarding the availability of adequate places for staff consultations with clients, particularly regarding district council offices.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Slade and

RESOLVED that the Scrutiny Committee:

(a) Commend the report to Cabinet for Cabinet to consider the findings as part of the Council's improvement journey in Children's Services; and

(b) Ask that Cabinet has due consideration of the following key points for improvement and responds to the Children's Scrutiny Committee at its Committee meeting in March 2025:

- The widespread acknowledgement of the impact of improvements in the Front Door on the wider service.
- The continued need to reduce the number of agency staff in the Assessment Teams.
- The need to create more pace in the recruitment process so that staff can be recruited quickly into posts.
- How the Council can further support staff, through the supervision and counselling offer, who experience difficult or upsetting cases which affect the emotional wellbeing of staff.
- Consideration of amending the duty week to ensure a more equitable allocation of cases between Assessment Teams.
- The support from Staff for the re-tendering of the case management system.
- The need to ensure that on joint visits, the Police are always present to support our staff.
- The need to lobby the Government and the Department for Health and Social Care for a better funding formula for Public Health that reflects Devon's current needs.

* 171

Proposed Relocation of Tipton St John Primary School

In accordance with Standing Order 23(2), Councillor J Bailey had asked that the Committee consider this item.

Councillor Bailey spoke to the Committee regarding plans by the Council to relocate Tipton St John Church of England Primary School due to the current building's location being at risk of flooding. The Committee heard that the Council's current direction of travel was to relocate the school to Ottery St Mary and was on track for a decision at the December meeting of the Council's Cabinet. Councillor Bailey expressed concern regarding the lack of member oversight and asked that the Scrutiny Committee exercise its overview function to examine the proposal and its rationale.

The Committee heard from an officer that an element of the statutory consultation regarding the proposed relocation had been paused, so that the December timescale was no longer accurate, and a decision would be taken later than that.

Members supported the request to exercise their overview function and agreed to add this to the work programme as a more broad examination of the process by which the Council reaches such decisions.

* 172 **Regional Adoption Agency (RAA) Joint Scrutiny Group Report**

The Committee considered the Report of the Director of Legal and Democratic Services (LDS/24/34) on the Regional Adoption Agency Joint Scrutiny Group meeting on 25 July 2024.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Adams and

RESOLVED that the Committee accept this report as an accurate record of the issues explored in the meeting ensuring transparency in scrutiny activities.

* 173 **Children's Standing Overview Group**

The Committee considered the Report of the Director of Legal and Democratic Services (LDS/24/33) on the Children's Scrutiny Committee Standing Overview Group meeting on 29 July 2024.

It was **MOVED** by Councillor Sanders, **SECONDED** by Councillor Adams and

RESOLVED that the Committee accept this report as an accurate record of the issues explored in the meeting ensuring transparency in scrutiny activities.

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 10.30 am and finished at 1.11 pm