

CHILDREN'S SCRUTINY COMMITTEE

25 March 2024

Present:

Councillors P Sanders (Vice-Chair in the Chair), J Bradford, J Brazil, P Bullivant, C Channon, L Hellyer, F Letch MBE, P Maskell, J Trail BEM and C Mabin (Church of England Diocesan representative)

Apologies:

Councillors T Adams, S Aves, T Adams, G Gribble, I Hall and M Squires

Members attending in accordance with Standing Order 25:

Councillors A Leadbetter and L Samuel

* 134 **Announcements**

The Chair welcomed Mrs R Saltmarsh to the meeting who was attending in her capacity as a Co-opted Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

* 135 **Declarations of Interest**

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

* 136 **Minutes**

RESOLVED that the Minutes of the meetings held on 18 January 2024 be signed as correct records.

* 137 **Items Requiring Urgent Attention**

There was no matter raised as a matter of urgency.

* 138 **Public Participation**

There were no oral representations from members of the public.

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

Cabinet Members, Councillors Leadbetter and Samuel, would address any issues within the main agenda items.

* **140** **Scrutiny Committee Work Programme**

The Scrutiny Officer updated the Committee as to the Work Programme, reminding Members of the Masterclass on 4 June to consider items for the forthcoming year.

Members agreed that Foster Carers be added as an item to the Work Programme.

* **141** **SEND Transformation Programme update**

(Councillors A Leadbetter and L Samuel attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee.)

The Committee received two reports, firstly, of the Director of Children & Young People's Futures which provided an update on the Special Education Needs and Disabilities (SEND) Transformation Programme (CS/24/07) and, secondly, a joint report to Cabinet of the Chief Executive, Director of Finance & Public Value and Director of Children and Young People's Futures relating to the SEND Safety Valve Agreement (DFP/24/44).

The Council and its partners agreed in September 2023 to a new system-wide approach to delivering improvements through the SEND Transformation Programme, as set out under seven key strands outlined in Appendix A to the first report:

1. Strategy
2. Inclusion & Early Help (Education)
3. Preparation for Adulthood
4. SEN Statutory processes
5. Sufficiency
6. Financial management & Placement Value
7. Multi agency pathways

The first report provided an update on the Sufficiency strand and on the overall progress made since the previous Committee meeting.

As to the second report, which was considered by Cabinet on 13 March 2024, but which was embargoed until the afternoon of 7 March, the Cabinet received in December a report on the Council's proposed submission to the Department for Education (DfE) as part of the SEND Safety Valve Programme. The Council received confirmation on 7 March after 4pm that the Minister had made an offer for the Council to enter into a Safety Valve

Agreement with the DfE for a period of nine years on the terms set out in the second report.

The report stated this was a significant achievement and opportunity for the Council that not only provided the framework for service improvement but also put the Council back onto a sustainable financial footing by ensuring services were delivered within the annual ringfenced grant for the High Needs Block and by reducing the cumulative SEND deficit to zero by the end of the term.

In summary, the second report stated that the cumulative SEND deficit could reach £207 million at 31 March 2026 before it then stabilised. The DfE had agreed to contribute £95 million to this deficit with the remainder coming from various sources, including interest earned on the DfE contribution, as detailed in the report.

Members' questions and discussion points in relation to the two reports included:

- Confirmation that Cabinet had at its meeting on 13 March agreed that the Authority enter into the Safety Valve Agreement with the DfE.
- The DfE contribution of £95 million would be released to the Authority yearly over a nine year period until 2031/32, dependent on key stages being met within the safety valve management plan. If events did not happen as planned, the Authority would enter back into further negotiations with the DfE.
- Safety valve agreements reached with other national Local Authorities and the DfE each varied in the level of support being made available.
- Concern that cuts should not be made to services and assurance that mitigations were in place to manage this.
- That increased local sufficiency would avoid the need for expensive out of county placements.
- Concern that despite the DfE contribution the SEND deficit would continue to rise year on year.
- Important to note that in-year savings towards the cumulative SEND deficit would be from the overall Council budget and not just from within Children's Services.
- The NHS-led project Partnership for Inclusion of Neurodiversity in Schools was progressing well, as was the provision of resource bases programme.
- Retention of educational psychologists had stabilised and a further three had been recruited to start in September; and a significant improvement had been made in the number of children currently awaiting an assessment.

The Committee agreed to future updates being scheduled and aligned to the seven strands of the SEND Transformation Programme.

[The presentation given at the meeting is attached.]

* **142** **Corporate Parenting Strategic Board - Impact of new Arrangements**

(Councillors A Leadbetter attended in accordance with Standing Order 25(1) and spoke to this item at the invitation of the Committee.)

The Committee received the report of the Head of Service of Corporate Parenting (CS/24/08) on the Corporate Parenting Strategic Board - impact of new arrangements, which asked for endorsement to the continued use of the Corporate Parenting Strategic Board and Subgroup structure that used a champion model, recognising the positive impact that this was having.

The new Strategic Board and Subgroups came into effect on 26 September 2023, and included partner agencies co-opted into the groups to work on the proposed workstreams for each area. The report provided an update on each of the following subgroups:

- Talented Me
- Healthy Me
- Care for Me
- Involve Me
- Welcome and Support Me

The new structure for the Corporate Parenting Strategic Board and its subgroups was starting to embed and was having a positive impact. It had been recognised by the DfE National Advisor for Care Leavers who was impressed by the pace of progress made.

Members' questions and discussion points included:

- There was a lot of work ongoing in improving housing, including regular meetings to look at young people in unsupervised accommodation, especially those in B&B provision; joint training with housing colleagues and personal advisors; and work around help in sustaining tenancies in the long term.
- There would be a further DfE National Advisor visit in June.
- Devon Districts were working closely together in this leadership role, ensuring all Chief Executives were kept fully informed.
- Recognition that more needed to be done for foster carers, similar to the Mockingbird project.
- Noted that as of today (25 March) there were 882 children in care; and that recognised improvements had been made.
- Officers agreed to clarify whether there was a need for accommodation for children in foster care during University vacation.
- A young care experienced corporate parenting lead had now been appointed who would attend the Subgroups and the Corporate Strategic Board.

The Committee endorsed the continued use of the Corporate Parenting Strategic Board and Subgroup structure and requested an update report at a future meeting.

* 143 **Local Government and Social Care Ombudsman (LGSCO) Report**

The Committee received the briefing report of the Director of Children and Young People's Futures (CS/23/11), together with the LGSCO report and recommendations made, attached at Appendix 1. This followed a complaint that had been escalated to stage two of the complaints procedure in May 2022.

Following investigation, the LGSCO had made several recommendations which had all been accepted by the Council and were outlined in the report, annotated with what action the Council had taken for each recommendation.

Members' questions and discussion points included:

- There had been an unprecedented number of stage two complaints received relating to Children's Services, resulting in delays due to lack of inhouse investigators and having to use external investigation teams.
- Reassurance that numbers of complaints had now reduced and currently there were not any stage two complaints.
- Reassurance that any future capacity concerns would be highlighted in the quarterly report which would come before this Committee, as recommended by the LGSCO.
- Following the recommendations made by the LGSCO, the financial impact was estimated to be between £400,000 and £500,000.
- Confident that on the right course, but further learning would be taking place across service areas and further information included in the quarterly report.

The Committee requested a further review of this matter in six months' time.

* 144 **Children's Social Care Visits Report - Progress on recommendations**

The Committee received the report of the Director of Children and Young People's Futures (CS/24/09) on the Children's Social Care Visits report – progress on recommendations.

The report updated the Committee on the response of the service in relation to those recommendations.

Questions and discussion points included:

- Members queried the number of international Social Workers as mentioned in paragraph 3.1 of the report and Officers would revert accordingly.
- Welcome the pay cap for Children's agency workers across the South West Councils.
- Data showing the improving picture of the Children's Services workforce would be included in the next performance report.

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

The Meeting started at 10.30 am and finished at 12.35 pm



Devon's Dedicated Schools Grant (DSG) Deficit Management & Sustainability Plans (Safety Valve proposals)



Devon's approach to DSG management and sustainability

Financial sustainability and improved outcomes for children and young people is a top priority for Devon County Council since the arrival of the Chief Executive Officer in February 2023. A programme to build a stronger and more sustainable Council has begun and is one of six corporate priorities agreed by Cabinet.

In Summer 2023, **DCC revisited its DSG management and sustainability plans**. The work has included;

- **Testing and refreshing modelling assumptions** based on forecasting and our understanding of the current performance context. This has included analysis of **options to reach sustainability as soon as possible**, using trajectory management approaches.
- **Updating the DSG Management Plan** to ensure projects are feasible, unintended consequences are reduced and those remaining are more comprehensively demonstrating our improvement strategies and plans.

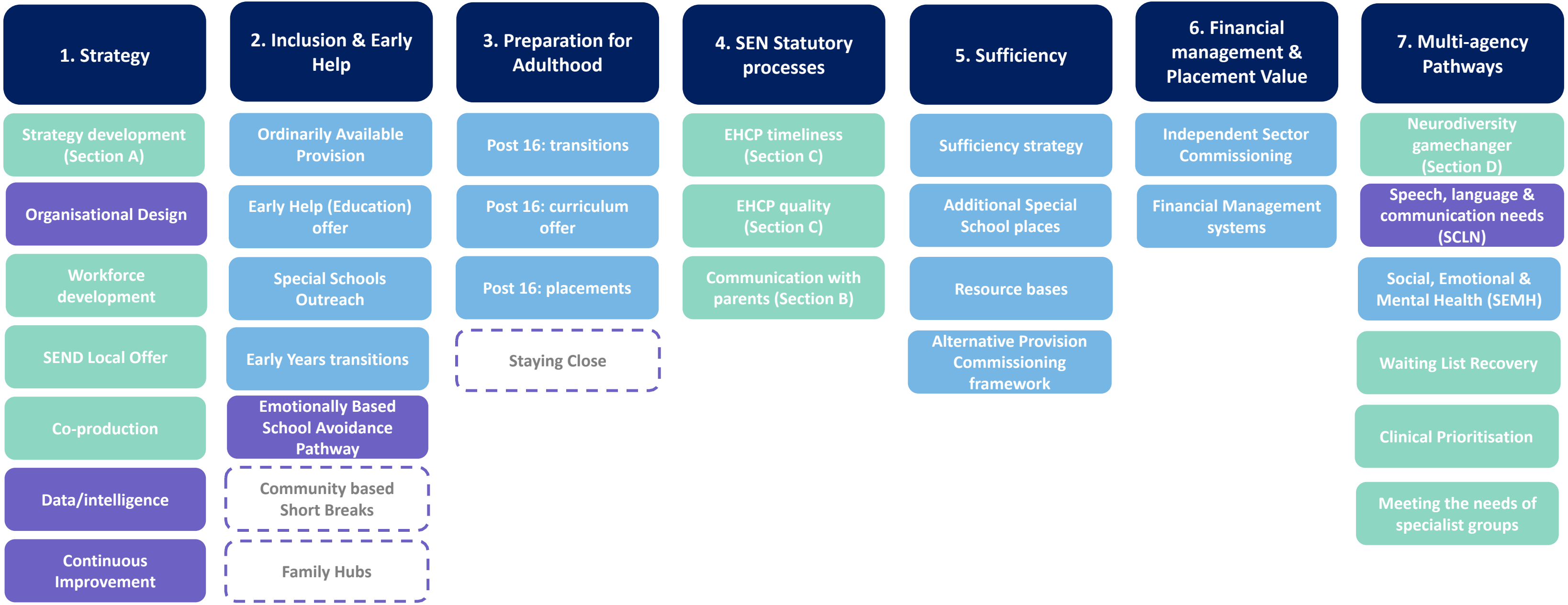
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In September 2023, the Local Area SEND Partnership agreed that **a new system-wide improvement approach** was needed to address the challenges the local area faces. The **SEND Transformation Programme** (slide 3) brings together the improvement activity following the Ofsted/CQC Local Area SEND Inspection/Revisit and the Safety Valve activity focused on a financially sustainable future.

Safety Valve proposals are made in the context of the current legislation, policy guidance, funding arrangements and national system challenges. Plans may be affected in future years by national policy changes, particularly the delivery of the national SEND Improvement Plan.

Devon's SEND Transformation Programme

SEND Transformation Programme



Communication and Engagement

■ Safety Valve activity
 ■ Post Ofsted/CQC improvement activity
 Linked projects outside SEND Transformation

How DCC will control the DSG deficit and reach an in-year balance (Themes)

DCC's strategies and plans to improve the experiences and outcomes for children and young people with SEND and lead to a financially sustainable position, by the end of 2027-28, focus on the following **themes**:

Inclusion & Early Help

Focus on early support so that the majority of children have their needs met within their local mainstream setting, through strengthened universal and targeted support.

Preparation for Adulthood

Developing shared pathways into adulthood across the local system, supporting young people (14-25yrs) to access appropriate education and training and ensure a planned transition into employment, independent living, or identified next step in adult life.

Sufficiency

Appropriate local provision is available to meet the needs of children and young people with SEND across Devon, including sufficient special school places, the establishment of Specialist Resource Provision and improved use of Alternative Provision.

Financial management & Placement value

Improve processes and use of data to make informed decisions about how the Council spends money to support children and young people with SEND in a timely way. Improving the commissioning of independent placements.

Inclusion and Early Help

- **Ordinarily Available Inclusive Provision (OAIP) Toolkit/Support** – Improving the inclusive capacity of Devon’s mainstream schools and settings by ensuring high quality OAIP is available consistently as part of a robust graduated approach. Supported by 4 Locality SEND Advisory Teachers.
- **Education key workers** – Targeted support for children with EHCPs/SEN Support to overcome barriers to attending mainstream settings. Working with parents to support a return to education and build a positive relationship with school. Includes intensive support for primary transition. Focused pilot work on Emotionally Based School Avoidance (EBSA) *-(Scale of EBSA reach dependent on 0.25% Schools Block transfer)*
- **Area Inclusion Partnerships** - Locality based school-led inclusion solutions to improve support for children with SEMH. Schools working in partnership to reduce suspensions, achieve zero exclusions and develop stronger inclusive practice.
- **Early Years transition to school** - Improving the experience of children with SEND and their families at point of transition to Reception, challenging the perception that many children with an identified SEN need at Early Years settings will need an EHCP in school.
- **Specialist support assistants in mainstream (SEN Support)** - Outreach support to mainstream school classroom staff developing skills and confidence to support children on SEN Support.
- **Special School outreach in mainstream (EHCP)** - Outreach support to mainstream school classroom staff developing skills and confidence to support children with an EHCP and reducing the need for a specialist placement, where appropriate.
- **Organisational Design of Education Support Services** – Redesign of DCC Education and SEND Services to support a ‘place-based’ approach to inclusion and strategic support to schools. Supported by Essex County Council.
- **Early Help** – enhance Family Intervention Teams with dedicated response to schools and increased visibility in schools focused pre-exclusion, behaviour management and Teachable Moments approach to support inclusion. *(Scale of reach dependent on 0.25% Schools Block transfer)*

Planned impact – to increase the proportions of children & young people receiving SEN support and remaining in their local community and educated in a mainstream setting, where appropriate. Increased attendance and inclusion rates for children at SEN Support and with EHCPs.

Preparation for Adulthood

- **Post 16 placements** – Supporting learners who have been in a post 16 independent specialist setting for over 3 years. Learners will be supported, by a dedicated team of SEN caseworkers and adult social workers, to move on to further education and training, independent living or an identified next step in adult life through a planned transition process.
- **Post 16 transitions from special schools** - a multi-agency team to support transition planning for young people from 14 years, moving from state funded specialist provision into post 16 mainstream education and beyond to adult life.
- **Post 16 curriculum offer** – review curriculum for post 16 learners in Devon Special Schools to meet the national recommended guided learning hours and consider activities outside of guided learning hours, such as extra-curricular activities and clubs, independent study/research or time spent in employment and or work experience.
- **Increasing mainstream FE places** – increase the number of mainstream FE places to meet current and forecasted demand. Focus on supporting young people with ASD and SEMH needs to transition into employment, training or life skills. Outcomes from mainstream provision in terms of life skills and other factors are strong.

Planned impact – to increase the number of young people able to access mainstream post 16 provision with their peers.

Sufficiency

- **Special School Places** - Provision of two new state-funded special Free Schools (up to 190 places). Additional satellite provision in West Devon (up to 40 places). Special schools estate will have been doubled in size since 2018 principally SEMH, ASD & SLCN Primary Needs.
- **Specialist Resource Provision** - Expansion of specialist support provision within mainstream schools through the establishment of additional resource base units for up to 200+ places. Providing local provision for local children and a well-resourced continuum of provision.
- **Alternative Provision (AP)** – developing a framework approach to commissioning alternative provision. Develop capacity of registered AP and mainstream schools to deliver AP. Joint commissioning of provision being explored to improve value for money.

Impact to date – Delivery of a new special school, The Promise in Okehampton.

Planned impact – Increased specialist support to children and young people in their community through provision of Resource Bases and Special Schools. Reduced exclusions and better value for money Alternative Provision. Reduction in the use of unregistered provision. Reduction in transport time and costs.

Financial Management & Placement Value

- **Financial Management Systems** – Sound financial management of service, including integrated systems and reporting, to manage efficiencies and accurately project costs including work across DCC to give a single view of a young person and their costs including with Transport, Child Social Care, Adult Social Care and other departments
- **Commissioning Independent Placements** – Alignment of commissioning processes for independent special school placements with:
 - Other Education Commissioning including Alternative Provision and Tutoring and
 - Wider DCC commissioning & procurement practice.

Impact to date - Mapping of current system and processes to identify current ways of working and any anomalies in payments which has an in-year impact plus impact on future forecasting. Working with Top 20 independent providers

Planned impact - Consistent approach to independent sector fee increases, block contracting, spot purchasing etc. Improvements in commissioning practice will result in a reduction in fee levels through more robust negotiation and improved quality standards.

Capital Investment

The following investments will also help to achieve the position of in year balance in 2027-28:

- **DCC has invested £18m to increase the special school estate**, including most recently new school provision in Okehampton (£11m) and additional provision in Barnstaple and Bideford, totalling circa £7m.
- DCC has identified **£6m capital to deliver the additional 200+ resource base places and successfully secure 2 additional Free Schools**, including the purchase of land.
- DCC is awaiting confirmation of a bid for additional high needs capital **to increase Further Education capacity and an additional specialist satellite (pre-16) provision** in Tavistock to mitigate against delays in special schools building.

How DCC will ensure that the plan is deliverable and will be managed as it is implemented

- In September 2023, DCC committed a **programme management team** to the SEND Transformation Programme which includes 1FTE Programme Manager, 1FTE Project Manager and 2FTE Project Officers.
- The **SEND Strategic Partnership Board** holds the partnership accountable for the delivery of the deficit management plan and the delivery of the Ofsted/CQC Accelerated Progress Plan (APP). The Board meets monthly and membership includes an independent Chair, DCC and NHS ICB Chief Executives, Senior DCC & NHS Leaders (inc. s151 Officer), Elected Members, Parent Carer Forum Devon, the Chair of Devon Schools Leadership Services (DSLs) and the Designated Chair of Devon Special School Heads.
- The **SEND Transformation Programme Board** is responsible for overseeing the detailed delivery of the programme against agreed milestones and delivery plans and holding leads to account for delivery. Membership includes Director of Children's Services, Senior DCC & NHS Leaders, Project Leads, Parent Carer Forum Devon and appropriate representatives across the partnership. The Transformation Board is supported by project groups relating to specific areas of delivery. **Each project has an accountable sponsor** and resourcing, and monthly reporting includes delivery progress, performance indicators and risk and issue management. This Board reports to the SEND Strategic Partnership Board and this structure allows risks and issues to be escalated for resolution by accountable officers.
- DCC will **maintain these governance arrangements**, with potential **adjustments to the reporting and meeting schedule** to align with the proposed DfE Safety Valve monitoring arrangements. DCC is developing a **Safety Valve Dashboard** to support monitoring arrangements.
- **Oversight and assurance from DCC Strategic Leadership Team (SLT)** as one of 5 priorities identified and presented to Cabinet in March 2024.
- Regular scrutiny through our **Overview & Scrutiny Committee**