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

County Hall  
Topsham Road  
Exeter  
Devon  
EX2 4QD

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Date: 6 November 2023

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### **CHILDREN'S SCRUTINY COMMITTEE**

Tuesday, 14th November, 2023

A meeting of the Children's Scrutiny Committee is to be held on the above date at 10.30am at Committee Suite, County Hall, Exeter to consider the following matters.

Donna Manson  
Chief Executive

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

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

1 Apologies

2 Minutes

Minutes of the meeting held on 19 September 2023 (previously circulated).

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 Responses of the Cabinet to Reports of the Committee

Verbal reports of the Cabinet Members.

6 Scrutiny Committee Work Programme

In accordance with previous practice, Scrutiny Committees are requested to review the list of forthcoming business and 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](#) and the Children's Services [Risk Register](#) to see if there are any specific items therein it might wish to explore further.

7 In-year Budget Position (Pages 1 - 8)

Report of the Director of Children and Young People's Futures (CS/23/20), attached.

8 Update on Devon's SEND Improvement (Pages 9 - 16)

Report of the Director of Children & Young People's Futures (CS/23/19), attached.

9 Children's Services Recruitment and Retention Spotlight Review (Pages 17 - 38)

Spotlight Review (LDS/23/18), attached.

## **MATTERS FOR INFORMATION**

10 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.

- Education Psychology Update (20 September 2023)
- Written Response - SEND and Tribunals (3 October)
- Committee Risk Register (23 October 2023)
- Ofsted Monitoring Visit letter (31 October 2023)

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

None

## **MEETINGS INFORMATION AND NOTES FOR VISITORS**

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**Induction Loop available**



CS/23/20  
Children's Scrutiny Committee  
14 November 2023

## In Year Budget Position

### Report of the Chief Officer for Children and Young People's Futures

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Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

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#### **Recommendation:**

Scrutiny Committee members are asked to note the service update, the work in place to identify and realise savings, and the potential levels of risk for service delivery on the improvement plans arising from the required spending reductions outlined at Month 6 October 2023.

#### **1) Background / Introduction**

- 1.1 The report sets out the key budget issues for Children and Young People's Futures (CYPF), identifies risks and actions to mitigate.

#### **2) Main Body / Proposal**

##### **KEY BUDGET ISSUES 2023/24**

- 2.1 In September 2023 Cabinet considered the report of the Strategic Leadership Team "Working Well Together for a Sustainable and Stronger Council". The report set out the challenges being faced by the authority and the steps being taken to secure financial sustainability and Best Value. It is a time of significant change, increased complexity as a result of Covid, increasing challenges relating to placement availability and suitability for children in care and care experienced children and a national crisis in the recruitment and retention of experienced social workers. Allied to this a combination of high inflation and rising demand has left local authorities facing some of their toughest budgetary decisions to date. This includes approving a further in-year savings target of £10 million across the Council.
- 2.2 As at September 2023 CYPF have a budget of £206.2 million. This position excludes the Dedicated Schools Grant funding and the pressures being experienced within the High Needs Block. The budget stated does include the additional in-year savings target of £2.9 million, of which £2.1 million is against Social Care and £819,000 against Education. The forecast position is an overspend of £9.3 million.
- 2.3 Overspends within Education relate to agency costs in SEN and Education Psychology (approx. £940,000), lost revenue from non-trading (£666,000) and interim

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cost for senior management (£141,000). The remainder of the increase reflects the risk of non-delivery of the in year savings target of £819,000 but works continues to develop in year savings to meet this target. At year end the in-year Dedicated Schools Grant deficit is projected to be **£37.1** million.

There are however emerging risks within Children and Young People's Futures with increasing numbers of complex placements and continued pressure associated with excessive agency costs. In response additional intensive work and the establishment of a cross council placement taskforce is seeking to address this issue at pace. There has been significant progress in stabilising management tiers with the level of interim managers reducing by 70% since February 2023 and agency levels by 11% since May, these activities will be subject to weekly support and intervention by the Chief Executive and Director of Finance and Public Value

- 2.4** For Children' Social Care and Health & Wellbeing, the forecast overspend is just over £7 million. The pressure is made up mostly of the cost of children in care placements and agency staffing costs. £3.7 million of savings has been achieved, but there is a risk to the delivery of £2.4 million of planned budget savings relating to reductions in agency staffing, direct payments and incidental support for children in need, looked after children and care leavers. In addition, plans to meet the in-year savings target of £2.1million, agreed by Cabinet in September 2023, have not been finalised. Work continues to develop in-year mitigations. However, the volatility in the staffing and placement landscape means that there are risks in achieving the full savings target.
- 2.5** For Education, Learning, School Transport and Inclusion, £3.2 million of an initial £3.4 million savings target has been achieved. The remaining savings are planned to be achieved from route reviews within Home to School transport. There continues to be a high element of risk from the continued demand for SEN transport through backlog and similarly to the social care risk, across higher cost placements.

## **SPECIFIC AREAS OF PRESSURE**

### **2.6 Children in Care and Care Experienced Young People**

- 2.6.1** The greatest financial pressures are largely a result of increased demand across social care and SEND. The number of children in care has risen by 115 (15%) September 2022 to September 2023. Within this number there has been growth in the number of Separated Migrant Children (SMC) (previously referred to as Unaccompanied Asylum-Seeking Children). In September 2023 Devon had 72 SMC in our care, compared to 25 in September 2022 and 14 in April 2022. Although these children have funding attached to their status, the increase by 47 in the last 12 months and in total by 58 since April 2022, does have an impact on placement availability as well as an impact on services for Care Experienced People's (CEP) SMC services which are not funded in the same way.
- 2.6.2** The number of Care Experienced Young People has also risen. At the end of September 2023, the number had risen to 523 compared to 467 at the same time last year, an increase of 56 (12%). This number only relates to care leavers aged over 18 who are currently receiving a service from the council. Part of the increase is as a result of a change to the Ofsted definition for CEP the total number of care leavers is

856 (aged 16 to 24, including eligible, relevant, former relevant and qualifying young people).

**2.6.3** Research undertaken by the ISOS Partnership and published in October 2023 <sup>1</sup> identifies a changing profile of need. Missed opportunities for wider socialisation and early intervention, increased anxiety and mental health issues and poverty are all having an impact leading to more children and families needing additional support.

**2.6.4** Although a national issue, an increase in complexity for children requiring specialist care, inadequate market sufficiency of placements and general price rises are driving up costs. The increasing numbers of out of area children being placed in Devon has further compounded the issue, particularly in the residential market making it significantly more difficult to find appropriate accommodation than it was pre-pandemic.

Following the pandemic increasingly complex safeguarding issues, pressure on the availability of foster care, the impact of inspection on residential placement providers and a greater focus on enforcement by Ofsted on the use of unregistered placements for those under 16 are all having an adverse effect.

It is unclear whether the changes for supported accommodation providers for 16- and 17-year-olds, who will be required to register with Ofsted by the end of October 2023 will further increase costs and lead to a further reduction in the availability of places.

**2.6.5** To address this we are working on the development of three new residential settings to accommodate children and young people. The intention is for phase one of the first home to be available in November '23 and phase two of that home together with a second to be available by the end of February '24. We are in discussion with the ICB regarding a third which is currently being used by them and consideration to the possibility of bringing forward the development of another site using the DfE match funding as an alternative. Three further opportunities are being explored with DCC Estates colleagues. All of these provisions would be specifically to meet the needs of some of our more complex children providing between 15 and 19 beds to help address the sufficiency challenges described above.

**2.6.6** The Council has also secured £1.14 million of funding over two years from the Department for Education for the Wave 3 Staying Close initiative. This is a national initiative which provides an enhanced support package for young people leaving care. Our strategy is to identify up to 6 buildings to accommodate a minimum of 24 care experienced young people. The bespoke support provided to these young people as they move-on will help develop confidence and skills for independent living, emotional health and wellbeing and will result in better outcomes for them, better value for money and cost savings.

<sup>1</sup> [lga.pdf \(localgov.co.uk\)](https://www.localgov.co.uk/lga.pdf)

## **2.7 Recruitment and retention (Social workers and other social care professionals)**

**2.7.1** Recruitment and retention of social workers and other relevant key professionals remains a national challenge which is identified in the ISOS Partnership report <sup>1</sup>

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“Local areas report persistent shortages in social workers, residential care home managers, educational psychologists, school nurses, speech and language therapists, health visitors, early years practitioners and family support workers. The chronic vacancies in the children’s services workforce have led, in social care in particular, to unparalleled dependency on workers supplied by agencies, for which costs have risen steeply.”

It is imperative for our continued improvement to establish a stable, permanent workforce and to reduce dependency on agency staff. While there remains much to do all Heads of Service and most Service Managers have now been permanently recruited to. In addition, we are actively recruiting to key front-line roles and have had some success in attracting agency workers into permanent roles.

**2.7.2** In June '23 DCC children’s services were operating with 53% agency social workers; September that had reduced to 51%. All agency workers are now expected to work within the Memorandum of Understanding framework which is shared across the S-W peninsular and sets out expectations in terms of rates of pay and recruitment processes. We have also seen some reasonable success in the numbers of staff either returning to work in Devon or transferring from agency to permanent status.

- There are currently 121 permanent social work vacancies across frontline teams (which include Assessment, MASH, Children & Families, Corporate Parenting and Disabled Childrens Social Work teams). 19 of these are “unfilled” and 102 are currently being covered by agency staff. In addition there are 24 Team Manager posts held by agency workers in these teams.
- There are 102 (51%) of front-line agency social workers compared to 111 (53%) in June.
- More permanent social workers have been recruited in the last 2 months (15) than the entire period Jan – Aug 23 (14).
- 11 over-seas workers recruited to in the last 12 months; There are a further 8 due to start by the end of Jan 24.
- 141 social workers received retention payments in June, and a further 15 are expected to qualify for payment in December.

## **2.8 Dedicated Schools Grant**

**2.8.1** At month 6, the Dedicated Schools Grant is £310.5 million. Included within this is the High Needs Block allocation of £107 million against which an overspend of just over £37.1 million is forecast for this financial year. Savings of £8.4 million are expected to be delivered against a plan which totalled £20 million. When combined with the accumulated deficit from previous years of £125.4 million the deficit is forecast to be just over £162.6 million to March 2024. The Council (and Government) recognises the national context of rapidly escalating demand and a legal framework that drives demand without the required corresponding investment.

**2.8.2** At present, the government has a statutory instrument in place, due to end March 2026, that sets the Dedicated Schools Grant Deficit outside of the council’s accounts. As per Department for Education (DfE) guidance, the Council has put in place a



management plan to set out its strategy to reduce the demand on the High Needs Block and over future years reduce the deficit within the Dedicated Schools Grant.

**2.8.3** In May 2023 we were advised by the DfE that we were to be invited into conversations for tranche 4 of the Safety Valve Intervention Programme due to the discussions over capitalisation redirection not being progressed. At the end of the financial year 2022/23 we had the highest percentage deficit to overall Dedicated Schools Grant of all Local Authorities at 20.21% or £125.4 million.

**2.8.4** The SEND Improvement Director has been in place since August 2023, and we continue to work to bring the High Needs Block within the funding envelope. Meeting children's needs earlier and more effectively will deliver better outcomes for families. The SEND Transformation Programme reflects the joint commitment of us and our health colleagues to deliver better integrated services, together with families, to ensure young people receive the right support, in the right place, at the right time.

## **2.9 School transport**

**2.9.1** The School Transport budget of £45.1 million sits within CYPF with operational delivery sitting with Climate Change, Environment & Transport (CCET). We are still seeing some contracts being relinquished and operators leaving the market reducing competition. School transport is currently showing to be stable for this financial year.

**2.9.2** However, the outturn position is subject to several areas of concern: -

1. Route reviews expected to meet proposed in-year savings.
2. The level of the back log in the 0-25 team is unclear.
3. The level of exclusions and use of Alternative Provision (AP) Other placements requiring transport remains high.
4. Safety Valve targets stabilising demand on the personalised transport budget and planned route review savings, are yet to be achieved.
5. Work is continuing to review the highest cost routes and to investigate where we know there is poor or no attendance.

## **2.10 Education - Core Services**

**2.10.1** The in-housing of Babcock staff and services has now been in place for a year and in this time increased statutory work for the Educational Psychologists has impacted on their ability to trade. The cost of agency staff, whilst now reducing, to meet SEN casework has outweighed the staff vacancies creating pressures with team.

**2.10.2** During this time, we have continued to trade well with our maintained schools and academies in a number of other services such as: attendance, safeguarding, social, emotional and mental health, school effectiveness and governance. Our conferences have seen some of the highest numbers of attendees and we have an active professional development (CPD) offer which is well used by schools and governors. We deliver the schools' library service, run outdoor centres, and deliver the music education hub for Devon and Torbay. These three services are fully funded through either traded work or grants. Our predicted traded income for 2023-2024 is £2.8 million.

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## **2.11 Transformational work**

- 2.11.1 In order to make best use of our services available to support schools, avoid duplication and provide an improved early help to schools offer, we are reviewing how we deliver our educational services. We have explored models within other LAs and aim to move towards a place-based model of working, across 2 geographical areas. It is proposed that in each area, we will have multidisciplinary teams who will work strategically across a dedicated cohort of schools to help improve attendance and inclusion. Improved understanding and relationships with schools and wider communities would help to promote a school led improvement system. Considering how we structure the delivery of our services is being managed under the SEND Transformation Programme so we can align the education and SEND services around our schools and settings.
- 2.11.2 The Transformational Organisation team are undertaking a complete review of SEN statutory assessment and planning processes. The development of a robust Early Help offer to support schools and families earlier and change the focus to allow children and young people to receive support before they reach a statutory threshold is in progress.
- 2.11.3 We will continue a longer-term focus on the underlying conditions that lead to high-cost child in care placements and high-cost school transport. We are working with Adults Social Care to improve how our young people who require on-going support into adulthood, transition between children's and adult's services. As part of our cross-organisational strands of work we are working with corporate colleagues to see how the estate can be better utilised and understand the whole council's place-based delivery so that together with service delivery partners, we deliver the right service from the right person or provider at the right time.

## **3) Options / Alternatives**

- 3.1 This paper sets out the issues for Children's Overview and Scrutiny Committee. It does not make firm proposals at this stage. All options and alternatives are still under active consideration. Members are asked to be mindful of the potential risk of further pressure to make savings.

## **4) Consultations / Representations / Technical Data**

- 4.1 There are no consultations and representations.

## **5) Strategic Plan**

- 5.1 There are no additional proposes in this report, however these policies align with the visions and priorities with the strategic plan, it also follows requirements within the Children's Social Care Improvement Plan and SEND Improvement Plan.

## **6) Financial Considerations**

6.1 There are no financial considerations as this is an update report.

## **7) Legal Considerations**

7.1 A significant proportion of the services within CYPF are statutory. The ones which are not statutory are frequently grant funded and are in place to support a reduction in escalation into statutory services. Those areas where the associated costs are escalating and/or projected to increase most, are also the most highly regulated. Should the Council want to consider any changes to services, the legal implications and risks will need to be fully developed and mitigated and may become subject to wider consultations, and DfE Commissioner scrutiny.

## **8) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)**

8.1 There is no environmental impact as this is an update report.

## **9) Equality Considerations**

9.1 Children's Services are very strongly correlated to deprivation. The public sector duty to promote equality and eliminate inequality is fundamental. Proposals will need to consider the Council's responsibilities under the Equality Act 2010.

## **10) Risk Management Considerations**

10.1 No new risks have been identified as an outcome of this update report, all risks for Children's Services are identified within the risk register.

## **11) Summary / Conclusions / Reasons for Recommendations**

11.1 This is clearly a challenging time for the council and for Children and Young People's Futures. Within children's social care, health and wellbeing, budget pressures arising out of increased demand and costs, together with planned and in year savings have to be balanced against the need to implement service improvements.

11.2 The underlying principles of our DSG management plan is to ensure that the needs of children and young people with SEND are met earlier and that we have sufficient provision to meet the current and future demands. The SEND Transformation Programme reflects the joint commitment of us and our health colleagues to deliver better integrated services, together with families, to ensure young people receive the right support, in the right place, at the right time.

11.3 Schools and settings continue to see increased levels of need in our children and young people, and this is placing greater demands on our education services. Our priority is to ensure that children are safe and regularly attending a school or setting.

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Ensuring we use our resources effectively by improving our multi-disciplinary approach is our priority.

**Stuart Collins**

Director of Children's and Young People's Futures

**Electoral Divisions:** All

Cabinet Member for Childrens Services: Councillor Andrew Leadbetter

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CS/23/19  
Children's Scrutiny Committee  
14<sup>th</sup> November 2023

## **Update on Education Health and Care needs assessment and planning processes**

Report of the Director of Children & Young People's Futures

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Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

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### **1. Recommendation**

- 1.1. That the Committee understands the current performance of the Council and its partners in fulfilling their statutory duties in relation to Education Health and Care assessments and plans and notes the progress being made to make the necessary improvements.

### **2. Background / Introduction**

- 1.1. In May 2022, the Devon local area was revisited by Ofsted/CQC and were found to have made no progress since the 2018 inspection. The Department for Education (DfE) issued an improvement notice in September 2022 and the local area produced an Accelerated Progress Plan (APP). In September 2023, the local area SEND partnership agreed to expand its focus to deliver system-wide improvement. This aligns to the recommendation of the Children's Scrutiny Committee SEND Task Group.
- 1.2. This report provides an update on the education health and care needs assessment and planning processes, as requested by committee members at the previous meeting.

### **3. Update on education, health and care needs assessments and plans**

#### **Identifying SEN**

- 3.1. A child or young person has SEN where their learning difficulty or disability calls for special educational provision, namely provision that is different from or additional to that normally available to children or young people of the same age.
- 3.2. Schools or settings that identify a child with additional needs should use a graduated response, following a cycle of Assess, Plan, Do and Review. For many children this use of alternative approaches to learning is sufficient in meeting their needs. Special educational provision in schools is called SEN Support. Devon has 16,111 children and young people with SEN Support/SEN without an Education

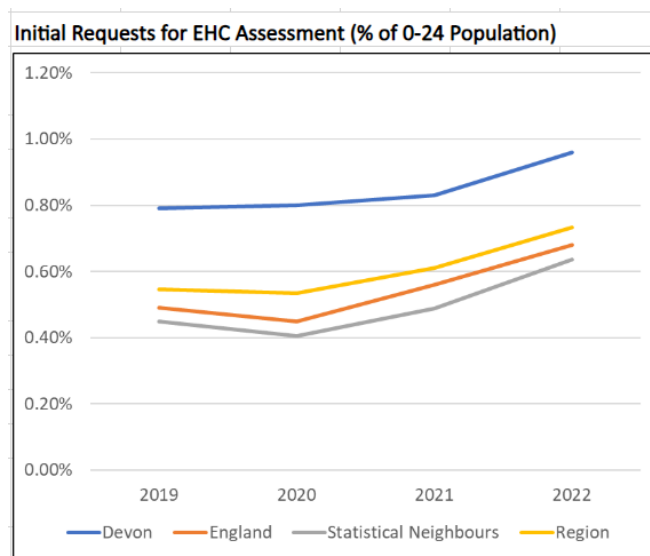
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Health & Care Plan (EHCP), this equates to 14.8%<sup>1</sup> compared to 13% nationally (based on 2022/23 published data.)

- 3.3. If a school or setting has taken purposeful action to identify, assess and meet the needs of a child or young person but they have not made expected progress, it may be necessary to request an education health and care needs assessment (EHCNA).

## Requests for EHC assessment

- 3.4. In Devon, around half of all requests for an EHCNA are submitted by schools or settings and around a third are submitted by parents and carers. The evidence gathered during the 'Assess Plan Do Review' cycle is critical to decision-making about whether or not to carry out an EHCNA.
- 3.5. Requests for EHCNAs in Devon continue to grow year on year, much like the national picture. However, Devon is a significant outlier in terms of the requests received as a percentage of the overall 0-24 population, when compared to regional, national and statistical neighbours.



- 3.6. There is also a significant additional demand for EHCNAs in Devon at two specific points, the year before a child starts in Reception, which can be attributed to concerns about school readiness, and in years 5/6 in anticipation of the transition to secondary provision.

### **EHC assessment request by National Curriculum Year (NCY)**

Academic Year	-4	-3	-2	-1	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	99	Total
2022-2023	2	5	54	293	106	120	126	111	156	209	211	99	158	154	127	92	42	29	17	6	4	1	2	14	2,138
2021-2022	1	12	35	270	96	95	115	109	164	204	197	79	137	109	118	90	45	24	11	1		1		8	1,921
2020-2021	4	8	26	247	97	89	117	128	135	179	186	67	98	91	88	85	36	16	7	3				10	1,719
<b>Total</b>	<b>7</b>	<b>25</b>	<b>115</b>	<b>810</b>	<b>299</b>	<b>304</b>	<b>358</b>	<b>348</b>	<b>455</b>	<b>592</b>	<b>596</b>	<b>245</b>	<b>393</b>	<b>354</b>	<b>333</b>	<b>267</b>	<b>123</b>	<b>69</b>	<b>35</b>	<b>10</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>32</b>	<b>5,778</b>

## Timeliness & quality of assessments

<sup>1</sup> This includes all state-funded nursery, primary, secondary and special schools, non-maintained special schools, pupil referral units and independent schools.

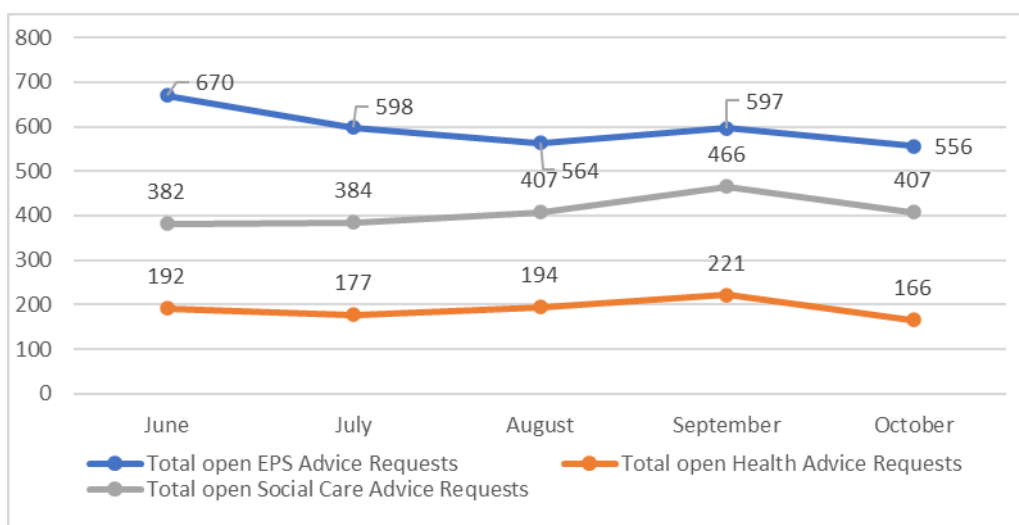
- 3.7. From the date that a request for an EHCNA is submitted the local area has six weeks to decide whether or not to assess and to inform the parent carer and the setting. Devon’s completion rate for 6-week decisions has steadily improved since January 2023. There is a multi-agency panel responsible for decision-making in Devon.

**Timeliness of 6 week decision making (2023 so far)**

Year 2023	6 Week Decisions Completed	% of 6 Week Decisions Completed in Time	% Of 6-week Agreed	% Of 6 weeks Refused	% Of 6 Weeks Overturned*
October	111	98%	38%	62%	0%
September	72	93%	58%	42%	0%
August	271	98%	52%	48%	1%
July	152	92%	66%	34%	0%
June	189	80%	64%	36%	2%
May	170	82%	59%	41%	1%
April	239	69%	67%	33%	2%
March	240	66%	65%	35%	3%
February	114	73%	67%	33%	5%
January	227	52%	72%	28%	4%
<b>2023 Total</b>	<b>1713</b>	<b>78%</b>	<b>63%</b>	<b>37%</b>	<b>2%</b>

- 3.8. If it is decided that an EHCNA should be undertaken, information and advice must be sought from a range of different people. Anyone who is asked for information and advice should respond within 6 weeks. The graph below shows the open advice requests for educational psychology, health and social care.

**Open advice requests for previous 5 months, as of 19<sup>th</sup> October 2023**

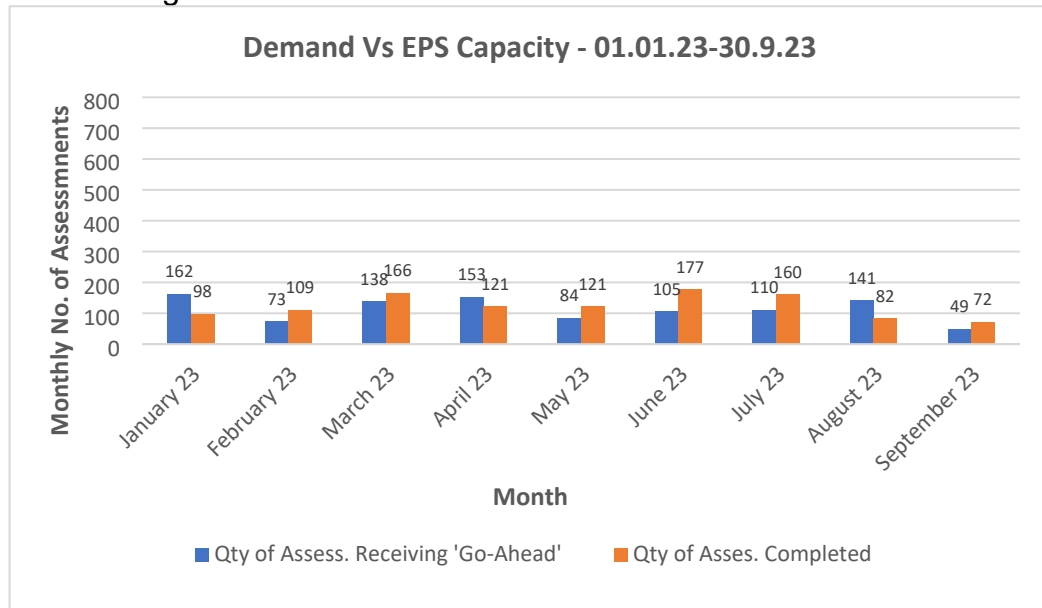


- 3.9. Waiting times for service and assessment are impacting on the ability to provide timely health advice. Escalation processes are embedded within health providers

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and a comprehensive Sit Rep is reflecting timeliness of EHCP returns. A paper is being drafted for the ICB Executive overview with recommendations for recovery.

- 3.10. The Educational Psychology Service (EPS) has concentrated on tackling recruitment and retention challenges and process improvements to improve timeliness of advice for EHCNAs. The graph below shows that the capacity of the EPS can meet the current demand and therefore is making progress in reducing the backlog. Whilst a backlog still exists, and the wait for an EP is currently around 6 months, once allocated 95% of assessments are completed within the 6 week performance target.

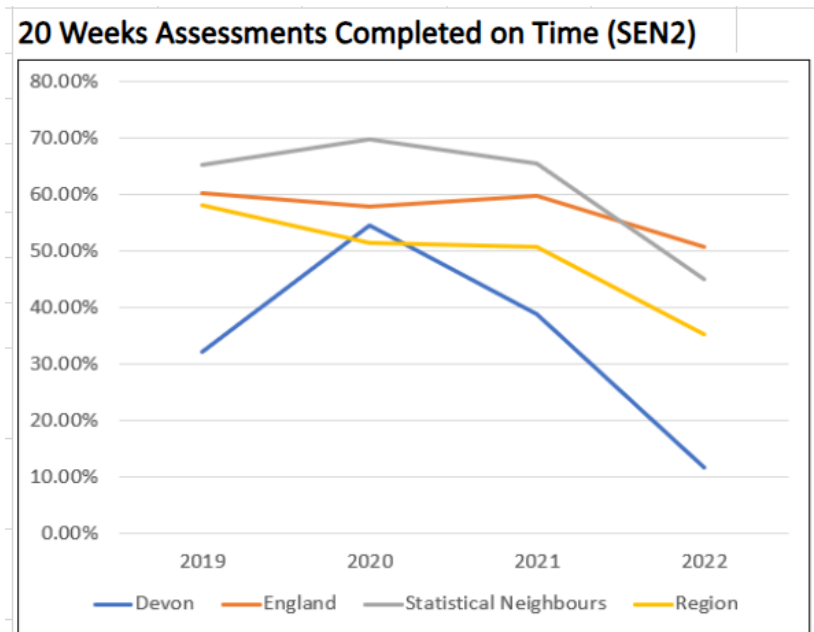


- 3.11. The overall completion rate of the 16-week statutory decision, on whether to issue an EHCP, is shown in the table below. Both nationally and in Devon, the timeliness of this part of the process drops significantly. The current challenges, both locally and nationally, around volume and workforce recruitment and retention is impacting on the timeliness of the assessment part of the process.

Year 2023	16 Week Decisions Completed	% of 16 Week Decisions Completed in Time	% Of 16-week Agreed	% Of 16 weeks Refused	% Of 16 Weeks Overturned*
October	90	1%	78%	22%	0%
September	113	2%	62%	38%	1%
August	134	0%	75%	25%	1%
July	125	5%	78%	22%	1%
June	141	1%	79%	21%	0%
May	136	5%	74%	26%	0%
April	150	9%	82%	18%	2%
March	151	15%	91%	9%	1%
February	110	26%	87%	13%	1%
January	101	19%	91%	9%	6%
<b>2023 Total</b>	<b>1211</b>	<b>8%</b>	<b>80%</b>	<b>20%</b>	<b>1%</b>



- 3.12. The EHCP must be issued within 20 weeks. The data below shows that the completion rate nationally has fallen year on year, with the current England average at around 50%. However, Devon is significantly out of line with the national picture, with the latest published data showing a completion rate of 11.8%.



- 3.13. There are currently 576 assessments which are overdue and over the 20-week statutory deadline, this has reduced slightly from a peak of 628. Since August 2023, there are 0 assessments that are waiting over 52 weeks.

### **Quality assurance**

- 3.14. The quality assurance of EHCPs is currently undertaken by service managers within the SEN team. The Invision360 EHCP quality assurance audit tool has also been secured as a digital solution to support this. However, as part of our SEND Transformation Programme we will be developing a new quality assurance framework and strengthening the quality assurance process for EHCPs. We will use the support from Essex County Council, funded by the Department for Education, to support us with this.

### **Annual Reviews**

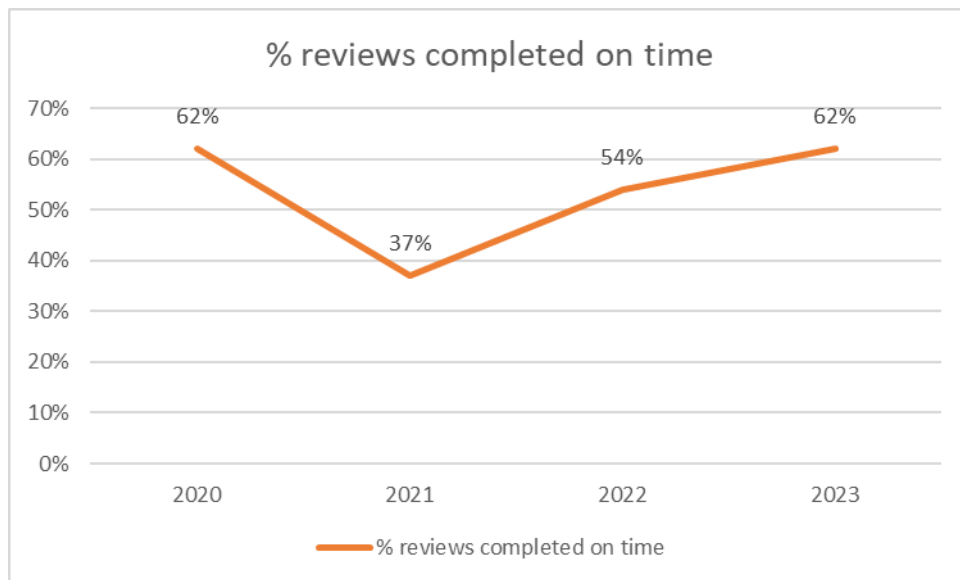
- 3.15. EHCPs must be reviewed within 12 months of the EHCP being issued and then within 12 months of the previous review. Reviews must focus on the child or young person's progress towards achieving the outcomes specified in the EHCP and whether these outcomes and supporting targets remain appropriate.
- 3.16. In most local areas, schools or settings arrange and lead the review meetings with other relevant professionals invited to attend. Professionals across education, health and care must co-operate with local authorities during reviews.
- 3.17. During the Local Area SEND Revisit in May 2022, Ofsted/CQC found that 1600 annual reviews were overdue in Devon. At its peak, this rose to 1892. The focus over the past year has been to reduce the number of overdue annual reviews.

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There are currently 949 overdue annual reviews, a 47% decrease, however we know there is much more work to do to bring this down to 0.

- 3.18. At the same time as reducing the backlog of overdue annual reviews we are focused on improving the timeliness of current annual reviews. The graph below shows the percentage of reviews that are being completed on time, which we expect to increase for 2023.

Percentage of annual reviews completed on time 2020 – 2023 (at October 2023)



## 4. Action being taken to improve statutory processes

- 3.19. Transformation specialists working within the Transformation and Business Services directorate have directed their focus toward priority areas within the SEND Transformation Programme. As a result, the focus has been on the SEN Statutory Service, specifically looking at improving how teams work in delivering the statutory service while meeting the needs of people accessing the service.
- 3.20. The initial focus of activity from the end of September onward has been on engaging with and learning from a wide range of people related to the SEN Statutory Service. In addition to exploring previously completed research, this has included working with DCC employees, partners and parents, among others.
- 3.21. Several different methods have been used. A total of 835 survey responses were received from parents that had registered for the EHC Hub system. A further 100 parents who had previously submitted complaints to DCC provided consent to be contacted and share information about their experiences. 35 one to one interviews were conducted with a blend of parents, DCC employees and other professionals including schools.
- 3.22. The first output from this activity is a map of the end-to-end process currently used for EHCP requests, assessment, reviews and tribunals. The map illustrates how we work as we endeavour to follow the statutory process, and will be a valuable step in

identifying improvements, accelerating delivery and finding ways to operate more efficiently.

- 3.23. Consequently, the current focus of activity is exploring the mapping with subject matter experts to identify changes that can potentially deliver rapid improvement to the service, while also developing longer term improvement plans.
- 3.24. At the same time, analysis of tools and practices that can improve communication with parents, has commenced including using best practice from elsewhere within DCC and more widely. Recent transformation work within Highways has delivered digital solutions designed to achieve the same outcome of improving communication and is undergoing assessment of its suitability in the context of needs within the SEN statutory service.

## **5. Strategic Plan**

- 3.25. One of the key focuses of Devon County Council's Strategic Plan 2021-2025 is to create a 'Child Friendly Devon', where Devon is the best place to grow up. Specifically, one element of the Strategic Plan is to "ensure children and young people with special educational needs and disabilities achieve the best possible outcomes" (Devon County Council, 2021).
- 3.26. The SEND Transformation Programme contributes to the realisation of this element of the strategic plan by ensuring that local area partnership arrangements lead to an improved lived experiences and improved outcomes for children and young people with SEND, and their families.

## **6. Financial Considerations**

- 3.27. There are no specific financial considerations related to this update.

## **7. Legal Considerations**

- 3.28. There are no specific legal considerations related to this update. The Council must adhere to the relevant legislation such as the Children and Families Act 2014 and the Special Education Needs and Disability Regulations 2014. Improvements to the timeliness and quality of assessments and annual reviews will contribute to the Council fulfilling its statutory duties.

## **8. Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)**

- 3.29. There are no specific environmental impact considerations related to this update.

## **9. Equality Considerations**

- 3.30. Children and young people with Special Educational Needs and Disabilities (SEND) have the protected characteristic of disability under the Equality Act 2010 and duties to make reasonable adjustments and meet the Public Sector Equality Duty (eliminate disability discrimination, harassment and victimisation, advance equality of opportunity for disabled people, and foster good relations between people who share

# Agenda Item 8

the protected characteristic of disability and people who do not) apply to this area of work and run alongside our duties around education health and care plans. In addition, children with SEND will have intersecting characteristics such as gender, LGBTQ+, and ethnicity that may need to be taken into account.

## 10. Risk Management Considerations

- 3.31. A risk register is maintained for the SEND Transformation Programme which is regularly updated and monitored and feeds into the Corporate Risk Register.

## 11. Summary/Conclusion

- 1.3. The data shows that Devon is outlier in relation to requests for EHCNA and the number of children and young people supported through an EHCP. This would suggest that at a system level, Devon's approach to meeting a range of needs at the earliest opportunity and the view of 'significantly greater difficulty in learning' may differ from other areas. Developing the educational offer in mainstream schools and settings to improve inclusion and ensure that the needs of children and young people with SEND are met earlier, is critically important.
- 1.4. The delivery of the local area's statutory process is not good enough and our approach to date has not had the desired impact. Reviewing our service improvement approach and undertaking a complete review of our SEN statutory processes is critical and underway. Improving communication with professionals, parent/carers and children/young people is the number one priority within this.

Director of Children & Young People's Future - Stuart Collins

Electoral Divisions: All

Cabinet Member for Special Educational Needs & Disabilities: Councillor Lois Samuel

## Local Government Act 1972: List of background papers

Background Paper

Date

File Reference

### Contact for enquiries:

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# Children's Services Recruitment and Retention Spotlight Review

**November 2023**

## 1. Recommendations

- 1.1 The Members of the Spotlight Review ask the Children's Scrutiny Committee to commend the report and recommendations to Cabinet.
- 1.2 Cabinet is asked to endorse and take action on these recommendations.
- 1.3 In response, Cabinet is asked to agree a recommendations action plan, detailing how and when any agreed recommendations will be enacted.
- 1.4 Cabinet is asked report back to the Children's Scrutiny Committee in June 2024 on progress made against the recommendations.

	Recommendations
1	As part of the recruitment theme of the People First Strategy, the Council should work more closely with schools and education providers to promote careers in Children's Services and the Council as a place to work.
2	The recruitment process needs to ensure that potential staff are clear about the roles and responsibilities of jobs they apply for.
3	The formal induction programme needs to be embedded across the service and staff must have the time built into their working day when they join to complete the programme.
4	The Cabinet Member to review the Memorandum of Cooperation for social worker agency rates in the Southwest with other Local Authorities so that it is effective and fit for purpose.
5	In the review of pay and allowances which has already begun, Members ask that reference is made to competitiveness with the NHS Agenda for Change, Professional Registration Fees and travel expenses.
6	Caseloads for each staff across the service should be no higher than the national averages or the recommended number for each service.
7	Protected caseloads for new staff are maintained.
8	Staff should consistently have access to both case management/practice supervision and wellbeing/personal supervision.
9	The Council needs to ensure managers have an appropriate number of direct reports.
10	Through the Voice theme of the People First Strategy to celebrate staff and their achievements more, the Council should consider celebration events, appreciative enquiries or serious success reviews.
11	Scrutiny Members will ensure they visit staff in their workplace and seek their feedback on an annual basis and report this back to the Children's Scrutiny Committee.
12	In the review of pathways, the Council should ensure that pathways for staff progression are clear, including annual appraisals, additional qualifications and leadership/manager training, where appropriate.

## 2. Introduction

- 2.1 Nationally, there are pressures and challenges in the Children's Services sector for the recruitment and retention of a range of key posts including social workers, public health nursing and educational psychologists. For example, in September 2022 across England there were 7,913 posts unfilled in children and families social work, an increase of 1,400 from 2021 (Social Work England, 2023).
- 2.2 In Devon, Children's Services have similarly faced challenges in recruiting and retaining a stable workforce across the service. These challenges have been reported about across Ofsted and Care Quality Commission (CQC) Inspection Reports. An Ofsted monitoring visit for Children's Social Care reported that 40% of the social work workforce was from agency staff and this rate had "increased significantly" (Ofsted, 2023). The Spotlight Review were informed that 52% of social workers were agency staff, compared to a national average of 18% (Social Work England, 2023).
- 2.3 The challenges in Devon have been reported in the Joint Area SEND Revisit in May 2022, highlighting recruitment and retention challenges in Devon and how the local area's plans do not address these challenges (Ofsted, 2022), and the CQC Public Health Nursing inspection in November 2022 which stated the service "did not have enough staff to provide care and treatment to children and young people" and highlighted the unequal working terms and conditions with the NHS 'agenda for change' for some staff (Care Quality Commission, 2023).
- 2.4 The Children's Scrutiny Committee previously completed a Social Work Workforce Recruitment and Retention Spotlight Review in December 2020. In November 2022, the SEND Task Group concluded and found recruitment and retention challenges in the SEND and Education teams. The SEND Task Group recommended a follow up Spotlight Review on recruitment and retention should be completed in order to look into any further recommendations that could be made to support Children's Services achieving a stable, permanent workforce.
- 2.5 The Spotlight Review was held on Wednesday 26<sup>th</sup> July 2023 and aimed to:
- To understand the challenges facing the Children's Services in recruiting and retaining a stable workforce.
  - To review the impact of the recommendations from the 2020 Spotlight Review.
  - To review the impact of the 2020 and 2021 Recruitment and Retention Investments as agreed by Cabinet.
  - To review the approaches taken in the recruitment and retention of staff.
- 2.6 Recognising the role that Scrutiny can have in bringing different witnesses together to collectively problem solve, Members heard from a range of staff across the service and the Council including Directors, Heads of Service, Service Manager, Team Managers and officers from our Social Work, SEND 0-25, Educational Psychology and Public Health Nursing Teams. Members were also joined by staff from the Human Resources directorate.
- 2.7 Much of the discussion took place in two roundtable discussions focusing on recruitment and retention where witnesses were asked to put forward their views using a derivative of a rose,

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bud, thorn. On post-it notes, witnesses were asked to share their thoughts against the following questions:

- What is working? (Rose)
- What isn't working? (Thorn)
- What could the Council do to improve recruitment/retention? (Bud)

2.8 At the same time as the Spotlight Review, the Council published its People First Strategy (Devon County Council, 2023). As such a number of recommendations make reference to the 6 themes (Voice, Recruitment, Wellbeing, Belonging, Learning, Reward) within the Strategy and the work ongoing as part of the Strategy. Aligning to some of the themes allows for the findings and actions to be more easily implemented as part of the Council's work, for Members to be able to check progress against them and to ensure the Committee is contributing to the Council's strategic direction.

## 3 Children's Social Work Workforce Spotlight Review

3.1 The Children's Social Work Workforce Spotlight Review made the following recommendations (Devon County Council, 2020):

	Theme	Action needed
1	<b>Pay and conditions</b>	Pay and other conditions to be suitably enhanced so that Devon can be more competitive with neighbouring authorities, and access to affordable housing to be reviewed.
2	<b>Development Opportunities and Career Pathways</b>	<ul style="list-style-type: none"><li>○ Corporate promotion of routes into social work from social care teams;</li><li>○ Embed Restorative Practice across Children's Services, as part of the Improvement Journey;</li><li>○ A clear progression structure, providing opportunities for those who want to progress in practice, as well as management;</li><li>○ Corporate promotion and support for social workers to gain experience across teams;</li><li>○ Access to financial support for post graduate study.</li></ul>
3	<b>Caseloads</b>	Caseloads to be consistently manageable across Children's Services.
4	<b>Supervision</b>	All social workers to have access to quality supervision, with team managers who have the time and the skills to address social workers emotional needs and build resilience.
5	<b>Support for workers recruited from overseas</b>	Support with the cost of indefinite leave to remain applications for social workers recruited from overseas.

### Progress made against recommendations

3.1 The Spotlight Review report was appended to a proposal at Cabinet where an additional £719,000 investment to improve salaries for experienced social workers, team managers and independent reviewing officers was agreed. In addition, Cabinet agreed to accelerate the



implementation of the career progression scheme with 24 additional advanced practitioner roles for Social Workers (Devon County Council, 2020).

3.2 In September 2021, Cabinet agreed an additional 11 measures to support the recruitment and retention of social workers and front-line managers (Devon County Council, 2021). This included:

1. More competitive salaries for experienced social workers in harder to recruit to teams by agreeing to implement a salary supplement approach for identified posts combined with a retention payment of £2,000. The relocation allowance was increased to £8,000 for targeted staff in hard to recruit to teams.
2. An initial investment of £4.4m across 2 years to fund the proposals and creation of 48 additional FTE roles including business support, family practitioners and specialist Workforce and Recruitment officers.
3. The introduction of career progression opportunities for Personal Advisors.
4. Funding for the costs of further overseas recruitment for 15 new recruits and for the costs of Leave to Remain applications (£2,389 per application).
5. An increase to the offer of bursaries and apprenticeships and expanding the Social Work Academy.
6. Funding for the professional registration (£90 per year) for all non-agency employees working in identified roles in hard to recruit to teams.

3.3 At the Spotlight Review session on Wednesday 26<sup>th</sup> July, Members and witnesses reviewed the previous recommendations. It was acknowledged that a number of recommendations had been enacted such as enhanced pay and conditions, embedding Restorative Practice into the service, and the support for the cost of indefinite leave to remain applications for social workers recruited from overseas.

3.4 However, despite this it had made little impact to the overall challenge of recruitment and retention as the same challenges remained across the service. As the report will set out, challenges remain including recruiting permanent staff, having manageable caseloads and competitive terms and conditions across the service.

## 4 What do we know about the current services?

4.1 The Spotlight Review session began with each service appraising Members with an overview of their service or team.

Service or Team	Current number of FTE	Vacancy Rate	Agency Rate
Children's Social Work	244.4	8.5%	41.3%
Education Psychologists	23.9	31%	12.5%
Public Health Nursing	167.9	<ul style="list-style-type: none"> <li>19% for health visitors</li> <li>30% for school nurses</li> </ul>	3.3%
SEND 0-25 Team	78.01	2.5%	6.4%
Note: the data above is from October 2023			

## Educational Psychology (EP)

- 4.2 Nationally, the Department for Education review found that 88% of local authorities were experiencing difficulties recruiting and 34% of local authorities were experiencing difficulties retaining staff (Department for Education, 2023).
- 4.3 The difficulties in recruitment are attributed to an overall shortage of Educational Psychologists (EPs) as only 200 are trained each year, negative perceptions of local authority work due to the rising demand for Education, Health and Care (EHC) assessments and competition within the sector between providers and private providers. There is a competitive market in the South West, something that the DfE has highlighted due to the higher cost of housing.
- 4.4 The difficulties in retention are attributed to the high proportion of time EPs spend on statutory work and the opportunities to do more varied work with private providers.
- 4.5 Members were informed that the service uses 18 Associate EPs (equalling 5.8FTE) who work on a casual basis to support the team to manage the number of statutory assessments. However, this comes at a cost to managers who need to manage them and quality assure their reports, and financially as the service is expected to spend £950,000 on associates this year which will result in an overall overspend of £300,000 due to savings on other vacancies.

## Public Health Nursing

- 4.6 Nationally, the Institute for Health Visiting highlights that health visitor workforce numbers have fallen by more than 40% in England from 11,192 FTE in October 2015 to 6,688 FTE in April 2023 (Institute of Health Visiting, 2023). Pre-pandemic, the estimated shortfall in the number of FTE health visitor posts was 5,393 (Conti & Dow, 2021).
- 4.7 The NHS Long Term Workforce Plan recognises the need to increase the number of health visitors and school nurses training places. The ambition of the long-term plan is to increase the number of health visitor training places nationally to from 768 in 2022 to 1,339 in 2031 and increase the number of school nurse training places from 335 in 2022 to 662 in 2031 (NHS England, 2023).
- 4.8 In Devon, Public Health Nursing, which is predominantly comprised of health visitors and school nurses, came back in house into Devon County Council in 2019 from Virgin Care.
- 4.9 The most recent CQC Inspection (November 2022) judged Devon's Public Health Nursing Service was rated as 'Good'. The CQC reported a 15.6% vacancy rate in health visitors and a 27.9% vacancy rate in school nurses and that vacancies were particularly high in the east of the county (Care Quality Commission, 2023). At the time of the Spotlight Review, Members were told that current vacancy rates in Devon had increased to 19% for health visitors and 30% for school nurses.
- 4.10 The shortages in staff were reported in the SEND Local Area inspection, which commented that "as shortages in health visiting services persist, there are delays in healthy child programme reviews" (Ofsted, 2022). Similarly, the CQC Inspection stated that the service "did not have

enough staff to provide services to all of the identified contacts" (Care Quality Commission, 2023).

- 4.11 Aside from School Nurses and Health Visitors, most public health nursing services in Devon remain in the NHS so there is competition between local authorities and the NHS in recruiting. Although, the Council has been successful in aligning to the NHS 'Agenda for Change' for pay, there isn't alignment with terms and conditions. Members were told this negatively impacts the service's attractiveness to potential staff.
- 4.12 There has been a successful 'grow your own' model in Devon and the service has recruited a number of newly qualified School Nurses. The service's maternity leave level is higher at 5.6% compared to 1.9% across Children's Services, which is not reported in the vacancy rates.
- 4.13 A third of the Public Health Nursing workforce is over 50 and will have access to their special class status within their NHS pension, meaning retirement at 55 is possible and could mean a loss of experienced staff.

## Children's Social Care

- 4.14 Children's Social Care cover a range of services relating to the protection and safeguarding of children and young people. This includes Children and Families teams, Initial Response Teams, Permanence and Transitions, Disabled Children's Service and the Multi-agency Safeguarding Hub (MASH).
- 4.15 As mentioned in the introduction, at a national level Social Work England reported in September 2022 there were 7,913 unfilled posts in children and families social work which is the highest figure on record.
- 4.16 UK Government data reported that the average vacancy rate across local authorities was 20% in September 2022, compared to 16.7% in September 2021. Data also reported on the rise in agency workers from 6,000 in 2021 to 6,800 in September 2022, meaning that the agency worker rate nationally had risen from 16% to 18% (Gov.uk, 2023).
- 4.17 7 in 10 of the Local Authorities responding to the Children's Services Omnibus Survey (December 2022) stated they were not confident they would have enough permanent social workers to meet their needs over the next 12 months. The vast majority of Local Authorities (94%) found it difficult (42%) or very difficult (52%) to fill vacancies for experienced social workers (Kalsi, Chalam-Judge, & Smith, 2022).
- 4.18 Nationally and locally, witnesses told the Spotlight Review that exhaustion and burnout were the main reasons for social workers leaving the profession. In addition, witnesses commented on the challenges that Devon faces in recruiting and retaining a permanent social work including our Ofsted rating, the lack of stable, permanent leadership in the service and poor culture.
- 4.19 However, the Council has begun to embed restorative practice and we have recruited a new Director, Deputy Director and Heads of Services. Although this is welcome, witnesses

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highlighted that culture change takes a long time and a stable workforce is not expected for another 2-3 years.

- 4.20 Members were also told about the work ongoing to promote recruitment including within the Social Work Academy and successes in recruiting overseas social workers, who are experienced social workers to help fill vacant posts.

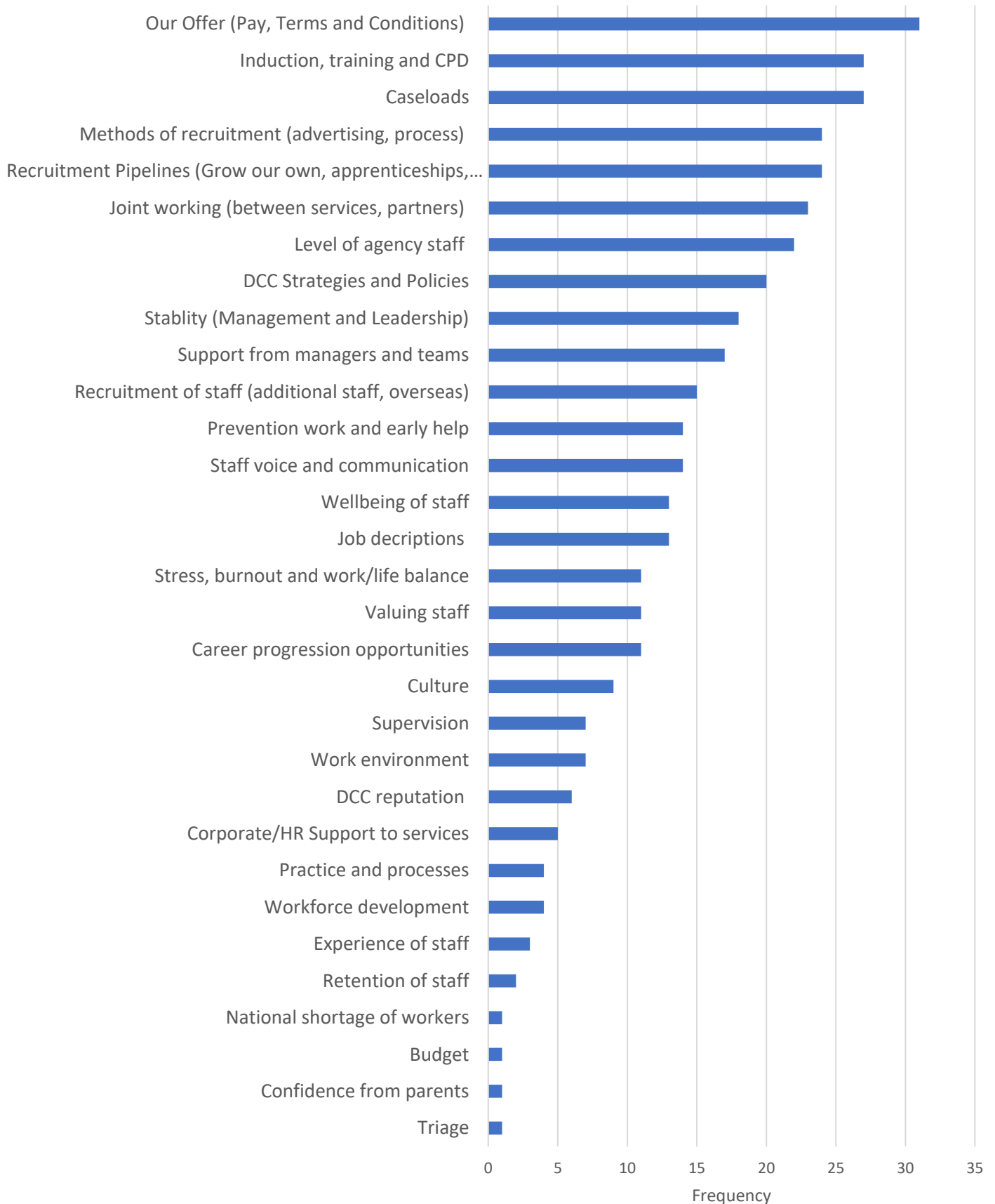
## SEN 0-25 Team

- 4.21 The SEN 0-25 Team are responsible for the assessments of education, health and care (EHC) in respect of an EHC Plan and maintenance of the existing EHC Plans. The team carry out around 1600 assessments per year and currently hold 8710 EHC Plans. As Members were aware, Devon has a higher proportion of children who have an EHC Plan compared to the national average – 5.4% compared to 4.5%. The Local Area SEND Improvement Plan report expects that the number of EHC Plans will continue to grow into the future (Devon County Council, 2023).
- 4.22 The Spotlight Review was told that there has been rising national demand for requests for statutory assessments, but witnesses told the Spotlight Review that Devon felt this earlier than other places and this high level of demand has been sustained. The rise in demand and the capacity of SEND and EP teams means the backlogs for assessments have grown.
- 4.23 The demand for services and challenges in capacity for the 0-25 Team is evident in their caseloads. Witnesses told the Spotlight Review that the team has been given additional capacity and has recruited 17 caseworkers but that has taken some time to complete to ensure the recruitment process has been right.
- 4.24 Members were told at the time of the Spotlight Review, the service had 3 vacancies and 2 of those were very recent due to internal promotions within the team. Witnesses told Members it was the best position the service had been in for some time.

## 5 What did staff tell us?

- 5.1 The chart on the following page shows the different areas and comments raised by staff across the two roundtable discussions and the frequency of those comments. The most frequent comments related to Our Offer (including Pay and Terms and Conditions) (31 times), Induction, training and development (27) and the level of caseloads (27).
- 5.2 The report will go on to show the key comments and feedback in relation to recruitment and retention before additional commentary highlighting Member's concerns and areas for action and the Spotlight Review's recommendations.

## Key themes and number of times they were raised



# RECRUITMENT

## What is working?

### Grow our own model

#### Our offer

- Flexible working
- Improved pay, terms and conditions for EP service
- Good pay and allowances
- Relocation package



### Corporate and HR Support

- Monthly meetings to work together
- Working together across teams and services
- Centralised recruitment service for Children's Social Care
- People Strategy



### Recruitment of new staff

- Rate of recruitment of staff into the service and low vacancy rate in social work teams
- Successes in recruiting Overseas workers
- Improved processes and personalisation of the process, speaking to candidates directly
- Improved calibre of new starters meaning candidates are more suited to jobs

## What isn't working?

### Our Offer

- Less competitive terms and conditions for Public Health Nursing staff compared to NHS Agenda for Change
- Other LA advertising at higher salaries

### Marking and Promotion

- No creativity in advertising

### Practice and services

- Family Hub development in other LA

### Volume of recruitment

- More staff are needed still
- Recruitment date isn't keeping up with demand for services

### Agency staff

- The Council is overly reliant on agency staff to fill vacant posts
- Number of agency staff is too high
- High cost to the Council
- Memorandum of Understanding on agency rates is consistently breached

### Job descriptions

- Need to be clearer
- Don't match what the role is
- People are not sure what job they are applying for

### Recruitment process

- Long winded application processes - not a 'one click' process.
- Too slow - doesn't work at the pace needed

### The Council and the Service's Ofsted reputation

## What could the Council do to improve

### Our offer

- Pay further incentives for permanent staff
- Ensure good pay and conditions
- Provide relocation/housing
- Ensure all staff get professional registration fees paid for

### Marking and Promotion

- Ensure a wider pool of applicants by advertising in a diverse range of places
- Attending more recruitment fairs and events
- Working more closely with Higher and Further education to promote roles and careers

### Workforce Planning

- An overarching Children's Services Recruitment Strategy
- Ensuring a good mix of experience and knowledge
- Succession planning
- Continue to expand the grow our own model

### Job descriptions need to be reviewed so they are clearer and match the jobs staff do

### Ensure a corporate induction programme alongside specific job training for new staff

### Show off and celebrate staff to attract others to join

### Centralised recruitment service to all of Children's Services.

### Ensure we retain staff so less need to recruit.



# RETENTION

## What is working?

### New stable leadership in Children's Services and across Senior Leadership team

#### Our offer

- Flexible working practices
- Improved terms and conditions for EPs

#### Support from Managers and Colleagues

- Supportive
- Good team spirit



#### Staff Voice is heard

- Staff forum
- Reconnecting interviews
- Exit interviews being shared with service areas

#### Caseloads

- Protected workloads for new starters
- Recruiting new staff and having different roles has taken the pressure off e.g. psychology graduates

#### Wellbeing

- Wellbeing supervision has been introduced alongside case supervision.
- Greater management oversight
- Wellbeing being given a greater focus

#### Learning and development

- Embedding of Restorative Practice
- Social Work Academy has been "instrumental"
- Thorough induction process for EPs (12 days in the first year)
- New staff assigned mentors

#### Joined up working within Children's Services

## What isn't working?

### Our offer - pay and remuneration

- Travel claims can only be on distance from office and not from home
- Retention bonus hasn't worked
- Permanent staff leaving to become agency workers as agency rates higher than permanent salaries

### Training and Development

- Career progression routes are not clear with limited options available.
- Training is given 'on the job' adds to pressure for staff
- Lack of training for new managers
- Lack of professional qualifications on offer for SEND staff



### High caseloads

- Caseloads are 2 times what is reasonable or promised
- Expectations on new starters being ready too early and given large caseloads within weeks of joining
- Narrow focus of work
- Protected caseloads for new staff not stuck to
- New staff is still not enough to bring the caseload down
- Demands of the work are higher

### EP statutory work rather than preventative work, not doing the work they "love".

- Means staff aren't doing the role they want to do
- Has had a negative impact on morale and wellbeing
- Still feel like the skills they have aren't being used

### Turnover in workforce

- More staff are leaving
- Overall experience less of the workforce is decreasing
- Too much change recently in staff and management



### Culture and morale

- Poor culture and "no sense of belonging" in Children's Social Care
- Burnout and exhaustion
- Silo mentality
- Children's and Corporate centre 'blame' each other
- Staff not feeling able to do their job to the best of their ability
- DCC reputation and Ofsted rating
- Low morale and staff not feeling like they are making a difference.

## What could the Council do to improve?

### Ensure there are reasons for staff to want to stay

- Improve culture
- Make everyone feel valued
- They have a clear pathway for development
- They have reasonable caseloads
- Good working environment
- Reduce the number of agency staff
- Ensure all staff have access to wellbeing support and ensure Wellbeing Supervision across all services.



### Continue to ensure our offer is competitive compared to other LA and NHS

- Particularly our Pay, Terms and Conditions compared to NHS Agenda for Change

### Improve learning, training and development offer

- Develop a Children's Services staff development strategy
- Improve training and induction for new recruits
- Ensure training for new managers is available
- Expand the role of the academy for social worker career development

### Promote success more

- Staff awards programme
- Serious success reviews to learn lessons when practice goes well
- Appreciative enquiries to improve professional self esteem

### Work together to create coherence and links across the service, the Council and with our partners.

- Focus on what we have in common
- Engage with partners

### Members and Senior Leaders to visit staff more and hear from frontline workers

### Continue to embed Restorative Practice and our Principles and Behaviours.



## 6 Key concerns and areas for action

- 6.1 The Task Group reflected on the evidence given to them in terms of which was the bigger issue out of recruitment and retention. The following pages details the key concerns that Members discussed with witnesses and Members' reflections on the key areas that need addressing.
- 6.2 Recruitment, particularly in social care, was "turning a corner" although issues around the number of agency staff and their rates of pay remained. Retention was the bigger of the two challenges currently as staff not feeling valued, having considerably high caseloads and were still leaving the Council.

## Recruitment

- 6.3 The Task Group welcomed the comments relating to improvements made in recruitment. Members welcomed that the fact teams are working together across services and directorates to have a joined-up approach and felt this should continue as it received positive feedback.
- 6.4 The improvements to recruitment does mean staff are in post and vacancy rates remain low. For social care teams, this has been down to the high number of agency staff recruited. The continued use of agency staff was raised by witnesses, who highlighted that the agency rate was "still too high" and was raised by a large number (22) when asked to comment on recruitment and retention. This was raised in the 2020 Spotlight Review, showing there are persistent challenges in this. The 2020 Spotlight Review stated:

"Devon is also heavily reliant on agency social workers, which has a significant impact on the budget and can have other consequences around service continuity for families, as well as staff morale... the recruitment and retention of permanent qualified social workers in Devon remains a considerable challenge" (Devon County Council, 2020).

- 6.5 Even with high number of agency rates, the Task Group heard that the Council isn't recruiting fast enough to fill vacant posts. With rising caseloads and people leaving, witnesses stated that the number of posts being recruited to is "ridiculously low" and "don't match the need" for demand in the service.
- 6.6 Members concluded that the Council needs to continue to do all it can to recruit to permanent positions and reduce the agency rate of staff. This would improve stability, quality of practice, increase morale and show that permanent staff are valued by the Council. In addition, it would also save the Council money.
- 6.7 The Council should continue to look at how apprentices and trainees on placement can contribute to the workforce. Whilst 30% of trainees on placement in our Education Psychology team have then gone on to work for the Council permanently, this means 70% have not. The Council should also look at what other events and fairs could be attended and working with schools, colleges and education facilities to promote careers in the Council and looking at similar careers that have transferable skills to jobs within the Council. Examples given were



teaching assistants or ex teachers coming to work in our Education or SEND teams. Members are aware some of this work is part of the recruitment theme within the People Strategy.

- **Recommendation 1:** As part of the recruitment theme of the People First Strategy, the Council should work more closely with schools and education providers to promote careers in Children's Services and the Council as a place to work.

## Job descriptions

6.8 Witnesses from across the service told the Spotlight Review about the need for job descriptions to be updated and to match what the current roles look like. Witnesses commented that their "job doesn't match [the] description" and that the job descriptions need to be "clearer" because they "are written at a level higher than the people you are employing". Witnesses described the impact this is having for recruiters when looking at applications of potential staff, that it was "obvious that people are not sure what they are applying for". This was problematic as people were starting jobs and then recognised that the job didn't match what they thought it was and left. It was also problematic for current staff who wanted them to be updated for the current role they did.

6.9 Clear job descriptions are important for advertising roles, ensuring that people apply for relevant jobs to their skills and so that when they arrive in Devon, the job is what they expected it to be. It is also important for current staff to ensure their job descriptions match their day-to-day experience of their role.

- **Recommendation 2:** The recruitment process needs to ensure that potential staff are clear about the roles and responsibilities of jobs they apply for.

## Induction and training

6.10 Based on the testimony from witnesses, particularly from the SEND 0-25 team, Members reflected that it was apparent that some staff were not given adequate training when starting their roles. Staff arriving at their jobs were told "there is no training" and training on the systems, code of practice and legal frameworks was done 'on the job' using a buddy system of a more experienced member of staff.

6.11 The Council should ensure that all staff have the time to complete the full induction programme when they are beginning their role and training to ensure they know how to do their job well. This should be a formal training and induction programme and not relying solely on 'on the job' training. Managers on the day of the Spotlight Review acknowledged that work to do this was ongoing and at times, it was difficult to find time to embed the induction programme once staff started working and became busy with their day to day roles.

6.12 An improved induction and training offer would support those new to the role in getting up to speed and ensure all staff have the basics to their role. As witnesses highlight this would help staff know to do to their job, improve practice and provide a baseline level of quality to help quality assurance for the Council.

6.13 For the staff who are training new starters, there was also the pressure on them to train new starters alongside doing their day to day work.

- **Recommendation 3:** The formal induction programme needs to be embedded across the service and staff must have the time built into their working day when they join to complete the programme.

## Support for staff

6.14 Members reflected that whilst the roundtable discussion were based on separating out recruitment and retention, some issues are not solely recruitment or retention based but cover both, relating to how we attract and keep staff to work for the Council.

### Agency staff and pay rates

6.15 Members were aware that agency staff are paid more than permanent workers and the disparities between the amount paid between agency and permanent staff do not provide enough incentive for agency staff to move to permanent positions. Witnesses told the Spotlight Review about the impact this was having on the permanent workforce. One witness told the Spotlight Review that the high agency rates “makes permanent staff feel undervalued as not getting paid the same to do the same job. It has led to permanent staff leaving to do agency work themselves”. Witnesses who were managers acknowledged the impact of agency workers on permanent workers and the impact on the wellbeing and retention of permanent workers.

6.16 The Spotlight Review heard how the current Memorandum of Cooperation (MoC) across the South West for agency rates isn't working. The cap is currently set at £35 per hour, however witnesses stated that most Councils were breaching this. Members heard how our offer for agency staff in social care has risen to around £38-£42 per hour, with up to £44 per hour for some roles in the Front Door. As an example, an advert for a permanent Social Worker post in Devon in July 2023 paid £17.53-£20.47 per hour.

6.17 Members on the Spotlight Review consider that the MoC needs to be made effective so that Councils hold each other to account for the rates they pay and avoid an 'arms race' of Councils paying more and more to attract agency staff to work for them. This is something that Suffolk County Council advised the Spotlight Review on. The Spotlight Review was also told that the Council has responded to the Department for Education (DfE) consultation on capping agency rates nationally.

- **Recommendation 4:** The Cabinet Member to review that the Memorandum of Co-operation for social worker agency rates in the Southwest with other Local Authorities so that it is effective and fit for purpose.

### Competitive terms and conditions

6.18 Members heard how Public Health Nursing were having challenges in recruiting and retaining staff to the service due to their terms and conditions not being as favourable

compared to the NHS agenda for change. Examples given of where Public Health Nursing terms and conditions are less favourable and fall between the NHS Agenda for Change and the Council's terms and conditions included:

- NHS staff receive 59p per mile in expenses when they drive their own vehicles, DCC pay 45p a mile.
- NHS staff up to Band 7 (£47,672) can claim overtime at time and half or double time. At DCC you can only get overtime up to grade E (£29,439). DCC Staff on a salary of more than £29,439 can get TOIL but not get paid overtime.
- NHS staff receive 27 days leave when they start employment, DCC staff receive 26 days. However, NHS staff do work 37.5 hours per week whilst DCC staff work 37 hours a week.

6.19 Witnesses told the Spotlight Review that these disparities meant it was difficult to compete with the NHS and other local authorities for staff in similar health visiting roles and for experienced staff.

6.20 The Spotlight Review was informed there is a Pay and Allowance Project underway and a review of terms of conditions in the People First Strategy. Members wanted to bring this to the forefront to ensure the Council's terms and conditions for all staff are competitive and specific actions from the Spotlight Review were included. The Spotlight Review were told that some of the terms and conditions had not been reviewed for around 30 years. In particular, the Council needs to ensure:

1. Its terms and conditions for its Public Health Nursing staff are competitive compared to the NHS 'Agenda for Change',
  2. That the same terms and conditions are in place across all staff for the reimbursement of professional registration fees.
  3. Travel expenses are fair, and consider changing the designation of where people are working as more staff work flexibly.
- **Recommendation 5:** In the review of pay and allowances which has already begun, Members ask that reference is made to competitiveness with the NHS Agenda for Change, Professional Registration Fees and travel expenses.

## Workforce planning

6.21 The Spotlight Review were told about the number of experienced staff who had left the organisation, taking their experience with them. Whilst new recruits were welcome, they do come with less experience. Witnesses highlighted the "unintended consequences" of losing experienced staff, particularly for new staff who would be able to learn from their experiences. Witnesses commented on the difficulty of recruiting experienced staff for a range of reasons including pay and terms and conditions. This meant it was difficult to ensure a good balance of experienced staff and newly qualified staff. Witnesses commented on the need to create a workforce development plan for the service. Members and witnesses acknowledged that an action of the People First Strategy is to carry out workforce development planning.

## Caseloads

6.22 Linked to both recruitment and retention is caseloads. Members reflected that the biggest impact to staff wellbeing is the size of caseloads/workload. Witnesses consistently raised that caseloads were too high. One witness commented that their caseload at the time of the Spotlight Review was "2 times what is said to be reasonable". Witnesses across the service told Members their caseload was double recommended caseloads or national averages.

6.23 One witness commented that they were seconded to a new role and was initially given 450 cases. This rose to 490 before the witness just stopped looking at the number because they couldn't cope and became unwell. The witness explained they did the e-learning on resilience to help but reflected that just a lower caseload was needed and there was not enough people to do the job. The witness left their secondment role 2 months early.

6.24 A reduction in caseloads was seen as one of the ways which was suggested would improve retention. Caseloads are linked to recruitment, retention and demand for services. Witnesses highlighted that the increase for demand in services has not been met with the same increase in the number of staff being recruited, with one witness stating the difference as "ridiculously low". This means staff have more cases per person. Another witness stated that despite being promised a lower caseload and new staff arriving, the impact is "not yet being felt by most caseworkers".

6.25 The Council urgently needs to make sure caseload are consistently manageable across the service. Members recommended this action back in 2020 and it is still a challenge for the service. Managers acknowledge the high caseloads. As such, the Spotlight Review found it necessary to re-make the same recommendation from the 2020 Spotlight Review.

- **Recommendation 6:** Caseloads for each staff across the service should be no higher than the national averages or the recommended number for each service.

6.26 Examples of where the Council should aim include:

- Public Health Nursing – The recommended caseload from the Institute of Health Visiting is 250 children per FTE health visitor, some of our current staff hold double this.
- SEND 0-25 Team - Maintenance and Review Teams hold caseloads of 300 plans each (national average is 200) and staff in the Assessment Teams hold caseloads of 68 plans (national average is 50-60).
- Children's Social Care – The most recent number reported to Children's Scrutiny was 16.47 cases per social worker (June 2023), which is very close to the national average of 16.3.
- Education Psychologists - The national average EP caseload for EP advice for EHC needs assessments is around 30 per full time EP, in services that also trade with schools. In Devon, full time EPs have double this caseload.

## Retention

6.27 The Spotlight Review heard that whilst recruitment was improving, the Council could do more to ensure we retain more staff. Whilst pay is not the only reason why staff would stay or

leave a job, Members felt the Council needs to look “deeper” into the issues effecting staff retention.

- 6.28 Wellbeing for staff is key to retention, and ensuring a healthy workforce. This includes having a reasonable number of cases, feeling supported, being able to develop in your role and feeling valued by the organisation.

### Protected caseloads

- 6.29 Witnesses told Members that protected lower caseloads were important for new staff, they also stated that at times they were not stuck to. Protected caseloads for new staff need to be stuck to, otherwise we risk new staff becoming quickly overwhelmed and leaving the organisation.

- **Recommendation 7:** Protected caseloads for new staff are maintained.

### Supervision and direct reports

- 6.30 Members were pleased to hear about the service's focus on wellbeing and the recent introduction of separately wellbeing supervision. However, it was apparent not all staff were receiving wellbeing supervision or Members were unsure if it was standard across the service. For staff, particularly frontline facing and those holding cases, they should consistently have access to both case management/practice supervision and wellbeing/personal supervision, and both parts should be undertaken. This could be separate sessions, but Members felt it was important to ensure staff received both types of supervision.

- **Recommendation 8:** Staff should consistently have access to both case management/practice supervision and wellbeing/personal supervision.

- 6.31 Witnesses raised the number of direct reports that managers have. Witnesses shared that “managers are support[ing] too many people” and that this meant that they could not support their direct reports effectively. One witness stated that the “diluted management” meant they felt they were not able to receive enough quality supervision and quality assurance of their work. One witness, who was a manager, shared that their number of direct reports increased from 6 to 13 in 6 months. All of the additions were new starters, meaning they needed additional support and training.

- 6.32 Members reflected that Managers need to have a manageable number of direct reports to oversee and support to staff. The Council ensure that Managers have an appropriate number of staff who report to them, especially for staff who carry caseloads and need regular supervision. The Spotlight Review were informed that best practice was 8 direct reports, but this was dependent on the specific role and responsibilities.

- **Recommendation 9:** The Council needs to ensure managers have an appropriate number of direct reports.

## Culture and morale

- 6.33 Staff need to feel valued, and morale needs to improve within the service. On reflecting on the Spotlight Review session, Members commented that there needs to be thought from Leaders into wellbeing, teamwork and connecting staff to make them feel valued.
- 6.34 Witnesses commented that culture was “not good”, staff were “lost”, had “no sense of belonging”, staff feeling like they are not able to do their job to the best of their ability and that they feel like they “are not making a difference”. This was attributed to poor stability and changes to Senior Leadership over the past 12 months which created instability and a sense of anxiety for staff. A change in culture and improving morale would not be something that could happen overnight, but with a continued effort to show staff are listened to, valued, praised and have satisfaction in their work.
- 6.35 Members felt that staff need to be celebrated more and recommend the suggestions from staff including celebration events, holding an appreciative enquiry to improve professional self-esteem and improving morale and sharing good practice by celebrating successes through serious success reviews. Witnesses stated that the current ‘Shout out’ process was not effective at celebrating success. This does relate to the People First Strategy ‘Voice’ theme, where celebrating staff is a key area of work.
- **Recommendation 10:** Through the Voice theme of the People First Strategy to celebrate staff and their achievements more, the Council should consider celebration events, appreciative enquiries or serious success reviews.
- 6.36 The Task Group believe it is importance that Members, Cabinet Members and Senior Leaders continue to ensure they visit staff in their workplace and seek their views. Senior Leaders need to be seen in order to build trusting relationships with staff. Investing in relationships with staff also contributes to their voice being heard, a sense of belonging and feeling valued.
- **Recommendation 11:** Scrutiny Members will ensure they visit staff in their workplace and seek their feedback on an annual basis and report this back to the Children’s Scrutiny Committee.
- 6.37 Educational Psychologists commented on the focus of just doing statutory work and not being able to get out into the community to do preventive and Early Help work. There had been a pause in early intervention work because of the demand for EHC assessments where around 5-600 children were waiting to see an educational psychologist. Members were told it has had some unintended consequences around staff wellbeing and morale with staff not feeling like their entire skill set or training was being utilised. The Council announced in September 2023 that there would be a gradual return to this work from January 2024 (Devon County Council, 2023).

## Training and development

6.38 Witnesses told the Spotlight Review they felt there wasn't clear career progression or pathways to develop, with one witness stating they felt they had "limited options" available to them as an experienced member of staff. Another commented on how this impacts on retention, because staff did not feel like there was a reason to stay if they could not see a future in the organisation.

6.39 Members felt it was important for staff to be able to progress and development their careers at the Council, if they wanted to. This would develop our staff and ensure their learning remains in the organisation. The Council should ensure that ensure that pathways for staff progression are clear, working with managers as part of appraisals to ensure we need the needs of our staff through additional qualifications and training. Leadership or manager training should be available for new managers. As one witness commented "make staff want to stay because there is a clear pathway" for them. Members were aware that work was ongoing on career pathways as part of the People First Strategy.

- **Recommendation 12:** In the review of pathways, the Council should ensure that pathways for staff progression are clear, including annual appraisals, additional qualifications, and leadership/manager training, where appropriate.

## 7 Conclusion

7.1 The Spotlight Review was a valuable undertaking for Members to hear directly from staff about their current work and how their service is operating to enable Members to understand services and to help drive forward improvements.

7.2 Members of the Spotlight Review are aware that recruitment and retention is complex. Whilst the roundtable discussions looked at recruitment and retention separately, they are of course linked and relate to each other in many ways. This was evident in the number of similar suggestions in both roundtable discussions.

7.3 Whilst progress had been made from the 2020 Spotlight Review, a number of persistent challenges remain. Having manageable caseloads, an over reliance on agency staff, ensuring stability in teams and wellbeing supervision were issues raised in 2020 which also featured in this Spotlight Review.

7.4 In putting forward this report and its recommendations, Members want to ensure they are amplifying the voice of staff in Children's Services to improve their working environments. However, Members hoped that some of the recommendations will affect all staff and new staff across the Council, not just in Children's Services. This is particularly pertinent as the Council has recently launched a new People First Strategy. Members also acknowledge that some of the recommendations in this report are actions that have already agreed to in the new Strategy, such as reviewing terms and conditions.

7.5 Members of the Spotlight Review highlighted the feedback from witnesses and attendees that many of them enjoyed attending the session and discussing the shared challenges together. One witness commented after the spotlight review that "it was a great opportunity to come together across Children's Services".

7.6 Likewise, Members were pleased to observe that even outside of the structure of the two roundtable discussions, witnesses in the room were discussing the challenges, forming ideas and sharing experiences with others from their own service area and from other service areas. Members hoped that many of the connections and ideas shared in the session would be a catalyst for further ideas, changes and conversations. Whilst this report is now a few months since the Spotlight Review session, Members hope the session has already had a positive impact.

## 8. Membership

The following Members of the Children's Scrutiny Committee took part in the Spotlight Review: Councillors Su Aves (Chair), Tracy Adams, Phil Bullivant, Frank Letch MBE, Pru Maskell and Lois Samuel.

## 9. Contact

For all enquiries about this report or its contents please contact: Charlie Fisher (Scrutiny Officer) – [charlie.fisher@devon.gov.uk](mailto:charlie.fisher@devon.gov.uk)

## 10. Witnesses

The Spotlight Review 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:

Witness	Job title/position
<b>Maria Price</b>	Director of Legal and Democratic Services
<b>Maria Chakraborty</b>	Director of People and Culture
<b>Steve Liddicott</b>	Interim Deputy Director – Head of Children's Health and Wellbeing
<b>Damien Jones</b>	Deputy Director - Transport Operations, Environment & Waste
<b>Kate Stephens</b>	Head of Service - Public Health Nursing
<b>Victoria Howard</b>	Operations Manager - Public Health Nursing
<b>Jacqueline Sims</b>	Head of Service, Children and Families (North and Mid)
<b>Andrea Owen</b>	Recruitment and Workforce Intelligence Manager
<b>Catherine Aronson</b>	Lead HR Business Partner
<b>Kelly Wood</b>	Workforce and Recruitment Lead
<b>Henrietta Trevor</b>	Practice Development Advisor
<b>Harriet Cadman</b>	Children's Workforce Development and Improvement Lead
<b>Rachel Hearn</b>	Deputy Principal Educational Psychologist
<b>Rachel Edmundson</b>	Senior Educational Psychologist
<b>Chloe Butzke</b>	Psychology Assistant
<b>Hattie Kimber</b>	Trainee Educational Psychologist
<b>Kasia McClure</b>	Team Manager – Children and Families (South)
<b>Rodney Rikhotso</b>	Experienced Social Worker – Children and Families (Exeter)
<b>Leonard Agere</b>	Team Manager - Disabled Children's Service (East & Mid)



<b>Julia Foster</b>	Senior Manager – SEND
<b>Alison Gill</b>	SEN Area Commissioning Manager
<b>Jo McDade</b>	SEN Area Education Officer
<b>Mackenna Stevenson</b>	SEN Area Commissioning Officer
<b>Catherine Edwards</b>	SEN Assessment Co-ordinator
<b>Debbie Blackler</b>	SEN Area Education Officer

Also in attendance was Councillor Andrew Leadbetter, Cabinet Member for Children’s Services and Schools, and Councillor Andrew Saywell, Cabinet Member for Organisational Development, Workforce and Digital Transformation.

The Spotlight Review also received written evidence and other contributions from:

- Justin Mitchell – HR Lead Business Partner, Devon County Council.
- Steve Ryles – Trade Union Convener, Devon County Council.
- Allan Cadzow – Corporate Director for Children and Young People, Suffolk County Council.
- Theresa Levy – Executive Director of People, Dorset Council.

NB: At the time of the of the Spotlight Review, Councillor Lois Samuel was a Member of the Children’s Scrutiny Committee, but was subsequently appointed to the Cabinet as Cabinet Member for Children’s SEND Improvement Services in September 2023 and left the Committee.

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# Agenda Item 9

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14<sup>th</sup> November 2023

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