

Phil Norrey  
Chief Executive

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To: The Chair and Members of the  
Children's Scrutiny Committee

County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD

(See below)

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Your ref :  
Our ref :

Date : 31 May 2019  
Please ask for : Stephanie Lewis 01392 382486

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## **CHILDREN'S SCRUTINY COMMITTEE**

**Monday, 10th June, 2019**

A meeting of the Children's Scrutiny Committee is to be held on the above date at 2.15 pm at Committee Suite - County Hall to consider the following matters.

P NORREY  
Chief Executive

## **A G E N D A**

### **PART I - OPEN COMMITTEE**

- 1 Apologies
- 2 Minutes
- 3 Items Requiring Urgent Attention  
Items which in the opinion of the Chair should be considered at the meeting as matters of urgency.
- 4 Public Participation  
Members of the public may make representations/presentations on any substantive matter listed in the published agenda for this meeting, as set out hereunder, relating to a specific matter or an examination of services or facilities provided or to be provided.

### **MATTERS FOR CONSIDERATION OR REVIEW**

- 5 Election of Commissioning Liaison Member  
In line with the recommendations of the 'Scrutiny in a Commissioning Council' Task Group Report, the Committee be asked to select a Commissioning Liaison Member, whose role will be to work closely with the relevant Cabinet Members and Chief Officers/Heads of Service, developing a fuller understanding of commissioning processes, and provide a link between Cabinet and Scrutiny on commissioning and commissioned services.

The Commissioning Scrutiny Task Group Report can be viewed here:  
<https://democracy.devon.gov.uk/documents/s1830/Scrutiny%20in%20a%20Commissioning%20ig%20Council.pdf>

- 6      Elective Home Education (Pages 1 - 8)  
Report of the Head of Education and Learning (CS/19/15), attached.
- 7      Devon's Alternative Provision (Education) (Pages 9 - 12)  
Report of the Head of Education and Learning (CS/19/13), attached.
- 8      The Education, Health and Care Plan Task Group (Pages 13 - 52)  
Task Group Report, attached.
- 9      Schools Funding in Devon 2019/20 (Pages 53 - 60)  
Report of the Head of Education and Learning (CS/19/17), attached.
- 10     Performance- Education (Pages 61 - 76)  
Performance report (CS/19/16), attached.
- 11     Youth Service recommissioning (Pages 77 - 88)  
Report of the Head of Communities, attached.
- 12     Risk Register - Annual Report (Pages 89 - 98)  
Report of the County Treasurer (CT/19/53), attached.
- 13     OFSTED Focussed Visits - 1/2 May 2019 (Pages 99 - 100)  
Report of the Head of Children's Social Care (CS/19/19), attached.
- 14     Special Guardianship Task Group (Pages 101 - 120)  
Task Group Report, attached.
- 15     Children's Social Care - Office Site Visits (Pages 121 - 130)  
Scrutiny Report, attached.
- 16     Performance - Children's Social Care (Pages 131 - 136)  
Report of the Head of Children's Social Care (CS/19/18), attached.
- 17     Commissioning Liaison Member Spring briefing (Pages 137 - 140)  
Report of the Commissioning Liaison Scrutiny member, Councillor Hosking (CT/19/14), attached.

## **MATTERS FOR INFORMATION**

- 18     Information Previously Circulated  
Below is a list of information previously circulated for Members, since the last meeting, relating to topical developments which have been or are currently being considered by this Scrutiny Committee:
  - Implementation of new foster carer allowances scheme

- Annual OFSTED Conversation
- SEND review update

Briefing notes can be found at <https://new.devon.gov.uk/democracy/councillors-nav/information-for-members/briefings-for-members/children-and-schools/>

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#### Children's Scrutiny Committee Work Programme

In accordance with the previous practice, Scrutiny Committees are requested to review the list of forthcoming business (previously circulated) and to determine which items are to be included in the Work Programme.

The Committee may also wish to review the content of the Cabinet Forward Plan to see if there are any specific items therein it might wish to explore further.

The Work Programme and Forward Plan can be found at:

<http://democracy.devon.gov.uk/mgPlansHome.aspx?bcr=1>

#### **PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PUBLIC AND PRESS**

*Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.*

### Membership

Councillors R Hannaford (Chair), D Sellis (Vice-Chair), S Aves, F Biederman, J Brazil, C Channon, I Chubb, G Gribble, J Hawkins, L Hellyer, R Hosking, T Inch, A Saywell, M Squires, C Mabin, A Connett, P Sanders and J Mannix

### Declaration of Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

### Access to Information

Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact Stephanie Lewis 01392 382486

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### Public Participation

Devon's residents may attend and speak at any meeting of a County Council Scrutiny Committee when it is reviewing any specific matter or examining the provision of services or facilities as listed on the agenda for that meeting.

Scrutiny Committees set aside 15 minutes at the beginning of each meeting to allow anyone who has registered to speak on any such item. Speakers are normally allowed 3 minutes each.

Anyone wishing to speak is requested to register in writing to the Clerk of the Committee (details above) by the deadline, outlined in the Council's [Public Participation Scheme](#), indicating which item they wish to speak on and giving a brief outline of the issues/ points they wish to make. The representation and the name of the person making the representation will be recorded in the minutes.

Alternatively, any Member of the public may at any time submit their views on any matter to be considered by a Scrutiny Committee at a meeting or included in its work Programme direct to the Chair or Members of that Committee or via the Democratic Services & Scrutiny Secretariat ([committee@devon.gov.uk](mailto:committee@devon.gov.uk)). Members of the public may also suggest topics (see: <https://new.devon.gov.uk/democracy/committee-meetings/scrutiny-committees/scrutiny-work-programme/>)

All Scrutiny Committee agenda are published at least seven days before the meeting on the Council's website.

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Induction loop system available

## **Committee Terms of Reference**

1) To review the implementation of existing policies and to consider the scope for new policies for all aspects of the discharge of the Council's functions concerning the provision of personal services for children including social care, safeguarding and special needs services, schools and learning;

(2) To assess the effectiveness of decisions of the Cabinet in these areas of the Council's statutory activity;

(3) To relate scrutiny to the achievement of the Council's strategic priorities and objectives and of delivering best value in all its activities;

(4) To make reports and recommendations as appropriate arising from this area of overview and scrutiny.

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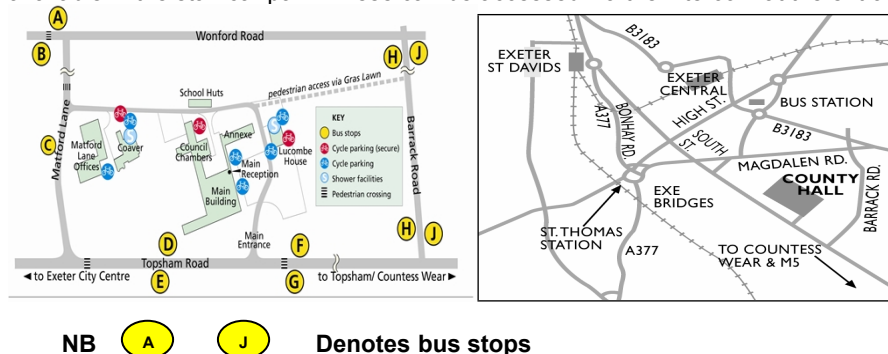
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## Elective Home Education

### Report from Head of Education and Learning

#### 1. Reasons children become home educated

The reasons underpinning parents' decisions to withdraw their children to be home educated are many, complex and varied. National reports from Ofsted suggest that "off-rolling" [also highlighted in the Timpson Review of School Exclusions (May 2019)] may be a factor as can challenge over poor attendance. An increase in children and young people in Devon with emotional and mental health problems facing long waiting times for assessment, and support is another contributing factor.

The Elective Home Education (EHE) Service collect and collate the principal reasons given by parents for why they have chosen to home educate their child. The following reasons feature prominently:

- Lifestyle, cultural, philosophical choice
- Poor attendance being challenged
- Health issues of child – specifically anxiety
- Dissatisfaction with SEN provision or school environment
- 

The Education Welfare Service and the Elective Home Education Service work closely together to offer Early Help in order to support the family and prevent inappropriate withdrawals from school.

#### 2. Legal requirements relating to Elective Home Education (EHE)

If a child has never attended school, there is currently no legal requirement on parents to register with the EHE Service. Schools are however legally required to inform the local authority if a child is removed from the school to become electively home educated, or to attend another school. Once a child is removed from a school roll the parent becomes responsible for ensuring the child receives their statutory right to an education. The DfE state that "The responsibility for a child's education rests with their parents. In England, education is compulsory, but school is not." The EHE Service recently introduced a form for parents to sign to say that they understand what is expected of them in relation to Elective Home Education and the entitlements they are relinquishing.

Once a child is registered as EHE there is no statutory requirement on parents to regularly provide evidence of the education the child is receiving. The EHE Service suggest, in their leaflet for parents that it would be wise to provide evidence if requested. Crucially, from a safeguarding perspective, there is no legal requirement on the parents to allow access to the child. The local authority however has a duty to intervene if there are concerns that a suitable education is not being provided or if there are safeguarding concerns. The local authority may therefore make an 'informal enquiry' from time to time to check that the education being provided is suitable and of good quality.

The Government is currently consulting on a change to the law which would require all parents to register with their local authority if they have a child who is electively home educated. It would also give the local authority the right to see the child. Whilst this is welcomed, if the legislation is introduced it will increase the number of families supported and will need to be accompanied by appropriate levels of funding

#### Support provided by the EHE Service

The EHE Service is commissioned by the local authority as part of our contract with Babcock LDP. This service offers a range of support including:

- [Website information](#) including links to a range of curriculum resources

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- Initial home visit to all families
- On-going support via telephone, email and website
- Additional visits where there are concerns around the EHE provision or where there are safeguarding concerns
- Annual visits offered to all children with EHCP's or with significant SEN issues
- Liaison with other agencies & attendance at multi-agency meetings

The service frequently receives positive feedback from parents and this is reported to DCC Commissioners in the quarterly reports. Recent examples are:

*"Thank you so much for all of the info and for coming to visit us. We found the visit really useful and you very quickly understood X and his needs. We have changed the pace and given X more choice. We are talking less and observing more and give X more time to process language. All of this is really helping so thank you many times over."*

*"Thank-you for sending us the information and links. It was very helpful to be able to discuss everything with you and good to be able to show you the home learning environment we have created for the girls, thank-you for your comments".*

[Devon Independent Advice and Support service](#) also provide information for parents of children with SEN.

## **4. Action taken if there are concerns about the suitability of the EHE provision**

Initially, additional visits are offered by the EHE team if the EHE provision is not meeting the duty of the parent to ensure that their child is receiving a suitable education. Evidence is requested from the parent and if this is not forthcoming or the education is deemed unsuitable (all the EHE advisors are qualified teachers) then the service liaises with the Education Welfare Service in order to initiate the School Attendance Order process.

Should this process not result in the child being returned to school or evidence being provided that they are receiving a suitable education in some other way, then the local authority will issue a School Attendance Order. This order enables an officer of the local authority to require the parent to take certain actions with regard to the provision of education for their child. These steps are not taken lightly; they are used in order to ensure that the child's statutory right to an education is met. If the order is not complied with it will be progressed to the family court.

Where EHE is considered unsuitable, children are also tracked through 'Missing Monday Meetings' which oversees all children missing education.

The EHE Service aims to support, with the local authority, as many children as possible back into school. In the period 01.09.2018 – 02.05.19, 188 children returned to school. 38 returned to the same school whilst 150 chose to return to a different school. 11 pupils in total returned to EHE after a short stay in the new school.



## 5. EHE data

Devon reflects the national trend in seeing a steep increase in the number of children being taken out of school to be electively home educated (the numbers have more than doubled in the past five years). There has been a 25% increase in the last year. However there has been a 73% increase in new referrals compared with the same period last year (note some EHE children return to school so the overall number does not reflect the increase in those becoming EHE).

\*Numbers of students registered as EHE at some point during the academic year:

| Academic Year | Number of registered EHE students* | % of total school population |
|---------------|------------------------------------|------------------------------|
| 2013/14       | 750                                | 0.4                          |
| 2014/15       | 766                                | 0.4                          |
| 2015/16       | 1018                               | 1.1                          |
| 2016/17       | 1275                               | 1.4                          |
| 2017/18       | 1588                               | 1.6                          |

The table below shows that over the past 5 years more boys than girls have been home educated.

| Academic Year | % boys | % girls |
|---------------|--------|---------|
| 2013/14       | 51.5   | 48.5    |
| 2014/15       | 56.3   | 43.7    |
| 2015/16       | 54.7   | 45.3    |
| 2016/17       | 52.0   | 48.0    |
| 2017/18       | 53.3   | 46.7    |

The percentage of EHE students who have an Education Health and Care Plan (EHCP) has remained relatively stable, despite the increase in numbers.

| Academic Year | Number with statement / EHCP | % of EHE population |
|---------------|------------------------------|---------------------|
| 2013/14       | 44                           | 5.8%                |
| 2014/15       | 37                           | 4.8%                |
| 2015/16       | 37                           | 3.6%                |
| 2016/17       | 57                           | 4.5%                |
| 2017/18       | 72                           | 4.5%                |

As part of our improvement process, work has now started through a local authority Task and Finish Group to review Elective Home Education with specific focus around the increase in children with SEND leaving school to access EHE. The final report is due towards October 2019.

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## Census Data

Every year in October and January schools across the country are required to record the number and ethnicity etc of pupils they have on their school roles (Census Day). From October 18 EHE data has also been recorded in this way in the hope that in the future national bench marking data will be available.

**The figures below show the information for EHE students on 17/01/19 (school census day).**

The information provided below is just a snapshot of one day whereas the figures provided above show the numbers of pupils who have been, at some point, electively home educated that year.

|   |   |
|---|---|
| Number of EHE pupils registered           | 1243  |
| Number of EHE pupils not registered       | 222* (This figure includes children picked up by ONE team as EHE but not yet of school age) |
| Number of girls                           | 588 (47.3%)   |
| Number of boys                            | 650(52.3%)  |
| Number of EHE registered eligible for FSM | 291 (23.4%)   |
| Number with EHCP                          | 71 (5.7%)   |
| Number who previously had SEN support     | 283 students (22.8%)  |
| Number who are Children in Need           | 30 (2.47%)  |
| Of which are on a Child Protection Plan   | 5 (0.4%)  |

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Registered EHE Pupils by Year Group

|    |     |
|----|-----|
| 0  | 17  |
| 1  | 59  |
| 2  | 68  |
| 3  | 82  |
| 4  | 85  |
| 5  | 95  |
| 6  | 86  |
| 7  | 93  |
| 8  | 100 |
| 9  | 156 |
| 10 | 155 |
| 11 | 247 |

An increasing trend in the last 2-3 years is the number of children being withdrawn at Key Stage 4 (Years 10 and 11). Parents tell us that this is because they do not consider that the curriculum is meeting their child's needs. The requirement on schools to report on Progress 8 Scores is effectively restricting their ability to offer functional skills or a range of vocational qualifications for those pupils for whom many academic subjects are inappropriate. Some parents are therefore choosing to withdraw their child from school in order to attend a part time college course.

Registered Pupils by Ethnicity

| Ethnicity                      | Registered          |
|--------------------------------|---------------------|
| OOEG - Other Ethnic Group      | *                   |
| Not Known                      | <a href="#">187</a> |
| MOTH - Any Oth Mixed b'ground  | <a href="#">6</a>   |
| WWEU - White Western Euro'n    | <a href="#">10</a>  |
| WTUR - Turkish/Turkish Cypriot | <a href="#">4</a>   |
| MWBA - White and Black African | <a href="#">7</a>   |
| APKN - Pakistani               | <a href="#">*</a>   |
| MWBC - White & Black Caribbean | <a href="#">6</a>   |
| CHKC - Hong Kong Chinese       | <a href="#">*</a>   |
| NOBT - Info not yet obtained   | <a href="#">5</a>   |
| WEEU - White Eastern Euro'n    | <a href="#">5</a>   |
| WOTW - White Other             | <a href="#">13</a>  |
| WBRI - White British           | <a href="#">919</a> |
| REFU - Refused                 | <a href="#">34</a>  |
| WENG - White English           | <a href="#">10</a>  |
| WIRI - White Irish             | *                   |
| WROO - Other Gypsy/Roma        | <a href="#">*</a>   |
| WROM - Gypsy/Roma              | <a href="#">22</a>  |
| MWAS - White and Asian         | <a href="#">9</a>   |

\* In line with DfE guidelines numbers under 5 have been suppressed.

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| Reason for EHE                              | All registered students |
|---|-------------------------|
| Dissatisfaction with the school environment | 194                     |
| Lifestyle/Philosophical/Culture             | 240                     |
| Attendance/Prosecution                      | 44                      |
| Medical - Child                             | 80                      |
| Medical - Parent                            | 3                       |
| School refuser/phobic                       | 45                      |
| Bullying                                    | 56                      |
| Emotional behavioural difficulties          | 149                     |
| Near Exclusion                              | 9                       |
| Other                                       | 73                      |
| Dissatisfaction with SEN provision          | 38                      |
| Relationship issues                         | 2                       |
| Not preferred school                        | 18                      |
| No reason recorded                          | 122                     |
| Not known (at time of recording on ONE)     | 169                     |
| Religious Beliefs                           | 1                       |

## **Examples of dissatisfaction with the school environment include:**

- Parents being unhappy with the pressures placed on children due to SATs
- Parents considering the curriculum not to be meeting their child's needs (too focused on providing academic qualifications rather than the life skills they will need in the future)
- Parents considering school uniform dress code being applied too rigidly
- The use of sanctions such as internal exclusion resulting in their child not accessing an education
- Lack of communication between school and home
- Support plans being drawn up but then parents perceiving them not to be fully implemented

## **Examples of dissatisfaction with the SEN provision include:**

- Parents wanting a special school place for their child because they do not consider a mainstream school can meet their child's specific needs
- Level of support being provided by a school not considered sufficient by parents
- Parents lacking confidence in teachers' understanding of their child's needs – recommendations made by professionals e.g. educational psychologists not being followed up

In order to try and ensure that parents who remove their children from school do so because this is a genuine desire to home educate and not because they feel it is the only option open to them.

The following steps have been put in place:

- Identification of those schools with a high number of children taken off roll to be EHE and gain clarity behind the reasons.
- Offer Early Help to parents whose children are struggling with attendance in order to avoid prosecution.
- Ensure that schools are using the Graduated Response Tool to properly identify and meet the needs of SEND children.
- Improve access to Early Help and other child health services
- Work with schools to deliver the newly launched No Need To Exclude toolkit commissioned by Devon County Council.

**Dawn Stabb**

Head of Education and Learning

**Electoral Divisions:** All

Cabinet Member for [Children, Schools and Skills](#): Councillor James McInnes

Chief Officer for Childrens Services: Jo Olsson

LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

*Contact for Enquiries:*

Dawn Stabb, Head of Education and Learning

Email: [dawn.stabb@devon.gov.uk](mailto:dawn.stabb@devon.gov.uk)

Tel No: 01392 383000



## **Devon Alternative Provision - Update**

Report of the Head of Education and Learning

It is recommended that Scrutiny:

- Notes that Devon's Alternative Provision (AP) was formally re-brokered in November 2018;
- Notes the ongoing work to support improvement across the provision.

### **1. Background**

- 1.1 At the meeting on 4<sup>th</sup> June 2018, Children's Scrutiny received an update on the current position on Devon's Alternative Provision (AP) and the intention for the provision to re-brokered to a new provider, the report can be found at:  
<https://democracy.devon.gov.uk/documents/g2856/Public%20reports%20pack%2004th-Jun-2018%2014.15%20Childrens%20Scrutiny%20Committee.pdf?T=10>
- 1.2 At the time of writing, the new provider was not known but a decision was made in the summer to re-broker to Wave Multi Academy Trust (MAT), a Cornwall based provider of Alternative Provision. Wave would take over the running of the provision on November 1<sup>st</sup>, 2019. The provider has seven AP Schools in Cornwall, five are Ofsted rated good and two outstanding, three have recently been inspected under the new Ofsted Framework. Details on the Wave MAT can be found at:  
<https://get-information-schools.service.gov.uk/Groups/Group/Details/2067#list>
- 1.3 In summer term 2018, Ofsted inspected provision in Dartington and Exeter; both provisions were judged inadequate with safeguarding ineffective. This was in addition to a similar judgement at the provision in North Devon earlier in the year.

### **2. Current Provision**

- 2.1 In September 2018, Devon agreed a new commissioning agreement with the interim Board at SchoolsCompany Trust but the commission had principally been negotiated with Wave; including a novation agreement upon re-brokerage. Wave have operationally been running the provision from the start of the academic year.

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2.3 The focus of the commissioning agreement reflected all three schools' Ofsted inadequate judgements, all with safeguarding ineffective.

2.4 On 1<sup>st</sup> November 2018, the three AP schools transferred to Wave Academy and have been renamed:

|              |                    |
|--------------|--------------------|
| Dartington - | River Dart Academy |
| Exeter -     | Stansfield Academy |
| North -      | Shoreline Academy  |

These have been described as 'Fresh Start' Academies and as such do not carry the previous judgements and are unlikely to be subject to further Ofsted inspection for at least 2 years. The Local Authority and Wave fully recognise that the loss of the inadequate judgement does not in any way remove the need for significant school improvement which will be the overarching priority for the short to medium term, in particular, safeguarding.

2.5 There has been a significant amount of work since September from the Local Authority and Wave including:

- LA commissioned safeguarding audits in all three schools with follow-up visits and action planned;
- The MAT has successfully requested to move the commissioned places for learners unable to attend school due to medical conditions into a new separate school rather than sitting across the three AP schools. The school will be known as Torlands and have provision across the County;
- The Local Authority and MAT have undertaken a complete roll review for all learners and at the time of writing are planning a third review of learners on roll with statutory plans as detailed in the SEN Strategic Review;
- The MAT has taken occupancy of the former youth centre at Buddle Lane, Exeter, and is expecting this provision to be operational during this term to support increased numbers, school improvement and reintegration;
- The MAT have restructured their school leadership including the appointment of an Executive Principal for Devon AP as well as Medical Provision;
- MAT-wide safeguarding training



It has been clear that Wave are already making progress to improve Devon's AP offer which has been evidenced through roll reviews and other audits.

### **3. Commissioning Arrangements 2019 onwards**

3.1 The recommissioning of AP provision for the next academic year has commenced although it is proposed the agreement will be for more than a year with appropriate break clauses. The main focus of the agreement will be:

- Moving all schools to good or outstanding and ensuring that safeguarding remains effective;
- An increase in successful reintegration of children back into appropriate provision, in particular those with statutory plans or successful transitions either into secondary school or into further education, employment and training;
- Increasing the educational offer and outcomes;
- Development of an outreach offer to support schools in reducing exclusion.

Student progress and access to full time education remains an overarching priority.

### **4. Conclusion**

4.1 The re-brokerage of the Devon's AP to Wave has had a positive start and there has already been improvement across the provision. However, the legacy issues inherited by Wave will take some time to be fully addressed in a sector that remains under significant pressure due to the numbers and need of learners requiring AP.

**Dawn Stabb**

Head of Education and Learning

**Electoral Divisions:** All

Cabinet Member for [Children, Schools and Skills](#): Councillor James McInnes

Chief Officer for Childrens Services: Jo Olsson

LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

*Contact for Enquiries:*

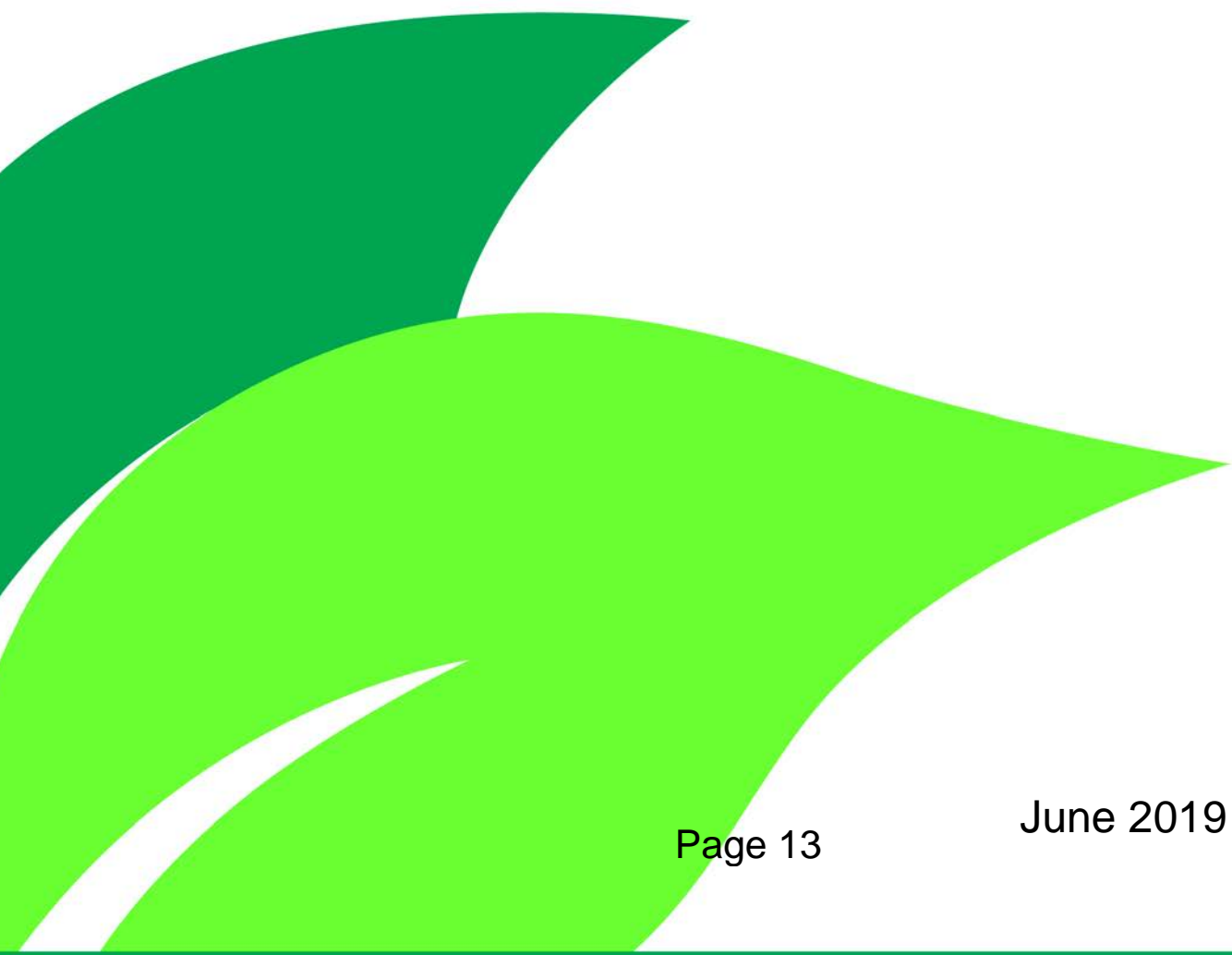
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# The Education, Health and Care Plan Task Group



# Agenda Item 8

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## Preface

This report covers the process of applying for and producing an Education Health and Care Plan (EHCP) in Devon, putting the needs of the child or young person at the centre of the decisions.

The task group appreciates the huge amount of effort put in by families and carers to support their child or young person with Special Educational Needs and Disabilities. It also recognises the support provided by their friends and relatives, and also the work done by schools, SENCOs, social care and health professionals, educational psychologists, the 0-25 team, support and advisory groups (e.g. Devon Information and Advice Service) and everyone involved in their life. Everyone aims to help them access education to achieve a fulfilling life and to reach as much independence in adulthood as possible. Also, more importantly, we appreciate the huge effort put in by every child and young person themselves towards all that they achieve. Our aim is to improve that journey for all.

The needs of the child or young person to access education are at the centre of all decisions, and where this is not experienced, this is where improvements need to be made. Appropriate aspirations need to be set a step at a time and reviewed in a timely manner.

Over the last year the task group has followed a family through the process of applying for an EHCP, heard evidence from many people, and received many emails and stories. This all indicates that some families are now experiencing a faster EHCP process; however, getting the process to work for all within the timeframe is still a problem. A lot of this problem is communication between all concerned and their understanding of what the education system can offer. Dialogue needs to be improved and the expectations of timing and what is possible need to be better understood.

The task group has sought to ensure the recommendations made are based on evidence collected from all witnesses and is confident that with collaboration they are realistic within the timeframe specified. The scrutiny process strives to identify improvements and has conducted this review with independent minded councillors acting together as a critical friend.

I would like to place on record the task group's sincere thanks to the many witnesses who gave up their time and talked to the task group openly and honestly which has enabled us to understand how the system functions. We have been touched by the passion and perseverance of parents as well as the hard work and dedication of all staff during what has been an unsettling time of changes. I would also like to thank the members of the task group for the incisive, yet sensitive, way in which they have carried out this piece of work. Finally, we would like to thank the scrutiny team for their professional support and advice, especially Stephanie Lewis who has put this report together.

The task group will wait with anticipation at the progress of their findings through Scrutiny, Cabinet and hopefully into policy, as part of the journey to improve services for children in Devon.

**Cllr Su Aves**  
**Chair, Behind the Education Health and Care Plan Task group**  
**Children's Scrutiny Committee**

## 1. Recommendations

This scrutiny task group's independent investigation began in July 2018. Devon had an Area SEND Inspection in December 2018 and in response the local area produced a Written Statement of Action (WSOA). The task group is mindful that a SEND Improvement Board with accompanying Improvement Plan has been in place since 2016. The scrutiny task group are pleased that some of their recommendations are already included in the WSoA and being actioned. These are covered in the second part of the recommendations on page 6 and 7.

The task group asks the Children's Scrutiny Committee and Cabinet to endorse and action the following recommendations, with a report on progress against the recommendations in six months' time.

### Task Group Recommendations

| <b>1. Invest in appropriate resources and support in the 0-25 Team to enable staff to effectively meet the increasing volume and complexity of needs for children and young people with SEN.</b>   |                           |                  |
|--|---------------------------|------------------|
| <b>1.1</b> Adequately resource levels of staff in the 0-25 Team, benchmarking against other local authorities, to help manage the increased demand on the 0-25 Team.   | <b>Responsible Agency</b> | <b>Timescale</b> |
|  | Children's Services       | 6 months         |
| <b>1.2</b> Ensure council staff are fully consulted on any changes to Devon's EHC process, to allow mutual information sharing and the empowerment of staff at all levels to have their voice heard, in order to improve the consistency of the EHC process for everyone.  | Children's Services       | 6 months         |
| <b>1.3.</b> Ownership and delivery of clear and consistent messages from senior managers to all staff, through full team meetings, online and email, before changes are implemented to ensure consistent advice is given to schools, parent/carers and professionals from the whole SEN team. This should include information around the timings of implementation, to manage expectations and to reduce inquiries caused by confusion.  | Children's Services       | 6 months         |
| <b>1.4</b> Invest in the emotional and mental wellbeing of staff within the SEN Team, in line with the Council's Leadership Charter, to enable staff to feel empowered to deliver services, through: <ul style="list-style-type: none"> <li>increased visibility of senior managers from Children's Services;</li> <li>the delivery of clear and consistent messages and team priorities from all senior managers;</li> <li>annual staff survey to consult on emotional and mental wellbeing and suggested improvements for change;</li> <li>a confidential process through which staff can report any abuse from parents/carers/schools, to allow the Council to measure and collect data on staff wellbeing so they can be appropriately supported; and</li> </ul> | Children's Services       | 6 months         |

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|  |   |                  |
|--|---|------------------|
| <ul style="list-style-type: none"> <li>delivery of supervision for all staff in the 0-25 Team, recognising the increasingly complex and difficult caseloads.</li> </ul>  |   |                  |
| <b>2. Improve the quality of Plans to ensure provision and support meets the needs of the child and young person.</b>  |   |                  |
| <b>2.1</b> Ensure guidance and advice to professionals outlines the expectation that recommendations for provision should be specific in terms of duration and type of SEN provision, ensuring that the needs of the child and young person are placed at the centre of any Plan.  | <b>Responsible Agency</b>   | <b>Timescale</b> |
|  | Children's Services   | 12 months        |
| <b>3. Achieve good outcomes for children and young people with an EHCP in all Devon schools.</b>   |   |                  |
| <b>3.1</b> The Cabinet be asked to continue to lobby Government: <ul style="list-style-type: none"> <li>to allow local authority maintained Special Schools which are rated outstanding, to open new specialist provision under the same umbrella, to allow Local Authorities to better manage and meet demand for specialist school places for children and young people with Special Educational Needs in Devon;</li> <li>for fairer funding for Devon's pupils;</li> <li>to require SEN Funding in schools to be ringfenced for SEN provision only; and</li> <li>to increase funding to local authorities to provide increased SEN provision and training.</li> </ul> | <b>Responsible Agency</b>   | <b>Timescale</b> |
|  | Children's Services/<br>Cabinet Member for Children's Services and Skills | 6 months         |
| <b>3.2</b> Continue to achieve and maintain good educational outcomes for all children and young people with SEN in all Devon schools, including Independent provision, academies and DCC mainstream and maintained special schools, and report to Children's Scrutiny Committee with quarterly education statistics for all pupils with SEN in all Devon Schools.   | Children's Services   | Annually         |
| <b>3.3</b> Request the Children's Scrutiny Committee undertake additional research via task groups/spotlight reviews into the annual review process, children and young people identified with autism, transitions between children and young people and adults' services, and whether the EHCP is being delivered, to check the overall effectiveness of EHCPs.   | Children's Scrutiny Committee   | 12 months        |
| <b>3.4</b> Send a copy of the Task Group's Report to the Commons Select Committee on SEND.   | Children's Scrutiny Committee   | 3 months         |
| <b>3.5</b> Request that Children's Scrutiny Committee monitors progress on the Written Statement of Action (WSOA) and receives quarterly updates.  | Children's Scrutiny Committee   | 3 months         |



## **Task Group recommendations covered by the WSoA**

The task group independently collected evidence which resulted in the following recommendations.

The task group is pleased to acknowledge that these recommendations are recognised within the SEND partnership; there are already actions agreed within the SEND Implementation Plan and in addition targeted action is within the Written Statement of Action (WSoA) that will be monitored by Ofsted and CQC. The action owners and timescales are clearly defined within the WSoA. The task group recognises that updates will also be provided to Scrutiny as part of the monitoring that will be in place under Ofsted.

Whilst the task group endorses this progress, they felt it was still important to highlight these as part of their independent findings.

| <b>4. Improve communication and information sharing between all stakeholders involved in the EHCP process, especially families, to ensure the parent/carers and young person's voice is rooted at the heart of the system.</b>  |   |
|---|---|
| <b>4.1</b> The implementation of a user-friendly, confidential and protected access, online database which allows open and transparent communication between relevant parties, avoids duplication, increases effectiveness of the process and improves the timeliness of issuing EHCPs, to improve communication.   | Progress underway through WSoA<br><br>Section C |
| <b>4.2</b> Improve the support and guidance for parent/carers to help understand the EHCP process, including:<br><ul style="list-style-type: none"> <li>a) an intuitive and user-friendly website that easily signposts parent/carers to relevant information and advice;</li> <li>b) an EHCP process &amp; timeline flowchart which clearly explains to parent/carers what will happen and when;</li> <li>c) all written communication to parent/carers in plain English, free from jargon, clear and informative; and</li> <li>d) increased number of parent/carers support groups and advocacy.</li> </ul> | Progress underway through WSoA<br><br>Section B |
| <b>4.3</b> Enhanced engagement and feedback from young people and parent/carers in order to continually improve the EHCP process for all families, through an improved and detailed feedback survey at the 20-week assessment stage.  | Progress underway through WSoA<br><br>Section C |

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## 5. Implement a joined-up approach of services to deliver quality and timely EHCPs for children and young people

**5.1** Delivery of integrated training across all partner organisations to include:

- a) continuous improvement in the level of skills and knowledge for all those working with children and young people with SEND;
- b) increase the understanding and purpose of an EHCP and when this should be the appropriate outcome for a child or young person; and
- c) develop a deeper understanding of the different roles and responsibilities of each organisation within the EHCP system.

Progress  
underway  
through  
WSOA

Section A

**5.2** Provide more guidance and information for schools and SENCOs on the needs, outcomes and provision of an EHCP, available on the DCC Local Offer website, to help support the referral process and ensure EHCP and SEN expectations are understood.

Progress  
underway  
through  
WSOA

Section C

## 2. Introduction

- 2.1 The task group — Councillors Su Aves (Chair), Frank Biederman, Emma Brennan, Linda Hellyer and Debo Sellis — would like to place on record its gratitude to the witnesses who contributed to this review. In submitting its recommendations, the Group has sought to ensure that its findings are supported with robust evidence to substantiate its proposals.
- 2.2 At its meeting on 4 June 2018, the Children's Scrutiny Committee considered an update report on Special Education Needs and Disability which highlighted the specific challenges faced by the local authority in meeting the needs of those children and young people with Special Educational Needs (SEN), in particular issues relating to the First Assessment Process and the issuing of Education, Health and Care Plans (EHCPs), which was under considerable pressure and had resulted in delays in completing assessments within the statutory 20-week timescale.
- 2.3 Members of the Children's Scrutiny Committee felt that a more in depth and robust approach could be taken moving forward, and agreed that a task group, which could drill down and examine the complex challenges faced by the Authority in relation to EHCPs, should be established.
- 2.4 The Scope of the Review was to:
- better understand the experiences of children and young people and parent/carers who go through the EHCP assessment process;
  - look at the impact on children and young people and parent/carers of:
    - the timeliness of assessments and issuing of plans
    - the quality and appropriateness of completed plans
    - communication between the SEN Team and parent/carers

- look at staff capacity and wellbeing;
  - examine the reasons behind these issues and delays, including the impact of increased demand and reliance on information from other agencies; and
  - make recommendations to improve the EHCP process and the experience of children and young people and parent/carers.
- 2.5 Between July 2018 and April 2019, the Scrutiny task group met 12 times and spoke to in excess of 36 people from more than 16 organisations. Data collection included witness interviews, staff surveys, school visits, attending parent/carer representative groups and the Chair of the task group following a family through the EHCP process. The task group aimed to speak to a cross section of representatives including parent/carers, schools, local authority SEN 0-25 Team, Educational Psychologists, and Health and Social Care providers.
- 2.6 The task group attended a parent representative group, Devon's Local Offer Reference Group, to gain a better understanding of the challenges faced by parent/carers when requesting an Education, Health and Care Needs Assessment. Members found it beneficial to be able to ask questions first hand to those parent/carers who had experienced various difficulties and who were able to feedback the views of parent/carers from across the county.
- 2.7 Members also carried out several school visits across Devon to speak with Headteachers, SENCOs and teachers about their experiences of requesting EHCP's for young people, how they managed to put support in place for young people with SEN during a time of continued real-time funding cuts, and the pressures they are currently experiencing and how this is affecting children and young people with SEN in their schools.
- 2.8 The task group were keen to understand how staff in Devon County Council's 0-25 Team were managing the significant increase in the number of requests for Assessment and the number of young people now with an EHCP, the impact on their capacity and caseloads and their overall wellbeing. A survey was sent out to all staff working in the 0-25 Team. The overall findings show a service with a significant level of demand which appeared to put too much pressure on staff. Respondents appear to have reasonable management and peer support as well as personal control over how they carry out their tasks. However, change and how it is communicated seemed to be a particular area for improvement. Comments were also made about the need for the system to work better as a whole, with other professionals being included.
- 2.9 Whilst the task group agreed to focus this piece of work expressly on the EHCP Process and the 20-week First Assessment stage, having spoken to witnesses they are mindful that many of the issues raised extend beyond just this process. As a result, the Children's Scrutiny Committee may wish to carry out further work which looks in more detail at the annual review process, children and young people identified with autism and transitions between children's services to adulthood.
- 2.10 The key themes raised within the Report that form the conclusion of the task group's work are:
- Parent Voice and communication;
  - Staff Experiences;
  - Systems Working and Partnerships; and
  - Outcomes of an EHCP

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- 2.11 The recommendations made are a combination of long term and short-term initiatives. However, the value judgement that underpins this work recognises the need for a significant focus on long-term strategies moving towards the realisation of the ambitions.
- 2.12 Whilst undertaking this task group review, Ofsted and the Care Quality Commission carried out a local area SEND Inspection, which included all the services supporting children and young people with SEND. As a result, the Local Authority and NHS Devon were required to submit a Written Statement of Action addressing four key areas:
- Embedding the Strategy;
  - Improving communication;
  - Timeliness of Education Health and Care Assessments; and
  - Improving support for children and young people with Autism.
- 2.13 Much of the information and evidence heard by Ofsted and the CQC Inspection resonated with the task group, particularly around communication between parent/carers and professionals, the timeliness and quality of Plans and identifying and improving support for children and young people with Autism. Some of the areas for improvement discussed by the Inspection fell outside of the task groups remit and have been suggested as further areas of investigation for the Children's Scrutiny Committee.
- 2.14 The information contained in this Report supports the ambitions and more detailed recommendations made by the task group. This work does not seek to solve all of the challenges identified, however the task group believes that with a joint approach with other agencies, progress towards the ambitions is achievable.
- 2.15 Although the timeliness of meeting statutory assessment deadlines has been the driving force for this review, the overall impact on pupils, families and those professionals involved in the EHCP process is also a key consideration.

## 3. National Policy and Context

### Children and Families Act 2014

- 3.1 The Children and Families Act transformed the way support was provided for children and young people with SEN & Disabilities, so that services consistently supported the best possible outcomes for them. The Act places the views, wishes and aspirations of children and young people and their parent/carers at the heart of the system, with the development of coordinated assessments and Education, Health and Care Plans; improving cooperation between all services responsible for providing education, health or social care; and giving parent/carers and young people greater choice and control over their support. The Act focusses on the following themes:
- working towards clearly defined outcomes
  - engagement and participation of parent/carers and young people
  - joint Commissioning and developing a Local Offer of support
  - coordinated assessments and Education, Health and Care Plans
  - personalisation and personal budgets<sup>1</sup>

<sup>1</sup> Council for Disabled Children and young people (2014) fact sheet at [https://councilfordisabledchildrenandyoungpeople.org.uk/sites/default/files/field/attachemnt/PfA\\_FactSheet\\_CFA\\_2014\\_and\\_CA.pdf](https://councilfordisabledchildrenandyoungpeople.org.uk/sites/default/files/field/attachemnt/PfA_FactSheet_CFA_2014_and_CA.pdf)

- 3.2 The Children and Families Act introduced Education, Health and Care Plans (EHCP) which is a Plan following a single assessment and planning process for young people with SEND which can continue up to the age of 25.

## **SEND Code of Practice**

- 3.3 Since 2014, local authorities and health authorities have operated under the new SEND Code of Practice which brought together joint responsibility of education, health and care services to identify and plan to meet the needs of children and young people with special educational needs (SEN).

## **What is Special Educational Need?**

- 3.4 The SEND Code of Practice states that a child or young person has SEN “if they have a learning difficulty or disability which calls for special educational provision to be made for him or her”.<sup>2</sup> The Code defines a child of compulsory school age as having a learning difficulty or disability if they have:
- a significantly greater difficulty in learning than the majority of others of the same age, or
  - a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions<sup>3</sup>.
- 3.5 For children and young people aged two or more, special educational provision is educational or training provision that is additional to or different from that made available for other children and young people or young people of the same age by mainstream schools, maintained nursery schools, mainstream post-16 institutions or by relevant early years providers. For a child under two years of age, special educational provision means educational provision of any kind.

## **What is an Education, Health and Care plan (EHCP)?**

- 3.6 The majority of children and young people with special educational needs (SEN) and/or disabilities will have their needs met within local mainstream early years' settings, schools or colleges. Some children and young people may require an education, health and care needs assessment in order for the local authority to decide whether it is necessary to provide extra provision.
- 3.7 An EHC needs assessment may result in an EHCP which is designed to provide special educational provision to meet the SEN of the child, to secure the best possible outcomes for them across education, health and social care and, as they get older, prepare them for adulthood. A good EHCP should be clear, concise, understandable and accessible to education providers and practitioners as well as to the parent/carer and child or young person. Previously, Children and young people were issued with a Statement of Special Educational Need, which were converted to EHCPs following the introduction of the Children and Families Act in 2014.
- 3.8 EHCPs must clearly set out the care and support which is reasonably required by the young person's SEN to support them in achieving their ambitions. Whilst a multi-

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<sup>2</sup> Department for Education (2015) SEND Code of Practice, <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

<sup>3</sup> Department for Education (2015) SEND Code of Practice <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

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agency partnership approach is expected, it is the educational needs that determine whether a child or young person requires an EHCP.

3.9 As outlined within the SEND Code<sup>4</sup>, local authorities use the information collected from the assessment to:

- establish and record the views, interests and aspirations of the parent/carers and child or young person;
- provide a full description of the child or young person's special educational needs and any health and social care needs;
- establish outcomes across education, health and social care based on the child or young person's needs and aspirations; and
- specify the provision required and how education, health and care services will work together to meet the child or young person's needs and support the achievement of the agreed outcomes.

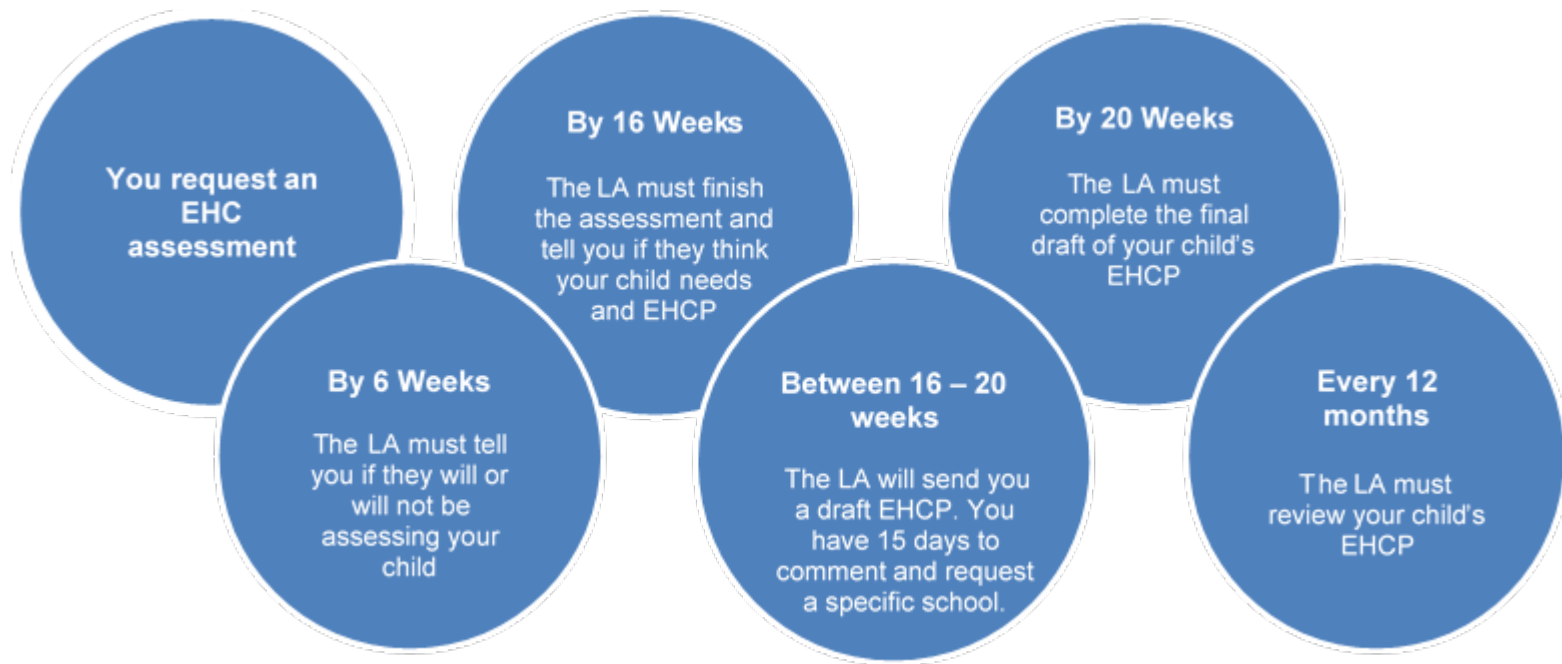
## **What happens during the EHC Needs Assessment Process?**

- 3.10 A request for an EHC Needs Assessment can be made by a young person, parent, school or any other professional who feels an assessment may be necessary, simply by contacting the local authority's special educational needs department and requesting an assessment for an EHCP.
- 3.11 After a request is made the local authority has 6 weeks to decide whether or not to carry out an EHC Needs Assessment. If the decision is made to carry out an assessment, the local authority will gather evidence and information from the people who work closely with the child or young person; as well as collecting the views of the parent and the child. If a decision is made not to proceed, the local authority must give its reasons for this decision.
- 3.12 If the needs assessment results in an EHCP being issued, this will be produced within 16 weeks of the initial request. To create a plan, professionals from education, health and care will work with the parent/carers and the child to consider what outcomes are desired and what is needed to achieve them. A draft copy of the plan will be sent to the parent/carers to check and suggest changes. They must respond within 15 days to request changes. The school or setting named on the EHCP will also be informed and must also respond within 15 days.
- 3.13 The whole process from the EHC needs assessment request to the agreement of an EHCP must be completed within the 20-week statutory timescale. The following diagram outlines the process of a parent or carer requesting an Education, Health and Care Needs Assessment and Plan.

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<sup>4</sup> Department for Education (2015) SEND Code of Practice <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>





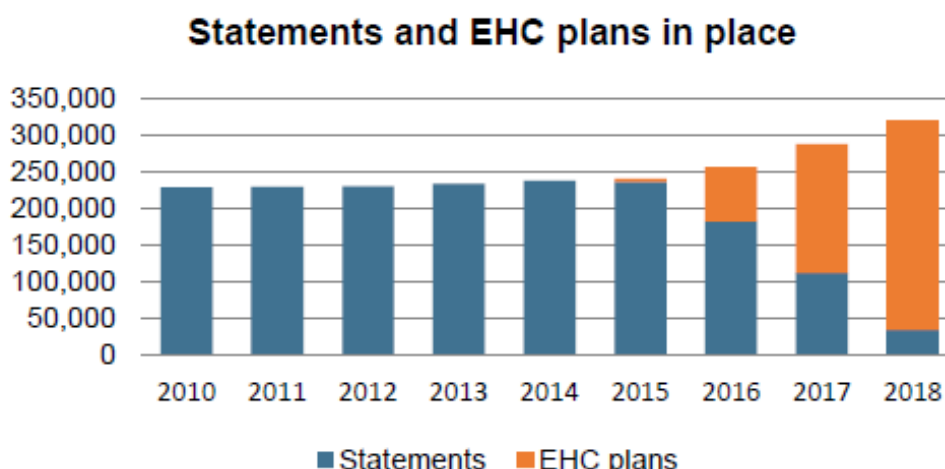
*The Challenging behaviour Foundation<sup>5</sup>*

3.14 Every local authority has a statutory duty to complete the first assessment stage within the 20-week timescale as directed by the Code of Practice. However, in Devon this timescale is not being met for the majority of pupils in the local area and Devon's timescales are amongst the lowest in the country.

## National Statistics

3.15 National trends show that the number of statements and EHCPs has continued to increase, with a total of 285,722 children and young people with an EHCP and 34,097 children and young people with statements of special educational needs, maintained by local authorities as at January 2018. This gave a combined total of 319,819 children and young people, an increase of 32,529 (11.3%) from 287,290 in January 2017, which was driven in part due to the large increase in the 16-19 and 20-25 age groups.

3.16 The combined number of children and young people with statements and EHCPs nationally has increased each year since 2010, as per the table below.<sup>6</sup>



<sup>5</sup> The Challenging Behaviour Foundation: <https://www.challengingbehaviour.org.uk/education-housing-social-care/getting-an-ehcp.html>

<sup>6</sup> Department for Education (2018) Statements of SEN and EHC Plans, England 2018 at <https://www.gov.uk/government/statistics/statements-of-sen-and-ehc-plans-england-2018>

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3.17 During the 2017 calendar year, there were 45,205 children and young people assessed with a decision made on whether or not to issue an EHCP. Of these, 42,162 (93.3%) had new EHCPs issued. Of the new EHCPs made during 2017, 64.9% were issued within the 20-week time limit, an increase from 58.6% in 2016.

**Figure I: New EHC plans issued within 20 weeks by exception cases**

Year: Calendar year 2014-2017

Coverage: England

| Exception cases                                    | 2014  | 2015   | 2016   | 2017   |
|--|-------|--------|--------|--------|
| <b>Excluding exception cases:</b>                  |       |        |        |        |
| Number of new EHC plans issued                     | 1,177 | 19,712 | 30,942 | 36,702 |
| Percentage of new EHC plans issued within 20 weeks | 64.3  | 59.2   | 58.6   | 64.9   |
| <b>Including exception cases:</b>                  |       |        |        |        |
| Number of new EHC plans issued                     | 1,359 | 24,216 | 36,019 | 41,250 |
| Percentage of new EHC plans issued within 20 weeks | 61.5  | 55.5   | 55.7   | 61.3   |

Source: SEN2 2018

3.18 The SEND Regulations list several situations where local authorities do not have to apply the 20-week deadline to get an EHCP finalised. These situations are known as “exception cases” and are listed as follows:

- Exceptional personal circumstances that affect the child, young person, or their family during the EHCP process;
- Cases where the child or their parent aren’t living in the local authority for a continuous period of 4 weeks or more; and
- Cases where the local authority asks a school for professional advice to inform the EHCP over a specific period: a week before the end of the summer holiday, up until a week before the new academic year.

## Financial Landscape

3.19 Public services are under increasing pressure to improve outcomes for children and young people, against a backdrop of funding cuts and reducing resources. In 2013, the school funding reforms changed the way in which schools fund SEN provision. The new system is as follows:

- Mainstream schools receive funding directly from either the Education Funding and Skills Agency (EFSA) (for free schools and academies), or local authority (for DCC maintained schools) to meet the needs of the majority of children and young people with SEN. They are expected to spend £6,000 per learner from their SEN Allocated Budget.
- The High Needs Block, managed and allocated by the local authority, is to fund provision which is additional to and different from the resources normally available to schools to meet the SEN of specific individuals with complex needs.
- Special Schools (3-19yrs) are funded at £10,000 per place plus any additional top up agreed by the local authority.
- For 19-25 year olds, funding is only allocated through an EHCP for those young people who, it has been identified, need longer to complete or consolidate their learning.



- 3.20 Many local authorities are experiencing increased pressure on the High Needs Block as the number of complex, high cost placements grow. There is no additional funding from central Government to meet this demand and the costs have to be managed within existing resources.
- 3.21 In the National Media, pressure has also been placed on the Government to increase SEND funding for local authorities, as more and more councils are on the verge of a crisis due to significant overspending on the High Needs Block. The Guardian highlighted that many families were being failed by a system on the verge of a crisis as demand for specialist provision continued to increase and threatens to bankrupt local authorities.<sup>7</sup>

“If you talk to parents, they will say we want a decision that is needs-led. If you talk to local authorities, they say they are on their knees because of special needs. It is breaking them. Their core argument is that they don’t get the money from Westminster to be able to do it.”

The Guardian <sup>8</sup>

- 3.22 Also emphasised is the significant amount of Government funding that children and young people in England with special educational needs and disabilities (SEND) are losing out on, up to £1.2bn worth of services because Government funding has failed to keep pace with soaring demand for additional support over the past four years. With the number of children and young people with an EHCP increasing by 33% over four years, central Government funding paid into the “high-needs block” of councils’ education budgets to cover SEND provision has only increased by 7% over the same period, from £5.6bn to £6bn in today’s prices, resulting in massive funding shortfalls in nine out of 10 local authorities.<sup>9</sup>

## House of Commons Education Select Committee: SEND

- 3.23 In 2018, the Education Select Committee launched an inquiry into support for children and young people with special educational needs and disability (SEND). The Inquiry intends to review the success of the Government’s 2014 reforms, how they have been implemented, and what impact they are having in meeting the challenges faced by children and young people with SEND.
- 3.24 Latest evidence given to the Inquiry on 24 April 2019 suggests that experiences of children and young people with SEN are getting worse, with 60% of local areas inspected in 2018 requiring a written statement of action. This is an increase from 25% of local areas in 2016, and 51% of local areas requiring a written statement of action in 2017, showing a year on year increase.<sup>10</sup> It is suggested one of the key reasons is due to no national consistency for EHCPs, as children and young people’s experiences can look very different across different local areas.
- 3.25 Local areas highlighted as doing well by the Inquiry are those where leaders are really listening to and engaging with children and young people and their families throughout the process, to ensure the plan for the child is the best it can possibly be.

<sup>7</sup> The Guardian (2018) <https://www.theguardian.com/education/2018/oct/22/special-needs-pupils-being-failed-by-system-on-verge-crisis>

<sup>8</sup> The Guardian (2017) <https://www.theguardian.com/education/2017/sep/05/crisis-in-support-for-sen-children-and-young-people-ehc-plans>

<sup>9</sup> The Guardian (2019) <https://www.theguardian.com/education/2019/apr/15/special-needs-children-and-young-people-lose-out-on-12bn-of-support-says-union>

<sup>10</sup> House of Commons (2019) Education Select Committee on SEND at <https://www.parliament.uk/business/committees/committees-a-z/commons-select/education-committee/inquiries/parliament-2017/special-educational-needs-and-disability-inquiry-17-19/>

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- 3.26 In speaking with children and young people during the Inquiry, the Select Committee heard how young people wanted better involvement with their Plans, better communication between professionals and young people about the process, and ensuring their plan was accessible to them so that the young person knew what provision they should be getting and understand how it will support them.
- 3.27 The Education Select Inquiry into SEND is still ongoing and in the process of collecting further evidence.

## 4. Local Context and Performance

- 4.1 For the number of children and young people supported by a statement or EHCP in Devon, the figures last year show a similar picture to that of the national trend. Overall the number of children and young people with an EHCP has increased each year for the past four years. In January 2018, the Council managed a total of 4,093 statutory plans (including both EHCPs and Statements) across the 0-25 age range; an increase of 10% from January 2017 and representing 2.8% of the overall Devon pupil cohort. Nationally, the percentage increase from 2017 to 2018 was 11%.
- 4.2 Local data indicates that as of January 2019 the number of pupils with an EHCP maintained by Devon has again increased, to 5,162 which represents a further 26% increase on the previous year. Official national statistics for January 2019 will be released in the summer of 2019.
- 4.3 A representation of the year on year increase of pupils with a statement or EHCP in Devon are shown in the table below.

|                 | Pupils with Statement/EHCP maintained by DCC | % increase each year |
|-----------------|--|----------------------|
| <b>Jan 2015</b> | 3,572  | -                    |
| <b>Jan 2016</b> | 3,510  | -1.7%                |
| <b>Jan 2017</b> | 3,718  | 5.9%                 |
| <b>Jan 2018</b> | 4,093  | 10%                  |
| <b>Jan 2019</b> | 5,162  | 26%                  |

- 4.4 The total percentage increase in the number of pupils with a statement or EHCP from January 2015 to January 2019 is 44.5% (1,590). The task group is aware that this is a significant increase in the numbers of EHCPs/Statements maintained by the Council, which has resulted in additional pressure on staff and a vast increase in caseloads.

## Requests for Statutory Assessments

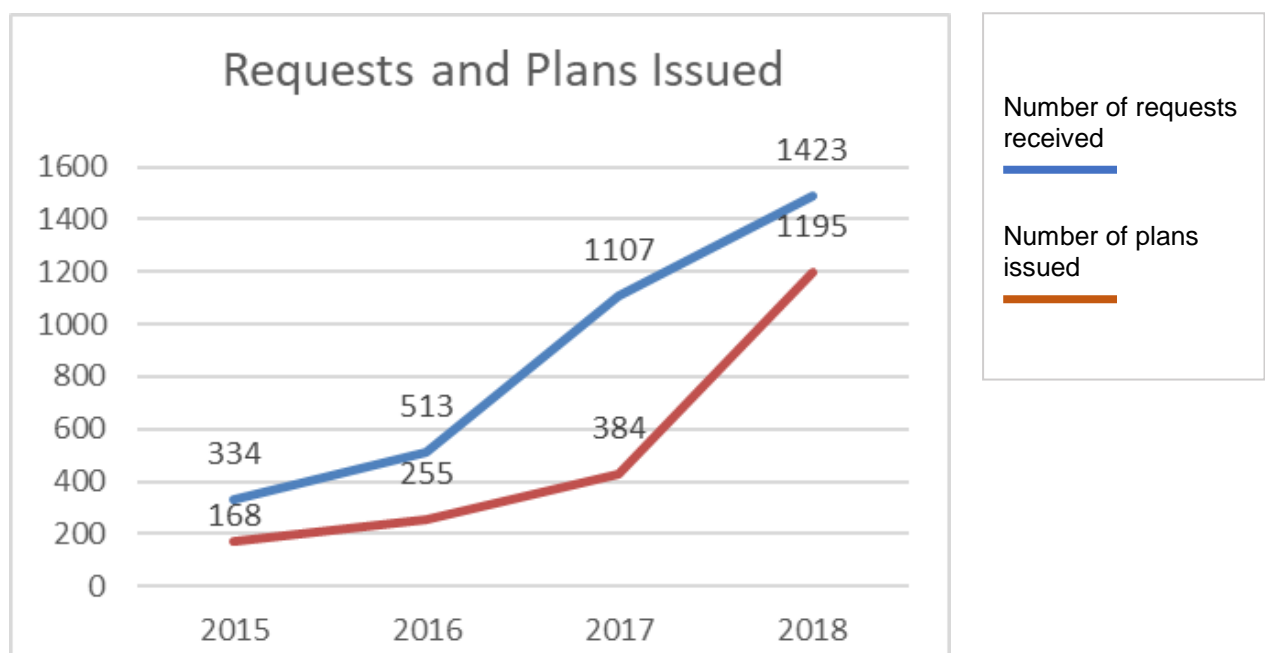
- 4.5 The volume of requests for new assessments in Devon has also seen a dramatic increase over the past 4 years. There were 1,423 requests for new assessments as at January 2018, compared to 334 in 2015, an overall increase of 326%.

|                                   | Jan - Dec 2015 | Jan - Dec 2016 | Jan - Dec 2017 | Jan - Dec 2018 |
|-----------------------------------|----------------|----------------|----------------|----------------|
| Requests for EHC Needs Assessment | 334            | 513            | 1107           | 1423           |

- 4.6 The table below shows the significant increase in final Plans issued by the 0-25 Team, and therefore the increase in workloads. The task group noted that the number of plans issued is not a direct correlation to the number of requests received in the same year and were not made up of the same population of children and young people.

|                    | Jan - Dec 2015 | Jan - Dec 2016 | Jan - Dec 2017 | Jan - Dec 2018 |
|--------------------|----------------|----------------|----------------|----------------|
| Final EHCPs Issued | 168            | 255            | 384            | 1195           |

- 4.7 The number of plans issued within the 20-week statutory timescale still requires significant improvement. As shown in the graph below, the number of plans issued in 2018 has seen improvements and is now closer to the rate of those received. However, due to the extremely high backlog of cases under assessment, there is still a significant delay in realising the impact of these improvements and issuing all plans within 20 weeks. This explains the large percentage increase in the number of plans issued from 2017 to 2018, which includes a significant number of assessments received in previous years. Since September 2018, the number of weeks taken to complete an assessment and issue the final plan has reduced from an average of 39 weeks to 33 weeks.



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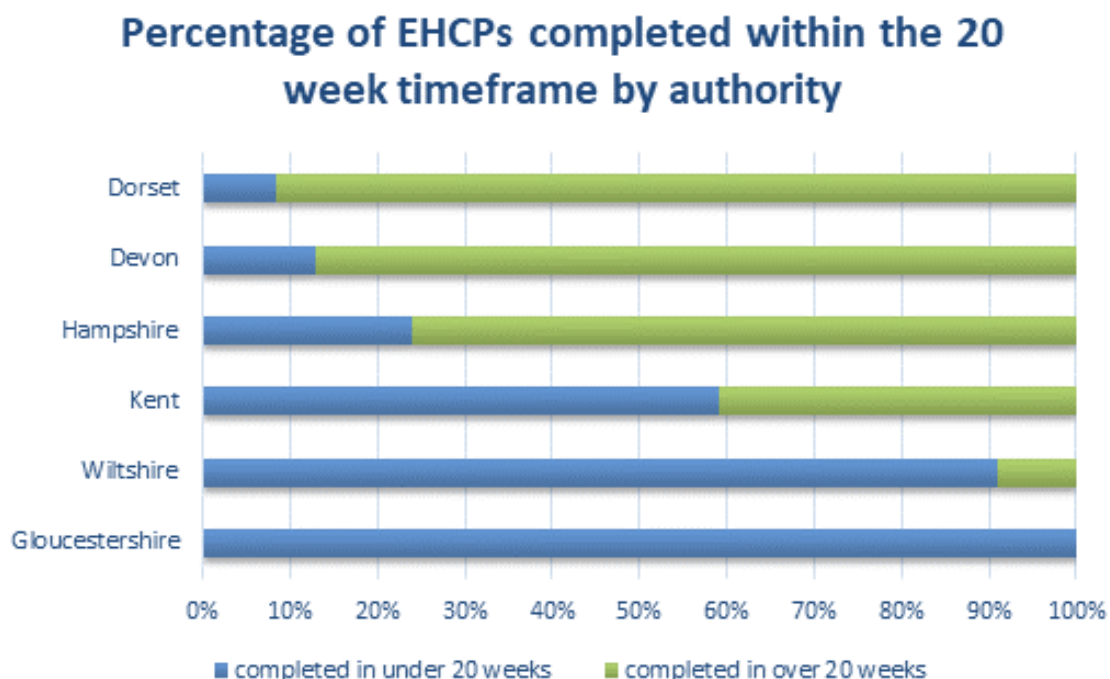
4.8 Cases under assessment are reliant on professional advice being received in full before a plan can be issued. However, the timeliness of advice from Educational Psychologists, Health and Care professionals has historically been far too low. As a result, where work was being undertaken by a commissioned service, the Council and the Clinical Commissioning Group have used contract escalation processes to deliver improvement. The result of this is that the percentage of professional advice received on time has risen from a 5% in January 2018 to 75% in December 2018.

4.9 The significant delays in issuing Plans was also emphasised by parent/carers:

*“Some EHCPs among children and young people with autism have taken up to two years to complete and timeframes of 30-50 weeks are common.”*

4.10 In order to benchmark the level of capacity and resource in Devon against other authorities, the task group reviewed the comparative volume of requests, EHCPs issued as well as the total number of EHCPs supported by the authority for 2018. This data was analysed against the number of plans completed within the 20-week timeframe.

4.11 The task group was concerned at the difference between Devon's completion of EHCPs within the statutory timeframe, compared to those other local authorities used for comparison completing higher percentages<sup>11</sup>. Most notably Gloucestershire, which meets the 20-week deadline for all EHCPs issued.



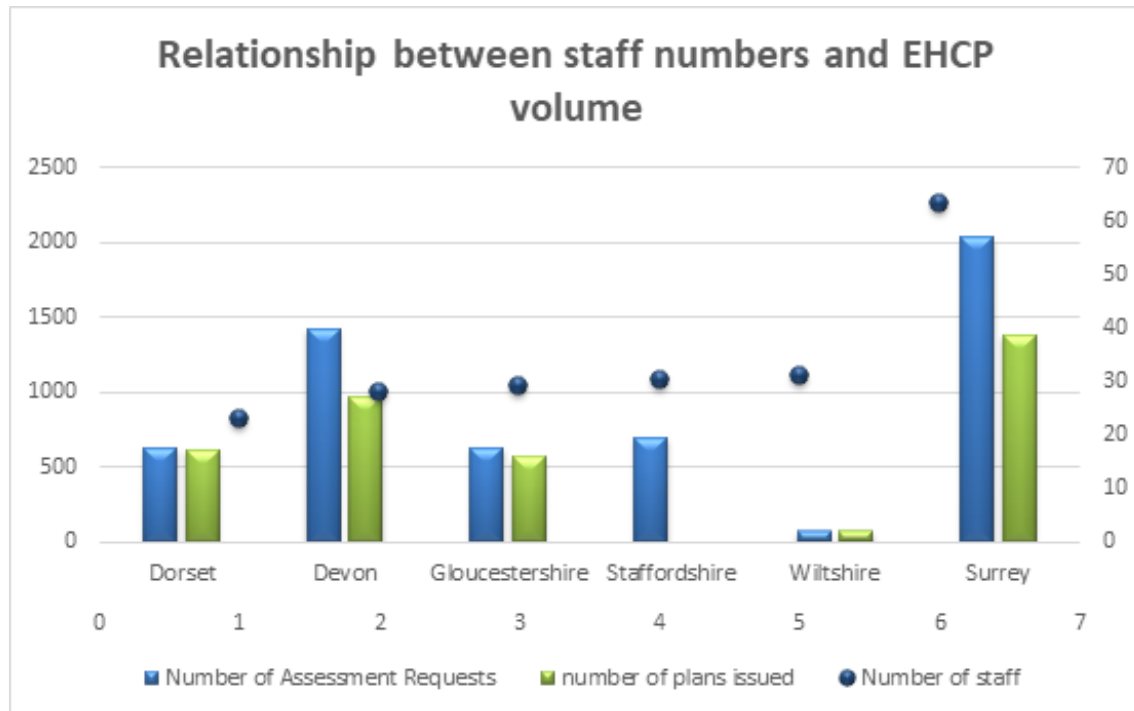
4.12 This does only show part of the picture, as comparative numbers vary greatly between authorities, and the task group have not measured the quality of the plans, the volume completed or reviewed how much outside the 20-week deadline they were issued.

4.13 Whilst it is difficult to compare like for like in terms of staffing, as the roles of the SEN Officers often differ between local authorities, it gives the task group an indication of the comparison between staff capacity and workloads. The Councils used for

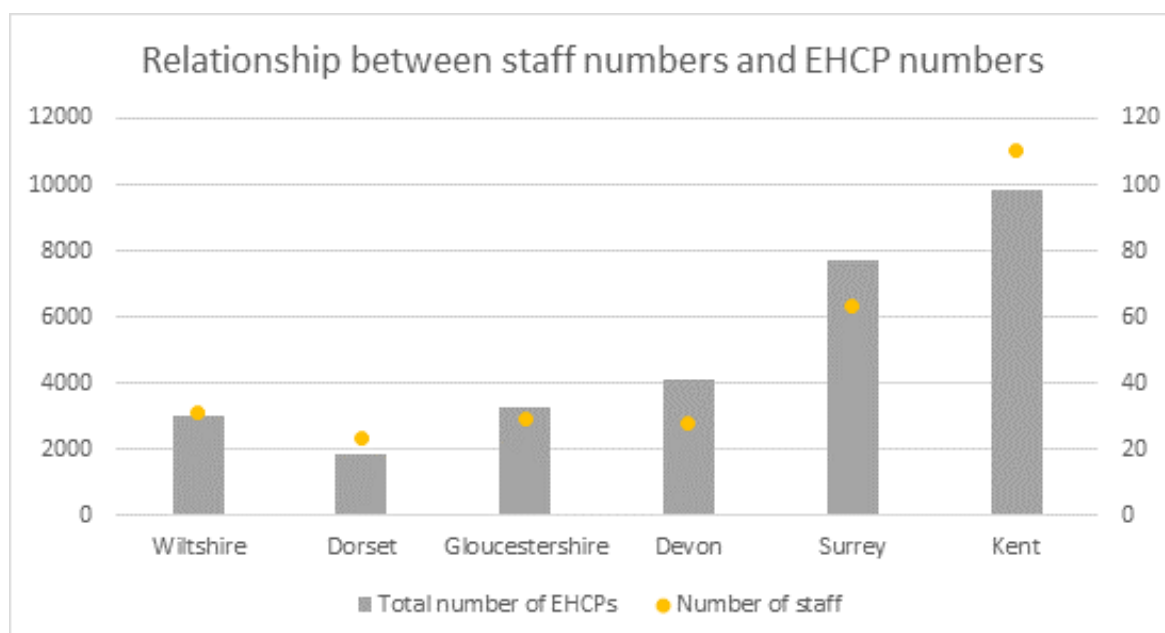
<sup>11</sup> GOV.UK (2018) Statements of SEN and EHC Plans, England 2018 at <https://www.gov.uk/government/statements/statements-of-sen-and-ehc-plans-england-2018>

benchmarking are a selection of good, medium and low performing Councils in terms of percentage of plans issued within the statutory 20 weeks, based on the 2018 Government statistics.<sup>12</sup>

- 4.14 Devon has a high number of assessment requests, slightly below 1500, and plans issued at almost 1000. Considering this against the number of staff within the SEN team when compared to other local authorities, it is clear that staff in Devon have a higher workload. The task group felt this highlighted concerns around staff capacity, and the ability of the 0-25 Team to meet the high demand in caseloads with the current levels of resources.



- 4.15 This trend is continued when looking at the total number of EHCPs managed by an authority, again Devon has a higher ratio of EHCPs to staff. In comparison, Kent has a much higher number of EHCPs yet more staff in order to cope with this level of demand.



<sup>12</sup> GOV.UK (2018) Statements of SEN and EHC Plans, England 2018 at <https://www.gov.uk/government/statements-of-sen-and-ehc-plans-england-2018>

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- 4.16 A further consideration of the task group was the fact this data reflects 2018 statistics, and the disproportionality is now even greater with Devon managing over 5,000 Plans in 2019 compared to approximately 4,000 Plans in 2018. This is evidenced below, which shows that the number of caseloads per worker has increased from approximately 146 in 2018 to 184 in 2019, a percentage increase of 26%.

|            | <b>Total Number Pupils with Statement or EHCP</b> | <b>Number of Staff</b> | <b>Number of Statements/ EHCP to Staff ratio</b> |
|------------|---|------------------------|--|
| Devon 2018 | 4,093   | 28                     | 146  |
| Devon 2019 | 5,162   | 28                     | 184  |

## 5. Parent Voice & Communication

### Parent Voice

- 5.1 Whilst undertaking the task group Review, Members were extremely keen to engage with and listen to parent/carers who had experienced and gone through the EHCP process, to understand the challenges they faced and hear their ideas and suggested areas for improvement.
- 5.2 The task group attended a meeting of the Local Offer Reference Group (LORG), a parent representative group, where Members could hear first-hand some of the key issues experienced. The task group were informed that many of these issues had previously been raised to the SEN Team, and they were working collaboratively through the LORG to implement changes to better improve the experiences of parent/carers and families.
- 5.3 The most fundamental area of concern highlighted was the lack of communication between parent/carers and professionals, including the 0-25 Team, Schools, Educational Psychologists, Mental Health services, Health and Social Care Professionals. This was the root cause of many problems raised by parent/carers, with many citing that communication had not been open or honest, leaving many unclear of the process or what was happening with their Assessment request. As a result, parent/carers had suggested that the 0-25 Team copy in parent/carers to all communications with other professionals and be open and honest regarding the cause of delay for their assessment. This in turn would help to manage parent/carers expectations.
- 5.4 Parent representatives also raised concern around the letters sent to parent/carers, suggesting they be made more user friendly, more personalised to the young person and only use plain English to avoid confusion. This was also expressed by schools, who explained that parent/carers often brought in letters they needed explaining to ask the SENCO whether the child was going to be assessed or not and whether they had been offered their choice of specialist provision. The Egress email system was also felt to be incompatible for parent/carers, often failing to work and unable to save emails sent to parent/carers to allow them to refer back to conversations and evidence when needed. Therefore, parent/carers suggested a more user-friendly email system or database which would allow them to log on and monitor the progress of their

assessment, checking if any further information was required, and being kept fully informed of their child's progress.

- 5.5 Further concerns were raised regarding the review of EHC Assessments and how effectively the Council engages with young people and parent/carers to collect their feedback in order to improve the process for all families. The SEND Code of Practice advises that local partners should develop effective ways of harnessing the views of young people and families so that commissioning decisions on services for those with SEN are shaped by users' experience, ambitions and expectations.<sup>13</sup> However, the views of parent/carers collected by the task group clearly identify the current process as being ineffective, with surveys conducted at the end of the EHC process, rather than at the 20-week stage, which parent/carers felt would provide a more accurate picture of the young person and parent/carer experience. Parent/carers also advised that the feedback survey was inappropriate, with suggestions that interviews conducted independently by Devon Information and Advice Service (DIAS) could help collate more useful information.
- 5.6 The task group identified poor communication as a fundamental weakness in the Assessment Process, resulting in diminished parental trust and widespread frustration. Moving forward, parent/carers need to be kept better informed of progress and mechanisms need to be put in place to achieve this.
- 5.7 The following diagram highlights some of the key areas of concern with the EHCP process, as raised by parent/carers.

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<sup>13</sup> Department for Education (2014) SEND Code of Practice at <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>



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EHCP timescales are over running too often and significantly in too many cases, especially among children with autism

DCC does not work with parents sufficiently during the EHCP process which causes extreme stress and delays, and goes against the Code of Practice

Outcomes of Plans are not consistently SMART, with no reference to timescales, quantity or who is to deliver the required service

Who is involved in the process? Named key worker or point of contact for parent.

Multi agency working – professionals do not communicate with each other! Parent becomes the key worker

Be aware of parent/carer disabilities and needs and aim to reduce barriers e.g. plain English, accessibility of info

Lack of suitable specialist school places creating a backlog of children waiting in the system



## Parent Voice

Keep parents updated with how long the delay is, where they are in the queue and if the 0-25 Team is waiting for any further information (sometimes parents not told or aware!)

Egress email system caused many delays and parents cannot save and access emails at a later date

Parents don't feel secure or confident in the process

Draft and final plans are not specific enough – plans should include specific timeframes such as 'weekly' not 'regularly' and specific language such as 'must have' not 'would benefit from...'

Inadequate support and advice available to parents to understand the process, with DIAS overstretched and unable to meet demand and DCC online information confusing and insufficient

Parents do not feel they have a voice – the feedback process is only carried out once a plan is issued rather than at the 20 week stage which would provide a more accurate assessment of experience.

Whilst we fully acknowledge there is an increasing amount of pressure on the SEN Team, there is much work to be done around the communication, timescales and quality of plans being written



## COMMUNICATION

- 5.8 Experiences shared by witnesses with the task group indicate that all stakeholders feel that communication between parent/carers, schools, professionals and the 0-25 Team has been inadequate and one of the biggest contributing factors to parent/carers feeling frustrated, angry and confused with the EHC Assessment process and to staff and professionals being unable to carry out their roles efficiently and effectively.
- 5.9 This view was echoed by staff in the 0-25 Team who indicated that:

**“Better channels of communication across health, social care and education are required so that stories only need to be said once and evidence is gathered systematically”.**

- 5.10 Better communication between teams, with a system that allows the parent to ‘tell their story once’ and allows schools and professionals to submit reports and evidence to one location, would reduce duplication of workloads, increase timeliness of submissions and increase overall communication between all partners. The use of ICT in order to facilitate this need was raised as a potential solution to this issue:

**“Using ICT more effectively to communicate with professionals, schools and parents – with more use of video conferencing or shared networks to reduce e-mails and better access to resources or plans” (0-25 Team)**

### Education Health and Care (EHC) Hub

- 5.11 To resolve some of the issues around communication between parent/carers and professionals, councils have looked to acquire ICT solutions and the development of a work flow management tool which would allow parent/carers and professionals to access an online digital database to view, upload and share information and reports.
- 5.12 Councils in the process of implementing an Education Health and Care Hub system include Hampshire County Council, Suffolk County Council, Nottinghamshire County Council, and Stoke on Trent City Council with more councils looking to implement a similar system in order to improve the process of EHC Needs Assessments for children and young people and their families. The Task Group is aware that officers in Education and Learning have researched possible hubs and used the parental feedback to inform the procurement which is underway.
- 5.13 A case study of Stoke-on-Trent City Council, who have been rolling out an online EHC Hub since early 2019, provides some information around the application of the system and the benefits the Council has realised since its introduction. Whilst it is too early to gain statistical data on the benefits of the system, it has allowed for more open and transparent communication between parents and the City Council, allowing parents to be more openly included in the EHCP journey. Whilst a lot of time, training and a change of culture was required to implement the system across a wide range of agencies, the Hub has allowed for much better joined up working between partners, using one system to share and upload information.

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- 5.14 Most importantly, system users including parents and staff have fed back how much easier the process is with the EHC Hub, providing secure information sharing that keeps the process on track and everyone fully informed at every stage.

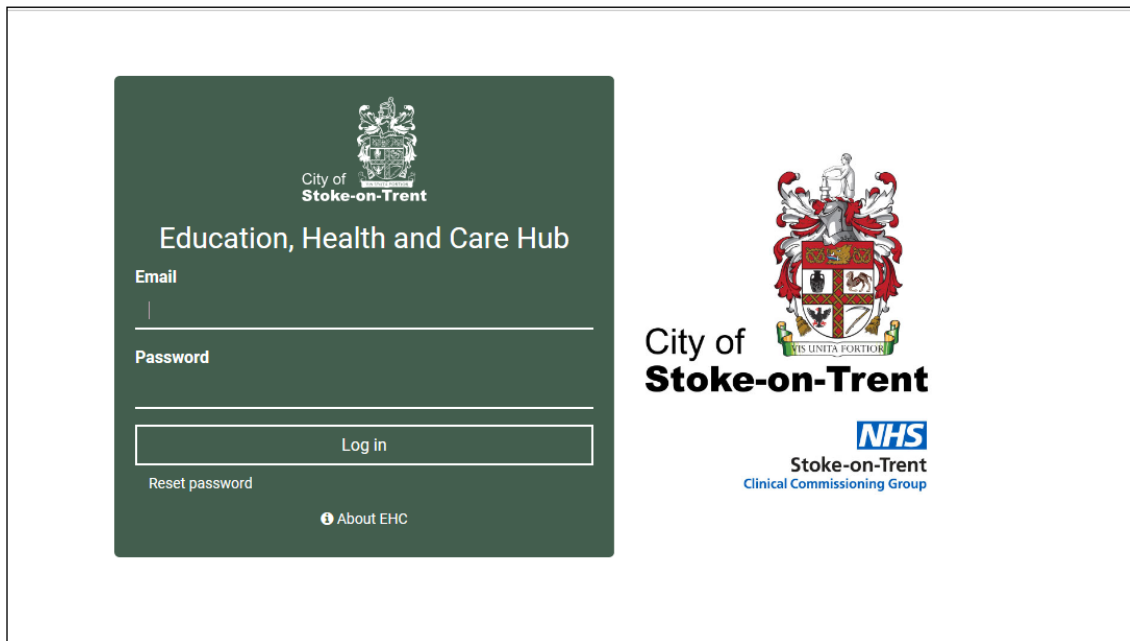
## Case Study: Stoke-on-Trent City Council

### Key features of the EHC Hub are:

- young people and families will be able to submit their views online and upload additional information, including photographs and images that are important to the child or young person.
- practitioners will be able to submit information and advice online avoiding any unnecessary delays with the delivery of paper-based reports.
- young people and families will be able to view who has been asked for information and advice and can let the Local Authority know if someone has recently become involved.
- young people and families will be able to view information and advice at the same time as the Local Authority receives it.
- correspondence between the Local Authority and the young person and family will be held on the EHC Hub so decisions are shared immediately.
- when a draft EHC Plan is issued, young people and families can give feedback via the EHC Hub on each section.

### Benefits to the EHCP Process:

- the EHC Hub provides a secure shared touch point for everyone involved in the 20-week EHCP process to make their contribution, see the contributions of others and all work towards a positive outcome;
- for families it offers a level of involvement and transparency unavailable until now.
- for the Local Authority it provides a welcome level of cohesion and assistance in collaborating with and managing the input of all partners across Education, Health and Care, and
- for the contributing practitioners it offers a streamlined process for engaging with each case and for seeing the whole picture.



14

In speaking with witnesses, the task group identified the following points as important to be addressed through the implementation of an online hub system:

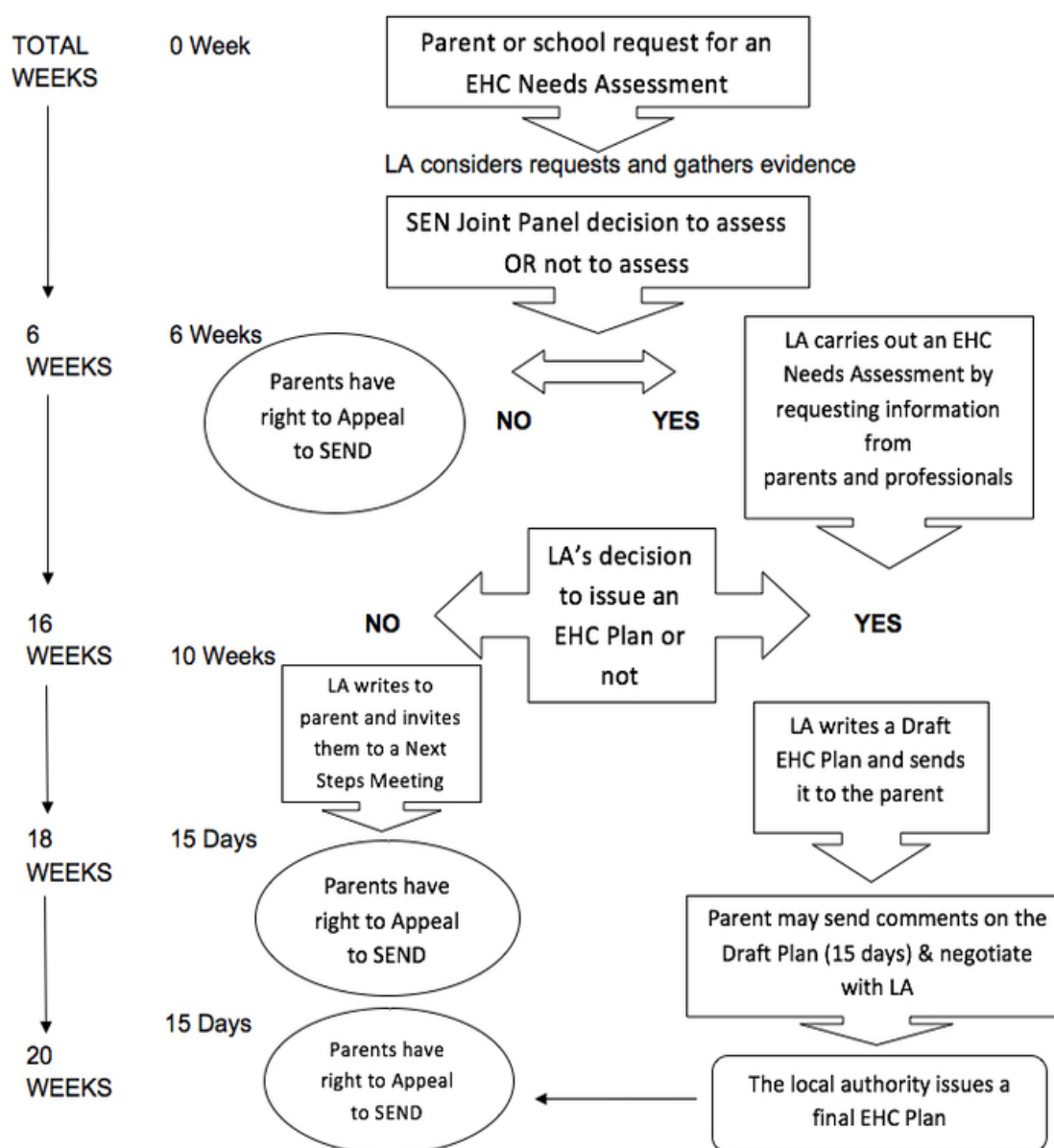
- a) parent/carers to log on, upload and access up to date information and the current status of their EHCP;
- b) the 0-25 Team to access a parent/carer's application, to make amendments, provide updates and communicate with the parent/carer as necessary;
- c) all professionals (including 0-25 Team, Education Psychologist's (EP's), health and social care) to access up to date information and share and submit reports/evidence electronically; and
- d) amendments and annual reviews to be processed quickly and effectively.

## INFORMATION AND SUPPORT FOR PARENT/CARER

- 5.15 In addition to improving the level of communication to families, the task group heard how some parent/carers had not been aware of the process of an EHC Needs Assessment and how to access further information and support. The Children and Families Act 2014 places a duty on local authorities to develop a Local Offer of services available across education, health and care and offer Information, Advice and Support directly to young people and parent/carers on matters relating to SEN and disability. This should be easily accessible, good quality information and support to help young people. The task group noted that letters sent to parent/carers notifying whether the local authority will conduct an assessment or not, do not mention or provide clear details of Devon's Local Offer website, where parent/carers can find all the information they require around support and services for SEN.
- 5.16 Another suggested area for improvement was the development of a simple flowchart to clearly show parent/carers the timescales of going through the EHC Assessment and what should happen when, personalised to the process in Devon. An example of a flowchart by Westminster Information and Advice Service is shown on the following page.

<sup>14</sup> Stoke-on-Trent City Council, online Education, Health and Care Hub: <https://ehchub.stoke.gov.uk/>

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Westminster Information and Advice Support Service<sup>15</sup>

## 6. 0-25 Team Staff Experiences

### Staff Capacity

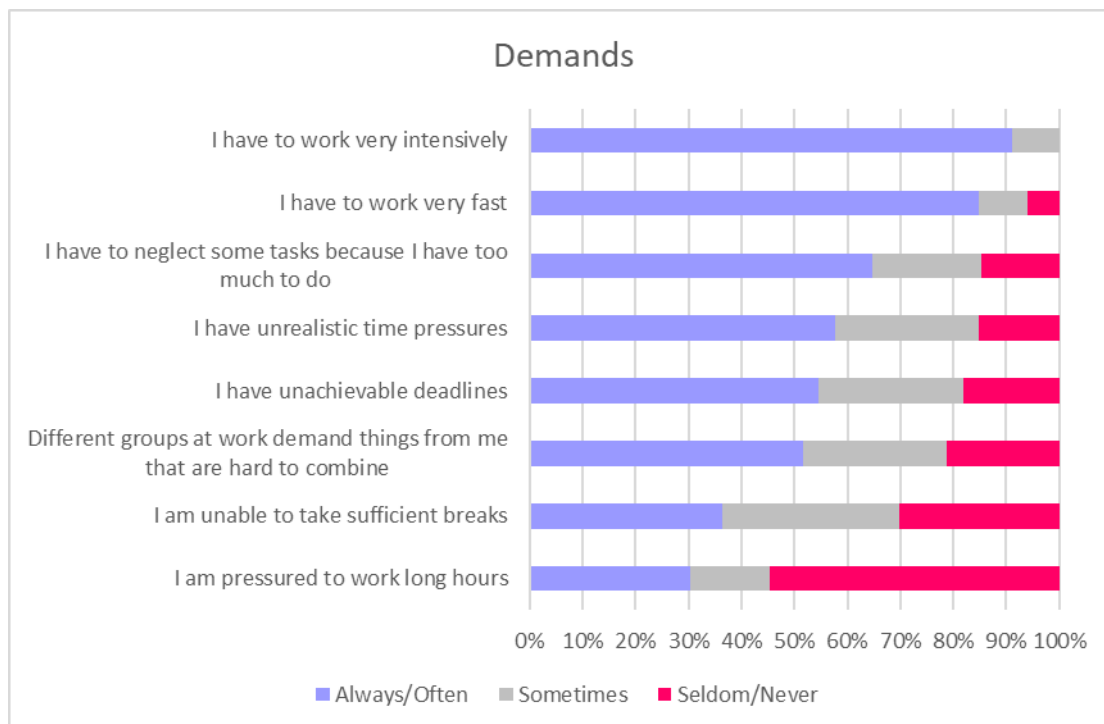
- 6.1 In speaking with witnesses across all organisations, one of the main themes which reoccurred and was highlighted to the task group, from parent/carers, schools, practitioners and the 0-25 Team, was the sharp and sudden rise in caseloads and number of assessment requests received by the local authority against a backdrop of insufficient increases in funding to meet this demand.
- 6.2 Much of the feedback received from the survey completed by staff in the 0-25 Team, highlighted staff capacity as a serious concern in being able to meet the high level of demand now being seen across the First Assessment Process:

<sup>15</sup> Westminster Information and Advice Support Service: <http://www.westminsteriass.co.uk/pages/information-and-advice/education/ehc-plans/ehc-timeline>

*"I think the team is significantly under resourced ..... with over 5000 EHCPs that are current and more requests arriving daily, how does the local authority think it cannot increase the level of staffing proportionately?" (0-25 Team)*

*"there has been a much bigger increase in requests for plans which means more reviews, more phase transfers, more amendments etc. At this time, we just do not have capacity to complete all the required work and clear the backlog of work we have, which causes many staff to overwork and suffer from stress." (0-25 Team)*

- 6.3 There were eight questions in the survey relating to demands placed on staff. The results show that this service area is under significant pressure from service demands:



- 6.4 All participants say they have to work intensively, with more than 90% of participants saying that they always or often have to. Less than 6% of participants say that they seldom or never work very fast. Two thirds of participants always or often neglect tasks because they have too much to do.

- 6.5 This feeling of reduced staff capacity within the 0-25 Team was also expressed by many parent/carers and schools:

*"EHCP managers are very clearly overstretched and unable to deal with cases efficiently or effectively.....significant understaffing of service especially at senior level" (Parent)*

*"The School understands the pressure on the 0-25 Team due to the numbers they have to deal with. Nevertheless, it is a frustration that you only seem to get a response if you push for one." (School)*

The task group notes that SEN caseworkers will now become named contacts. This would make contact more streamlined between families and the 0-25 team.

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## Staff Wellbeing

- 6.6 Staff wellbeing was an area of significant concern for the task group, with Members aware that staff are facing increasingly complex and difficult cases, which require additional support, both practically and emotionally.

*We face more complex cases (child sexual exploitation, drugs gangs, fabricated illness, neglect) and have to liaise with families and schools and young people but we do not get supervision. We carry these cases and the trauma every day. We receive verbal abuse in person and on phones from both schools as well as parents. (0-25 Team)*

- 6.7 Sickness rates within the 0-25 Team have also been exacerbated by the level of demand placed on teams and the realisation that many staff work well above contracted hours in order to try and meet statutory deadlines. In turn, this has put added pressure on teams operating further below their capacity.

*We were understaffed in our area team .....In addition, a lot of work has been generated when colleagues have been off sick. There could have been a plan put in place for this. (0-25 Team)*

*The workload has become so great that even with working up to 60 hours+ per week at times, I still cannot meet the deadlines required. Whilst I appreciate this is not an 'expectation' of my job, the reality is that if I didn't do this, I would be even further behind with meeting statutory deadlines - when you are told the expectation is to meet 100% of deadlines on time the pressure to work in this way is immense. This is not a sustainable way of working! (0-25 Team)*

- 6.8 In order to help increase staff wellbeing, workplace supervision provides a safe and confidential environment for staff to reflect on and discuss their work and their personal and professional responses to their work.<sup>16</sup> It is an extremely important tool for those individuals dealing with highly complex services, and staff should have access to appropriate forms of support. Workplace supervision should be valued within the context of the culture of the organisation, which is crucial in setting the tone, values and behaviours expected of individuals. It should sit alongside good practices in recruitment, induction and training to ensure that staff have the right skills, attitudes and support to provide high quality services. This in turn, may help to reduce levels of sickness and improve the level of wellbeing and feeling of support within the 0-25 Team, thereby improving the overall effectiveness of the team.

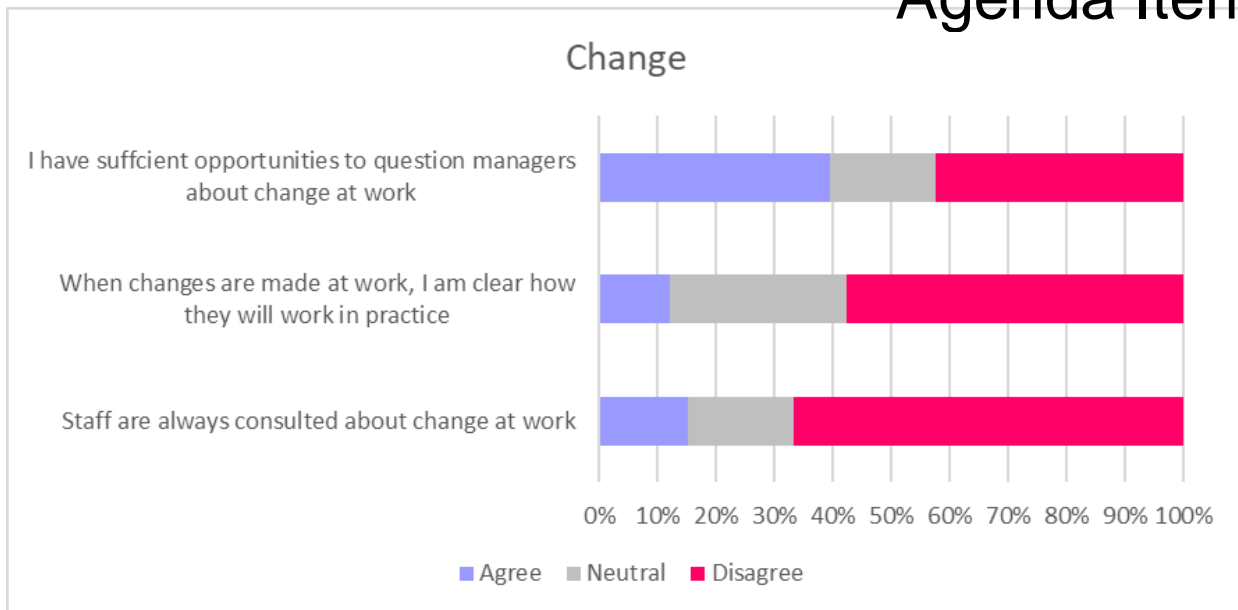
## Changes to the process

- 6.9 In response to the survey filled out by the 0-25 Team, concern was raised over the lack of consultation with staff when changes to the process are made at a senior level. From the three questions asked, the responses indicated high levels of uncertainty around change. The responses were balanced on the opportunities to question managers about change. However almost 60% of staff say that they are seldom or never clear about how changes will work in practice, and an even higher 70% say that staff are seldom or never consulted about change at work.

**"Stop the constant changes. It is like trying to hold jelly that keeps changing shape!" 0-25 Team**

<sup>16</sup> CQC (2013) Supporting Information and Guidance: Supporting Effective Clinical Supervision, [https://www.cqc.org.uk/sites/default/files/documents/20130625\\_800734\\_v1\\_00\\_supporting\\_information-effective\\_clinical\\_supervision\\_for\\_publication.pdf](https://www.cqc.org.uk/sites/default/files/documents/20130625_800734_v1_00_supporting_information-effective_clinical_supervision_for_publication.pdf)





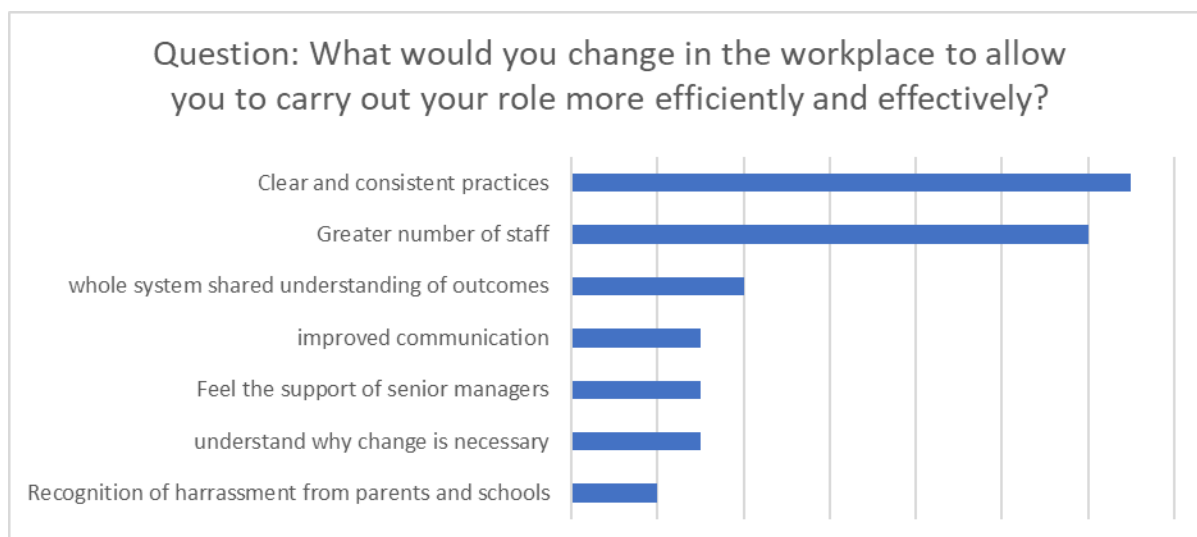
6.10 Staff talked about how changes were made which they felt little control over and had a disproportionate impact on their work:

*“We (staff) are rarely consulted on changes to the process and this has a big impact on how we work. Changes are made higher up and the consequences of how things will be implemented on a basic level are not considered. Things are constantly changing so parents hear different messages from the team week to week.” (0-25 Team)*

*“Changes are made by people who do not know the impact it will have to the wider picture. By saving time and money in one aspect the butterfly effect is immense on other aspects of the role”. (0-25 Team)*

6.11 This in turn causes confusion and frustration among staff and can often result in different advice being given to schools whilst changes are implemented throughout the SEN Team.

6.12 As part of the survey, the task group gave staff the opportunity to suggest what changes they would make in the workplace to allow them to carry out their role more effectively. This was done via an open text box where respondents were invited to suggest which changes would be of benefit. As is demonstrated on the following chart there are two clear areas that many respondents identified; clear and consistent practices from management and other professionals, and an increase in staff to meet the increase in demand.



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- 6.13 The areas identified above highlight key themes such as better communication, a clearer understanding of roles and responsibilities across all organisations and the need for more staff to meet demand and current pressures across the service.

## 7. Working in Partnership

- 7.1 The successful sharing of information between local partners, including the local authority, schools, educational psychologists, health and social care professionals, is key to the effective delivery of services and implementation of EHCPs. Information sharing is vital to support an effective assessment and planning process which fully identifies needs and outcomes and the education, health and care provision needed by the child or young person. Local authorities and partners should work together to agree local protocols for information collection and management to inform planning of provision for children and young people with SEN.
- 7.2 As far as possible, there should be a 'one story' approach to sharing information during the assessment and planning process so that families and young people do not have to repeat the same information to different agencies, or different practitioners and services within each agency. Currently, parent/carers informed the task group that this was not always happening, and they often had to repeat information and forms to different organisations.
- 7.3 One area raised by staff to achieve this joint approach of service delivery was the implementation of joint training between all local partners, to aid better understanding of the different roles and responsibility of each organisation, the purpose and appropriate use of an EHCP and to ensure the reports provided by professionals contributing to an EHCP are needs specific to the child.

Routine joint training with other professionals across health, social care and education on SEND categories of need, developing a shared understanding of what is reasonable to expect at SEN support level, what may constitute an EHCP application, what evidence is required and what support is available to ensure the plan is being implemented effectively and statutory duties are being met. (0-25 Team)

- 7.4 Further to this, a change in the culture within all SEND services was highlighted as being vital to achieve better outcomes for children and young people with SEN, to emphasise that the needs and provision for children and young people with SEN is the responsibility of all local partners, and not just one organisation.
- 7.5 The task group also heard from schools who identified concerns around the appropriate use of an EHCP and when is best to advise parent/carers that an assessment is the correct course of action.

**"We need everyone to understand that SEN is everyone's business, not just the 0-25 team".**

- 7.6 This was seen where a child has a medical or social need, but the school is managing the young person's educational needs and therefore does not feel an EHCP is the best course of action. However, schools were finding that health and social care professionals had advised parent/carers to request an EHCP through the school, only for the school to advise that the child's educational needs were already being met;



leaving parent/carers feeling frustrated. It was felt that better understanding of the process by health and social care professionals was required, along with better information and signposting for parent/carers where the young person requires additional health or social care support, which should then be funded by health or social care and not by education authorities.

*If there is a health issue, they (professionals) should be looking at other support mechanisms for the family to address health/social reasons, not directing back to the school who are managing the child's needs and do not require an EHCP. (School)*

- 7.7 Additional pressures faced by Special Education Needs Coordinators (SENCOs) was also raised as an area of serious concern by schools, and their ability to keep pace with a growing demand in SEN in the face of a bureaucratic system which is often repetitive, unclear and difficult to navigate. This had resulted in schools giving SENCOs dedicated days per week to work purely on EHCP requests, which was not sustainable and to the detriment of other pupils with SEN in the school. Headteachers were concerned that, as a result, there would be a crisis in schools being able to recruit and retain SENCOs due to stress and unsustainable workloads.
- 7.8 The need for local partners to work cohesively to improve the quality of plans was of extreme importance to the task group, having heard evidence of outcomes not reflecting the needs identified within the Plan and parent/carers receiving conflicting advice from different services and outcomes with mixed solutions. Importantly, parent/carers advised that plans were often not specific to the child and failed to detail who would provide the provision, how often the provision should take place and how long it should last for. Quite often, plans included language such as “the young person would benefit from ....” or “the young person should receive regular sessions around...” rather than specifying the child or young person “will have” a provision and that it should be “weekly” rather than “regularly”. This would help schools and professionals to implement the Plan effectively, thereby meeting the young person’s specific special educational need.
- 7.9 Quality of reports received from professionals was raised as an issue by the 0-25 Team which impacted on their ability as a result to write a Plan specific to the needs of the child:

*“There is an emphasis on quantitative data (number of applications and EHCPs awarded- input and output) but there doesn't appear to be the same emphasis on quality and impact. For example, the quality of reports, advice, support, interventions and the subsequent impact on settings, the children and young people and their families. These factors can either hinder or support the productiveness of the 0-25 team and their ability to ensure decisions made are based on being fully informed.” (0-25 Team).*

*There is evidence that not all reports are specific enough to be able to understand fully what the young person requires that is over and above SEN support. This is often due to other professionals (across health, education and social care) having limited understanding of the difference between SEN support and EHCP. (0-25 Team).*

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- 7.10 Crucially, all local partners felt that the whole EHCP system was a difficult and complex process, but it was the responsibility of all partners to work together in collaboration to improve the experience for children, young people and their families.

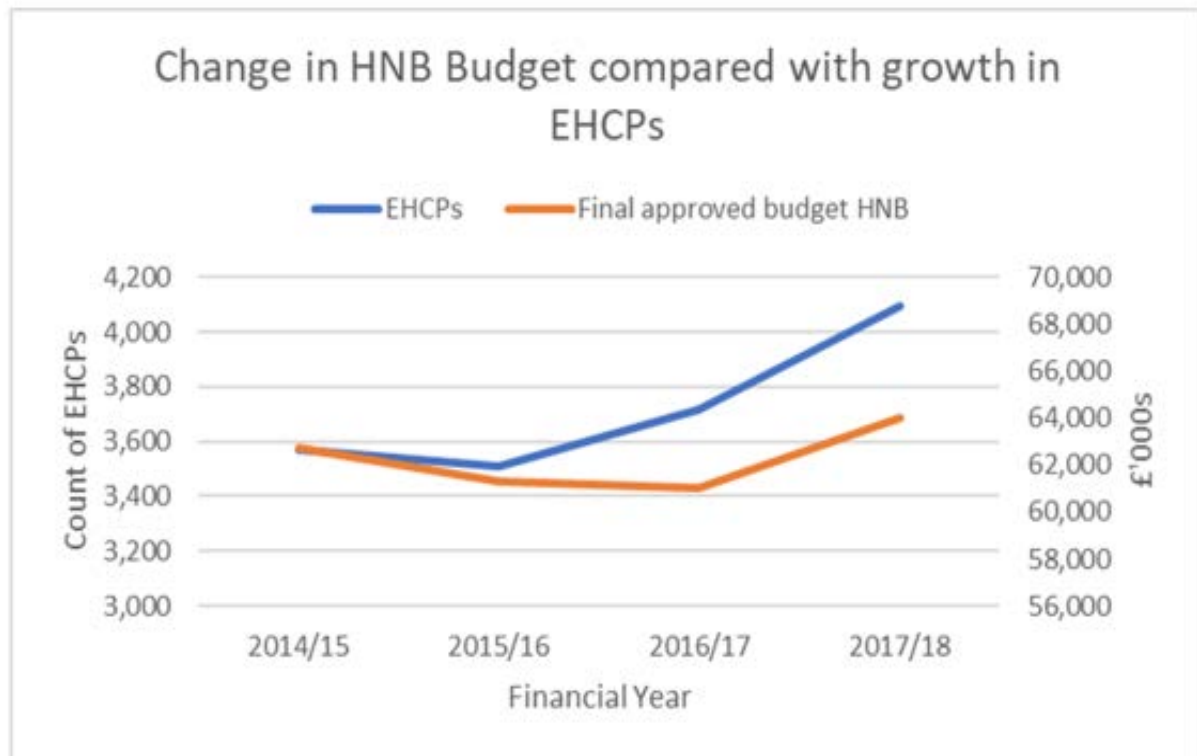
“The EHCP process is complex and as such improving the process should be a whole system approach to changing cultures, practices and perceptions. This would aid understanding of roles and responsibilities, ensure transparency and support the development of a shared and cohesive approach.” (0-25 Team)

## 8. Outcomes for children and young people with an EHCP

### SEN School Placements

- 8.1 Children and young people with an EHCP are predominantly placed within mainstream schools and local authority maintained special schools. This is in line with both the Code of Practice and Devon’s SEND Strategy<sup>17</sup> which outlines the SEN funding priorities, which are:
- ensure statutory provision is in place in mainstream schools;
  - ensure there are sufficient special school places in Devon to meet demand; and
  - use specialist independent providers only when the SEN of a child or young person requires that level of specific provision and it cannot be met in mainstream or special schools.
- 8.2 The percentage of pupils with plans attending specialist settings has increased, which causes pressure on both special school places and the High Needs Block, due to increased use of the independent sector which is more costly. This is especially relevant given that the increase in the number of children and young people supported with EHCPs has grown significantly more than the High Needs Block funding growth available to the local authority to support them.
- 8.3 The following graph shows the difference between the High Needs Block Funding and the number of EHCPs.

<sup>17</sup> Devon County Council (2017) Devon SEND Strategy, [https://devoncc.sharepoint.com/sites/PublicDocs/Education/Children and young people/SEND/Strategic%20Documents/Devon%20SEND%20Strategy%202017-20.pdf?cid=79751a88-0e6e-467e-9805-4713ed601bae](https://devoncc.sharepoint.com/sites/PublicDocs/Education/Children%20and%20young%20people/SEND/Strategic%20Documents/Devon%20SEND%20Strategy%202017-20.pdf?cid=79751a88-0e6e-467e-9805-4713ed601bae)



Devon County Council: SEN Annual Report 2017/18<sup>18</sup>

- 8.4 Concerns have been raised over the increase in EHCPs resulting in young people placed in the independent sector which is often due to a lack of capacity in local authority special schools or parental preference indicating a lack of confidence in the mainstream sector. A lack of specialist provision was highlighted to the task group on many occasions by parent/carers, staff and professionals:

We need more spaces in specialist provisions. Another reason for delay is that we do not have a place in a school to put a child. Even if we finalise the plan to ensure the child has the statutory protection that comes with an EHCP, we still need to keep working on the case until a suitable placement becomes available which has an impact on everyone's workloads. (0-25 Team).

Significant lack of suitable school places is creating a huge backlog of waiting children and young people in the system (Parent)

- 8.5 Changes in the culture around parent/carers desired outcomes in terms of school placement may be necessary, to avoid the assumption that an EHCP automatically results in a place at an independent or maintained special school, or that it is the required outcome, as many mainstream primary and secondary schools should be able to meet the needs of children and young people with SEN:

<sup>18</sup> Devon County Council (2019) Children and young people's Scrutiny Committee SEN Annual Report, <https://democracy.devon.gov.uk/documents/g2861/Public%20reports%20pack%2018th-Mar-2019%2014.15%20Children%20and%20young%20peoples%20Scrutiny%20Committee.pdf?T=10>

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It is generally expected by all involved that a change of school is imminent from mainstream to specialist for a significant number of these cases as a natural consequence of the EHCP process. There is a perception amongst many parent/carer/professionals that an EHCP = specialist setting (0-25 Team).

- 8.6 In order to meet the increased demand for specialist school places, the Council will have increased its current provision within Devon County Council's maintained special schools, by 500 places in 2020.
- 8.7 However, despite this increase in provision, the fundamental problem is that Councils' are not allowed to create or open new special schools due to Government legislation which states that all new schools must be an academy or free school decided by the Government. This in turn, hinders the Council's ability to increase specialist provision and thereby meet its statutory duty to provide enough school places to meet demand in a timely manner. Councils' must therefore rely on alternative providers to build new schools, often resulting in more independent places, at a higher cost to the authority, when funds are not increasing at the same rate as the number of EHCPs issued.

## 9. Devon Local Area SEND Inspection

- 9.1 Whilst the task group was investigating the EHCP process, between the 10 to 14 December 2018 Ofsted and the CQC conducted a joint inspection of the local area of Devon, to assess the effectiveness of the local area in implementing the disability and special educational needs reforms as set out in the Children and Families Act 2014.
- 9.2 The focus of the Inspection concentrated on three key areas which were the effectiveness of the local area in:
- identifying children and young people who have special educational needs and/or disabilities;
  - assessing and meeting the needs of children and young people who have special educational needs and/or disabilities; and
  - improving outcomes for children and young people who have special educational needs and/or disabilities.
- 9.3 The findings of the inspection highlighted areas of good practice including positive academic outcomes, support for children and young people with the most complex needs and the strong commitment and dedication from staff across the local area. However, Her Majesty's Chief Inspector (HMCI) determined that a Written Statement of Action (WSOA) was required to address four areas of weakness identified by Ofsted and CQC:
1. Strategic plans and the local area's SEND arrangements are not embedded or widely understood by stakeholders, including schools, settings, staff and parent and carers;
  2. The significant concerns that were reported about communication with key stakeholders, particularly with parents and families;
  3. The time it takes to issue Education Health and Care Plans (EHCP) and the variable quality of these plans; and
  4. Weaknesses in the identification, assessment, diagnosis and support of those children and young people with autism spectrum disorder.

- 9.4 The local authority and the clinical commissioning group are jointly responsible for submitting the written statement of action to Ofsted and senior leaders are working together to develop the detailed priority actions that will form the WSoA. The required outcome is that lived experience for children and families involved with SEND will be good and will match the good educational outcomes achieved by children and young people with SEND in Devon.
- 9.5 Many of the themes and findings highlighted by the Joint Inspection were also heard by the task group as explored previously in this Report and highlighted in the recommendations.

## 10. Conclusion

- 10.1 This task group was created to respond to concerns around the Council and local partners not meeting the statutory 20-week timescale in completing and issuing Education, Health and Care Plans. During this review, the task group has gathered evidence from a wide range of witnesses and sources and heard of the experiences of parent/carers, schools, staff and other professionals.
- 10.2 The task group recognises the importance of effective communication between parent/carers and professionals in order to improve the overall experience of young people and their families, as well as the need for collaborative working and effective communication between partner agencies in order to deliver timely and quality EHCPs to children and young people with SEND.
- 10.3 Investment in future resourcing of the Council's 0-25 Team to better meet the increasing demands in SEN provision, is vital if the Council is to meet its statutory duty in issuing EHCPs within 20-weeks and improve the aspirations of children and young people with special educational needs.
- 10.4 The task group believes the 0-25 SEN Team are working hard to improve services relating to the EHCP Assessment process. However, moving forward, they must commit and be supported to communicate better with parent/carers and across organisations, being as open as possible about the challenges they face, and the decisions made, to ensure that statutory deadlines are met and the needs of children and young are placed at the heart of the process.
- 10.5 EHCPs should be based on needs to enable access to education not only on diagnosis. In some areas of SEN diagnosis is still difficult to determine e.g. autism, ADHD and attachment difficulties, because this holds up getting help place in quickly for the child or young person. Time is of the essence to maintain progress.
- 10.6 There are a number of questions and areas of investigation that the group did not cover in detail but recognise may be extremely significant. These include identifying children and young people with autism, the annual review process and transitioning of children and young people to adults' services.
- 10.7 Finally, the task group believes that now is the opportunity for the Council to improve outcomes and experiences for all children and young people with SEN in Devon Schools, and trusts that by working closely with local partners in a collaborative and cohesive way, the ambitions set out within this Report can be achieved.

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## 11. Membership

Councillors Su Aves (Chair), Frank Biederman, Emma Brennan, Linda Hellyer, and Debo Sellis.

## 12. Contact

For all enquiries about this report or its contents please contact:  
Stephanie Lewis (Deputy Democratic Services Manager)  
[stephanie.lewis@devon.gov.uk](mailto:stephanie.lewis@devon.gov.uk)

## 13. Witnesses

### Witnesses

8.1 The task group heard testimony from a number of witnesses and would like to express sincere thanks to the following people for their contribution and the information shared.

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|                        |   |
|------------------------|---|
| Victoria Benfield      | SENCO, Highweek Primary School  |
| Sue Brealey            | Devon Information and Advice Service (DIAS) Manager   |
| Tim Cockerill          | Interim Principal Educational Psychologist, Babcock LDP                                       |
| Dr Jane Dunlop         | Community Paediatrician and Designated Officer SEND, NEW Devon CCG                            |
| Angela Fleming         | Headteacher, Bluecoat C of E Primary School Torrington  |
| Julia Foster           | SEND Senior Manager, Devon County Council   |
| Adrian Fox             | Head Accountant, Education and Learning   |
| Louise Goodchild       | Interim Principal Educational Psychologist, Babcock LDP                                       |
| Greg Ireland           | SENCO, ISCA Academy   |
| Judy Martin            | Headteacher, Highweek Primary School  |
| Helen McShane          | Assistant Head and SENCO, Countesswear Primary School   |
| Dr Martin Miles        | Independent Educational Psychologist  |
| Aimee Mitchell         | Headteacher, ISCA Academy   |
| Elizabeth Nash         | Senior Business Change Manager, Children and young people's Social Care, Devon County Council |
| Simon Niles            | Children and young people's Services Strategic Manager  |
| Parent Representatives | Local Offer Reference Group (LORG), Devon County Council                                      |

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|                 |  |
|-----------------|--|
| Julie Ruddick   | SEN Mediation and Tribunals Officer  |
| Dawn Stabb      | Head of Education & Learning, Devon County Council                                     |
| Kate Taylor     | Senior Commissioning Manager for Children and young peoples, NEW Devon CCGs            |
| Claire Thompson | Head of Specialist Services and Safeguarding, Babcock LDP                              |
| Jennie Waldron  | Principal Social Worker, Children and young people's Social Care, Devon County Council |
| Mel Webb        | SEND Local Offer and Participation Officer, Devon County Council                       |
| Kate White      | SENCO, Clyst Heath Community Primary School  |
| Liz Wood        | Disability Lead of Southern, Adult Social Care, Devon County Council                   |
| Michelle Young  | SENCO, Bluecoat C of E Primary School Torrington                                       |
| Mags Zaharia    | Early Years SEN, Bluecoat C of E Primary School Torrington                             |

The Task group would also like to thank staff of the 0-25 Special Educational Team at Devon County Council for completing an online survey and also those parent/carers who sent in additional information and examples of their own EHCP experiences.

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## **Schools Funding in Devon 2019-20**

### **Report from the Head of Education and Learning**

#### **Background**

Devon has a total of 367 schools a significant proportion of which are rated 'Good' or 'Outstanding' by Ofsted. The schools vary in size, from primary schools with fewer than 20 pupils to one of the largest secondary schools in the country. Schools also vary in governance with, at the time of writing, approximately 55% of schools maintained by the local authority.

At a national level, schools with 210 pupils or less are considered small. However, Devon has 34 very small schools (fewer than 50 pupils) and 238 with a rural school designation serving our extensive rural areas. The smallest school in Devon has 21 students on roll, as at Autumn 2018.

For community and environmental reasons, the county council supports the principle of local schools for local children. There are currently 201 maintained schools and 166 academy or free schools, many of which are in good partnerships who work together as part of local learning communities, federations or multi-academy trusts.

### **SCHOOLS FUNDING AND THE NATIONAL FUNDING FORMULA**

#### **National Funding**

The DfE introduced an additional £900 million to school funding in 2019/20. This was the second year of the £1.3 billion committed to school funding as part of the move towards a fairer National Funding Formula. However, when considered on a per pupil basis, between 2017/18 and 2019/20 school funding nationally has been frozen at a level about 4% below the high point seen in 2015/16. (source: Institute of Fiscal Studies).

This figure still under-states the effect on real resources, as schools also faced additional costs as a result of:

- a. Increases in employer contributions to NJC pension scheme. (April 2017 from 19.75% to 23.3%);
- b. Ending of contracting out from State Second Pension. (April 2016 increased National Insurance Contributions 10.1% to 13.8%);
- c. Upward pressure on public sector pay levels; Office for Budget Responsibility expects public sector pay to rise by 14% between 2014/15 and 2019/20;
- d. Apprenticeship Levy 0.5%;
- e. Inflationary pressures on non-staffing spending (likely increase if predictions about inflation post-Brexit are realised).

In addition

- a. Increases in teachers' pay from September 2018. This will be funded by the DfE through the Teachers' Pay Grant for 7/12ths of the financial year 2018/19 and the full financial year of 2019/20. However, this funding excludes the first 1% which will be funded by schools.
- b. Increases in employer contributions to Teacher Pension Scheme (TPS) in September 2019 (16.5% to 23.68%) this is to be funded for the financial year 2019/20 by the DfE.

The above means that for Devon **there has been a real terms reduction of 10% from 2009/10 to 2017/18** based on the published Section 251 Schools outturn spend.

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Children's Scrutiny Committee

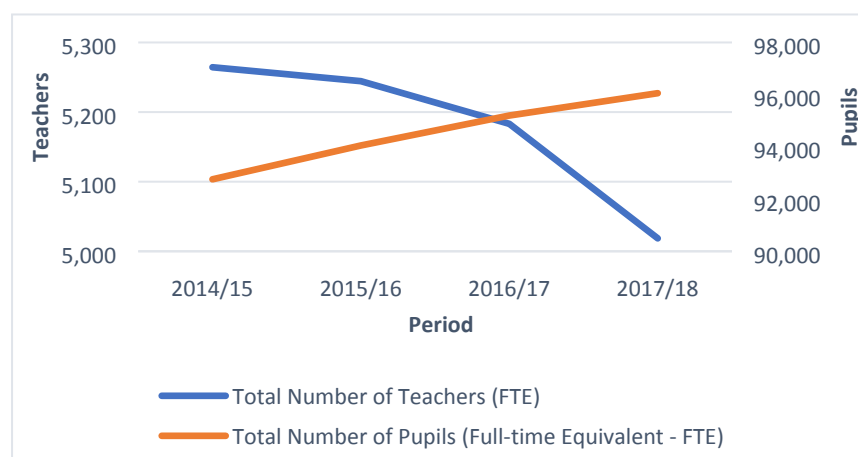
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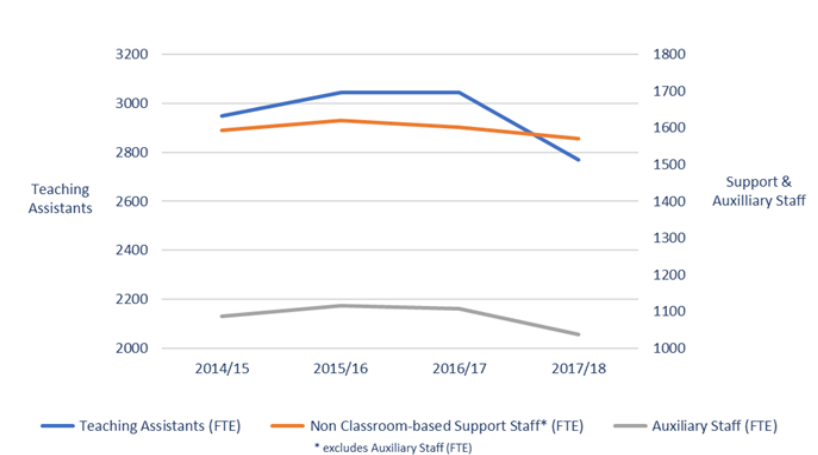
In 2019/20 funding per pupil in Devon is £4,395 compared to the national average of £4,689, a difference of £294. This is a widening from £268 per pupil below the national average in 2018/19. Across the authority this equates to £27 million less funding – based on the October 2018 School Census.

This reduction in funding has had a significant impact on pupils as, in order to balance budgets, schools have had to make a significant reduction in staffing levels (teachers and support staff). This is despite a rise in pupil numbers. This not only results in larger classes but also less teaching assistants and pastoral staff to support pupil's engagement and learning.

The graph below shows the reduction in teachers compared to the rise in pupils since 2014/15



The below shows the reduction in teaching assistants and support staff since 2014/15



## Local Funding Formula – Dedicated Schools Grant Schools Block funding

Schools funding formulas are made up of a number of factors which combine to give a value to the school's overall budget. Historically within each local authority the school's forum decided the allocation to each factor. In order to introduce fairer funding, the Government introduced a National Funding Formula (NFF) which is expected to be in place for 2021/22. We are therefore in a transition period during which the Schools Forum, supported by the local authority will amend the formula factors to bring them in line with the NFF "hard formula". It should be noted however that Devon does not currently receive enough funding to deliver all of the National Funding formula.

Devon has two areas that remain below the National Funding Formula factors:

- Minimum Funding Level (MFL) is set at £3,455 (Primary) and £4,755 (Secondary) rather than £3,500 and £4,800 respectively.

- Primary Lump Sum remains at £101,105 rather than the £110,000 in the NFF

## **The Primary Low Prior Attainment (LPA) factor**

The funding per pupil in this factor has slightly reduced from £1,050 to £1,022. This is because whilst the number of pupils in the eligible cohort has increased, the funding allocated has not.

## **Growth Funding**

The Growth Fund is funding retained centrally to support schools which are required to provide extra places in order to meet basic need within the local authority, including pre-opening and reorganisation costs.

For 2019/20, growth funding will be allocated to the local authority using a new formulaic method based on lagged growth data. This change in how the local authority receives its' funding has not changed the way in which the authority allocates the funding to schools. This remains as laid out in the locally agreed policy.

## **Future Funding**

Teachers' Pay – This is being funded for 2019/20 through the Teachers' Pay Grant; after allowing for the 1% increase schools were planning for. It is not yet known if this will be included in the base funding from 2020/21.

Teachers' Pension increases – The rise in employer's pension contributions is being funded from September 2019 through the 2019/20 teachers' Pension Grant. It is not yet known if this will also be in the base funding from 2020/21.

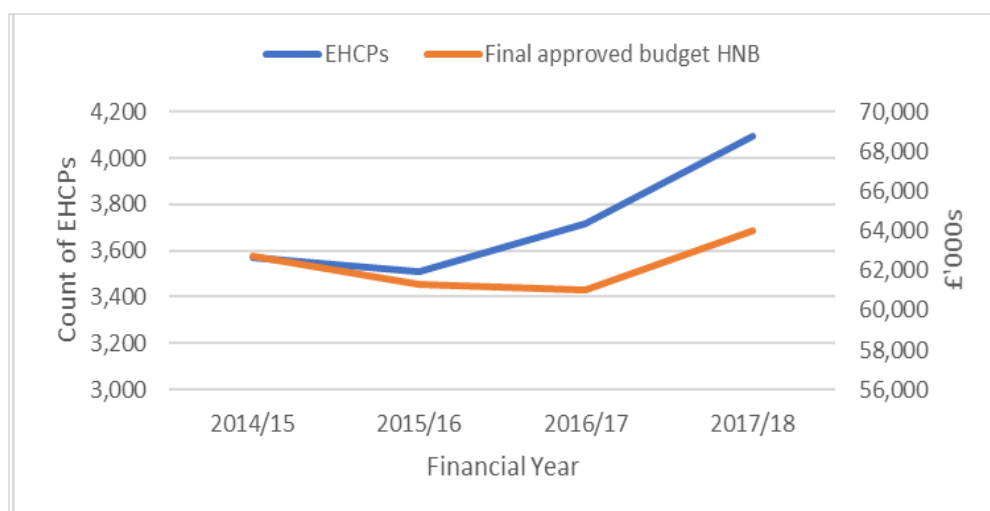
Decisions on whether this support will be included as part of the base funding for next year will be made as part of the Government's Comprehensive Spending Review.

It is also not known what changes the DfE will make to the National Funding Formula for 2020/21 which allows for local formula factors with agreement from Schools Forum.

## **High Needs pressures**

Funding for High Needs has risen from £61.1million in 2015/16 to £69.9million in 2018/19. However due to an increase in numbers and placement costs the demand for spending from the High Needs Block has risen over the past 4 years from £65.3million in 2015/16 to a projected £77.3million (2018/19).

The graph below shows the change in the High Needs Block funding compared with growth in Education Health and Care Plans



## SCHOOLS PREMISES CAPITAL AND MAINTENANCE FUNDING

### Schools Capital

'The Education Infrastructure Plan (EIP), as approved by DCC Cabinet, sets out the policies and principles for securing and allocating capital funding for the education estate. It also includes DCC's education section 106 policy'.

### Schools Capital Maintenance

The below report summarises the school's capital maintenance priorities and strategy as detailed in the EIP. The EIP is updated every three to four years and is due to be refreshed this financial year.

In general, all schools remain responsible for the day to day management and maintenance of their premises (revenue/recurrent maintenance). For more substantive investment (strategic maintenance), responsibility either rests with the local authority - in terms of its capital funding allocation and delivery programme - or with self-governing schools (academies) through bids or formulaic allocation against specific pots of nationally held funding.

Schools hold small revenue and capital budgets to assist them with their responsibilities, however demand for expenditure almost always outstrips the budget available. We have an ageing and inefficient infrastructure (heating, lighting, roof coverings, insulation etc), which schools/local authority cannot afford to replace or upgrade.

The local authority's primary responsibility relates to strategic maintenance in maintained schools. In addressing this we are committed to investing in the existing school estate to ensure buildings are safe and fit for purpose to deliver good outcomes for children and young people. Over recent years the main focus of maintenance investment has had to be on the highest priority condition items, principally keeping buildings wind and water tight.

Devon receives a level of capital maintenance funding from central government. This is the only source of direct funding available for the strategic maintenance of existing school buildings. The scale of funding allocated from central government is not related directly to the scale of investment needed to address all the maintenance needs of Devon schools. In 2018/19 Devon invested £6.4m on maintenance/infrastructure work across the maintained school estate.

The current pattern of government grant funding for school's capital maintenance consists of:

**Capital Maintenance Grant** - A formula grant to the local authority for **all maintained community, voluntary controlled, trust and foundation schools**; the 2019/20 allocation is £4.65m. The programme of 2019/20 capital maintenance works was approved at Full Council on the 21<sup>st</sup> February 2019, with works prioritised following the methodology agreed and endorsed by School Representatives/Leaders through School Organisation, Capital and Admissions (SOCA) Forum. This methodology is set out in the Education Infrastructure Plan 2016-2033. Future allocations of capital maintenance are unknown but are estimated to reduce as more schools convert to academy and centrally delivered Priority Schools Building Programme Projects open.

**Local Co-ordinated Voluntary Aided Programme** - A formula grant is available from the Department for Education to **the voluntary aided sector** to be targeted at condition and suitability issues. These resources are managed in partnership with Devon County Council but are managed and delivered by the Diocesan Board of Education, Exeter.

**Condition Improvement Fund** - A central government capital grant fund available to **academies** and targeted at condition, suitability and expanding successful academies (not basic need). Academy schools can bid directly to government to secure money from this fund on an annual basis. Larger Multi Academy Trusts will receive a formulaic capital maintenance allocation and not be required to bid.

**Devolved Formula Capital** - A relatively limited capital allocation which is formula driven and allocated directly to all state funded schools to support small scale refurbishment and ICT development.

In addition, there is a current live programme of work from central government, aimed at addressing the maintenance issue of the worst condition schools entitled:

## **Priority Schools Building Programme**

These projects are centrally procured and led by the Department for Education. Ten schools in Devon have now been completed from the first phase of the PSBP:

Chagford C of E Primary School

Haytor View Community Primary School, Newton Abbot

Ilfracombe Arts College

Ladysmith Junior School, Exeter

Newton Poppleford Primary School

Newton St Cyres Primary School

South Molton Community College

South Molton United C of E Junior School

The Castle Primary School, Tiverton

The Grove Primary School, Totnes

The following second phase projects have also been identified in Devon and are due to be delivered in the near future:

Exeter Road Primary School- Block 1

Sidmouth College –Block 1

Whipton Barton Junior –Block 1

Exmouth Community College (Academy)

## Current Capital Maintenance Position

Based on surveys of actual school condition in Devon, the level of national funding currently available is only sufficient to address the most urgent or highest priority maintenance needs (D1 and D2 items). The current total backlog maintenance for local authority maintained schools is in the region of £42.6m, with £22.9m described as critical backlog maintenance versus an allocation in 2019/20 of £4.65m.

To maintain transparency, the formula for allocating maintenance funds and proposed prioritisation of schemes was agreed by a Task and Finish Group from representatives (senior leaders from Primary, Secondary, Special Schools and Governors) of the School Organisation, Capital and Admissions Forum (SOCA).

In summary, the current criteria for maintained schools including VC/Foundation schools, (excluding VA schools and academies) are as follows:

Based on Asset Management Condition data:

- Commit to addressing all D1 items as the first priority, and;
- Commit to addressing D2 items

*\*Asset Management Data is ranked based on **Condition**; A (Good) to D (Very Poor) and **Priority**; 1 (Urgent within 12 months) to 4 (required from 5 years). The highest-ranking items would be D1 and the lowest A4.*

Both these items are prioritised using pupil numbers as a percentage of capacity;

In addition, we will allocate funding in the following manner:

Allow for a reserve fund to allocate towards MUMIS (Major Unforeseen Maintenance Indemnity Scheme)/Contingency;

- Allow for contributions towards maintained schools Basic Need schemes (based on first bullet point criteria above) where Basic Need projects will address maintenance D1 or D2 items;
- Allow a proportionate contribution towards maintained schools DDA (Disability Discrimination Act) projects, based on occupational therapy reports specific to an individual's needs;
- Complex projects may require phasing over two financial years. Consideration may also be given to reducing the scope of large projects down into smaller elements which can then be delivered within a given financial year.

The principles which will underpin our investment strategy are:



# Agenda Item 9

Children's Scrutiny Committee

10 June 2019

CS/19/17

- The health and safety of children, staff and other school users will be the highest priority for capital investment ensuring schools stay open and are fit for purpose by prioritising maintenance to minimise the risk of possible closure.
- Investment decisions will be evidence-based and clearly communicated to all stakeholders. This may be subject to opportunities to support wider strategic projects which will be taken (with maintenance allocations being based on the agreed criteria).
- Where there is clear evidence the investment should be prioritised, we will work with SOCA for maintained schools to develop a cost-effective maintenance strategy across the county.

## **Dawn Stabb**

Head of Education and Learning

### **Electoral Divisions:** All

Cabinet Member for [Children, Schools and Skills](#): Councillor James McInnes

Chief Officer for Childrens Services: Jo Olsson

### LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

#### *Contact for Enquiries:*

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Tel No: 01392 383000



Childrens Scrutiny Committee  
10 June 2019  
CS/19/16

## **Devon Education and Learning**

### **Education and Learning Performance Report Quarter 4 - 2018/19**

#### **Discussion Brief.**

**This document provides the quarterly figures for key areas of monitoring and also updates to the annual report to reflect the latest national statistical releases.**

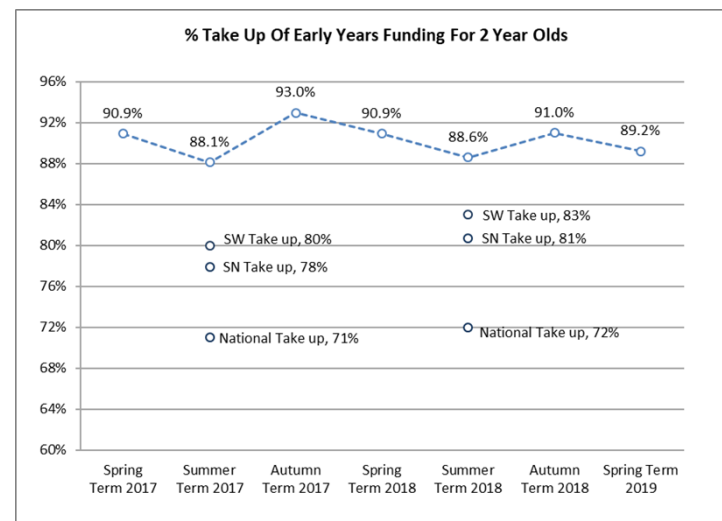
# 1 Closing The Gap Early Years

## Take up of Early Years Funding for 2 year olds

The take up of funding for 2 year olds reflects the trend in previous years and is close to the take up for the same period last year (90.9%). Devon continues to perform significantly better than latest national (72%) and regional (83%) take up rates.

Take up of 2 year olds places is a parental choice. Therefore, we would not expect all 2 year olds to be accessing a place, as some parents will prefer to wait until their child is older.

Data sources: Devon take up: Early Years Team, DCC, Apr 2019, national and regional benchmarks DfE LAIT at 12/09/18



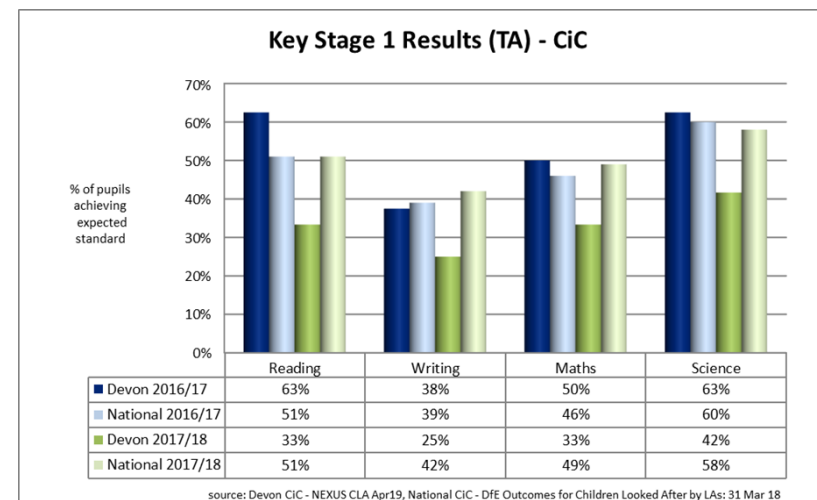
Data source: Early Years Team, DCC, April 2019, DfE LAIT 12/09/18

# 1 Closing The Gap Children in Care 2017/18

## Children in Care (those in care to Devon and but educated in any LA) - published results

Recently published information confirms the information in the draft annual report that Children in Care are not performing as well as last year across all Key Stages.

**At Key Stage 1**, published information indicates that Devon Children in Care are not performing as well as nationally in each of the subjects. However, local information for this cohort indicates that progress is being made as outcomes for this cohort are better at Key Stage 1 than EYFS (25% of the cohort achieved EYFS). 2 out of 3 children who sat Key Stage 1 in 2017/18 have special educational needs.



# 1 Closing The Gap Level 2 qualification at 19yrs 2017/18

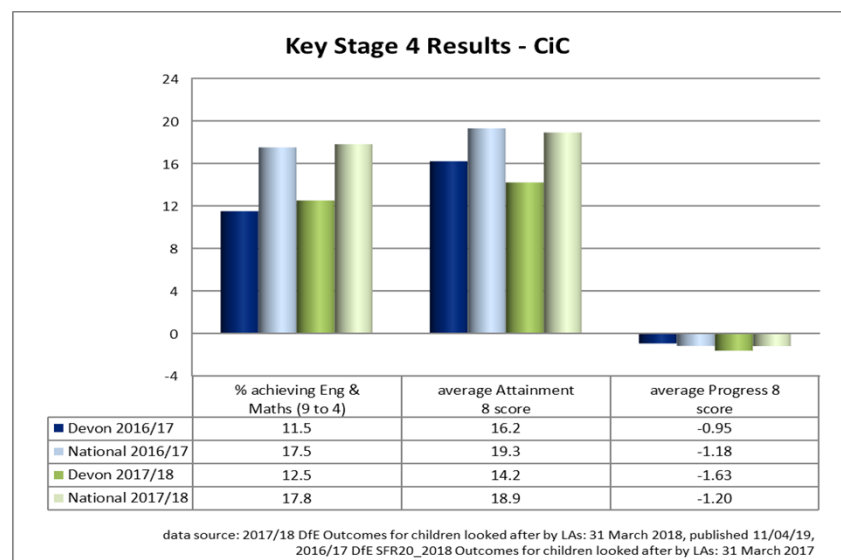
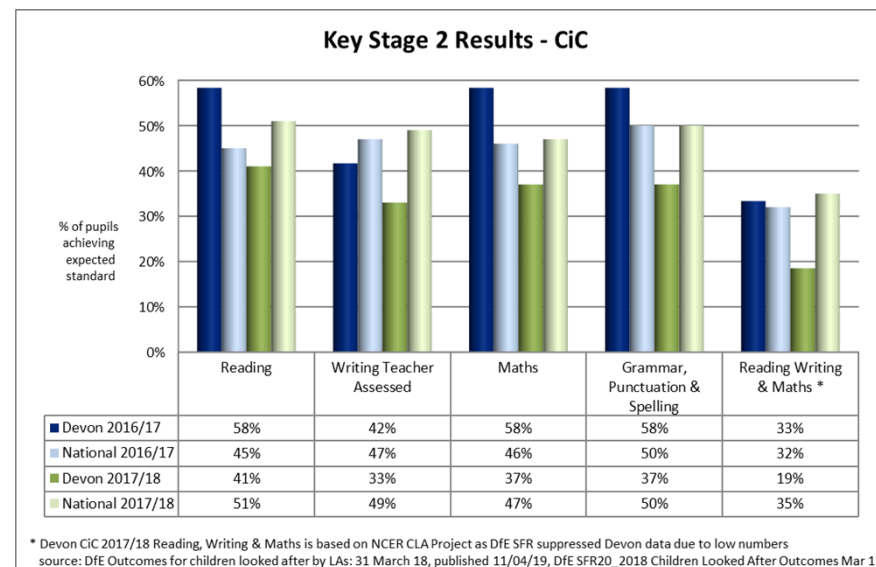
**Key Stage 2**, published information indicates that results have fallen and are below the national average. Information from the NCER Child Looked After Project indicates that 41% of the cohort have an Education Health and Care Plan and a further 33% have an identified SEN need (74% in total).

Within the primary phase, the Virtual School is working closely with Babcock LDP School Improvement Advisors to ensure that there is challenge and support for schools. Visits to schools now include scrutiny of books and assessment information. The Virtual School have also joined a significant reading research project through the REES Centre aimed at improving reading for Key Stage 2 Children in Care.

**Key Stage 4**, there is limited published information available as the Department for Education did not publish any information on EBACC measures and suppressed outcomes for the English & Maths grade 9 to 5 measure due to low numbers. Performance in English and Maths at grades 9 to 4 has improved slightly for Devon Children in Care but it is still below the national average.

Analysis shows that there are a number of factors contributing to the results, as shown below. However significant work is in place to improve outcomes for Children in Care and these are shown in Appendix A.

- The number of children with a statutory plan (EHCP) and those with school identified special educational needs is very high and above the national average. For example, the current Year 11 has over 38% of the cohort with an EHCP and a total of 60% with SEND including an EHCP.
- A high number of children come into care in secondary school. Research from the Rees Centre demonstrates that the longer a child is in care, the better the outcomes. For the current Year 11 just under 20% came into care in Key Stage 4 and 45% in Key Stage 3.
- Some children have a high number of care placements and, as a result schools. Moving in Year 10 and 11 is very hard for children because the GCSE course covers two years and schools do not all use the same examination boards, so the syllabus will be different.
- In some cases, children who come into care in Key Stage 4 are placed out of Devon which further complicates obtaining a school place especially for those with EHCPs. The Virtual School's priority is to improve outcomes for all Children in Care and has ensured that education is in place without delay. This can mean tutoring for those moved at short notice and examination entries.

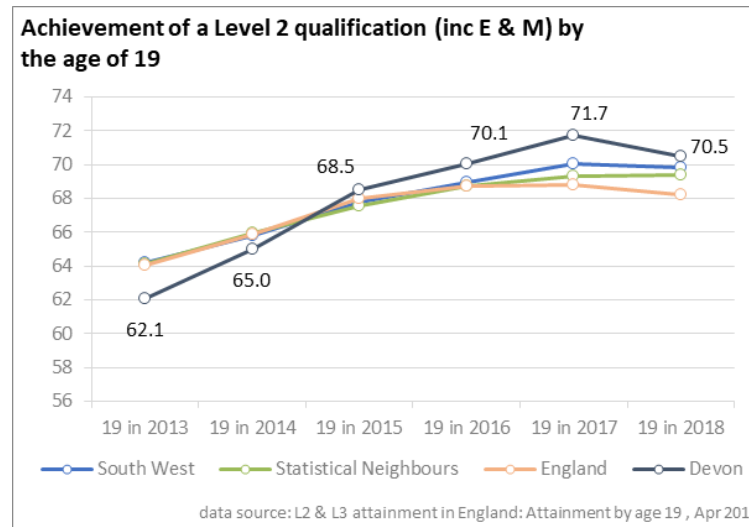


**Projects to improve outcomes for Children in Care are shown in appendix A.**

# 1 Closing The Gap Level 2 qualification at 19yrs 2017/18

## Attainment of Level 2 qualifications by those aged 19

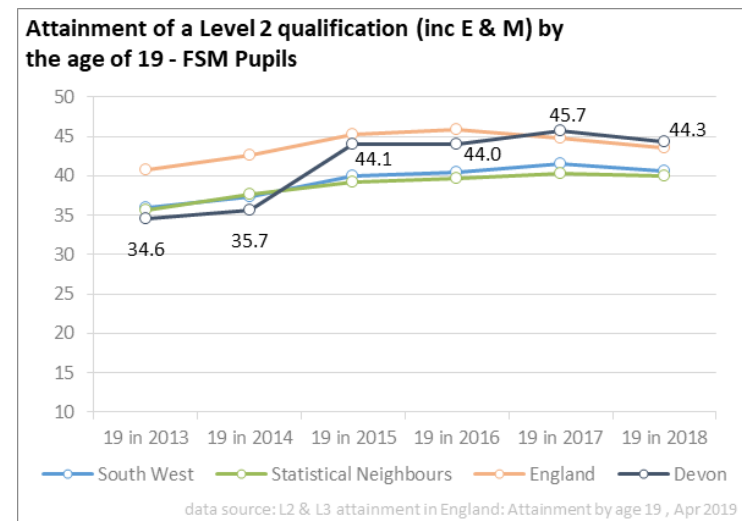
The percentage of 19 year olds qualified to Level 2 including English and Maths has fallen slightly in the last year to 70.5%. Devon continues to perform better than nationally (68.2%) and regionally (69.8%).



## Level 2 qualifications by those aged 19 – FSM Cohorts

The performance of Free School Meal pupils has also fallen slightly in the last year with 44.3% of 19 year olds qualified to Level 2. Devon is performing significantly better than regionally (40.6%) and slightly better than nationally (43.5%).

The attainment gap for Devon's FSM pupils remains stable at 29%. This is in line with the national attainment gap (29%) and is narrower than regionally (29.2% compared to 32.5% regionally).



# 1 Closing The Gap Level 2 qualification at 19yrs 2017/18

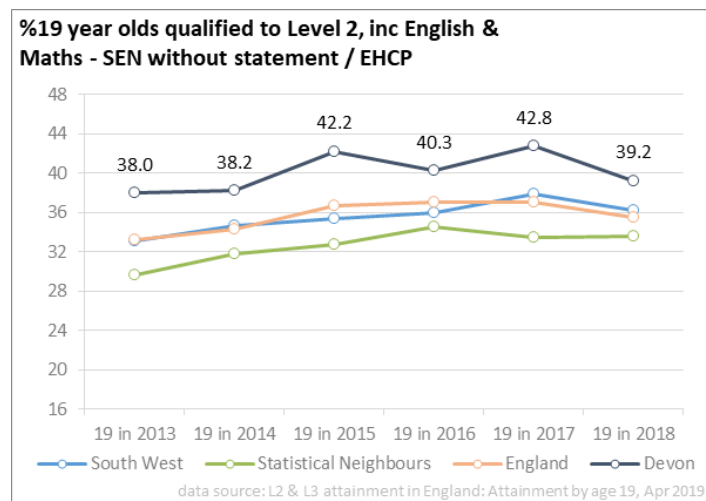
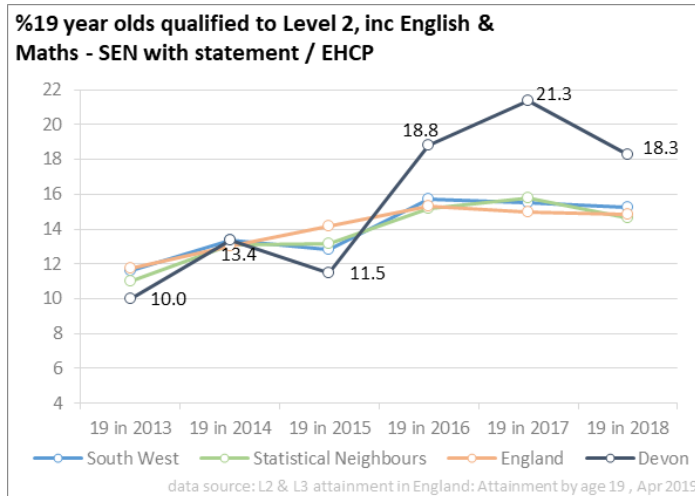
## Level 2 qualifications by those aged 19 - SEN Cohorts

The percentage of 19 year olds with SEN statements/EHCPs qualified to Level 2 including English & Maths has fallen slightly, with 18.3% qualified to Level 2 in 2018. Devon young people perform significantly better than nationally and regionally (14.8% and 15.2% respectively).

**Devon is in the top performing quartile for 19 year olds with an EHCP.**

The percentage of 19 year olds with SEN but without a statement/EHCP qualified to Level 2 has also fallen. However, Devon continues to perform significantly better than nationally and regionally, 39.2% compared to 35.6% and 36.2% respectively.

Please note due to the presenting need of the cohort there can be significant year on year differences.



## 2 Inclusion SEND

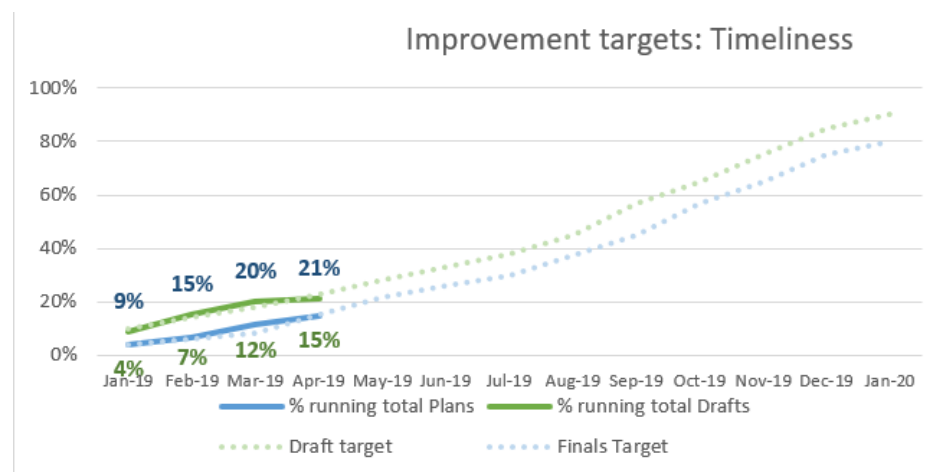
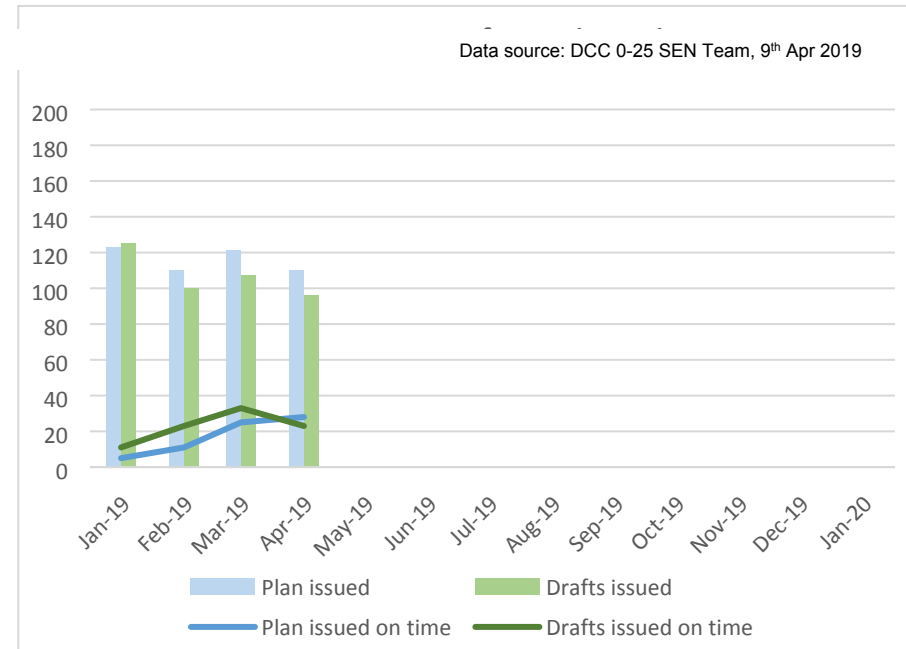
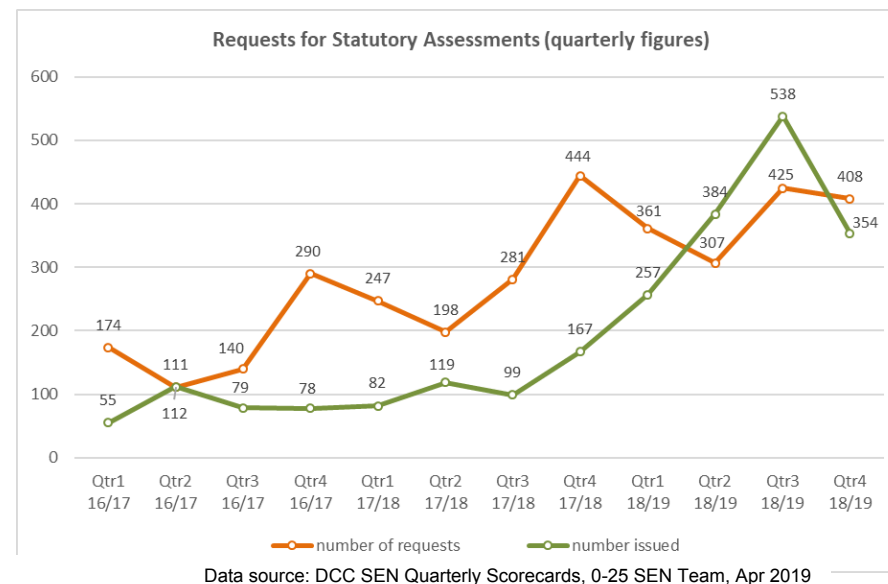
### Requests for Statutory Assessments

There has been a total of 1,501 new requests for statutory assessments in the 2018-19 financial year compared to 1,170 in 2017-18. This represents a 28% increase.

1,533 plans were issued in the 2018-19 financial year, a significant increase on the 467 issued in 2017-18 and reflects the additional staffing and change in processes which have been put in place to address some of the issues around timeliness. Note: number of plans issued is higher than number of new assessments as some of the plans issued in 2018-19 would have been requested at end of 2017-18.

The charts opposite shows the number of plans being issued has seen improvements over time. Note: **quarter 4 shows a predicted drop as in this quarter there is a statutory deadline to amend Education Health and Care Plans for all Year 6 (Feb 15<sup>th</sup>) and all Year 11 (Mar 31<sup>st</sup>) pupils ready for the following September when they start at secondary and Post 16 schools and colleges. This is a significant piece of work for the SEN team to undertake during the Jan to March period.**

There is still a backlog of work to complete and therefore due to the time it takes to complete an assessment (20 weeks) there will be a delay before the numbers completed within timescales is reflected in that data. The trajectory is shown below and actions taken to deliver this improvement are shown in the **Written Statement of Action** (need to make this a link when final version is on line.)





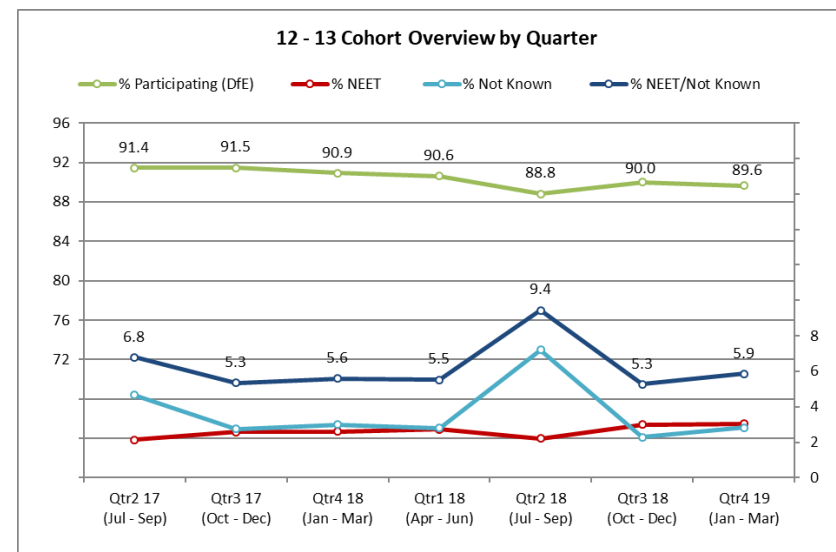
## 2 Inclusion Not in Employment, Education or Training

### Overview (16 and 17 year olds<sup>1</sup>) March 2019

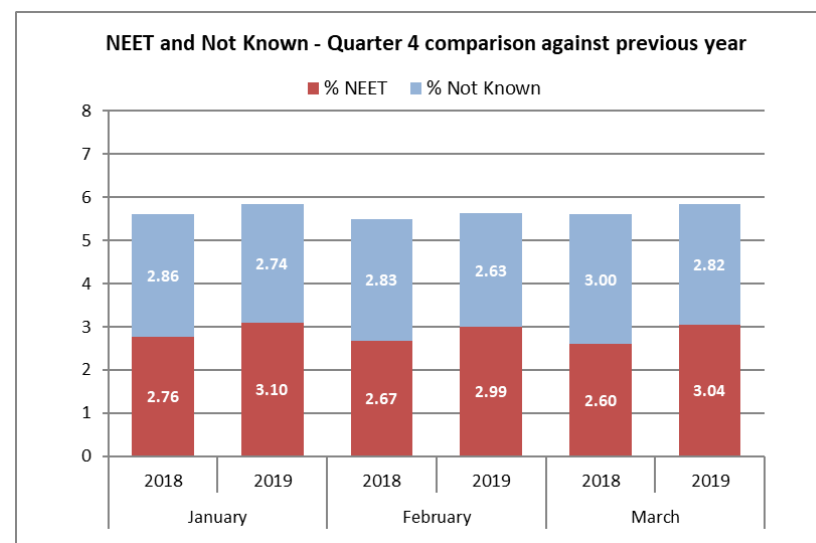
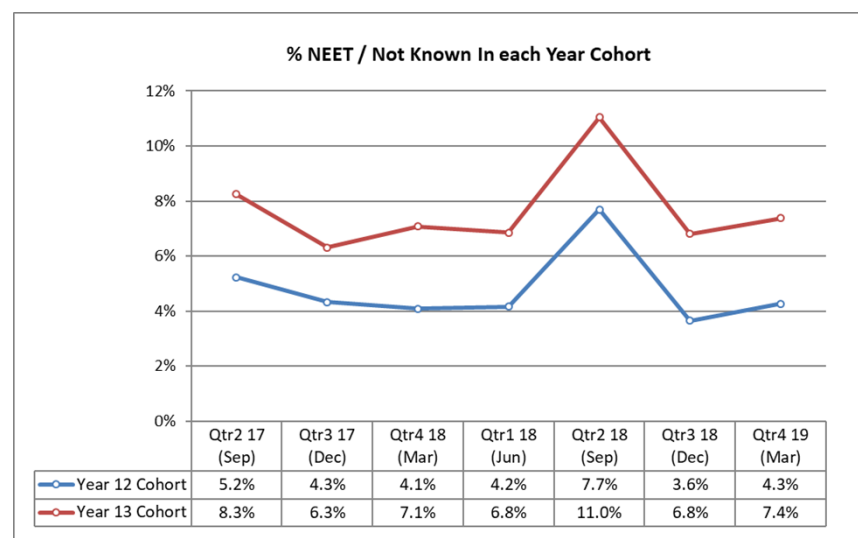
Latest information from Careers South West (Mar 2019) indicates that the percentage of young people who are NEET in Devon is slightly higher than the same period last year (3.0% compared to 2.6% in Mar 2018). However, the Not Known rate is slightly lower (2.8% compared to 3.0%). The combined NEET / Not Known measure for the overall cohort is marginally higher than the same period last year (5.6%).

When reviewed by cohorts, Year 12 has the lower NEET / Not Known rate with a rate of 4.3%, close to the same period last year (4.1%). The NEET/Not Known rate for Year 13 is slightly higher than last year (7.4% compared to 7.1% in Mar 2018).

<sup>1</sup> data for years 12 and 13 are now regarded as targets by the DfE in line with the statutory duty on local authorities to track young people destinations



Note: the peak in the NEET/Not Known rate is due to young people leaving education / training at the end of the academic year and obtaining confirmation of ongoing study/employment.



Data Source: CSW Monthly Scorecard March 2019 and March 2018

## 2 Inclusion Attendance 2017/18

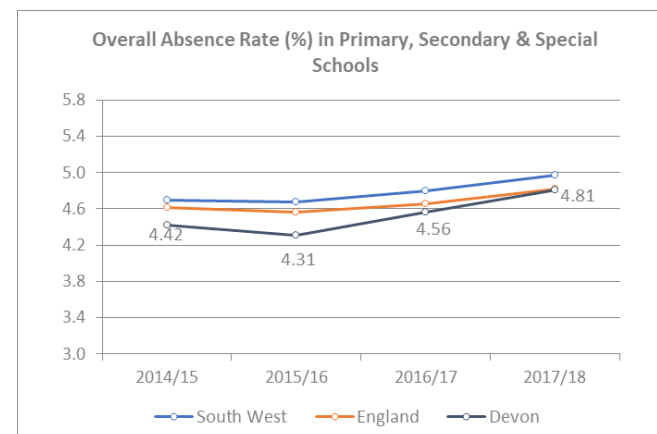
### Overall Absence Rates

The overall absence rate in Devon primary, secondary and special schools is in line with the national average and better than regionally (4.81% compared to 4.81% and 4.97% respectively).

Absence rates in Devon primary schools are slightly better than nationally (4% compared to 4.2% nationally) whilst absence rates at special schools are significantly better (9.1% in Devon compared to 10.2% nationally).

**Devon is in the top performing quartile for both overall absence rates and unauthorised absence rates in primary schools.**

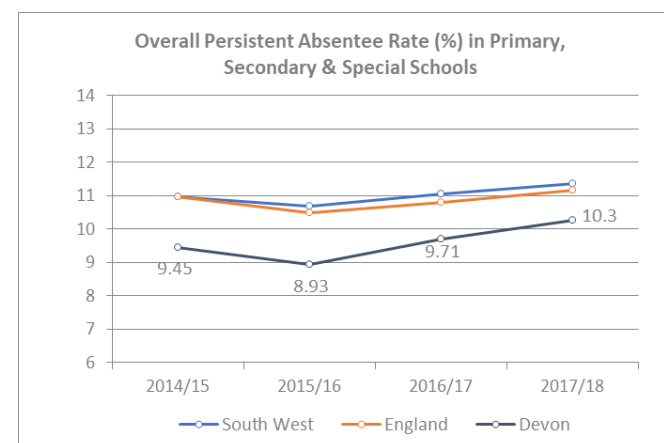
The overall absence rate in Devon secondary schools is slightly higher than seen nationally, with an overall absence rate of 5.9% compared to 5.5% nationally. However unauthorised absence rates in Devon secondary schools are better than national (1.3% compared to 1.6% nationally) and **Devon is in the top performing quartile.**



### Persistent Absentees

The percentage of pupils missing 10% or more of school sessions continues to be better in Devon than nationally and regionally (10.3% compared to 11.2% and 11.3% respectively). **Devon is in the top performing quartile for persistent absentee rates and has the third lowest rate in the South West.**

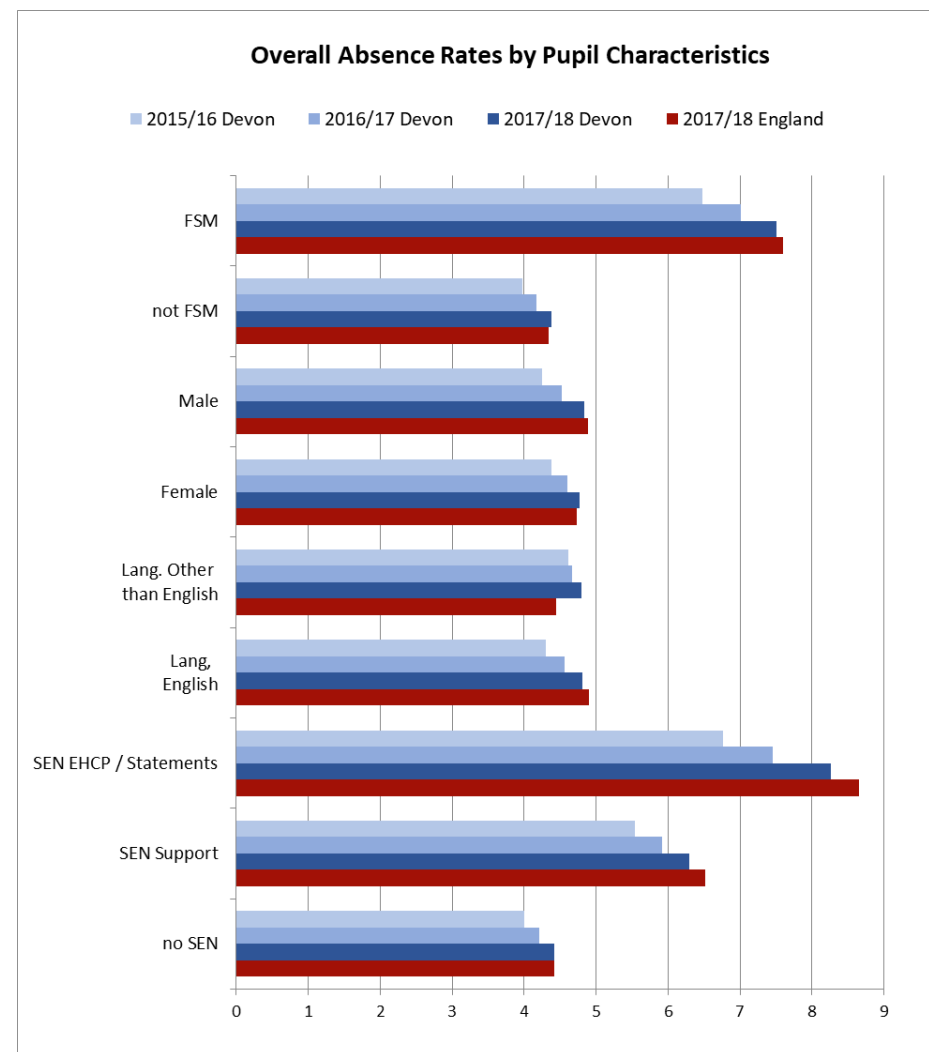
Persistent absentee rates across primary schools and special schools continue to be better in Devon than nationally. Primary school persistent absentee rates are nearly 2 percentage points lower than nationally, whilst special school absentee rates are 6.5 percentage points lower. **Devon is also in the top performing quartile for persistent absentee rates in primary schools and is ranked 13<sup>th</sup> out of 152 LAs.** Persistent absentee rates in Devon secondary schools are not as good as nationally with 14.69% in Devon compared to 13.9% nationally.



### Overall Absences – Pupil Characteristics

Absence rates across pupil cohorts have risen slightly in the last year, both in Devon and nationally. However, Devon continues to be better than or in line with national absence rates for the majority of disadvantaged groups;

- Pupils eligible for FSM have higher absence rates than their non FSM peers, both in Devon and nationally. Devon FSM pupils have slightly lower absence rates than nationally (7.5% compared to 7.6% nationally).
- There is little difference in absence rates between genders, females have a very slightly lower rate than males in Devon (4.78% compared to 4.84%).
- Absence rates for pupils whose first language is other than English is similar to their peers whose first language is English. Devon pupils with a First Language other than English have a slightly higher rate than nationally (4.8% compared to 4.4%).
- Pupils with SEN have higher absence rates than their peers with no SEN, both in Devon and nationally. The absence is mostly authorised and links to the pupil's medical needs. Pupils with Statements / EHCPs have higher absence rates than their peers with SEN Support. Both Devon SEN cohorts have better absence rates than nationally.



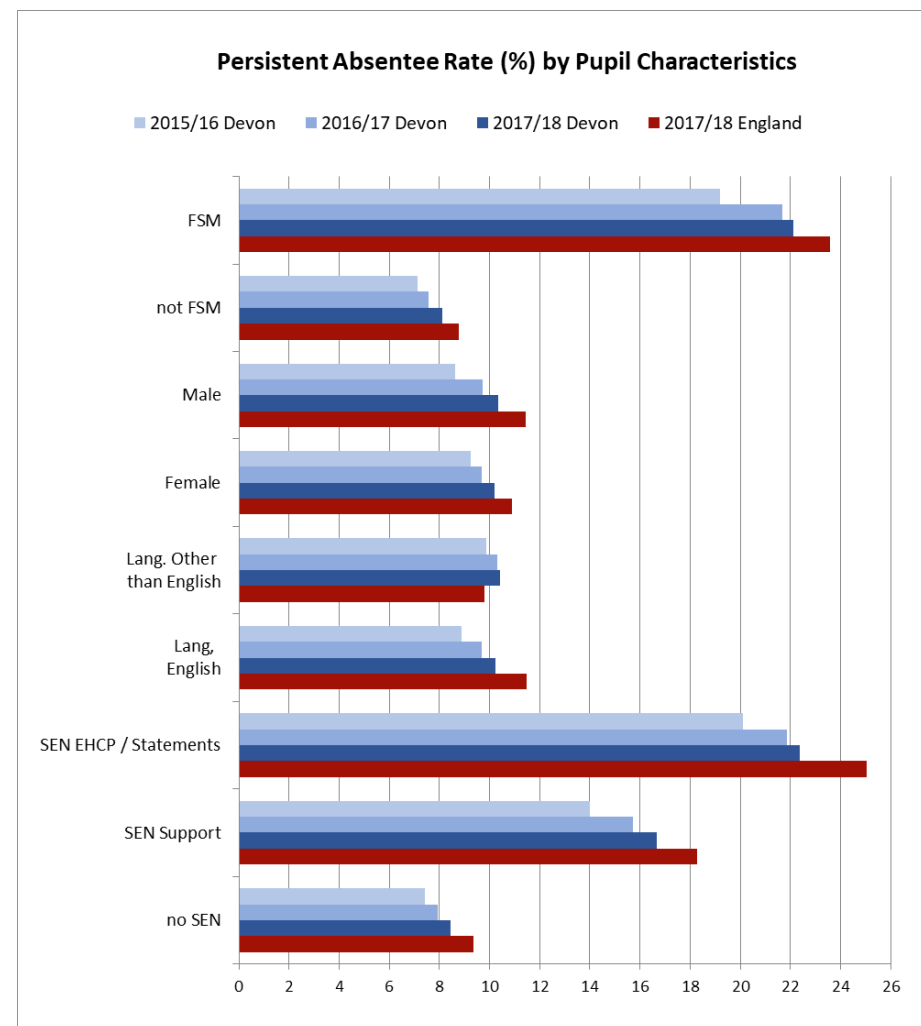
Data Source: DfE Pupil absence in schools in England: 2017 to 2018, March 2019

## 2 Inclusion Attendance 2017/18

### Persistent Absentees – Pupil Characteristics

Persistent absentee rates have also risen in the last year, both in Devon and nationally. Devon is performing better than nationally across the majority of cohorts;

- Fewer FSM pupils were persistent absentees in Devon compared to nationally (22.1% compared to 23.6%).
- Males and females have similar persistent absentee rates, with Devon males performing significantly better than nationally (10.3% compared to 11.4%).
- Devon pupils whose language is other than English have a slightly higher level of persistent absenteeism than nationally (10.4% compared to 9.8% nationally).
- **Devon SEN pupils are performing significantly better than nationally, with both cohorts having lower persistent absentee rates.** 16.7% of SEN support pupils were persistently absent (compared to 18.3% nationally) whilst 22.4% of Statement / EHCP pupils were persistently absent (25.1% nationally).



Data Source: DfE Pupil absence in schools in England: 2017 to 2018, March 2019

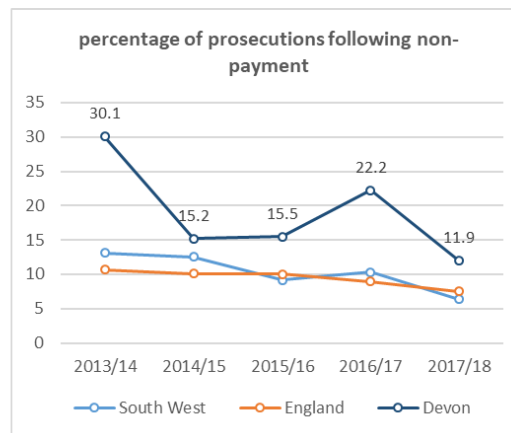
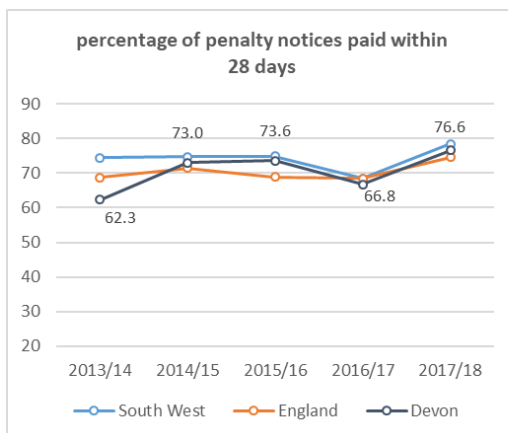
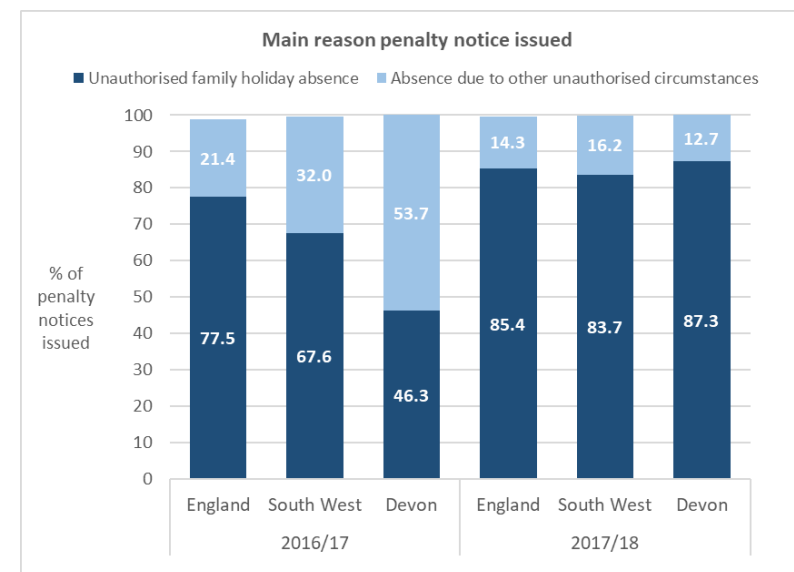
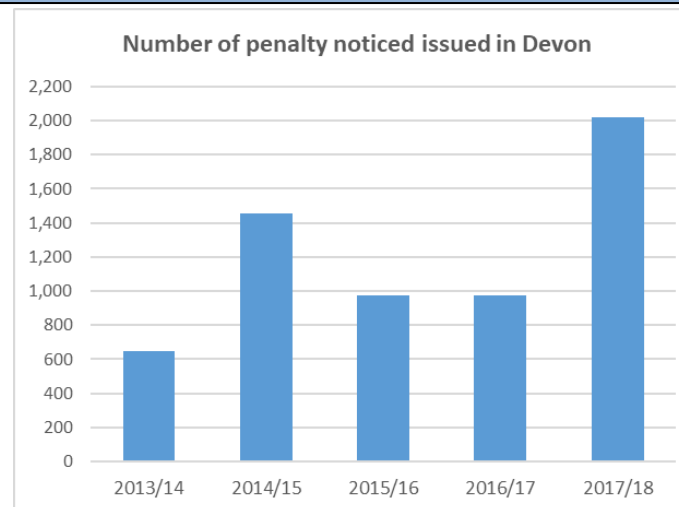
## 2 Inclusion Attendance 2017/18

### Parental Responsibilities - Penalty Notices

The number of penalty notices issued in Devon to address poor attendance more than doubled in 2017/18 (rising from 976 to 2020). The drop in 2015/16 is due to the Council's decision to suspend issuing penalty notices whilst awaiting the outcome of the Isle of Wight case. This also impacted on overall absences rates which rose slightly in 2016/17, both in Devon and nationally.

The majority of notices issued were due to unauthorised family holiday absences (87.3% in Devon and 85.4% nationally). In some Local Authorities this figure was over 97%. This figure saw significant increases in the last year as the Isle of Wight case had been resolved and legal clarification provided over attendance expectations. Reasons for penalty notices being issued has only been collected for the last two years so comparisons to earlier years cannot be made.

The percentage of penalty notices paid within 28 days has risen both in Devon and nationally. In 2017/18 the percentage of prosecutions following non-payment of penalty notices fell in Devon (from 22% to 11.9%).



### 3 Quality Ofsted Outcomes

#### Devon Primary, Secondary and Special Schools

The overall percentage of Devon primary, secondary and special schools, judged by Ofsted as good or outstanding has fallen slightly in this last reporting period. This reflects a national trend. Devon is close to the national average with 84.8% of schools judged as good or outstanding (85.1% nationally). Devon continues to perform better than regionally (84.8% compared to 82.0% regionally).

Data source: Monthly Management Information: Ofsted's school inspections outcomes, Management Information – Schools – 31<sup>st</sup> Mar 2019.

85.9% of Devon primary schools have been judged as good or outstanding, which is slightly less than the national average (86.7%). Devon secondary schools are not performing as well as nationally with 73.8% judged as good or outstanding (compared to 75.0% nationally). 100% of Devon maintained special schools are judged to be good or outstanding.

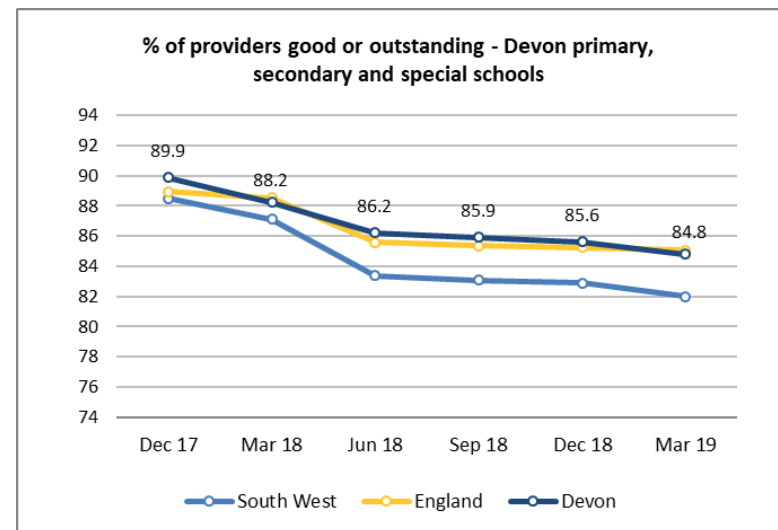
A break down of the results is shown below.

| Phase/tupe        | Primary    | Secondary  | Special     | Overall    |
|-------------------|------------|------------|-------------|------------|
| <b>Maintained</b> | <b>87%</b> | <b>88%</b> | <b>100%</b> | <b>88%</b> |
| <b>Academy</b>    | <b>84%</b> | <b>71%</b> | <b>N/A</b>  | <b>81%</b> |

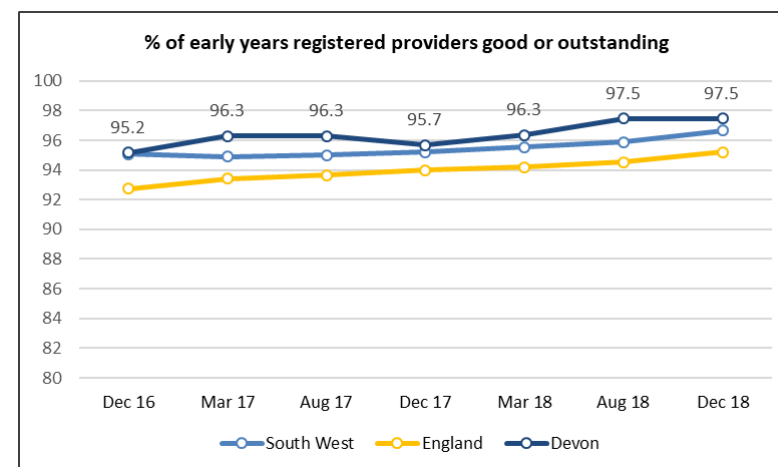
#### Inspection of Early Years Registered Providers<sup>1</sup>

Recently published information indicates that nearly 97.5% of active Early Years registered providers in Devon have been judged as good or outstanding. Devon continues to perform better than both nationally (95.2%) and regionally (96.7%).

<sup>1</sup> The Early Years Register is for providers who care for children from birth to 31 August following their fifth birthday. Registration is compulsory for such providers and they must meet the requirements of the early years foundation stage (EYFS). Early Years registered providers are childminders, childcare on domestic premises and childcare on non-domestic premises.



Data Source: DfE Monthly Management Information: Ofsted School Inspection Outcomes, 31 Mar 2019



Data Source: DfE Early Years Childcare Statistics: Childcare Providers and Inspections, Dec 2018

### 3 Quality Ofsted Outcomes

#### Devon Pupils in Primary, Secondary and Special Schools

79.3% (76,718) of Devon pupils<sup>1</sup> are attending schools that have been judged as good or outstanding. This is not as good as the national picture (84.6%) but is close to the regional picture (80.9%). This reflects the fact that some large secondary schools are currently graded as requiring improvement.

75.8% (15,494) of disadvantaged children<sup>2</sup> in Devon are attending good or outstanding schools. These are pupils who are Free School Meal children, children currently in care, adopted from care or service children.

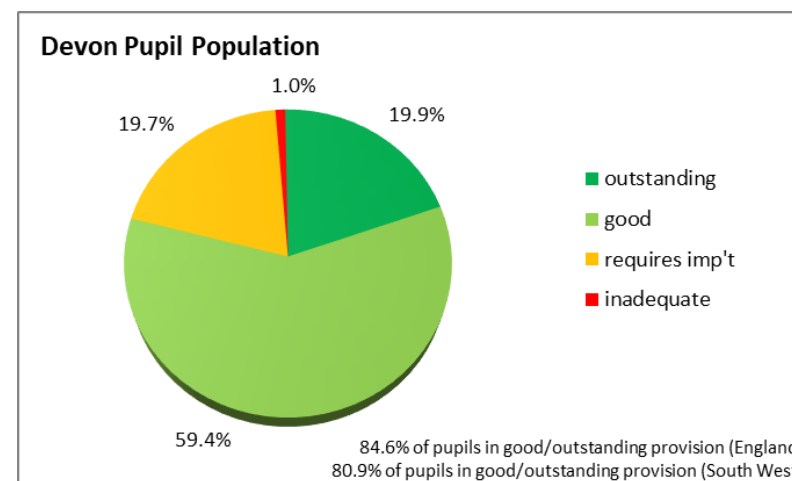
84.9% (2,789) of pupils with statements of special educational needs or education, health and care plans<sup>3</sup> are attending good or outstanding schools.

Note: no national benchmarks are available for disadvantaged children and children with SEN.

<sup>1</sup> Ofsted MI Report uses Spring 2017 pupil cohorts from DfE Get Information About Schools

<sup>2</sup> Pupil Numbers from DfE Pupil Premium July 2018

<sup>3</sup> Pupil Numbers as at Spring Census 2019



Data Source: DfE Monthly Management Information: Ofsted School Inspection Outcomes, 31 Mar 2019

## 4 Annexe A Outcomes for Children in Care

The Virtual School is committed to improving outcomes for Children in Care. This is through support and challenge for those who work with our children such as teachers, carers and social workers. Support is centred around training to develop the necessary skills and improve understanding of the needs of Children in Care. Challenge is centred around school visits and educational panel meetings which carefully monitor pupil progress, attendance and the support put in place by the school to promote engagement. In addition, the Virtual School works closely with the admissions team to ensure that Children in Care are admitted to school, wherever they are placed in the country, and with the SEN team in Devon and other local authorities to support the educational placement of children with Education, Health and Care Plans. In addition to our core work the following has been undertaken this year:

- This year, we introduced Designated Teacher (DTs) Network meetings in North Devon, Exeter and South Devon. These meetings have been well supported and feedback has been very positive. The meetings have been used for exploring the concerns of DTs and for training on how to support children with attachment difficulties and trauma, writing effective and achievable targets on the Personal Education Plan, the effective use of pupil premium+ and, in the summer term meetings, supporting children who have previously been in care such as those who have been adopted or are under a special guardianship order.
- Training has also taken place for newly qualified social workers in January and May and is booked for September. This focuses on the work of the Virtual School and the educational needs of Children in Care as well as the role of the social worker in supporting children.
- Training for foster carers run by the Virtual School and the Educational Psychology Service is booked for the next academic year. This will equip foster carers with the knowledge to better support the children they care for. Area learning advocates are also attending foster carer support groups to offer advice and support.

- Through the programme, Reducing Exclusions in Devon Schools (REDS) programme with the Educational Psychology Service and through the protocol for Supporting Children in Care in Schools, the fixed term exclusions of Children in Care has fallen this academic year. In the current academic year (at 10<sup>th</sup> May 2019) 36 Children in Care have been excluded for a fixed period of time compared to 48 children in the same period last year. Out of the 36 children there have been 80 fixed period exclusions totalling 182 school days lost compared to 138 exclusions last year and 214 school days lost.

REDS is an intervention process designed and delivered by Babcock LDP Educational Psychology Service. The REDS process works by promoting empathy and inclusive practice in response to challenging or trauma-related behaviours. It is specifically for Children in Care at risk of exclusion and involves a package of educational psychologist support to develop a needs-led understanding of challenging behaviour that informs a comprehensive support plan. Evaluation of REDS indicates that the intervention has been very successful in reducing exclusion and promoting good practice in relation to supporting Children in Care.

- The Virtual School is working with the REES Centre (Oxford University) on two research projects. The first looks at paired reading in Key Stage 2. This project works with carers to train them in a very effective technique to improve reading. The project includes training for carers and access to appropriate books. The project is evaluated by Oxford University. The second is to evaluate a whole school attachment and relational policy and the development of the necessary skills for staff. This project involves the Educational Psychology Service in the delivery of training with the aim of helping schools to better support Children in Care and therefore, improve progress.



## 4 Annexe A Outcomes for Children in Care

- Together with the Educational Psychology Service and school improvement team, the Virtual School introduced Academic Coaching for a group of Year 11 students who are at risk of not achieving the grades they are capable of. From September this will be extended to Year 10 for a two year programme of support. This programme has had success and develops the skills in school for future years.
- Developing a good practice group of Designated Teachers to meet with the Virtual School and school improvement advisor. The first meeting takes place this term.
- In support of children placed in and out of the county the Virtual School has commissioned tutors to work on a one to one basis where there is a delay in securing educational provision following a placement move or where children will benefit from extra tuition to improve progress and attainment. This has proved to be very successful with students who return to Devon in Year 11 needing tuition and examination entries to be arranged.
- To better track attendance the Virtual School has recently commissioned Welfare Call to phone any school which does not use Capita SIMS as their school information management system and schools out Devon where a Child in Care. This will enable early intervention to improve attendance.



## **Devon Youth Service: Commissioning Intentions for Draft Specification Report of the Head of Communities**

**Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.**

### **Recommendation:**

Members of the Children's Scrutiny Committee are requested to:

- Note the report and note the requirements that will form the basis of the invitation to tender for Youth Services for Devon and consider whether it wishes to make any further comments to Cabinet.

**The invitation to tender reflects the requirements, budget and terms outlined here:**

#### **a) Requirements**

- A universal offer based on open access via 8 youth hubs
- Outreach and targeted support for more vulnerable young people
- Advice, guidance and support to voluntary and community groups across the county
- Focussed support to young people at risk of permanent exclusion from mainstream education
- Duke of Edinburgh Award Scheme

#### **b) Budget**

- £1.78 million (TBC)

#### **c) Terms**

- 5 years (3+2) from 1<sup>st</sup> April 2020

### **1. Introduction**

- 1.1 Devon County Council's contract with DYS Space Ltd for youth services in Devon was due to expire on 31 January 2020. The current contract was awarded following a restricted tender. The nature of the procurement exercise undertaken means there is very limited room for manoeuvre in terms of extending the existing arrangements.

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- 1.2 Representations were made at a “market warming” event with potential bidders on 15<sup>th</sup> May to extend the current contract by 2 months in order to allow more time for small providers to explore banding together to bid. It is considered that these are reasonable grounds to allow a short extension. DYS Space is willing to continue to provide the service in line with the existing arrangements until 31 March 2020 so commissioners have a fixed deadline of 1 April 2020 to conclude the Council’s retender.

## 2. Background

- 2.1 In 2014, the (in-house) youth service was very significantly revised:
- Number of youth and community centres reduced from 32 to 8
  - Budget reduced from £3M to £1.65M
  - Staff resource reduced from 114FTE to 50 FTE
- 2.2 Following a procurement exercise in 2016, DYS Space was established as a staff mutual and awarded a three-year contract by DCC to provide a youth service in Devon beginning in February 2017.
- 2.3 DYS Space has nine buildings in its portfolio. There are eight Youth and Community Centres (in Barnstaple, Bideford, Exeter, Exmouth, Newton Abbot, Okehampton, Tiverton, and Totnes) which are bases for open access youth work. These centres are also used as a base for the targeted and outreach youth work which takes place in other places (to best suit the needs of young people).
- 2.4 As well as the hubs, DYS Space has a building in Dawlish to support its work with young people in mainstream schools who are at risk of permanent exclusion.
- 2.5 There is a sense both nationally and locally that young people face increasingly complex challenges (including, but not limited to county lines drug trafficking, knife crime and sexual exploitation) and that a compelling youth service offer is important in response.
- 2.6 Devon can be proud of having retained investment in an infrastructure that supports both a universal and targeted offer and there are some signs that, after a period out of the policy limelight, Government might be contemplating new requirements for Local Authorities in terms of a youth offer that would contain both a universal and a targeted element.

### 3. Requirements for the future

3.1 The Council is not recommending fundamental changes to the model of youth service provision across the county.

3.2 Rather, commissioners will be inviting Cabinet to agree that the core offer to be made available from 1<sup>st</sup> April should consist of the same key components:

- A universal offer based on open access via 8 youth hubs
- Outreach and targeted support for more vulnerable young people
- Advice, guidance and support to voluntary and community groups across the county
- Focussed support to young people at risk of permanent exclusion from mainstream education
- Specific support in order to access the Duke of Edinburgh Award Scheme.

3.3 To ensure continuity of service provision, commissioners recommend that successful provider(s) be required to operate out of the existing eight youth hubs:

- Georgies - 21 St George's Street, Barnstaple, EX32 7AU
- 100 Club - Wear Barton Road, Exeter, EX2 7EH
- Rushbrook Centre - Station Road, Totnes, TQ95HW
- The Hive – 61 Imperial Road, Exmouth, EX81AX
- Room 13 – St James Street, Okehampton, EX20 1DW
- Bideford YC - Kingsley Road, Bideford, EX39 2PF
- Tiverton YC - Bolham Road, Tiverton, EX16 6SG
- The Junction – Wain Lane, Newton Abbot TQ12 2SH

3.4 Commissioners recommend building into the specification and contract that, over the duration of the new contract, that there is an expectation that the provider(s) will work with the Council to continuously review the location of the eight youth hubs against the needs of young people in Devon with the flexibility to respond to changing needs.

3.5 In addition to the buildings listed above, Red Rock (Sandy Lane, Dawlish EX7 0AF) will continue to be made available to provide support to young people who are at risk of permanent exclusion from mainstream education.

# Agenda Item 11

- 3.6 It is also expected that there will be a (temporary) presence from the provider in both Cranbrook and Sherford until a permanent facility is built and handed over to the respective town councils. As new developments are likely to emerge across the County over the lifetime of the new contract we would suggest retaining the same flexibility to vary the contract to reflect the need for additional youth provision.

- 3.7 The table below summarises the procurement timeline:

|  |                            |
|--|----------------------------|
| <b>Finalisation of specification and ITT</b> | July 2019                  |
| <b>Tender Launches</b>                       | Aug 2019                   |
| <b>Tender Closes</b>                         | Oct 2019                   |
| <b>Evaluation and Approval</b>               | Nov – Dec 2019             |
| <b>Contract Award</b>                        | Jan 2020                   |
| <b>Mobilisation including TUPE</b>           | Jan 2020 – March 2020      |
| <b>Contract Starts</b>                       | 1 <sup>st</sup> April 2020 |

- 3.8 The timetable is tight and does not allow for a detailed review of youth services across Devon before commissioners go out to the market. Instead, it is recommended that the Council plans now to undertake such a review once a provider is confirmed to inform the future development of the service.
- 3.9 It is suggested that a review focuses on a refreshed needs analysis and mapping existing provision to consider how well the Council is supporting young people across the county. As part of that, commissioners would consider if the right configuration of buildings are delivering the right services in the right places. Children's Scrutiny Committee have indicated that they would be keen to work with commissioners on such a review.
- 3.10 In the meantime, to maximise the likelihood of being able to appoint a provider with the values and experience the Council consider young people should have access to, it is recommended building into the evaluation, a requirement for bidders to describe convincingly both a track record of and future approach to providing excellent services for all young people; with tailored services for young people needing more help.
- 3.11 Informed by helpful comments from a wide range of colleagues within and beyond the Council, as well as members of this committee (in a workshop on 8<sup>th</sup> May 2019) and from potential suppliers (in the market warming event on 15<sup>th</sup> May 2019) commissioners want to

develop an evaluation framework that ensures the Council awards a contract in line with the following principles:

DCC want to work with a provider who is able to demonstrate they can and will:

- Listen to young people
- Build trust and understanding
- Start with what's interesting to and what matters to young people
- Reach out to those young people furthest away from statutory services
- Engage with all young people and is equipped to work with young people with a variety of difficult or challenging life situations
- Create opportunities for young people to learn about and develop skills, knowledge and resilience to improve their mental health and wellbeing
- Understand issues facing and needs of young people and have the flexibility to respond to changing local needs
- Innovate
- Collaborate
- Deliver

3.12 As well as a compelling universal and targeted offer, it is suggested that:

- i. There will be a continuing need for the provider to engage with and support the many voluntary and community sector organisations who offer valuable services to young people in areas of the county not supported by a hub;
- ii. There will be a continuing need for the provider to provide effective interventions for young people who are at risk of being permanently excluded from mainstream education;
- iii. There is a valuable contribution to be made in supporting young people to access the Duke of Edinburgh scheme

3.13 The Council has identified a base budget of c. £1.75m to support the tender. It is the intention of commissioners to award the contract on a rising fixed-fee, guaranteeing income to the provider and acknowledging the likelihood that some costs will increase. However, the onus will be on the provider to absorb increases that turn out to be greater than the fixed fee.

3.14 The budget identified will cover the costs of the core specification. However, we do know that the pressures faced by young people are significant, and that there are areas of the county where a provider could target more resource on building the capacity and capability of the voluntary and community sector. The Council will continue to invest in an offer of

# Agenda Item 11

youth work that is both universal and targeted in its nature and in doing so provides a prime example of a cost-effective approach to both prevention (the universal offer) and early intervention (the outreach / targeted work).

## 4. Options/Alternatives

- 4.1 In 2017, the Council restricted the procurement exercise to Mutuals under Regulation 77 of the Public Contracts Regulations 2015. Contracts awarded under Regulation 77 are limited to 3 years in length. Consequently, there has not been enough time to undertake a root-and-branch review of the youth service if the Council are to appoint and mobilise a provider by early 2020.
- 4.2 Commissioners are aiming to award a new contract (for up to 5 years on a 3+2 basis), in order to secure a coherent youth service offer in the short-term and to create the time and space for a more fundamental review after a provider has been appointed, taking account of both local issues and any national policy changes.
- 4.3 Commissioners have also explored whether there is scope to enhance the existing offer and it is considered there is, subject to identifying additional resource. The developments at Cranbrook and Sherford have highlighted gaps in the Council's service offer – gaps that are likely to be in further evidence as more developments emerge in the county over coming years – and we know that, even as things stand, there are areas in the county where additional youth work capacity would be helpful.
- 4.4 Commissioners consider the contract could usefully invite the provider to deploy both additional staff and if additional resource were to be identified, to help local communities grow their own capacity and capability to commission and / or provide youth services.

## 5. Consultation with Children's Scrutiny Committee

- 5.1 In order to test and develop the Council's approach and to inform its future requirements, a positive and productive workshop for members of the Children's Scrutiny Committee was held on Wednesday 8<sup>th</sup> May.
- 5.2 This session included a high-level review of the national context and developing policy landscape, alongside a review of delivery of the existing service – DYS Space, against key contract headings:
  - Open Access



- Targeted Support
- Community Support

5.3 Open Access - Open Access sessions run in all 8 of the youth hubs across the County. A minimum of 3 sessions are run weekly at each centre and cover a range of ages and needs. Sessions vary in content, depending on issues and opportunities presented by young people within that location.

In 2018/19 a total of 1461 sessions were held and involved 23,069 visits from an identified 1300 young people.

In addition, there have been weekly sessions held at Cranbrook as part of the Council's s106 funding for temporary support until a permanent youth facility is built. DYS Space are also developing an offer to work within the new town of Sherford to develop the temporary youth offer there.

5.4 Targeted Support - This area of work provides contact with young people on a formal 1-2-1 or on a small group basis, in large part to support development and resilience. DYS Space use a defined youth intervention framework (Transformative Evaluation) that is built on working with the young person to look at the issues they are facing and to draw up a plan together that defines support and interventions provided by the youth worker, wider professionals and other people in the young person's life.

The Youth Worker and the young person will then regularly assess progress throughout the intervention. There is no hard time limit set for this support, though this typically lasts for around 6 months. There are normally around 150 young people in receipt of targeted support at any time, which equates to around 3500 individual and group sessions each year. 80% of young people see an improvement in outcomes and outlook, from the point of entry to when they leave.

Many different issues are referenced by those young people in receipt of targeted support including Mental Health - Low Self Esteem/Depression/Anxiety; Anger; Schooling; Parental Issues and conflict; Self Harm; Suicidal thoughts; Substance Misuse; Relationships and Sexual health. Referrals into targeted support come from a range of sources and agencies across the system supporting children and young people.

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A further example of targeted group work has been the intervention developed in the Newton Abbot area where a specific plan was put in place to work with young people at risk resulting from reports of escalating violent and gang behaviour within the area. This was potentially placing young people in danger alongside having a wider impact on the town and on the ability of DYS Space to deliver a safe place for young people to experience open access sessions in the town. This innovative and agile response, in partnership, has had a significant and positive impact.

- 5.5 **Community Support** - There are many independent organisations running successful youth opportunities across Devon. An essential part of the contract relates to the support provided by DYS Space to organisations and volunteers to continue to build good quality youth work throughout the County. In the past year alone, DYS Space have provided regular advice, support and training to over 40 different youth organisations in Devon.

Alongside this, a £100,000 grant is administered by DYS Space on the Council's behalf. Youth organisations can bid against this fund for a range of things. All bids are evaluated by a board of young people who set the priorities for the year. Grants range from £18 to £5,000 for youth groups, scouts, summer opportunities etc. The youth infrastructure network of VOICE is also supported through the programme and provides an important opportunity to the youth organisations across the county to share learning and discuss issues.

5.6 **Key points from the discussion with Children's Scrutiny Committee.**

- Members noted the national context around youth work and the growing recognition and value of this work across national policy makers.
- Devon's comparative funding and commitment to Youth Services far exceeded that of most peer Local Authorities
- Members supported the proposed commissioning intentions and acknowledged the rationale for not recommissioning a different model due to current timescales and constraints
- Members would welcome a wider review of youth provision once a new provider has been appointed and a commitment over time to review the locations and remit of the eight youth hubs
- Members discussed their concerns around the historic cuts to youth service budgets and noted the implications of moving from universal open access to targeted provision alone. Members were keen that the service focuses on early-intervention and preventative work and that a significant commitment to open access is maintained.

**5.7 Members would wish to continue to see ongoing development and a commitment from the future provider which: -**

- Helped to join with other agencies focussed on career opportunities and apprenticeships
- Reaches out to hard to reach groups e.g. young people living in deprivation and within food poverty
- Supports sector sustainability – ideally in extending the voluntary network to cover the whole of Devon
- Provides flexibility over where support is provided e.g. hubs, outreach, pop-up, mobile
- Supports an increase in referrals from key partners e.g. police and youth justice
- Improved links with education e.g. the development of educational outreach programme with schools to reduce the numbers of pupils likely to off-roll
- Ensures the service is place-based, innovative and experimental
- Can reflect recent learning from Cranbrook and Sherford – Members are keen to ensure that new developments are future-proofed for youth provision
- Reviews Key Performance Indicators to ensure outcomes for Young People continue to be understood and monitored.

**6. Wider Consultation**

6.1 In addition to input from Members, this work has been informed by a wide range of colleagues, from across CoPHEP, Children's Services, as well as Finance, Legal, Estates and Procurement alongside discussions with colleagues from the Clinical Commissioning Group and Office of the Police and Crime Commissioner.

6.2 A further key step was the market warming event on Wednesday 15<sup>th</sup> May. Input from the session highlighted:

- Support for the intention to retender;
- Support for the model described;
- Representation made that additional money should be found given the importance of youth work;
- Representation that additional time within the process should be considered in order to facilitate bids from small providers.

6.3 There was lively debate about whether a youth service needs to employ only trained youth workers. If there was a consensus view to emerge, it was perhaps that whilst youth work

# Agenda Item 11

training is very important, the Council should seek to commission a service that has and will seek to retain a good mix of skills so as not to completely rule out different staffing models.

- 6.4 Finally, and crucially, the Council's Participation Team are facilitating focus group sessions with young people in each of the four localities as well as engagement with Devon's Members of Youth Parliament, to ensure their views can be included in the draft specification.

## 7. Summary

- 7.1 Over the course of the current contract, the landscape has continued to shift for young people. Across Devon we've seen changes in issues, behaviours, and adolescent risks; with emerging themes around gangs and knife crime and further links to County Lines and Child Exploitation.
- 7.2 There is a continuing need for a service that can help build the resilience of young people by identifying and responding quickly to the needs and / or issues facing them. There is strong support for a universal offer and anecdotal evidence tells us that young people form trusting relationships with the youth service because it is open to everyone.
- 7.3 One of the most important aspects young people value through effective quality youth work is the honest and non-judgemental space it creates – it is somewhere they feel safe to talk and feel listened to.
- 7.4 At a national level, concerns about young people being exploited by adults, knife crime, school exclusion and poor mental health have dominated the youth agenda.
- 7.5 Government recently announced that they are reviewing the guidance that sets out local authorities' duty to provide appropriate local youth services<sup>1</sup>. In addition to this a new Youth Charter will be developed to set out a vision for young people over the next generation and beyond. In October 2018, the Home Secretary announced a £200m Youth Endowment Fund<sup>2</sup>. Delivered over 10 years, the Fund will deliver transformative change by focussing on those most at risk of involvement in serious violence, diverting young people away from becoming serious offenders.

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<sup>1</sup> <https://www.gov.uk/government/news/new-youth-charter-to-support-young-people-across-the-country>

<sup>2</sup> Home Office Youth Endowment Fund Prospectus Dec 2018  
<https://www.gov.uk/government/publications/youth-endowment-fund-call-for-proposals>

7.6 The 'All-Party Parliamentary Group on Youth Affairs (APPG), Youth Work Inquiry, Final Report, April 2019<sup>3</sup>' described the 'ideal form' of youth work as;

- Universal open access for all young people regardless of any defined needs or deficits
- More formal 1:1 and/or group sessions to explore issues and challenges
- Specific and tailored support for identified or complex needs

7.7 The invitation to tender pack will invite bidders to tell us how they can respond positively to all of these issues and, in addition, work in effective partnerships to build the capacity and capability of voluntary sector organisations supporting young people across the county (in areas not within easy reach of one of the eight youth hubs).

7.8 Rather than run the risk of jeopardising continuity of provision at this point, because of the very short window the Council has within which to conclude the tender exercise, commissioners feel the sensible course of action is to require the successful bidder to use all the existing buildings and to discuss with the Council the case for any change(s) during the lifetime of the contract.

Simon Kitchen  
Head of Communities

## **Electoral Divisions: All**

Cabinet Member for Communities, Public Health, Environment and Prosperity, Councillor Roger Croad

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<sup>3</sup> 'All-Party Parliamentary Group on Youth Affairs (APPG), Youth Work Inquiry, Final Report, April 2019'



## 2018/19 Risk Management Annual Report

### Report of the County Treasurer

Please note that the following recommendations are subject to confirmation by the Committee before taking effect.

#### Recommendations:

- i. that the committee notes the movement of risks during 2018/19.
- ii. that members note the summary risk position for current risks.
- iii. that members note the risks and mitigations currently ranked the highest.

The attached report sets out the changes to risk management during 2018/19 and confirms the role of the Scrutiny Committee as per the Risk Management Policy. It further summarises the existing risk position and links to visual reporting via power BI.

Appendix A shows the risks at the time of writing this report.

Appendix B shows the mitigating actions for the Risks whose Current Score was High.

Mary Davis

Electoral Divisions: All  
Local Government Act 1972

Contact for Enquiries: Robert Hutchins  
Tel No: (01392) 382437      Larkbeare House

| Background Paper | Date | File Ref |
|------------------|------|----------|
| Nil              |      |          |

There are no equality issues associated with this report



devon**audit**partnership

**Risk Management**

CIR Risk Management  
AWARDS 2018  
*shortlisted*

## **Risk Management**

**Annual Report for 2018/19**

**June 2019**



**Children's Services Scrutiny Committee**

**CUSTOMER  
SERVICE  
EXCELLENCE**



Support, Assurance & Innovation



## Introduction

Devon Audit Partnership (DAP) continues to support and facilitate the development of the Councils Risk Management Framework and Processes. This support is designed to assist members, senior management and staff in identifying risks, recognising and recording the "true" risk, mitigation thereof and promote effective monitoring and reporting of those risks.

## Background

The Risk Management Policy includes a description of the Roles and Responsibilities in relation to risk management. In respect of Scrutiny Committees, the wording is shown below.

*Scrutiny Committees should be aware of the objectives of the service areas they oversee. Service Managers should identify risks to the achievement of these objectives and provide to Scrutiny a summary of these risks and the mitigating action/s (controls) that are being taking to reduce the risk to an acceptable/agreed level. Specific risks to objectives, in particular those that remain "high", may be discussed in detail and risk owners and accountable officers asked to provide further information.*

In practical terms this results in each of the Scrutiny Committees having oversight of the risks which are relevant to their areas, with the Audit Committee focusing on overall processes and effectiveness of risk management.

The system used to record risks continues to be developed to ensure that risks can be recorded, reviewed and managed. Where risks cross over service areas these are also reported to the relevant Scrutiny Committees. The highest rated risks, strategic risks and those risks which cross service areas are regularly reported to the Leadership Group to support wider oversight and management.

Work continues across the council to ensure that the data within the risk registers is clear, accurate, relevant and importantly, linked to organisational objectives. Further details can be obtained from Devon Audit Partnership via Robert Hutchins (Head of Partnership) or Tony Rose, who will also be happy to receive your comments and thoughts on risk management within the Council.

## Changes in 2018/19

There was an increase in in the number of risks with a Current (Residual) score of High from two up to three. This was due to the addition of a new risk; ***Demand for Children's Services exceeds the financial provision*** as can be seen in Appendix A. Eight risks have been archived from the Risk Register during the year due to their Current (Residual) risk score being Low. Five of these had an Inherent Risk Score of High or above and there are shown below for information.

| Service area             | Risk Title  | Description   | Accountable Officer |
|--------------------------|---|---|---------------------|
| Education and Early Help | Schools Company   | Concerns relate to Financial stability of the Trust as its' school are passed to another trust. Debts should be settled by the ESFA but no written guarantees yet.  | Dawn Stabb          |
| Education and Early Help | Early Help single inspection standard of 'good' will not be met | An improvement in, and expansion of, the multi-agency Early Help Offer will not be able to be evidenced and single inspection standard of 'good' will not be met in respect of Early Help.  | Dawn Stabb          |
| Education and Early Help | Lack of cohesion in Children's Early Help services              | Lack of cohesion in Children's Early Help services do not support local integrated delivery in order to provide effective early help families.  | Dawn Stabb          |
| Children's Services      | Community Health Services                                       | Re-procurement of community health services creates a risk to the continued delivery of Integrated Children's Services if re-procurement does not progress or improve service delivery for children and families with additional needs. | Fiona Fleming       |
| Children's Services      | Regionalising Adoption  | It has been agreed by Cabinet that Devon County Council is to be the host for a Regional Adoption   | Daryl Freeman       |

|  |  |   |  |
|--|--|---|--|
|  |  | Agency including services from Devon, Somerset, Plymouth, and Torbay. |  |
|--|--|---|--|

All risks have been reviewed throughout the year in line with the minimum requirements set out in the Council's Risk Management Policy and Strategy document.

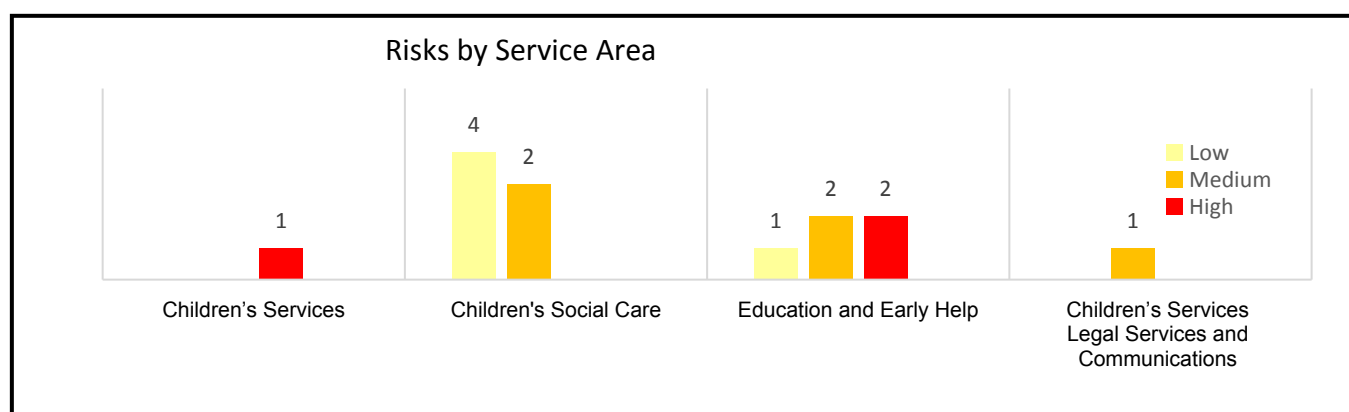
## Current Risk Position

There were 13 risks recorded in the Risk Register as at 22 May 2019 which link to the areas of responsibility for this Scrutiny Committee. Of these, only one was initially assessed to be Very High, being ***Demand for Children's Services exceeds the financial provision***. Following the application of mitigating controls by management the Current risk score has been reduced High, further details can be found in Appendix A.

The highest current risk remains as ***Insufficient Capacity of the High Needs Block to Meet Demand*** with a Current risk score of 20 (High). Following the latest review by the responsible officer, Dawn Stabb – Head of Education & Learning, the risk remains unchanged. Six risks are recorded which retain a Current Score of Medium and details of these can be found in Appendix A.

Of the remaining thirteen risks, eleven were initially considered High risk and two Medium, with all but two of the thirteen seeing a reduction in the risk level following mitigating controls being put in place by management. The detail can be seen in Appendix A and the following chart shows the risk by their Current (Residual) risk score and the areas in which they sit.

Work is underway to identify, describe and record the high-level risks linked to the insourcing of Public Health Nursing, Portage and ROVIC services in April 2019.



It is recommended that Committee consider which if any of the risks shown in this report may be included in its future work plans.

## Future Risk Reporting

Maximising access to new software is enabling risk reporting to become more interactive and live. Work has progressed to use PowerBI to provide an interactive visual presentation of current risk information across the Council. This following link can be used [Children's Services Scrutiny Committee Power BI Data](#) to view the current development of risk reporting for the Scrutiny Committee using PowerBI.

For questions related to the detail of existing risks either the Risk Owner, Accountable Officer or other Children's Service's representative will be in attendance at the Scrutiny Committee. For questions related to Council Wide processes please contact Tony Rose (tony.d.rose@devon.gov.uk).

## Supporting Appendices

Appendix A - Children's Services Risks.

## Appendix B - Existing Risk Mitigations for Risks with a Current Risk Score of High.

| Service Area             | Risk Title  | Description  | Risk category | Inherent Score | Current Score | Risk Owner     | Accountable Officer | Latest review |
|--------------------------|---|--|---------------|----------------|---------------|----------------|---------------------|---------------|
| Education and Early Help | Insufficient funding in the High Needs Block to meet demand                     | Due to the ongoing HNB deficit budget and changes in the SEND Code of Practice including age range, Element 3 payments to maintained schools, cost of independent sector places and increases in capacity for Special Schools, funding remains insufficient to meet the demand to deliver the statutory requirements, resulting in reduced SEND outcomes for 0-25, reputational damage including fault found by Ombudsman, and legal challenges through SENDIST. | Operational   | 20: High       | 20: High      | Julia Foster   | Dawn Stabb          | 23 Mar 2019   |
| Children's Services      | Demand for Children's Services exceeds the financial provision                  | Due to an increase in demand for the different services provided by the Children's Services teams, the budget set for the current financial year may be exceeded, resulting in a potential reduction of service delivery or the possibility of a failure to deliver statutory responsibilities.  | Strategic     | 24: Very high  | 16: High      | Darryl Freeman | Jo Olsson           | 19 Feb 2019   |
| Education and Early Help | Failure to adhere to the statutory SEND Code of Practice: 0 to 25 Years         | Failure to comply with the SEND Code of Practice would negatively impact on the delivery of high quality, timely education and healthcare plans, resulting in decreased educational support and opportunities for those who qualify.   | Operational   | 16: High       | 16: High      | Julia Foster   | Dawn Stabb          | 25 Mar 2019   |
| Education and Early Help | Troubled Families implementation  | Implementation of the programme does not secure the minimum of 50% PBR to be drawn down on which the five-year financial plan is base.<br>Impact of scheme is not evidenced to secure ongoing funding meaning lack of Early Help function means more cases escalate to statutory functions across a range of services.   | Operational   | 20: High       | 12: Medium    | Dawn Stabb     | Dawn Stabb          | 07 Mar 2019   |
| Education and Early Help | SC1: Education and Learning Services budget availability.                       | Continued growth in SEN number leading to increased costs for home to school transport (which is a statutory duty). This could lead to a further budget pressures.   | Operational   | 18: High       | 12: Medium    | Damien Jones   | Dawn Stabb          | 28 Jan 2019   |
| Children's Social Care   | Challenges in recruitment of permanent SW staff and managers (and implications) | Ability to stabilise and develop workforce impacts on performance improvement and creates financial pressure.  | Operational   | 16: High       | 12: Medium    | Darryl Freeman | Darryl Freeman      | 18 Oct 2018   |
| Children's Social Care   | Demand for Children's Social Work   | Demand for statutory children's social work and cost of social care increases and cannot be met within available resources.  | Operational   | 16: High       | 12: Medium    | Darryl Freeman | Darryl Freeman      | 18 Oct 2018   |

This table details the risks recorded for Children's Services at the time of compiling the report.

## Appendix A – Children's Services Risks

| Service Area   | Risk Title   | Description   | Risk category | Inherent Score | Current Score | Risk Owner       | Accountable Officer | Latest review |
|--|--|---|---------------|----------------|---------------|------------------|---------------------|---------------|
| Children's Services<br>Legal Services and Communications | Insurance Risk - Vicarious Liability for Foster Carers | A recent Supreme Court ruling - NA v Nottinghamshire County Council - has held that Local Authorities will now be held vicariously liable for the actions of foster carers against children in LA care.<br>This means that, going forward, DCC will be liable for any claims where it is proven that a foster child suffered abuse at the hands of their foster carers, even if there is no evidence of any negligence on the part of DCC (which would have previously been a valid defence for Local Authorities). | Operational   | 15: High       | 12: Medium    | Emily Wilkins    | Jan Shadbolt        | 22 Jan 2019   |
| Children's Social Care                                   | Care Leavers   | Insufficient prioritisation by partners creates risk of failure to make progress against inspection recommendations. Failure to improve outcomes including maintaining contact and achieve good outcomes in accommodation, EET impact on re-inspection judgement.   | Operational   | 15: High       | 09: Low       | Karen Morris     | Darryl Freeman      | 09 Oct 2018   |
| Children's Social Care                                   | Recruitment of foster carers                           | Failure to identify and approve suitably experienced carers impacts on sufficiency and failure to achieve financial savings.  | Operational   | 12: Medium     | 09: Low       | Kath Drescher    | Darryl Freeman      | 18 Oct 2018   |
| Children's Social Care                                   | Emotional needs of children in care                    | The emotional needs of children in care is not well met impacting on placement stability and outcomes for children in care leading to inspection and financial risks.   | Operational   | 20: High       | 06: Low       | Karen Morris     | Darryl Freeman      | 18 Oct 2018   |
| Education and Early Help                                 | Early Years Provision                                  | Risk, that as private providers close there not being sufficient early years provision to meet the extended statutory entitlement that working parents can access 30 hours of free education for three and four-year-olds, rather than the existing 15 hours.   | Operational   | 16: High       | 06: Low       | Claire Rockliffe | Dawn Stabb          | 17 Aug 2018   |
| Children's Social Care                                   | 16/17yr old homelessness                               | Increased numbers/cost of LAC as a result of decision making on homelessness by District Council Housing Teams.   | Operational   | 12: Medium     | 06: Low       | Rachel Gillott   | Darryl Freeman      | 18 Oct 2018   |

## Risk Mitigations (RAG rated as per the Risk Register Entry)

The table below outlines the mitigations recorded against the risks shown above with a Current Risk rating of High. Each mitigation has been rated as Red, Amber or Green by the owner of the action, with those actions which are completed shown in a darker green as per the Key below. Use the risk title to find the relevant actions which go from left to right in each case.

| Key to Colours | Completed | Red | Amber | Green |
|----------------|-----------|-----|-------|-------|
|----------------|-----------|-----|-------|-------|

| Risk Title  | Current Risk Score | Controls and Mitigations |  |       |  |           |   |
|---|--------------------|--------------------------|--|-------|--|-----------|---|
| <b>Insufficient capacity of the High Needs Block to meet demand</b> | <b>20: High</b>    | Green                    | Quality assurance of provision and strategic market management - Good QA processes in place - recently confirmed in Independent review of EHCP policy and process. | Amber | <ul style="list-style-type: none"> <li>A reduction in placements in the Independent sector, (management action has set a target to reduce by 40), achievement of this target is adversely affected by statutory protection given to parental preference. This is not being achieved - more and more demand for specialist placements exists - Mitigating control ( as below) has prevented further escalation of cost on a per basis in this sector but numbers continue to grow due to lack of places in special schools and delays in opening time.</li> <li>New Special School settings to be agreed Free school (Glendinning House) start date postponed by DfE to Sep 2020 New school ( Ace Tiverton) agreed opening Sep 2019 with additional 30 places rising to 72 over next three years</li> <li>Cost analysis of Independent sector placements to achieve value for money in contracts with providers. Block contracting arrangements with preferred providers.</li> <li>Funding would need to be secured to deliver more maintained special school places to mitigate costs further in line with SEN strategic review</li> </ul> | Completed | Element 3 payment levels agreed with schools, Practice is now implemented in mainstream schools, Capacity has increased in maintained special schools. ( more places needed) Forward plans proposed in SEN Strategic Review, min additional capacity added over 130 places in last two years. |

| Risk Title   | Current Risk Score | Controls and Mitigations |   |            |  |  |
|--|--------------------|--------------------------|---|------------|--|--|
| <b>Demand for Children's Services exceeds the financial provision</b>          | <b>16: High</b>    | <b>Green</b>             | <ul style="list-style-type: none"> <li>Regular review of Budgets to consider pressures and demand and to identify where costs can be reduced.</li> <li>Ongoing recruitment initiatives.</li> <li>Inclusion of risks in register including CS Demand, SEN and High Need pressures as well as some linked to Education such as transport.</li> <li>Provision of updates to LG8.</li> </ul>  |            |  | <b>Amber</b> <ul style="list-style-type: none"> <li>Lobbying of Government to increase funding in this area.</li> <li>Use of meaningful KPI's.</li> </ul>  |
| <b>Failure to adhere to the statutory SEND Code of Practice: 0 to 25 Years</b> | <b>16: High</b>    | <b>Amber</b>             | <ul style="list-style-type: none"> <li>SEND action group monitoring implementation of the Written Statement of Action</li> <li>Partner and provider organisations plan and monitor compliance with code of Practice and wider improvement plan and report to SEND Improvement Board.</li> <li>Increased partnership working with schools and settings to reinforce partnership approach and consistent use of a graduated response across all schools.</li> </ul> | <b>Red</b> | <ul style="list-style-type: none"> <li>Quality of EHCPs and contributing advice to be quality assured and on time.</li> <li>Timeliness of Final Plans to improve through advice contributions on time, steady rate of Plans produced. Demand will affect achievement of this as capacity remains the same.</li> <li>Parental experience in process to be managed alongside efficiencies to reduce anxiety while children are under assessment. Case management system is being considered through</li> </ul> | <b>Completed</b> <ul style="list-style-type: none"> <li>SEND Improvement Board in place with good attendance and sign up from all partner organisations.</li> <li>New process being put in place to address timeliness and quality of EHCP plans. Robust monitoring put in place. Quality Assurance toolkit agreed across all education, health and care services.</li> <li>Additional capacity has been agreed to add to SEN team in DCC to address volume of requests for EHCPs in Devon. 99% increase unprecedented in 2017. Capacity in place by April 2018.</li> <li>Review of partner service timeliness of contributions - Ind review identified late advice reduces possibility of meeting deadlines. Educational Psychology Service were under Notice to Improve, but timeliness is now meeting improvement target and notice has been removed</li> </ul> |

| Risk Title | Current Risk Score | Controls and Mitigations |  |  |                                     |  |
|------------|--------------------|--------------------------|--|--|-------------------------------------|--|
|            |                    |                          |  |  | procurement with ICT commissioning. |  |



## Ofsted focused visit. 1-2 May 2019

### Report of the Head of Children's Social Care (Deputy Chief Officer)

*Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.*

#### 1. Background

- 1.1 Focused Visits are part of the new Inspection Framework for Local Authority Children's Services (ILACS). They are designed to support improvement and Local Authorities are invited to identify the area of practice they think will most benefit from a Focused Visit. Most Local Authorities are weaker in the area of Children in Need and Child Protection and Devon is no exception. Members may recall that in our independent Service Review in 2017, Children in Need was identified as a priority for improvement, hence we selected this area.
- 1.2 In our Annual Conversation with Ofsted in January 2019, we had asked that any visit be timetabled to take place at least six months after Eclipse implementation, as we recognised the inevitable risks associated with major system change. The visit took place three months post implementation. Inspectors were on site from 1-2 May 2019.
- 1.3 Two inspectors were on site, visiting teams in Exeter and Totnes on the first day and sampling fourteen cases from across the service in day two.

#### 2. Feedback

- 2.1 At the time of writing the final letter is unpublished. It will be published on the Ofsted website on 28 May 2019 and the link is included here (<https://files.api.ofsted.gov.uk/v1/file/50079995>).
- 2.2 The letter identifies where progress has been made and where further progress is needed, in particular in four key areas:
  - The quality of assessments so that these include an analysis of all presenting risks and what these mean for the child
  - The focus of children in need and child protection plans so that they link directly to and address the risks identified in assessments
  - The level of challenge and scrutiny that managers give to social workers
  - The accuracy of performance management data and the consistency of quality assurance audits.

# Agenda Item 13

## 3. Service response

- 3.1 Senior leaders in children's service have responded quickly and with appropriate rigour. Service priorities have been reviewed and additional performance and management information reports commissioned. A period of accelerated improvement focusing on key areas of practice is underway and will remain in place until the full ILACS takes place (expected later this year or early next).
- 3.2 The Chief Officer has instituted a Board that will meet monthly to monitor progress against the recommendations made by Ofsted and to test and challenge progress against the wider Service Improvement Plan.

Overview and Scrutiny may wish to ask for an update report in 6 months.

### **Darryl Freeman**

Head of Service (Deputy Chief Officer)

Children's Services

Electoral Divisions: All

Cabinet Member for Children's Services and Schools: Councillor James McInnes

### LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

None

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# Special Guardianship Task Group

June 2019

## 1. Recommendations

1.1 The Task Group asks the Children's Scrutiny Committee and Cabinet to endorse and action the recommendations below, as part of the Council's review of special guardianship support. The Task Group requests that an update on the progress of the recommendations should be brought back to the Children's Scrutiny Committee in six to nine months' time.

|    | Ambition   | Specific Recommendations  |
|----|--|---|
| 1. | Impartial and consistent advice and support for prospective special guardians before and during the assessment process             | <p><b>1.1</b> Joined up working across children's social work and assessment teams to ensure that consistent advice is provided to families around special guardianship, including access to legal advice</p> <p><b>1.2</b> Improved signposting to independent and impartial advice through charities such as Grandparents Plus</p>  |
| 2. | All special guardians to have access to history of the child they care for, and to their support plan                              | <p><b>2.1</b> All special guardians to be provided with a summary report of the child's history as soon as the special guardianship order is made (where the child is known to Devon Children's Services)</p> <p><b>2.2</b> All special guardians to be provided with a copy of the child's support plan as soon as the plan is finalised</p>   |
| 3. | A fair and equitable financial assessment and support policy and special guardianship allowances structure                         | <p>Review current financial assessment and support policy, and subject to securing appropriate funding:</p> <ul style="list-style-type: none"> <li>consider how a preventative approach can be taken to providing financial support to more special guardianship families in need</li> <li>bring special guardianship allowances in line with the new foster carer allowances scheme, which is based on the needs of the child</li> </ul>   |
| 4. | A comprehensive package of ongoing support which enables special guardians provide the best care and support possible for children | <p><b>4.1</b> Bespoke introductory training, which mirrors the initial training undertaken by foster carers and adoptive parents to be made available to all special guardians</p> <p><b>4.2</b> Ongoing access to a programme of training including therapeutic parenting, for all special guardians</p> <p><b>4.3</b> Creation of permanent social work and business support roles and increased family practitioner resource within the SGO support team, subject to a review of current capacity within the team and appropriate funding being secured</p> <p><b>4.4</b> Introduce special guardian support groups in other parts of the county, supported and led by newly trained peer guides, and improve overall attendance levels at support groups</p> <p><b>4.5</b> Where a support plan is in place, all special guardians to be offered a support plan review on an annual basis, to coincide with the financial reassessment where applicable</p> |

|    |   |  |
|----|---|--|
| 5. | Special guardians and parents to have access to the support and advice they need to adjust to changed family arrangements   | <p><b>5.1</b> Where appropriate, parents to have access to counselling to support them to manage the loss of their child</p> <p><b>5.2</b> Special guardians to be supported to manage contact issues with parents through training and support groups</p> <p><b>5.3</b> Subject to increased capacity outlined in recommendation 4.3, the SGO support team to provide parental contact risk assessments, and to support special guardians to make informed decisions around contact</p>   |
| 6. | Special guardianship families to be supported to access alternative respite options which provide positive experiences for children and special guardians   | <p>Review, with a view to improving, current respite and alternative options for SGO families to include:</p> <ul style="list-style-type: none"> <li>• supporting and enabling informal 'respite' networks</li> <li>• improved signposting to appropriate universal and early help services which can provide day 'respite'</li> <li>• increased access to family based support trips and activities</li> <li>• increased provision of group trips and activities for older children and young people</li> </ul>   |
| 7. | Improved support for children and young people living with special guardians, by improving access to mental health services, transition to independence and celebrating their achievements                        | <p><b>7.1</b> 'Fast-track' access to CAMHS assessment for all children with an SGO</p> <p><b>7.2</b> Subject to securing appropriate funding, the SGO support team to provide therapeutic support to SGO children who are not previously looked after</p> <p><b>7.3</b> Cabinet to lobby the Department for Education on the vital need for the continuation of the Adoption Support Fund after 2020, and to widen the scope of the fund to be accessible to all children with an SGO, rather than only those who were previously looked after</p> <p><b>7.4</b> The achievement of young people living with special guardians to be recognised through an annual celebration event</p> <p><b>7.5</b> To explore options to improve support for SGO young people during their transition to independence, including access to Personal Advisors and Pathway Planning</p> |
| 8. | Government and district council policy to recognise and reflect the unique position and needs of special guardians and children in respect of legal aid, housing benefits, child tax credits and universal credit | <p><b>8.1</b> Cabinet to lobby the Department for Education over speeding up the provision of legal aid for special guardians, and to provide specific exemptions for special guardians for the over-occupancy penalty and the 'two child' rule</p> <p><b>8.2</b> The Cabinet Member for Children's Services to write to district councils urging them to use their discretion to ensure that special guardianship families are not penalised through the under-occupancy penalty or 'two-child' rule in respect of child tax credits</p>  |
| 9. | Improve multi-agency knowledge and understanding of special guardianship and the needs of the children they care for  | Development of 'guide to special guardianship' targeted at schools, GPs, hospitals, housing authorities and relevant charities such as Age UK, to raise awareness of special guardianship and the potential needs of children and families, supported by a targeted social media campaign  |

## 2. Background and Scope

2.1 In October 2017, Members welcomed four 'special guardians' to their Corporate Parenting Forum to hear their very personal journeys to becoming a special guardian, and the challenges they continue to face on day to day basis to provide the best care and support possible for the children in their care.

2.2 Having a strong desire to explore and understand this area further, the Children's Scrutiny Committee undertook a Masterclass in March 2018, to better understand the role of Special Guardianship Orders and the advice and support the local authority currently provides to special guardians and children in Devon.

2.3 At their March meeting the Committee established a Task Group to look in more depth at some of these issues. The Task Group agreed that its scope would be to examine:

- the sufficiency of the financial, practical and emotional support provided by the local authority to special guardians and children;
- the impact of issues such as access to legal aid and the application of the under-occupancy penalty on special guardians and children;
- parity on these issues when compared with adoptive parents and foster carers.

## 3. Kinship Care and Special Guardianship

3.1 A 'kinship carer' is a family member or friend who takes on the care and support of a child, when the child's parents are unable to do so. This usually means that the child is living with the family member or friend on a full-time basis, either temporarily or permanently.

3.2 The reasons for kinship care are varied. The charity Grandparents Plus estimates that around 52% of kinship care arrangements are as a result of parental drug or alcohol misuse, but other circumstances include bereavement, imprisonment, parental abuse or neglect and parental ill health<sup>1</sup>. There are several different forms that kinship care can take.

### Informal Kinship Care

3.3 Kinship care can be an informal arrangement between the parents and a family member or friend. The local authority is not usually involved in the arrangement and parental responsibility remains with the child's parents.

### Kinship Foster Care

3.4 Kinship foster care is a formal arrangement where the local authority places a child in their care with a family member or friend. The carer must be assessed and approved as a foster carer and will be required to undertake training, keep records and will be entitled to receive a fostering allowance, paid at the same rate as other foster carers. Because the child is 'looked after' by the local authority, the local authority retains parental responsibility. In some cases, a family member or friend may become a kinship foster carer as an interim measure, while more long-term arrangements are made.

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<sup>1</sup> <https://www.grandparentsplus.org.uk/what-is-kinship-care>

## **Special Guardianship Orders**

3.5 A Special Guardianship Order (SGO) is a legal order made by the court which appoints one or more carers to be a child's 'special guardian'. Under the order the special guardian takes on parental responsibility for the child in all but a few areas.

3.6 Local authorities are required to provide support services for special guardians, including financial support, following an assessment of need.

3.7 SGOs were originally intended to provide permanence and support better outcomes for older children living in foster care, but today they are more commonly used for younger children and babies, who may otherwise be adopted outside of the birth family. In Devon, as of September 2018, there were 436 children aged 0-17 year with an SGO. Over 40% of these children were aged 2 years or under when the SGO was made, where as less than 5% were teenagers.

## **Who are special guardians?**

3.8 In Devon, around 66% of special guardians are the grandparents of the child and around 20% are other family members or close friends of the family. They have usually taken on the care of the child for the sole reason that the child's parent is unable to do so and this is often unplanned and unexpected. They may have already raised their own children, or have their own young children or other caring responsibilities.

3.9 The remaining 14% of special guardians are foster carers, who apply to become a special guardian to provide greater stability and permanence for the child or young person involved, as well as to recognise the close family relationship which has been established, usually over a number of years, taking on parental responsibility from the local authority.

3.10 Many of the issues outlined in this report will be relevant to all types of special guardians, although some such as managing contact with parents and training, tend to be more pertinent to grandparents and other family or friend carers.

## **Comparisons with adoptive families and foster care**

3.11 One of the key areas for this review was to consider the parity of support available to special guardians, adoptive parents and foster carers, and the children they care for. It is important to recognise that these three families situations are in many ways quite different from each other, and that carers will have different needs and expectations of support. It is also important to remember that children living with a special guardian, like adopted children, are not in the care of the local authority, and therefore we should also expect the local authority to take a different role in supporting these families.

3.12 However, it is also crucial to remember that the children special guardians care for will often have had very similar experiences to children in care and adopted children and will have many of the same needs. Many of these children will have experienced some form of trauma and as a result they are likely to have additional needs and / or display challenging behaviour. Therefore, it is equally important that the needs of special guardians and the children they care for are met sufficiently.

## **4. Hearing the voice of Special Guardians**

4.1 Throughout this review, the Task Group has heard from a range of witnesses, but there has been a particular focus on understanding the experiences of special guardians and hearing their views. The voice of the special guardian has been reflected throughout this report, but some of the key experiences and needs expressed by special guardians are represented on the next page.

# Agenda Item 14

## Special Guardians have told us...

### This is our experience...

We have to fight hard for every bit of financial support we get

Working, even part time, just isn't possible

Our family practitioner is great and gives us excellent support

We felt under scrutiny by social services and not supported, and received contradictory advice

We try to support each other with 'respite' but some children are very challenging to care for and it's not always possible

Managing my own feelings and emotions during the assessment process was extremely difficult

I didn't have enough information about available legal support or advice, or how to access it

I have never seen a support plan

Many families are at breaking point and feel isolated

### This is what we need...

A small amount of respite once a month would make a huge difference

Other agencies need to have a better understanding of SGOS

We need the same access to trauma informed care training as foster carers

Our children need more support with emotional and mental health issues

We need financial support – it's a huge financial commitment we hadn't planned for

I need help managing contact – it is often hard to know what is best for the child

I would like to see that children with special guardians are treated the same way as any other child in need

There has to be more support for the welfare of carers



## 5. Advice and Assessment

### Taking on the care of a child

5.1 When family members or friends first take on the care of a child it can be at very short notice, following a crisis situation. At this stage, the child and family may already have a social worker working with them, and the child's social worker will carry out a viability assessment (prior to the formal assessment process) to assess the carer's ability to look after the child in the short term and their suitability for further assessment. Alternatively, the child may be living elsewhere, and a family member or friend may be being considered as a possible alternative to the child coming into care and/or being placed for adoption.

5.2 Special guardians have told us that the overriding reason that they became a special guardian was their love for the child and the desire for them to remain within the family, rather than being adopted or taken into care. Family members and friends can feel an immense amount of pressure at this time to make a decision about taking on the care of the child on a long-term basis, and it is important that the local authority supports them to make an informed decision.

### Assessment process and outcome

5.3 Local authorities are required to assess the suitability of prospective special guardians and provide a report and recommendation to the court. In Devon the majority of these assessments are undertaken by social workers in the Family & Friends Assessment Team. The assessing social worker will meet with the prospective special guardians over a number of weeks and undertake an in-depth investigation and assessment of their ability to meet the child's needs until they reach adulthood. This includes medical and health checks, enhanced police and local authority searches and obtaining references, as well as discussing the financial implications of taking on the child, approaches to parenting and relationships with other family members, including any other children in the home. Social workers need to approach the assessment with an open mind and recommendations will be based on what is best for the child in the short and long term.

5.4 The social worker's report will make a recommendation to the court which will recommend that one of the following decisions be made:

- that a special guardianship order be made naming the assessed family member or friend;
- that the family member or friend become or remain a kinship foster carer for a period of time (often where the child has more complex needs and/or the carer would benefit from accessing the wider support available to foster carers);
- that the family member or friend is unable to meet the child's needs, in the short or long term, and that alternative arrangements should be found for the child's care.

### Court timescales

5.5 The law requires that the local authority's assessment be completed within 16 weeks, with a possible extension to 24 weeks. However, where there are pending care proceedings, the court has the power to require that an assessment be completed in as little as 6 weeks. Meeting this deadline is often extremely challenging for the local authority, but it also leaves a very short amount of time for the potential special guardian to adjust to their new responsibility. Special guardians have told us that this is a very difficult and emotional time for them and everyone involved. They are often having to manage complex and changing relationships with the child's parents, and that court timescales can bring additional pressure. The court process itself can also be intimidating and quite overwhelming.

# Agenda Item 14

## Advice and support

5.6 The support and advice available to prospective special guardians prior to assessment can be variable, and families are sometimes given contrasting advice from different social workers. The local authority will provide some initial legal advice to prospective special guardians, and will in some cases provide financial assistance with legal fees, but the advice given on accessing this support is inconsistent. Special guardians report a lack of both practical and emotional guidance and support at this stage of the process.

5.7 During the assessment process itself, the assessing social worker will provide information and advice to the potential special guardian. During the first meeting the social worker will provide an information pack containing information about what it means to be a special guardian, FAQs and contact information. The social worker also explains the assessment process and is able to offer advice and guidance on other potential options including becoming a kinship foster carer, for either the short or medium term.

## Recommendation 1

| Ambition  | Specific Recommendations   |
|---|--|
| 1. Impartial and consistent advice and support for prospective special guardians before and during the assessment process | <p>1.1 Joined up working across children's social work and assessment teams to ensure that consistent advice is provided to families around special guardianship, including access to legal advice</p> <p>1.2 Improved signposting to independent and impartial advice through charities such as Grandparents Plus</p> |

## 6. Access to records and support plans

### Child's records and history

6.1 Some special guardians have told us that when they first took on care of their child, they were given very little information about the child's history, including information about past trauma, which has impacted on their ability to care for the child. Although many special guardians as family members will have some knowledge and understanding of the child's history, this should not be assumed. There are clear challenges around confidentiality and data protection, and family sensitivities which all need to be considered. However, in the same way that adopters and foster carers receive information about the child's history to enable them to provide informed and appropriate care, special guardians too need to have this understanding.

### Support Plans

6.2 Dependant on their needs, many children living with special guardians will have a support plan in place which will outline how the local authority will support the special guardian to meet the needs of the child. Support plans should be developed and agreed between the social worker and the special guardian. Some special guardians have told us that they have never been given a copy of the final support plan, or that it was very difficult to get hold of. It is vital that special guardians are provided with a copy of the support plan from the beginning, without having to request this.

## **Recommendation 2**

| Ambition  | Specific Recommendations  |
|---|---|
| All special guardians to have access to history of the child they care for, and to their support plan | <p><b>2.1</b> All special guardians to be provided with a summary report of the child's history as soon as the special guardianship order is made (where the child is known to Devon Children's Services)</p> <p><b>2.2</b> All special guardians to be provided with a copy of the child's support plan as soon as the plan is finalised</p> |

## **7. Financial support and allowances**

### **The Regulations**

7.1 The Special Guardianship Regulations 2005<sup>2</sup> state that financial assistance is payable where it is necessary to facilitate arrangements for a person to become the special guardian of the child, and / or where it is necessary to support the continuation of these arrangements, after the order is made. It is on this basis that the local authority may provide support with legal fees and may also provide one off payments for the purchase of necessary items such as a bed for the child or a car seat, as well as a means tested special guardianship allowance.

7.2 The Regulations require that local authorities must carry out an assessment of need (including financial support) where the child is or has previously been looked after by the local authority, but there is no requirement for the local authority to carry out an assessment where the child has not been looked after. This Regulations also require that this assessment takes into account the special guardian's financial resources and the child's needs, through a means test.

### **Accessing financial support**

7.3 Although not required to do so by the Regulations, most local authorities will provide an assessment of need upon request, regardless of looked after status (particularly where it is considered that the child would have come into the care of the local authority if the special guardianship order had not been made).

7.4 However, some of the special guardians we spoke to felt they had been denied financial support or were disadvantaged because their child had never been in the care of the local authority, usually because they had taken on the care of the child to prevent this very thing from happening. Many said that accessing financial support from the local authority was very difficult and that they have had to fight hard for every bit of financial assistance they receive, and that they had to reach 'breaking point' before help was provided.

7.5 The statutory Special Guardianship Guidance<sup>3</sup> states that a special guardianship arrangement should not fail solely on financial grounds, but it would surely be far more pragmatic for local authorities to provide financial assessment and support to these special guardianship families before a crisis point is reached.

7.6 Many of the witnesses spoken to, including special guardians themselves, felt that the current policy on financial assessment and support was far too rigid and re-active, when it should be flexible and pre-emptive. Family circumstances and needs can change quickly, and they need a system of

<sup>2</sup> <http://www.legislation.gov.uk/uksi/2005/1109/regulation/6/made>

<sup>3</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/656593/Special\\_guardianship\\_statutory\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/656593/Special_guardianship_statutory_guidance.pdf)

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financial assessment and support that can react to this. Frontline staff need to be given the time and flexibility to work with special guardians in a pre-emptive and pragmatic way, to find financial solutions which support special guardianship arrangements to succeed.

## Allowances scheme

7.7 In Devon, the means tested special guardianship allowance has historically mirrored foster carer allowances. The allowance is agreed for two years initially and then only payable thereafter following the outcome of an annual re-assessment.

7.8 Around 70% of special guardians in Devon receive an allowance (being means tested, some will receive less than the standard fostering allowance). The foster carer allowances structure has recently been revised, and from January 2019 allowances are based around the needs of the child, rather than the experience of the foster carer. Allowances for special guardians are currently under review in light of this, but at present special guardian allowances continue to be paid in line with the previous foster carer allowances structure.

## Recommendation 3

| Ambition   | Specific Recommendation  |
|--|--|
| A fair and equitable financial assessment and support policy and special guardianship allowances structure | <p>Review current financial assessment and support policy, and subject to securing appropriate funding:</p> <ul style="list-style-type: none"><li>• consider how a preventative approach can be taken to providing financial support to more special guardianship families in need</li><li>• bring special guardianship allowances in line with the new foster carer allowances scheme, which is based on the needs of the child</li></ul> |

## 8. Training and ongoing support

### Training

8.1 While the majority of special guardians will have parenting experience, becoming a special guardian is a very different and often overwhelming experience. The transition involves taking on a different role in the child's life (for example, changing from a 'grandparent' role to a 'parent' role). Many children have also experienced trauma, and the special guardian needs support and guidance on how to parent and care for a child with these experiences, such as therapeutic parenting methods, understanding attachment behaviours and trauma informed care. Some special guardians have told us that they felt supported by the local authority through the assessment and court process, but that this support disappeared once the order was made, being left to 'get on with it'.

8.2 In Devon, special guardians are currently able to access some of the training (including therapeutic parenting) that is available to foster carers, however this is only when spare places are available. Special guardians have also expressed that 'foster carer' training often covers issues that aren't relevant to them, such as record keeping, and therefore it would be more beneficial to have something bespoke for their situation.

8.3 Peterborough City Council, in partnership with their fostering and adoption service provider TACT, have developed a single permanency team, who support all foster carers, adopters and special guardians and as part of this have opened up their full plethora of training to all of these carers. The 2019/20 schedule includes training sessions on attachment, self-harm, County Lines, Therapeutic Crisis Intervention amongst many others. Some of these sessions are open to all carers

and others are bespoke to certain types of carers, so that their specific needs can be addressed. Peterborough have found that there at times short waiting lists for some training courses, but over all their approach to permanency training works well and carers feel supported.

8.4 Special guardian's needs are also being recognised in Devon, and work is currently being undertaken to develop introductory training new special guardians. This will go a long way to providing the support and guidance that special guardians need in those first few months. However, raising a child is a life long journey, and child's needs change as they get older, with many children and special guardians needed greater support as they reach adolescence. It is therefore important that special guardians are able to access a range of training, not only when they are new special guardians, but to have the offer of continued support and training whenever they may need it in the future.

## **Social work and family practitioner support**

8.5 Devon's Special Guardianship support team is currently made up of 1 FTE Team Manager, a 0.5 FTE Social Worker and 3.5 FTE Family Practitioners. Special guardians also have access to the children's social work duty line and out of hours support. Until very recently, adoption social workers would complete support assessments and provide assistance to family practitioners with more complex cases, however this is no longer possible following the formation of the regional adoption agency and the transfer of adoption social workers to Adopt South West. The team's social worker is able to bridge this gap currently, but the role is at present a temporary post, as is the Team Manager position.

8.6 The small team of family practitioners provide day to day support and advice to over 400 special guardianship families across the county. They do not hold a case load but respond to requests for support as needed and as resources allow. Special guardians told us that they highly valued the support provided by their family practitioners and that they felt that they were very committed to helping families.

8.7 Family practitioners are highly skilled and experienced in supporting families and are trained in restorative practice and trauma informed care. However, their time is spread very thinly across a large county and high number of families, and their capacity to provide this one to one support to special guardians and children is very limited. The team currently has no admin support, relying on assistance from business support colleagues in other teams. A lot of family practitioner time is spent managing financial support related queries and other administrative task, much of which could be dealt with by business support colleagues, freeing up family practitioner time.

8.8 Support for special guardians varies dramatically across the country, with some local authorities providing only very basic support for families after the order is made. However some local authorities, including Essex County Council, have invested in upscaling the social work resource they provide to special guardians, recognising that these children and carers have many of the same needs as fostering and adoptive families. To support their 700+ special guardianship families, Essex's SGO support team is made up of one Team Manager, two Senior Practitioners, three Social Workers, one Mental Health Co-ordinator and four Child & Family Support Workers (similar role to Devon's Family Practitioners). This means that special guardianship families with the highest needs are able to access social work support, including specialist mental health support.

## **Support groups and peer support**

8.9 Devon runs three support groups for special guardians across the county, based in Exeter, and in the north and the south of the county. Support groups give special guardians an opportunity to come together and access peer support, and hear from guest speakers from relevant services such as educational psychology. Family practitioners also attend these groups when they have capacity.

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8.10 Special guardians who attend support groups find them a great help, but due to the vastness of the county, it is difficult for many special guardians to attend, and they must arrange their own travel and childcare if needed. Attendance at these groups can be low.

8.11 The SGO support team is currently working with special guardians to set up a Peer Guide scheme, mirroring the model used in fostering. Peer Guides would be special guardians who would undertake training and be supported to offer peer support and mentoring to other special guardians. There has been a great deal of enthusiasm from special guardians for this scheme and a number have put themselves forward to be peer guides.

## Support plans

8.12 Many children who live with a special guardian will have a support plan, which will outline how the local authority will support the special guardian to meet the needs of the child. Once the support plan is put in place, it is not subject to regular review, however the special guardian can request a reassessment and this assessment could result in a revised support plan. However, children's needs can change very rapidly, and special guardians should have the opportunity to have the support they need reviewed regularly.

## Recommendation 4

| Ambition  | Specific Recommendations  |
|---|---|
| A comprehensive package of ongoing support which enables special guardians to provide the best care and support possible for children | <p><b>4.1</b> Bespoke introductory training, which mirrors the initial training undertaken by foster carers and adoptive parents to be made available to all special guardians</p> <p><b>4.2</b> Ongoing access to a programme of training including therapeutic parenting, for all special guardians</p> <p><b>4.3</b> Creation of permanent social work and business support roles and increased family practitioner resource within the SGO support team, subject to a review of current capacity within the team and appropriate funding being secured</p> <p><b>4.4</b> Introduce special guardian support groups in other parts of the county, supported and led by newly trained peer guides, and improve overall attendance levels at support groups</p> <p><b>4.5</b> Where a support plan is in place, all special guardians to be offered a support plan review on an annual basis, to coincide with the financial reassessment where applicable</p> |

## 9. Relationships and contact with parents

### Parental loss

9.1 Whatever the reason for a special guardianship order, whether or not the child's parents are supportive of the arrangement, in most cases the parents of the child concerned will be experiencing a range of emotions, including loss. This is an extremely complex area and each family's circumstances will be different; there may be a court ruling which disallows or limits contact between the child and the parent, or the local authority or special guardian may feel that it is best for the child if contact is limited or ceased. Even if regular contact between the parent and child does continue, there is still often a significant sense of loss. The parent themselves may also be vulnerable, or they may feel very angry at what has happened, and will need support in managing this loss and change in family arrangements.



## Managing contact

9.2 For special guardians, managing relationships and contact with the parents of the child they care for is one of the most emotionally challenging and difficult issues they face. Unlike adoptive parents and foster carers, the child's parents will usually know the address of where the child is living, and we know that parents turning up on the door step and making demands to see their child are not uncommon.

9.3 For many special guardians, the parent of the child is their own son or daughter, or another very close relative, and so when the SGO is first made, they are not only trying to manage the change in relationship between the child and the parent, but also the change in or loss of the relationship they themselves have with the child's parent. For grandparents, this means putting the needs of their grandchild above the needs of their own child.

9.4 Because of the emotions and complexities involved it can also be difficult for special guardians to make objective and informed decisions about contact requests from parents, and they can be left not knowing what to do for the best.

## Support

9.5 Family practitioners will support special guardians with advice and guidance where possible, but as indicated earlier in this report, there is little capacity for them to work intensively with special guardians. Support and advice from other special guardians may be found through support groups.

9.6 Special guardians and parents can make use of the Family Solution Service which offers facilitated meetings, including mediation, which can support families to resolve conflict and find positive solutions. For families who need support with contact, contact centres can enable children to spend time with parents, including supervised contact where necessary.

9.7 These services may go some of the way to addressing parental contact issues, but they are not suitable for all family situations. Special guardians have told us that managing contact with parents is often very fraught and emotionally challenging for everyone involved, and that not enough training or support is provided in this area.

## Recommendation 5

| Approach  | Specific Recommendations   |
|---|--|
| Special guardians and parents to have access to the support and advice they need to adjust to changed family arrangements | <p><b>5.1</b> Where appropriate, parents to have access to counselling to support them to manage the loss of their child</p> <p><b>5.2</b> Special guardians to be supported to manage contact issues with parents through training and support groups</p> <p><b>5.3</b> Subject to increased capacity outlined in recommendation 4.3, the SGO support team to provide parental contact risk assessments, and to support special guardians to make informed decisions around contact</p> |

## 10. Respite, trips and activities

### Respite

10.1 Respite services are provided to families where children have high levels of additional needs and disabilities, or sometimes in a time of crisis. Dependant on the needs of the child and the family, some respite will take the form of overnight care in a fostering or residential setting. Day respite, such as a childminder or a supported playgroup may be more suitable for some families, and respite support can also be provided in the home.

10.2 The law requires that overnight respite care must be provided by a regulated carer which equates to the child coming into the care of the authority for that period (there is an exception for disabled children). Unless a child has a high level of need and respite services are detailed in their support plan, special guardian families will not have access to regular respite and it is generally expected that they will be able to arrange their own 'respite' through their wider family network. However, special guardians tell us that this is often not possible, either due to the specific needs of the child, challenging behaviour, or because family relationships are so fractured that they do not have a wider network of support that can offer this kind of help.

10.3 Some special guardians who have made links with others through support groups do provide 'respite' and childcare to each other, but again this can be more difficult, dependant on the needs of children. For the same reasons, accessing universal services such as library groups or church/community playgroups is not always possible. The local authority could take a greater role in supporting support group networks to provide 'respite', and support accessing appropriate universal and early help services.

### Trips and activities

10.4 There are a range of alternatives to traditional respite, including trips and activities which enable children and their carers to do something fun together, such as a day out to a leisure park or a short holiday. This kind of family based support is becoming more commonly used and promoted, as it avoids the separation of the child from the family which can have a negative emotional impact on the child.

10.5 Equally, activities and trips away from carers can be really beneficial for older children, helping them build confidence, learn new skills and have fun, in a safe and supported environment, as well as providing some 'respite' for special guardians, particularly during school holidays, which can be a particular intense time for families. Previous trips organised by the SGO support team include a PGL holiday, a pantomime trip and farm visits.

10.6 Feedback from young people and special guardians indicates that these trips and activities can be extremely positive and worthwhile experiences for children. The SGO support team have very limited funding to provide these kinds of activities, but have been successful in securing some charity funding, although seeking out and applying for funding opportunities can be resource intensive.

10.7 Many of the special guardians we spoke to told us that lack of access to respite is one of the biggest difficulties for them, and that again they feel that they have to be at crisis point before any help is provided. Whilst traditional overnight respite may not be appropriate for the majority of special guardian families, the local authority should be taking a greater role in providing and enabling alternative provision, by supporting informal networks, signposting and providing positive trips and activities for children and families.



## **Recommendation 6**

| Overall Ambition  | Specific Recommendations   |
|---|--|
| Special guardianship families to be supported to access alternative respite options which provide positive experiences for children and special guardians | <p>Review, with a view to improving, current respite and alternative options for SGO families to include:</p> <ul style="list-style-type: none"> <li>• supporting and enabling informal 'respite' networks</li> <li>• improved signposting to appropriate universal and early help services which can provide day 'respite'</li> <li>• increased access to family based support trips and activities</li> <li>• increased provision of group trips and activities for older children and young people</li> </ul> |

## **11. Support for children and young people**

### **CAMHS assessment**

11.1 CAMHS (Child and Adolescent Mental Health Service) in Devon is responsible for assessing and treating young people with emotional, behavioural or mental health difficulties. Waiting lists for CAMHS assessments are long, and while children living with special guardians are more likely to need the services of CAMHS than their peers in the general population, unlike children in the care of the local authority, special guardian children are not given any special priority when it comes to having their mental health needs assessed, and can be waiting many months before they are offered an appointment.

11.2 As these children have many of the same experiences and needs as children in care, it seems incredibly unfair that they do not have access to the same 'fast-track' assessment, and we are concerned about the impact of this on children's safety and on their long-term emotional health and wellbeing. There is also a considerable impact on the special guardians who are having to manage the child's needs in the meantime.

### **Adoption Support Fund**

11.3 The Adoption Support Fund (ASF) was launched by the Department for Education in 2015 to provide therapeutic support for children of adoptive families, and was later opened up to special guardianship families, where the child has previously been looked after by the local authority. Following a recent extension, the fund is now due to come to an end in July 2020, and local authorities and families are greatly concerned about how children and young people will continue to be supported if the ASF is not continued.

11.4 In its current form, the ASF is only available to SGO children who have previously been in the care of the local authority, which means that children who went from living with their parents straight to a family or friend carer, completely miss out on accessing the vital therapeutic support that this fund provides.

### **Support groups for young people**

11.5 Young people who live with special guardians have told us that they really value having a safe space to spend time with other young people who have had similar experiences to them. Devon County Council runs a fortnightly group in Exeter called RIO (Really I'm Ordinary) for young people who live with special guardians and who are adopted, which provides this space. Young people are able to spend time playing games and taking part in activities such as cooking, as well as sharing a meal together. Social workers and family practitioners support the group and the young people who attend build positive relationships with each other and the staff who support them.

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The Exeter RIO group is the only one of its kind in Devon, and although some young people from further afield do attend, there is no longer any travel arranged for them, and in order for them to attend, staff have to drive to collect them from home, and return them again.

11.6 Children and young people growing up with special guardians are likely to face many more challenges than their peers, and may find many elements of childhood and growing up more complicated. These children and young people deserve to be celebrated for their achievements and supported to grow in confidence and thrive.

## Transition to independence

11.7 Thoughts of leaving home and becoming independent can be daunting for any young person, but those who have experienced instability in their homelife may find this even more difficult to traverse. Where as young people leaving the care of the local authority are provided are supported with pathway planning and a 'personal advisor', there are no such provisions for children living with special guardians.

11.8 Although many special guardians will be able to provide the support that the young person needs during this time of transition, in the same way that many parents do, some special guardianship families are looking for additional support at this time, and currently find that that there is very little that the local authority will support them with. They also feel that there is lack of joined up working with district council housing services to support young people at this time.

## Recommendation 7

| Ambition   | Specific Recommendations   |
|--|--|
| Improved support for children and young people living with special guardians, by improving access to mental health services, transition to independence and celebrating their achievements | <p><b>7.1</b> 'Fast-track' access to CAMHS assessment for all children with an SGO</p> <p><b>7.2</b> Subject to securing appropriate funding, the SGO support team to provide therapeutic support to SGO children who are not previously looked after</p> <p><b>7.3</b> Cabinet to lobby the Department for Education on the vital need for the continuation of the Adoption Support Fund after 2020, and to widen the scope of the fund to be accessible to all children with an SGO, rather than only those who were previously looked after</p> <p><b>7.4</b> The achievement of young people living with special guardians to be recognised through an annual celebration event</p> <p><b>7.5</b> To explore options to improve support for SGO young people during their transition to independence, including access to Personal Advisors and Pathway Planning</p> |

## 12. Legal aid, the under-occupancy penalty & the 'two child' rule

12.1 There are a number of matters which fall outside of the local authorities remit but which can have a significant impact on special guardians financially.

### Legal aid

12.2 Legal aid is not currently available to special guardians (or prospective special guardians) and many end up having to self-fund both the SGO application and the defence of any contact issues in the future. The Legal Aid Agency has however now agreed that they will extend legal aid to special

guardians but have not indicated when this will happen. It is fantastic that the government has recognised the special situation of special guardians and their entitlement to financial aid, but special guardians need this support now, and therefore this needs to be fully expedited without delay.

## The under-occupancy penalty

12.3 The under-occupancy penalty (also known as the 'bedroom tax') does not provide an exemption for special guardianship families, meaning that those special guardians who have their own children living with them and who receive housing benefit or universal credit may be penalised for providing a separate room for the child they have taken into their care under an SGO. Housing authorities do have the ability to provide Discretionary Housing Payments (DHP) for households where it does not seem reasonable to apply the restriction, however the DHP is primarily used as a short-term solution and it is up to the individual housing authority to make the decision at their own discretion.

12.4 While it may be appropriate for siblings of certain ages and genders to share a bedroom, it is completely understandable that a special guardian may feel that it is far more appropriate for a child from the wider family, and who may have experienced trauma and / or be displaying challenging behaviour, to have their own bedroom, and they should not be penalised financially for this.

## The 'two child' rule

12.5 Support under child tax credits and universal credit was limited to two children from April 2017. There are however several exemptions from this rule, including one which applies to 'children living long term with family or friends including informal caring arrangements where the child would otherwise likely be looked after by the local authority'<sup>4</sup>. Whilst this exemption clearly acknowledges the unique situation of kinship care, the wording makes it unclear as to whether this exemption applies to private law SGOs or to foster carers who become special guardians. It would be helpful if special guardianship was specifically referred to under this exemption.

## Recommendation 8

| Ambition  | Specific Recommendations  |
|---|---|
| Government and district council policy to recognise and reflect the unique position and needs of special guardians and children in respect of legal aid, housing benefits, child tax credits and universal credit | <p><b>8.1</b> Cabinet to lobby the Department for Education over speeding up the provision of legal aid for special guardians, and to provide specific exemptions for special guardians for the over-occupancy penalty and the 'two child' rule</p> <p><b>8.2</b> The Cabinet Member for Children's Services to write to district councils urging them to use their discretion to ensure that special guardianship families are not penalised through the under-occupancy penalty or 'two-child' rule in respect of child tax credits</p> |

## 13. Multi-agency awareness and understanding

13.1 Special guardianship families report that there is not a consistent level of understanding of their situation amongst the services they interact with. Some schools seem to be very aware of special guardianship and are very supportive of families and their needs, where as others have very little understanding of both the parental responsibility aspects of an SGO, and the experiences and needs of children, such as attachment disorder and associated behaviours. Schools are entitled to

<sup>4</sup> [https://www.entitledto.co.uk/help/Exemptions\\_to\\_2\\_child\\_limit](https://www.entitledto.co.uk/help/Exemptions_to_2_child_limit)

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claim the Pupil Premium allowance for children with an SGO and concerns were raised that many schools are unaware of this, and / or are not aware that a child in their school even has an SGO.

13.2 Some special guardians have reported a lack of awareness by GPs and in the health service generally, and that they have struggled to get access to important medical records (i.e. vaccination) for the children they care for.

13.3 There is a need to raise the profile of special guardianship amongst other agencies so that they are able to provide the best possible support to special guardians and the children in their care.

## **Recommendation 9**

| Ambition   | Specific Recommendations  |
|--|---|
| Improve multi-agency knowledge and understanding of special guardianship and the needs of the children they care for | Development of 'guide to special guardianship' targeted at schools, GPs, hospitals, housing authorities and relevant charities such as Age UK, to raise awareness of special guardianship and the potential needs of children and families, supported by a targeted social media campaign |

## **14. Conclusion**

14.1 Special guardians play an important and unique role in the care of children across Devon. They provide a loving home for children when their parents are unable to, and they often make huge personal sacrifices and face significant challenges in doing this. Special guardianship arrangements not only provide the child with a stable family setting, but often prevent the need for the child to be looked after by the local authority, and the resources associated with this.

14.2 Most children who live with a special guardian, a foster carer or who are adopted have experienced trauma of some form and will have a number of needs associated with this. However, the support available to special guardians and the children they care for is much more limited. There are also additional complexities associated with kinship care, such as managing parental relationships which need to be considered.

14.3 SGO children are no different to adopted children and children in care, and they and their carers deserve an equity of care and support.

## **15. Membership**

Councillors Linda Hellyer (Chair), Emma Brennan, Debo Sellis and Margaret Squires

## **16. Contact**

For all enquiries about this report or its contents please contact:  
Vicky Church (Scrutiny Officer) [victoria.church@devon.gov.uk](mailto:victoria.church@devon.gov.uk) 01392 383691

## 17. Sources of Evidence

### Task Group Activity

The Task Group undertook a range of evidence gathering activity including:

- Special Guardianship Masterclass (20<sup>th</sup> March 2018)
- Scoping meeting with Head of Children's Social Care (23<sup>rd</sup> July 2018)
- Workshop to hear from special guardians (28<sup>th</sup> November 2018)
- Witness interviews (27<sup>th</sup> September 2018, 28<sup>th</sup> November 2018, 11<sup>th</sup> February 2019, 6<sup>th</sup> March 2019)
- Visit to the RIO youth group (6<sup>th</sup> March 2019)
- Receipt and consideration of written testimony from special guardians
- Written evidence from Essex County Council and Peterborough City Council
- Desk research

### Witnesses

The Task Group heard testimony from a number of stakeholders and witnesses and would like to express sincere thanks to the following people for their contribution and the information shared. Particular thanks is offered to the special guardians who took the time to contribute to this review through the workshop and written testimony, and to the young people from the RIO group who spent time with Members during their visit.

|                               |   |
|-------------------------------|---|
| Darryl Freeman                | Head of Children's Social Care, Devon County Council  |
| Kath Drescher                 | Senior Manager Adoption, Fostering, Atkinson and Youth Offending Service, Devon County Council (outgoing) |
| Andrea Morris                 | Senior Manager, Countywide Services, Devon County Council   |
| 12 special guardians          |   |
| Richard Porter                | Interim Team Manager for Fostering and Special Guardianships, Devon County Council                        |
| Sarah Carter                  | Head of Permanency, Placements and Sufficiency, Essex County Council                                      |
| Elizabeth Markham             | Team Manager for SGO and Kinship Assessment, Essex County Council   |
| Rachel Miller                 | Team Manager, Special Guardianship Support, Devon County Council  |
| Greg Ward                     | Family Practitioner, Special Guardianship Support, Devon County Council                                   |
| Gavin Williams                | Family Practitioner, Special Guardianship Support, Devon County Council                                   |
| Kath Bond                     | Family Practitioner, Special Guardianship Support, Devon County Council                                   |
| Sonia Grute                   | Social Worker, Family & Friends Assessment Team, Devon County Council                                     |
| Caroline Dalwood              | Social Worker, Family & Friends Assessment Team, Devon County Council                                     |
| Barry Miller                  | Social Worker, Special Guardianship Support, Devon County Council   |
| Young people at the RIO group |   |

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- ❖ Local Government and Social Care Ombudsman, Devon County Council (15 010 012)  
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- ❖ Local Government and Social Care Ombudsman, Family Values: Council services to family and friends who care for others' children  
<https://www.lgiu.org.uk/briefing/family-values-council-services-to-family-and-friends-who-care-for-others-children-lgo/>
- ❖ Local Government and Social Care Ombudsman, Firm Foundations: complaints about council support and advice for special guardians  
<https://www.lgo.org.uk/information-centre/news/2018/may/ombudsman-challenges-councils-to-ensure-appropriate-support-provided-for-special-guardians>
- ❖ The Special Guardianship Regulations 2005  
<http://www.legislation.gov.uk/uksi/2005/1109/contents/made>
- ❖ TACT Peterborough  
<http://www.tactcare.org.uk/peterborough/>

# Children's Social Care Office Site Visits

June 2019



## 1. Background

1.1 As part of Members ongoing work monitoring the performance and effectiveness of the County Council's arrangements to protect and safeguard children in Devon from harm, the Committee agreed a programme of site visits to Children's Social Care offices in each of the four County localities. Members also visited the MASH (Multi-Agency Safeguarding Hub) in Exeter.

1.2 The Committee would like to place on record its gratitude to all the staff who gave up their time during the office walk through that Members undertook as well as in group meetings. Staff were always keen to engage in the process and Members welcomed their candour.

1.3 Members made the following site visits:

- Oaklands Court, Tiverton (19<sup>th</sup> February 2019)
- Taw View, Barnstaple (19<sup>th</sup> February 2019)
- Follaton House, Totnes (26<sup>th</sup> February 2019)
- Estuary House, Newton Abbot (26<sup>th</sup> February 2019)
- County Hall, Exeter (28<sup>th</sup> February 2019)
- MASH ([Multi-Agency Safeguarding Hub](#)), County Hall, Exeter (26<sup>th</sup> February 2019)

1.4 During the sessions a huge number of issues and themes were discussed with Members. The following findings are by no means an exhaustive list of the points raised; rather they offer a reflection of some of the key themes that seem to be affecting children's social care staff and partners across the County.

## 2. Culture, Morale and Support

2.1 There was an overwhelming feeling expressed by social care staff that Devon is good place to work in children's social care, and particularly to be a social worker.

2.2 The culture in Devon is open, non-hierarchical and supportive and the Cabinet Member, Chief Officer and Head of Children's Social Care are visible and approachable, as are managers at all levels. There is a healthy culture in Devon which promotes learning over blame, which is very different to many social workers' experiences at other local authorities.

2.3 The [2013 Ofsted inspection](#) which found child protection arrangements in Devon to be 'inadequate' had a significant impact on staff morale and on leadership stability at the time. However today staff feel extremely positive about the strong and consistent leadership they see in Children's Services. Leaders are clear in their vision for improving outcomes for children and in the local authority's preparations for future Ofsted inspections.

2.4 Morale is good amongst staff and overall social workers were happy to report that they feel less stressed, have more manageable caseloads and feel better supported by management, compared to their experiences at other local authorities. However many social workers still regularly work beyond their contracted hours. Some staff reported inconsistencies in the way that social work teams are managed, seeing a mixture of micro management and more laissez faire management styles.

2.5 Permanent Team Managers provide stability and consistency for their teams, and staff feel that managers are focused on achieving the best outcomes for families and children. There is also a good level of support and advice from peers and other team managers, which open plan office arrangements can aid.



2.6 Monthly supervision is necessary to enable social workers to manage their own wellbeing, as well as improve their social work practice. Staff can also access an employee assistance programme which provides counselling and support services for both personal and work related issues.

### **3. Recruitment, retention and career development**

3.1 There are only a small number of social worker vacancies across the County, except in the north of the county where recruitment and retention issues remain. Across all areas there is still a reliance on agency social workers. In the MASH team, nine out of ten social workers are employed through an agency. Attracting agency workers to permanent social work roles is an ongoing challenge. For many social workers the higher hourly rate and flexibility offered by agency work is more appealing, despite not having the benefits associated with a permanent post (holiday, sick pay etc). Staff feel that there needs to be a better/clearer career pathway for permanent social workers and more attractive pay and conditions. Social work is tiring and stressful work and the annual leave offered to new starters is not seen as enough. Social work salaries and annual leave are higher at some neighbouring local authorities.

3.2 The Council's campaign to recruit social workers from abroad has been really successful and a number of skilled and experienced social workers have settled in Devon.

3.3 The ASYE (Assisted and Supported Year in Employment) scheme attracts many quality applicants to Devon, but a high number leave the authority after completing their ASYE year. Ten members of staff a year are supported to undertake social work degrees through the Open University. A number of Family Practitioners have taken up this opportunity and have then stayed with Devon for their ASYE year and beyond, already having roots in Devon. Social worker retention is improving on the whole, but more opportunities for training and career development are needed. In addition, staff reported that there was some confusion around the creation of the Senior Social Worker role.

3.4. There is also a need to evaluate the retention and recruitment of other non social work staff i.e. Family Practitioners and Personal Advisors, as well as being more creative in looking at career development for these roles.

### **4. Caseloads**

4.1 Social worker caseloads vary across teams depending on the complexities of the cases involved, generally ranging from around 16 to 24 per full time equivalent (occasionally as high as 28). Generally staff feel that their caseloads are manageable, and acknowledge that there is ambition across the service keep caseloads low and manageable.

4.2 Staff recognise that caseloads are lower in Devon than at many other local authorities; this in part reflects the size and rural nature of the county, which means that more time is spent travelling than at smaller/urban local authority areas.

### **5. Travel time, parking and work space**

5.1 The geographical areas covered by teams are large and a lot of social worker time is spent travelling. Although the introduction of laptops and smartphones means that social workers can now update records and write reports remotely, lack of mobile phone signal, 4G and access to Wi-fi often makes this difficult.

5.2 Offices bases in Exmouth and Sidmouth are missed by social workers in the east of the county, and a lack of car parking remains an issue at the Newton Abbot offices.

5.3 The open plan office space in Barnstaple works well and encourages joint working across teams. Some meeting rooms are still not sound proof which makes it difficult to have personal/sensitive conversations, such as during supervision.

5.4 Social worker parking permits for use in residential areas are great in theory but problematic in practice. There are reports of social workers receiving fines because they have not been able to answer their phone when the civil parking enforcement officer calls.

## **6. Eclipse**

6.1 The new case management system was launched on 21<sup>st</sup> January 2019 to replace the CareFirst system. Staff expressed varying views about the new system but the majority felt that there had not been sufficient training on Eclipse, including how to use the voice memo application for recording visit notes. Only 'Eclipse Champions' have had full training and this was too long ago for most people to be able to put into practice now. In addition, many also felt that the system was not very intuitive or flexible and most 'tasks' took longer to complete. The system is 'social worker' driven, and there are now tasks that business support colleagues used to undertake that can now only be completed by social workers.

6.2 There are a number of 'glitches' in the system, which have been reported to IT and which staff understand are being addressed, which include access to reporting data and visits showing as 'overdue' when they are not.

6.3 Many staff felt that overall the introduction of Eclipse is a positive move and that once the 'glitches' are resolved, the system will support their work well. Better case auditing and chronology mapping were noted as key improvements.

## **7. Family Practitioners**

7.1 Family Practitioners are now working within social work teams and their skills and experience are highly valued by social workers. Family Practitioners themselves also benefit from working more closely with social workers, although some miss the opportunity to meet regularly with other Family Practitioners.

7.2 Family Practitioners and Referral Co-ordinators also work within the MASH Team and colleagues feel that they make a vital contribution to the success of the team.

## **8. Multi Agency Safeguarding Hub (MASH)**

8.1 Incoming referrals into the MASH are relentless. Referrals are at their peak during term time as many come from schools. Ongoing work with schools and health is vital in helping them understand their thresholds and take more responsibility for safeguarding, rather than just sending any concerns to the MASH.

8.2 When a referral is received and assessed it will take one of three routes:

- There is no role for children's social care and no further action taken, sometimes signposting to universal services
- There may be a need for social care involvement – some social work may be undertaken and a decision is made either that no further action is required, or support from the Early Help Team is needed, or full support from children's social work team is required
- There is real concern about immediate harm, and the case is referred directly to children's social care (Initial Response Team) to carry out a Single Assessment. Following this, social work, early help support or other appropriate action is taken.

8.3 Around two-thirds of referrals require no further action. However all referrals are recorded; as a high number of 'no further action' referrals could indicate a pattern of behaviour that becomes concerning.

## **9. Thresholds**

9.1 A lot of work is being done with partner agencies, the voluntary sector and between social care teams to ensure consistent safeguarding thresholds are being used. There can be professional anxiety around safeguarding, sometimes not enough time is allowed for Early Help interventions to take effect.

9.2 Referrals often don't contain enough information and/or are based on worries/concerns rather than any evidence, or the chronology is missing. Work is going on to better educate schools and other agencies about what should be included and partner agencies can contact the MASH team for advice before they make a referral.

## **10. Working with families**

10.1 There remains a stigma for families around social work involvement and many people are still worried that social workers will 'take their children away'. Families need to be involved in designing services and family conferences are a good opportunity to work with families to find solutions, helping them take ownership. Grandparents and extended family are also involved where possible.

10.2 This way of working with families is reflected in the MASH team. It is expected that other agencies will seek and gain consent to make the referral from parents/carers, where this is safe to do so and in the majority of cases consent is given. Working in this way builds better working relationships with families, they are more involved in working out a way forward and outcomes are better for the child. If consent is refused but the case meets the threshold then the referral will still be progressed.

## **11. Multi-agency working**

11.1 Improving how social care teams and other agencies work together remains an ongoing priority.

11.2 In the Barnstaple offices, the recent co-location with Public Health Nursing colleagues is going well and social work staff find it helpful to be able to walk across the room to get advice, particularly from Health Visitors and build relationships with these teams.

11.3 Challenges were raised around joint working with hospitals, including examples shared of new mothers and babies being sent home when the baby is known to be the subject of care proceedings. In other cases, there can be delays to hospital discharge, particularly for young people where a support package needs to be put in place.

11.4 There are also difficulties getting access to CAMHS (Children & Adolescent Mental Health Services) support and arranging timely interventions for the children and young people who need it most. Dedicated CAMHS workers in social care teams would be very helpful.

11.5 Some excellent multi-agency work is being carried out around County Lines.

## **12. Cuts to other agencies**

12.1 Children's social care budgets may be largely protected but social care and MASH teams are operating in a landscape of reduced public sector funding and cuts in other areas are having

significant impacts on families and children. Charities are able to fill the gaps in some areas, but their funding is increasingly difficult to secure.

12.2 CAMHS are severely under resourced and long waiting lists mean that children's behaviour and mental health often escalates, causing problems at school and at home.

12.3 As schools are cutting back on their pastoral care, permanent exclusions are increasing.

12.4 There is a reduced youth service across the county with many towns having no provision at all. The police are now picking up referrals which would have previously been managed by the youth service.

12.5 Health colleagues (health visitors, school nurses etc) are less present at Child Protection Conferences. Health visitor numbers have been reduced across the county and there are significant changes to the services provided by health visitors including the introduction of 'self-weigh' for babies. Resourcing/capacity issues mean that currently health visitors are usually unable to carry out all three visits (anti-natal, new birth, 6/8 weeks after birth). The anti-natal visit is usually only carried out where concerns (usually safeguarding) have been raised or there is another significant reason for the visit. Most visits are now carried out at clinics, so the home environment is not seen.

12.6 Children's centres have closed the majority of universal sessions such as Stay and Play, which not only gave children's centres staff an opportunity to work with families before crisis point is reached, it also gave families from different backgrounds the opportunity to meet and learn from each other.

12.7 Support for parents/carers is also lacking. There is currently a 30 month waiting list for and adult ADHD assessment. Parents/carers who have experienced trauma may need counselling/therapy to work through their own challenges to enable them to parent better but NHS waiting lists are long. There are also significant waiting lists for support services for victims of domestic violence and abuse and refuge places are limited.

12.8 Staff felt that children's social care were too often being left to 'pick up the pieces', because of reductions in other services. Social workers have to be more creative about finding solutions, utilising the third sector where possible, but many gaps cannot be filled and staff feel that children are more at risk of harm or falling through the net.

## **13. Transitions**

13.1 There is a need for better joined-up working between children's and adult services with transitions at 18 still a huge issue. Staff do not know their equivalent colleagues in Adult Care. Preparing for adulthood should start at 14 but it's very rare for this support to be provided really before the age of 18.

13.2 In addition, young people coming into social services for the first time over the age of 18 can fall through the gap between Children's and Adult's services, particularly when they do not have a diagnosis or EHCP (Education, Health & Care Plan).

## **14. Care Leavers & Housing**

14.1 Members heard that there is a need for more Personal Advisors (PA). More cases are coming into the teams, but there are less staff to support young people. Children 16+ are supposed to be allocated a PA but this is not happening in all cases. Work to begin preparing children for leaving care should begin at age 14/15, but realistically it is more like 17/18. Members heard that some young people do not leave foster care very well prepared for independence.

14.2 Members were also advised that there is a lack of housing for care leavers and not enough experienced foster carers, housing projects and supported lodgings. There are usually care leavers on waiting lists for accommodation. Those on waiting lists might be in emergency housing, sofa surfing, or even street homeless. Homelessness is a huge risk for care leavers. A District Council housing worker is based in the Tiverton social care office 0.5 days a week which supports an element of joint working around care leavers.

14.3 There are many complexities around finding suitable housing placements for care leavers. The ages and vulnerabilities of other residents as well as the care leaver themselves need to be considered. Many housing projects and supported lodgings do not or cannot provide the kind of therapeutic support that many care leavers need, others can have very strict rules and curfews which are not suitable for older young people. Some will not accept 'risky' care leavers, just the 'straight forward' ones and it is their choice who they accept. Some are very quick to 'evict' young people. The cost of rent is also high, although this can usually be met through housing benefit.

14.4 For young people who have good relationships with their foster carers, the Staying Put scheme can work well. This allows care leavers to stay living with foster carers up to age 21, but many choose to leave home before they reach that age.

14.5 The [Step Forward](#) project is working well in Devon, which helps care leavers to develop skills, experience and qualifications through a variety of opportunities.

14.6 Travel can be a particular issue for care leavers in Devon. An example was given of a young person having to travel from Okehampton to Exeter to visit the job centre, costing £10 in bus fares.

14.7 Many councils involve Members as corporate parents more in care leaver and housing issues. Some have district council representatives on their Corporate Parenting Boards.

## **15. Other issues raised by staff**

- The availability of contact centres – this had improved but is becoming an issue again;
- Limited access to domestic violence perpetrator support/rehabilitation;
- Police are seeing a number of children, particularly children in care, with speech and language issues;
- Concerns about the discontinuation of funding for 'Checkpoint', a service provided through the Children's Society which works with children who are being sexually exploited. There is huge concern over who will pick up this work and the impact on the safety of children and young people;
- There continues to be a lack of Tier 4 beds;
- More investment is needed in free activities for families and children in school holidays, which can be the most challenging time for parents. Even a one off event can bring parents together and be a catalyst for them to set up their own group/events going forward. Many parents can feel isolated and lonely. Locality budgets can and are used to support community groups, fun days etc;
- The negotiation of packages for high cost placements with the Complex Care Team can be difficult;
- Social media platforms could be much better used as a way of social workers communicating with young people;
- Therapeutic parenting training is available to foster carers and adopters but not to parents in child protection or child in need cases. This could work really well for many families, by supporting parents to support their children;
- There is a shortage of experienced foster carers. New foster carers have been recruited but they tend to be inexperienced so can't take more complex children. Many agency

foster cares have moved across to the County Council because of the better support offered;

- There have been some challenges around the transition to [Adopt South West](#), particularly in terms of communication between children's social work teams across the partner local authorities. The co-location of Adopt South West staff in the Barnstaple social care office is really beneficial and could be replicated in other social work offices;
- Out of county placements can be expensive and not always value for money. Concerns were expressed over the quality of some placements;
- The northern CARP (Children's Access to Resource Panel) has been relocated from Exeter to Barnstaple and the new trial panel process is working much more efficiently.

## 16. Conclusion

16.1 Members were extremely pleased to hear that social care and MASH teams had such positive feelings about working for Devon County Council, and that they felt supported by management and had confidence in the leadership of Children's Services.

16.2 Significant steps are being taken to address recruitment and retention issues, but this remains an issue, particularly in terms of encouraging the transfer of skilled agency staff to become permanent members of staff.

16.3 Positive practices of working with families to find solutions and improve outcomes for children was notable across localities, but difficulties around the transition from children's to adults services, and supporting care leavers into independence are clearly ongoing. Better and earlier pathway planning is needed in both these areas. Access to appropriate housing for care leavers needs to be addressed urgently.

16.4 The co-location of teams and agencies seems to be having positive impacts across the county, and multi-agency working on thresholds and the ownership of safeguarding risk is positive.

16.5 However, Members find the increasing pressure being put on children's social care and the shrinking support available to children and families from other areas to be extremely concerning. While targeted and statutory services are vital to support children and families at crisis point and in times of extreme need, Children's Social Care can only succeed as part of a wider network of support. The impact of reductions in pastoral care in schools and in health services, as well as universal support offered through children's centres, youth services, and health visiting should not be underestimated, and the Council and partners will need to be clear about how they intend to ensure that children and families are kept safe, and are supported to thrive into the future.

## 17. Attendance

### **Oaklands Court, Tiverton (19<sup>th</sup> February 2019)**

Councillors Su Aves, Marina Asvachin and Debo Sellis

### **Taw View, Barnstaple (19<sup>th</sup> February 2019)**

Councillors Su Aves and Marina Asvachin

### **Follaton House, Totnes (26<sup>th</sup> February 2019)**

Councillors Julian Brazil and Richard Hosking

### **Estuary House, Newton Abbot (26<sup>th</sup> February 2019)**

Councillors George Gribble, Richard Hosking and Sara Randall Johnson

### **County Hall, Exeter (28<sup>th</sup> February 2019)**

Councillors Linda Hellyer, Tony Inch and Andrew Saywell

### **MASH, County Hall, Exeter (26<sup>th</sup> February 2019)**

Councillors Ray Bloxham, Linda Hellyer, Richard Hosking, Tony Inch and Andrew Saywell

**18. Contact**

All enquiries regarding this report please contact:  
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## Performance report: Children's social care

### Report of the Head of Children's Social Care (Deputy Chief Officer)

*Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.*

#### Recommendation:

Members of the committee are requested to:

- Receive this report and note:
  - the challenges and pressures that continue to exist in parts of the service;
  - the difficulties currently faced by Devon and other local authorities to complete and submit annual census return data;
  - changes made to the service practice priorities and the commencement of a period of accelerated improvement; and
  - the impact of continuing efforts to bring about improvement in a number of key practice areas.

#### **1. Annual Department for Education returns**

- 1.1 Typically, we would expect to be reporting the headline unvalidated data emerging from the annual census returns which would be going through a process of validation ahead of submission at the end of June. This year however the DfE online portal through which this process happens is experiencing technical difficulties and local authorities are not able to submit and analyse data and have been informed that this may take some time to resolve.

#### **2 Performance information**

##### **Comparator groups**

- 2.1 The service uses several comparator groups to aid analysis of performance against that of others. In most instances, the most recently published England average and Statistical neighbour average will be used.
- 2.2 Our Statistical neighbours are: Cornwall, Dorset, East Sussex, Gloucestershire, Herefordshire, Norfolk, Shropshire, Somerset, Suffolk, and Wiltshire. Of this group, one local authority is judged as outstanding and three as good by Ofsted whilst the others mostly require improvement to be good.
- 2.3 Where we have access to comparative data (typically the mostly recently nationally published data) we have elected to also use a custom comparator group of local authorities with similar characteristics as Devon (geographic size, for example) who are rated as either outstanding or good by Ofsted. The group are: Cambridgeshire, Cornwall, Essex, Hertfordshire, Lincolnshire, and North Yorkshire.

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## Contacts and referrals

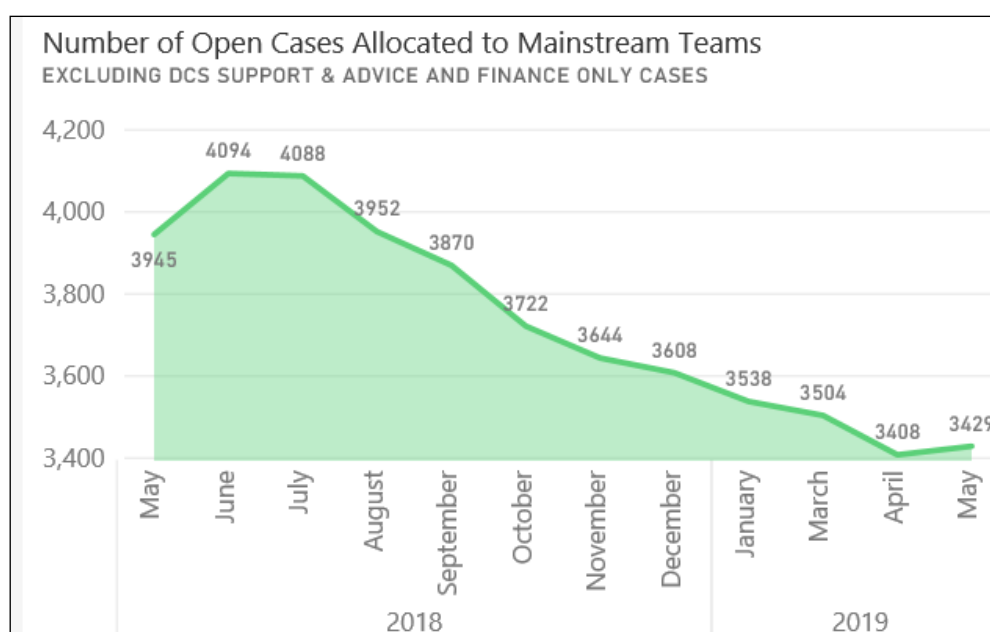
- 2.4 In the three months to 20 May 2019, the service received 1911 contacts, of which 1004 progressed to referrals. The rate of referrals per 10,000 of the 0-17yrs population during this period was 278 which is almost half the mostly recently published England average and is below the most recently published rate (369) of that of our custom comparator group of good or outstanding authorities.
- 2.5 The re-referral rate (Children with more than one referral in the 12 months prior to the reporting date) had risen to 22% in the previous report to Scrutiny Committee and is now down to 18% during the three months to 20 May 2019. This suggests a downward trend and is below the England average rate (22%) and the Statistical neighbour rate (20.5%) and is just above the custom authorities' rate of 17%.

## Assessments

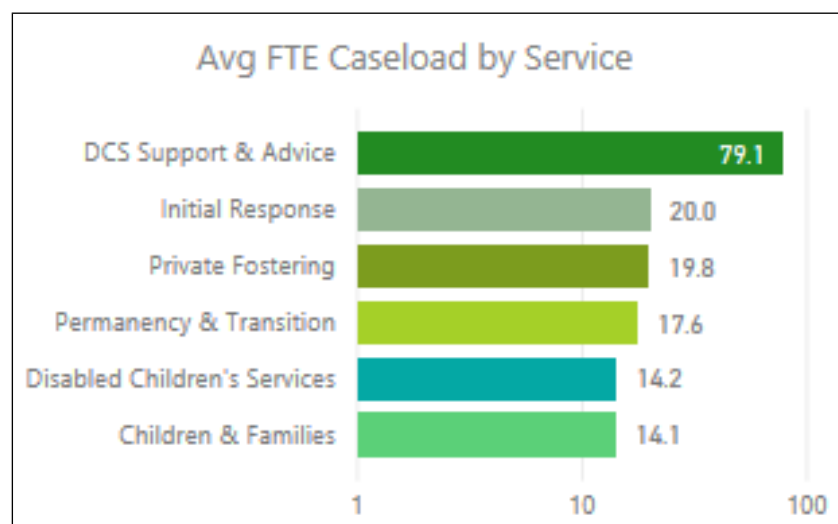
- 2.6 In the six months up to 20 May 2019 the service completed 2406 single assessments. A further 621 had an assessment ongoing at 20 May 2019.
- 2.7 82% of the 2406 assessments were completed in 45 working days which whilst falling just short of our target rate (85%) marks a significant improvement on the last reported figure of 67% completed within timescales. The percentage of assessments completed with 45 working days in the year 2017-18 for Devon was 77% (compared to 78% among statistical neighbours and 83% as the England average rate). The 2017-18 rate for the custom authority group was 91%.
- 2.8 We know from quality assurance activity and from feedback from the recent Focused Visit by Ofsted that Assessments vary in quality and this will be subject to increased oversight and scrutiny in the coming weeks and months.

## Caseloads

- 2.9 As at 15 May 2019, the average caseload in case holding social care teams was 15.8 children (the average caseload as at 31 December 2018 was 17.8). This marks a further period of reducing caseloads across the service. The number of children allocated to mainstream teams is considerably lower than at this time last year and the significant reduction in recent months is a result of intensive activity to review caseloads and case work and where appropriate to close cases or to transfer/refer to other services, such as Early Help.



2.10 Average caseload by broad service area is illustrated as follows:



- 2.11 Slightly higher average caseloads still exist in the Initial Response teams (20 children) but here again we are seeing month-on-month improvement. The average caseload in Initial response teams had risen to a high of 34.4 children at the end of July 2018 and was reported as being 23 children at 31 December 2018 (and 26 children reported in the November Scrutiny Committee report).
- 2.12 Across the service, action has been taken to reduce caseloads by improving workflow and transfer of cases where appropriate; the closure or transition to early help of cases that no longer required a social work service; the continuation of efforts to recruit to vacant posts; and additional capacity being provided to the South and North locality areas where pressures had been more acute.
- 2.13 Performance and management information, together with feedback from the recent Focused Visit by Ofsted indicate that there is more that we can do to ease the process by which children and families who no longer require support from a social worker but who may require ongoing support from Early Help services move between services and this will be a focus of additional oversight in the coming months.

## Children in Need

- 2.14 As at 20 May 2019 there were 2832 children in need being supported by the service (including children the subject of a CP Plan (542); those who are Children in Care (756), and care leavers (471).
- 2.15 The rate of children in need per 10,000 of the 0-17yrs population is below the average rate among Statistical neighbours, our custom comparator group, and the England average.

## Children in care and care leavers

- 2.16 As at 20 May there were 756 children in the care of Devon County Council and services were supporting 471 care leavers. This represents an increase in the number of children in care and of the number of care leavers being supported by the service.
- 2.17 Analysis of the increase in numbers shows that the rate at which children and young people become looked after per 10,000 of the population of 0-17yr olds has fallen to 20 per 10,000 over the past six months (compared to rate of 21 per 10000 in year ended 31 March 2018 and 22 per 10,000 in the previous year). The rate at which children and young people cease to be looked after has fallen to a rate of 15 per 10,000 in the past six months (compared to a rate of 21 per 10,000 in the year ended 31 March 2018 and 24 per 10000 in the previous year). This means that whilst the rate at which children are becoming looked after in Devon has fallen, the

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rate at which children cease to remain looked after has fallen more sharply resulting in an overall rise in the number of children in care and a change to the length of time children spend in care.

- 2.18 There are 45 more children and young people who have been in care for four years or more than there were at the same time last year. This group of children were accommodated prior to Spring 2015. We are undertaking further analysis of this group to model the impact on numbers over time (including how many will reach their 18<sup>th</sup> birthday during the year and cease to be looked after but require support through leaving care services).
- 2.19 At 20 May 2019 our rate of children in care per 10,000 children was 52. Whilst the rate has increased by one in recent months it remains lower than that of statistical neighbours (at 57/10,000) and the most recently published England average rates (64/10,000). The most recently published average rate for our custom comparator group of local authorities is 41/10,000).
- 2.20 21 (3%) of our current cohort of children in care are unaccompanied asylum-seeking children.
- 2.21 76% of our children in care are placed in foster placements (compared to the last reported figure of 71%). 50% of our children in care are placed in our own provision (the rate amongst our comparator group of good and outstanding local authorities is 63% in own provision). The service continues to experience challenges regarding the availability and choice of placements available.
- 2.22 22% of our children in care are placed outside Devon which whilst a higher proportion than we would like, is a slowly improving statistic and is a lower rate than the England average, the Statistical Neighbour average, and of the custom comparator group of good and outstanding local authorities.
- 2.23 We do not yet know the year-end figures for placement stability with the overall data analysis for the complete year having been significantly impacted by technical issues experienced by the DfE (see para. 1.1). For the year ended March 2018, 88% of our Looked After Children had experienced either one or at most two placements within the previous 12 months but 12% of our cohort had experienced 3 or more moves in the previous 12 months. The lower the number who have experienced 3+ moves the better and our rate is higher than we aspire to and is symptomatic of some of the challenges in identifying appropriate placements for some children. The most recently published England average was 10% and the statistical neighbour rate was 11%. The rate for our custom comparator group was also 11%. We are optimistic that when the data is finally validated that we shall have slightly improved on last years' position.
- 2.24 Long-term placement stability. For the same reasons indicated in para. 2.22, we do not yet have the full year data for long term placement stability. For the year ended 31 March 2019, 70% of our current children in care who had been looked after for 2 ½ years or more had been in the same placement for more than 2 years. This compared to an England average rate of 70% and Statistical neighbour rate of 72%. The average rate among the custom comparator group was 71%.
- 2.25 Having now moved to Eclipse, the ability to report short-term and long-term placement stability throughout the year is possible and is one of several new reports currently in development.
- 2.26 Of 471 young people supported as care leavers we are in touch with 85% of the 17-18yr olds (*Statistical neighbours – 87%, England average - 92%, and custom comparator group – 94%*) and 95% of the 19-21yr olds (*Statistical neighbours – 89%, England average – 88%, and custom comparator group – 84%*). This represents an improving position and is we believe an under-report for the 17-18yr old cohort as practitioners get used to recording differently in Eclipse.

- 2.27 47% of the 17- 18yr olds (*statistical neighbours – 60%, England average – 62%, and custom comparator group – 70%*) and 43% of the 19-21yr olds (*statistical and England average rates – 50%, custom comparator group – 57%*) are known to be in education, employment or training (EET). Compared to the data held by the Virtual School, this appears to be an under-report (the Virtual School data acknowledged to be the more accurate and up-to-date with their established links to schools and to Careers South West). We are working with Virtual School colleagues to ensure that the social care records reflect the EET position with the same level of accuracy.
- 2.28 75% of 17-18yr olds (*Statistical neighbours – 82% and England average 88%*) and 83% of 19-21yr olds (*Statistical neighbours and England average – 84%*) are known to be in suitable accommodation. This again is an improving statistic but indicates that there is more to do.

## **Child Protection (CP) plans**

- 2.29 As at 20 May 2019, 542 children were the subject of a child protection plan.
- 2.30 We have seen a small rise in the number of children the subject of a CP plan recently. The current rate of Child Protection Plans per 10,000 of the population is 37, compared to 33 at 31 March 2018. The rate tends to fluctuate during any given year and is closely monitored and remains below the average rate per 10,000 children among Statistical neighbours (40) and the overall England average (45). The average rate among the custom comparator group at 31 March 2018 was 29.
- 2.31 In most cases, the duration of the open CP plan is less than 12 months (84%). 14% of open CP plans have been open for between one and two years and 2% have been open for between two and two-and-a-half years.

## **Service Priorities**

- 2.32 In the late Spring 2018 the service adopted three service priorities that we strongly believe, as improvements are made and the impact embedded, will provide a very strong foundation for an environment and culture within which excellent social work practice will flourish. These are:
- Every child will have an up-to-date assessment of need that informs the current intervention.
  - Every child will have a SMART plan that clearly sets out the reason for the intervention and the outcomes to be achieved.
  - All practitioners will receive regular supervision that is of a high standard and that supports excellent practice. This will include observation of practice where appropriate, and appraisal.
- 2.33 Following their Focused Visit in May 2019 Ofsted fed back to us these were appropriate priorities and that whilst they could see progress has been made, there remained 'weaknesses in all three of these areas...' and recommended that we pay attention to these.
- 2.34 Having considered the Ofsted feedback we have added a fourth practice priority area, being Visits (timeliness and purpose).
- 2.35 During the period up until our next Ofsted inspection we will monitor progress against each of these four priority areas in terms of performance and management information and through more stringent quality assurance measures.

## **Accelerated Improvement Period**

- 2.36 A period of accelerated improvement activity across the service commenced shortly after the Ofsted Focused Visit and will continue until we receive our ILACS inspection. The primary focus will be to:

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- Continue the efforts to ensure that all practitioners have manageable caseloads;
- to close any cases that should no longer be open to children's social care services, and where there is a need for support by Early Help services ensure that the move between services is completed with minimal delay;
- to intensify the activity related to our four service priorities;
- to monitor, through a monthly Performance Board, progress against the four service priorities, the Ofsted recommendations, and the wider service improvement plan.

## **Darryl Freeman**

Head of Children's Social Care (Deputy Chief Officer)

Children's Services

Electoral Divisions: All

Cabinet Member for Children Services and Schools: Councillor James McInnes

## LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

None

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## Childrens Services Commissioning Spring Report

### Report of Commissioning Liaison Scrutiny Member Cllr Richard Hosking

*Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.*

#### 1. Introduction

- 1.1 The Commissioning Liaison member meets regularly with Officers to review the current and future childrens services commissioning activity. This is in line with the recommendations of the 2016 'Scrutiny in a Commissioning Council' Scrutiny Task Group. Cllr Hosking is the Commissioning Liaison champion for Childrens Services.
- 1.2 The opportunities for scrutiny will be greater when there is need for service redesign through changing need or issues with the current delivery model/service, than when a service which currently works well is being recommissioned. Scrutiny involvement in commissioning at the earliest stage will allow Members to help shape delivery models, services and outcomes.
- 1.3 The role for Commissioning Liaison is set out in the Protocol at Appendix A. Scrutiny have a key role in bringing the voice of the service user to commissioning. It has been agreed between Childrens Commissioning and Commissioning Liaison members that a briefing is made to Scrutiny twice a year, in the Spring and Autumn. Allowing opportunity in the Spring to signal progress on tenders and expected contract award dates, and in the Autumn to outline opportunities for pre-procurement activity ready for the following financial year.

#### 2. Support for Children with Special Educational Needs and Disability

- 2.1 A range of services are commissioned to support children with SEND. These are jointly funded between Education, Health and Care budgets and provide an integrated offer to children. There have been significant developments in several areas.
- 2.2 During 2018 we consulted on the current delivery of sensory services. This was to inform a sensory strategy. Since this time and in line with the principles determined through the consultation we have been developing collaboration between key services and several providers. These include the Sensory Teaching, Occupational Therapy, Enabling and support services and ROVIC's. All of which are highly regarded and well performing.
- 2.3 This has also involved several changes to providers with ROVIC's transferring to the direct delivery of the Local Authority and Multi-Sensory, Impairment and Enabling Services transferring from Virgin Care Ltd to Babcock LDP from 1<sup>st</sup> April 2019. Feedback from families is that this transfer has not disrupted services and continuity of care has been achieved.

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- 2.4 Our offer of both community and residential short breaks is comprehensive but to ensure that we are keeping this support in line with family's requirements we continually review the available delivery. Following recent feedback and engagement through the SEND improvement process we have identified several areas to further develop, including how we work across boundaries and how we develop more capacity for support through Direct Payments.
- 2.5 To get this right we are planning further engagement with families, stakeholders and providers during the summer/ early autumn.
- 2.6 Four Residential Short Breaks homes were transferred successfully into the direct delivery of the Local Authority from 1<sup>st</sup> April 2019, this was following lack of market capacity to deliver this service. The future delivery approach is scheduled to be reviewed with children, families, Members and stakeholders engaged in this design during Summer/ Autumn 2019.

## **3. Sufficiency of Placements for Children in Care and Care Leavers**

- 3.1 In our Autumn briefing the crisis in placement sufficiency was set out. The sufficiency strategy has since been published and delivery against the strategy is progressing.
- 3.2 Our significant pressure is in securing sufficient Children's Home placements to meet the needs of children with emotional and behavioural difficulties. In January 2017 the number of beds in Devon under this registration stood at 67, increasing to 88 by November 2018, at May 2019 bed numbers in Devon are now 91 with plans to reach 100 by Autumn 2019. A market development plan and detailed provider by provider developments are in place to secure this capacity. However, this is a volatile market with many factors which affect investment.
- 3.3 Further actions to secure increased capacity include the conclusion of the Supported Living Options tender, contract live from the 1<sup>st</sup> June 2019, which has sought to drive up the quality of the provisions available for Children in Care aged over 16. With a focus on better placement stability for young people, improved outcomes for accessing Employment, Education and Training and transition into adulthood. We have increased the number of placements rigorously quality assured and available through the contract by 24%.
- 3.4 Re-Tender of Peninsula Residential Childrens Home Framework has been successful and went live on 1<sup>st</sup> February 2019. The framework is collaborative between Devon, Somerset, Plymouth and Torbay. This has seen a small increase in the number of placements in Devon.
- 3.5 To further increase our capacity to access this placement capacity and to ensure the best match and stability of placements we are using systems thinking to work through the back-office functions used to secure placements. An outcome of this work will be to improve placement sufficiency and identify, plan and undertake the return of children and young people currently placed outside of the local area, to return to Devon where this is suitable.
- 3.6 Devon County Council commissions health services into the Atkinson Secure Childrens Home, on behalf of NHS England, by way of a Section 10 agreement. This include CAMHS provision, as well as visiting GP and Nursing service provision into the Atkinson supporting the multi-disciplinary approach to trauma informed practice, supporting young people to reduce their risk and return to a positive lifestyle in the community. Longer term commissioning of these services is intended from April 2020. Work is currently underway to achieve this.

## **4 Commissioning Liaison Visits**

- 4.1 In line with the recommendations of the previous report visits are being arranged for Members to shadow the services commissioned during 2018/19. There are plans in place to visit the advocacy service to see how young people are benefitting. The Advocacy service provides



independent advocates for children and young people in care, care leavers, children and young people who are subject to child protection proceedings, and children and young people who have been adopted and are at risk of placement breakdown.

**Electoral Divisions:** All

Cabinet Member for Children, Schools and Skills: Councillor James McInnes

Chief Officer for Childrens Services: Jo Olsson

LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

*Contact for Enquiries:* Fiona Fleming Head of Commissioning

| <u>BACKGROUND PAPER</u> | <u>DATE</u> | <u>FILE REFERENCE</u> |
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## Appendix A

### Commissioning Liaison Member Protocol

Summer 2017

This is a guidance document prepared by the scrutiny team to support the effective working of the nominated Commissioning Liaison Member/s from each scrutiny committee. The role was established following a recommendation made by the 'Scrutiny in a Commissioning Council' Task Group 2016. The full report and recommendations can be viewed [here](#).

#### **Purpose:**

The task group felt that nominating a member from each committee to develop positive relationships with Cabinet Members and Lead Officers to find out about commissioning activity would strengthen the effectiveness of scrutiny. The Commissioning Liaison Member will undertake to:

1. Understand the Council's commissioning processes and priorities;
2. Act as a link between Cabinet and the Scrutiny Committee and bring to the attention of the Scrutiny Chair and Committee:
  - significant commissioning activity
  - performance or service delivery issues relating to services commissioned through external providers
3. Support the Scrutiny Committee to examine the commissioning of services within the wider context of the Council's strategic vision and purpose

This does not affect the legal duties around commissioning and provider relations particularly in relation to health scrutiny.

#### **Approach:**

To carry out this role in the most effective way the Commissioning Liaison Members from each committee have agreed to meet as a group on a regular basis to:

1. Receive commissioning training
2. Ensure a consistent approach is taken to the Scrutiny of commissioning
3. Champion the approach to Scrutiny's involvement in commissioning across the Council and Health

The group will also use receive details of forthcoming commissioning activity and individually take this back to each scrutiny committee to report at the work programme with suggestions about how the committee might be involved in commissioning activity.

#### **Review and development**

It is proposed that the effectiveness of this role could be reviewed in line with the task group recommendation after six months of operation.

In future there may be the opportunity to undertake specific scrutiny investigations relating to commissioning as directed by each relevant scrutiny committee.