

County Council
Thursday 15th February 2024



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DEVON COUNTY COUNCIL

To: Members of Devon County Council

County Hall
Exeter
EX2 4QD

7 February 2024

Your attendance is requested at the Meeting of the Devon County Council to be held at County Hall, Exeter on Thursday, 15th February, 2024 at 2.15 pm.

Chief Executive

AGENDA

7. Questions from Members of the Council (Pages 1 - 6)

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



QUESTIONS TO THE LEADER OF THE COUNCIL, CABINET MEMBERS AND COMMITTEE CHAIR

Thursday 15 February 2024

1. QUESTION FROM COUNCILLOR GENT

Re: Public Rights of Way

How many public rights of way are currently closed or diverted due to:

- Coastal erosion
- River erosion, including damage to bridges
- Other reasons

How long have the closures or diversions been in place on average?

Is the backlog of closed rights of way getting worse?

Does this list include footways alongside roads?

REPLY BY COUNCILLOR HELLYER

Shorter temporary closures (up to 5 days) are used for planned closures for small scale works or (up to 21 days) in emergency situations where there is an imminent risk to public safety. These are not publicised on our website but are signed on site, with local parish councils and County Councillors informed. Extracting figures related to these short closures would be more difficult and time consuming; these figures would also fluctuate wildly over time (storms, floods, etc).

There are currently 39 public rights of way/unsurfaced unclassified county roads subject to temporary closure Orders (TTROs) under S14 Road Traffic Regulation Act 1984, details of which are available on the PROW webpages. The majority of these closures (23) are in place to enable larger scale development works, utility works, tree works, etc. Of the closed paths, 21 have an alternative route provided; where they do not have an alternative route it is because there is simply not one available. Closures are generally for 6 months (or until works are completed), but 18 of the current closures are Orders that have been extended by direction from the Secretary of State to allow more time for remedial work to be commissioned/completed.

Of the 39 current closures, 13 are due to either river or surface run-off erosion and four involve footbridges being undermined or damaged. Certain parishes have been particularly badly impacted by recent flooding events. The adjacent parishes of Ottery St Mary and Newton Poppleford & Harpford, both in the Otter valley, currently have 8 routes subject to TTROs.

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Only two PROWs are currently formally closed due to coastal erosion issues. However, there are several examples of routes (Lynton & Lynmouth FP24, Heanton Punchardon FP1, Morteohoe FP18 [part] and Morteohoe FP30) that are not now formally closed but either do not physically exist (lost) or are in too dangerous a state to be used by the public. These tend to be routes where longer-term major engineering solutions or permanent diversions are required. Legally extinguishing PROWs is a last resort and all options will be explored before this is considered. Resolving issues such as these can take many years and it is not always appropriate to continue with rolling temporary closures, so some paths are physically barriered off and signed accordingly on site but are not subject to a TTRO.

Anecdotally the number of temporary closures is rising, we do not have data to back this up comparing with previous years, but could produce such data given sufficient notice if required.

These figures do not include footways alongside roads.

2. QUESTION FROM COUNCILLOR ADAMS **Re: Meeting with DSPCC**

When does Cllr Samuel plan to meet with parents from DSPCC to discuss their concerns?

REPLY BY COUNCILLOR SAMUELS

The Council welcomes the opportunity to work in partnership with families across all elements of childrens services. We know that service development benefits from the voice of children and parents and that co-production helps us to shape services which are both collaborative and responsive to need. One of our key drivers is to work with parents where that will bring the best outcomes for children, young people and families. DCC have a strong working relationship with the DfE funded parent carer forum, who continue to represent parents and carers in Devon. In my role, there are a number of avenues where I listen to the views of parents, and I intend to provide a response as soon as possible to the most recent concerns received from DSPCC.

3. QUESTION FROM COUNCILLOR ADAMS **Re: SEND Decisions**

What percentage of SEND DCC decisions at present end in tribunals?

REPLY BY COUNCILLOR SAMUELS

2023	No of decisions	Appeal	%
Refusal to Assess	738	67	9%
Refusal to Issue	285	94	33%
Content of EHCP (including named school)	3460	214	6%
Ceased EHCP	622	10	1.6%
TOTALS	5105	385	7.5%

Please note that some of the appeals recorded above will be against decisions made in 2022. Some appeals against decisions made in 2023 will be recorded in 2024 data.

4. QUESTION FROM COUNCILLOR ADAMS Re: SEND decisions at tribunals

What is being done to reduce the SEND DCC decisions lost at tribunals?

REPLY BY COUNCILLOR SAMUELS

The following work, as part of the Devon SEND Transformation Programme, provides examples of what is being done to improve the experiences of children and young people with SEND, and their families.

Early support – Identifying need earlier and working closely with schools, parents, and other professionals to identify the best way to meet children and young people’s needs.

Communication with parents - Engaging in open dialogue with parents to address concerns and responding promptly to parents’ queries and concerns, particularly in the EHC assessment and review processes.

Co-production - co-production with parents and professionals to develop individual plans to support children and young people.

Information and advice - providing clear and accessible information to ensure parents and young people understand the EHCP process, their rights, and the available support.

Timeliness and Quality of EHCPs - improving the timeliness of assessments and plan reviews to prevent unnecessary delays and ensuring that assessments

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and EHCPs are high quality, accurately identifying a child's needs and tailored to meet the child's specific needs and aspirations.

Training and Professional Development: providing ongoing training for schools, DCC staff and health, including training in EHCP assessments and decision-making. Ensuring staff understand legal requirements and recent case law.

Learn from Tribunal Outcomes – analysing Tribunal decisions to identify patterns and areas for improvement to enhance decision-making processes.

5. QUESTION FROM COUNCILLOR ADAMS

Re: Number of Cases at Tribunals

Why are so many cases going to tribunal?

REPLY BY COUNCILLOR SAMUELS

The number of appeals to the SEND Tribunal is rising nationally. Around 11,000 SEND tribunals were registered nationally in 2021-22 academic year, representing a 29% increase compared to the previous year. The largest number of appeals ever recorded.

The trend in Devon is broadly following the national picture of increasing appeals with a large proportion being upheld in favour of parents and carers. Some of this is due to Devon receiving significantly more requests for EHC assessment than statistical neighbours or national comparators and in recent published data was the 6th highest nationally for requests per child population. This has a knock-on effect in terms of the proportion of decisions that are likely to end up in appeal. The most recent data shows that 66% of appeals are related to the decision to assess and the decision to issue and EHCP.

As part of the SEND Transformation Programme, partners are focusing on early help and inclusion to ensure that children and young people's needs are met earlier and in their local mainstream school, where appropriate. This support should support a reduction in requests where it is felt that this is the only route that children can receive the support they need.

6. QUESTION FROM COUNCILLOR ADAMS

Re: Reduction in Cases going to Tribunals

Has there been a reduction in SEND DCC decisions going to tribunal in the last 12 months?

REPLY BY COUNCILLOR SAMUELS

No. In 2022, there were 206 appeals against 4834 decisions (4%). In 2023, this increased to 7.5%.

The biggest increase in appeals was against the content of EHCPs and against the naming of a school. This is partially as a result of higher numbers of requests for specialist provision outside of the mainstream sector.

As part of the SEND Transformation work the service is focussing on improving sufficiency in Devon by increasing special school places and resource base provision.

7. QUESTION FROM COUNCILLOR HODGSON Re: 20MPH speed limits

How do the costs compare between our current process of assessment, scoring, selection of applications and subsequent implementation of between 4-6 new 20mph speed limit roads each year, rather than the once-off cost of the implementation of a county wide policy to make 20mph the default speed to replace the current 30mph speed limits? (Cornwall County Council has done this and could provide a useful model for this comparison – they aim to reduce both death and serious injury by 50% on their roads by 2030 and believe 20mph speeds will support this)

REPLY BY COUNCILLOR HUGHES

In the past two financial years (22/23 and 23/24) a total budget of £250,000 (£100,000 and £150,000 respectively) has been allocated to the provision of new 20mph limits in our communities, the assessment has been that this would provide for a total of 10 new speed limits.

The cost of introducing an new 20mph (or any other) speed limit comprises of design, legal and physical implementation costs. If a County Policy were adopted and changes to existing 30mph speed limits dealt with in a single tranche the vast majority of costs would remain; design work would still be required, and (unless there were change in national legislation) signing would need to be changed in the same manner at the same cost. There would be a small saving in the public Advertising of our Traffic Regulation Order as a single entity, however this accounts for less than 10% of current delivery costs.

