

**INVESTING IN VULNERABLE CHILDREN (SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND) AND CHILDRENS SOCIAL CARE)**

**Report of the Chief Officer for Childrens Services**

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

**Recommendation:**

To secure the accelerated improvements identified in the December 2018 Area SEND Inspection by Ofsted and CQC and May 2019 Focused Visit by Ofsted:

1. Cabinet approve investment for 14.2 full time equivalent (FTE) employees at an ongoing cost of just over £640,000 per annum; and
2. Cabinet approve one-off investment for 8.5 full time equivalent employees for a short-term period at a cost of £378,000 in 2019/20 and £58,000 in 2020/21.

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**1. Background**

In 2014, the government introduced much needed reforms to the arrangements to meet the needs of children with SEND. The government funding for the reforms did not fully match the increased demand and expectation. The system, nationally and locally, is experiencing sustained pressure.

In 2016, Ofsted commenced a programme of SEND inspections. To date, over 80 Local Authorities have been inspected and about half have been issued with a Written Statement of Action (WSoA). Devon's SEND services were inspected in December 2019; a WSoA was issued (<https://files.api.ofsted.gov.uk/v1/file/50054047> ). Devon will be re-inspected in about 18 months with an expectation that the four key areas identified for accelerated improvement will have been fully resolved. To date three Local Authorities (Suffolk, Dorset and Hartlepool), at re-inspection, have failed to make sufficient progress and have received a letter advising of planned government intervention. At the time of writing, our action plan in response to the WSoA has not been approved by Ofsted.

In 2018 Ofsted introduced a new framework for the Inspection of Local Authority Children's Services (ILACS). The framework raises the expectations bar particularly in relation to the quality of supervision and the reliability of practice audit as a tool of quality assurance. These were identified as areas requiring further development in our recent Ofsted Focused Visit.

## **2. Proposal**

Devon County Council's overarching strategy and medium-term financial plan has a clear commitment to vulnerable children, receiving full, cross party support.

The SEND Inspection identified four areas where accelerated progress needs to be made:

- a) Strategic plans and the local area's SEND arrangements are not embedded or widely understood by stakeholders including schools, settings, staff and parents and carers
- b) The significant concerns that were reported about communication with key stakeholders, particularly parents and families
- c) The time it takes to issue Education, Health and Care Plans (EHCP) and the variable quality of these plans. Plans do not consistently capture a child and young person's needs and aspirations so that they are a valuable tool to support the planning and implementation of education, health and care provision to lead to better lived experiences for the child and their families
- d) Weaknesses in the identification, assessment, diagnosis and support of those children and young people with autism spectrum disorder

While not addressed in the inspection framework, we also know that transitions into adult services are a major challenge for young people and their families. In addition, the Council's Overview and Scrutiny Report, Behind the Education, Health and Care Plan (EHCP)

(<https://democracy.devon.gov.uk/documents/s26019/Behind%20the%20EHCP%20Task%20Group%20Report%20FINAL.pdf>) recommended investment in the 0-25 team to match that found in other Local Authorities and to ensure staff caseloads are reasonable. The investment proposals set out here will address the identified weaknesses in the WSoA and in Behind the EHCP.

### **Strengthened Engagement Function (WSoA 1 & 2)**

This will increase and bring together capacity across Childrens Services. This has historically been an under-developed area of practice and continues to be a significant vulnerability for the partnership and for future SEND and social care inspection. Investment for 3.2 FTE is sought.

We are also procuring a portal which enables parents and professionals to access, monitor and contribute to the child's EHCP, in real time, on line.

### **EHCP Timeliness and Quality (WSoA 2 & 3)**

Four area-based teams within the 0-25 SEN Service deliver on EHCP timeliness and quality. They rely on a very complex web of partners producing their advice/EHCP submissions in a timely way.

The teams work very closely with the Inclusion Service whose task is to support children back into school. These are mostly children with high levels of anxiety associated with their complex needs. These are the children who are likely to be receiving bespoke education packages or be electively home educated because parents do not believe the school offer can meet their child's needs and they are anxious about the child's deteriorating mental health. The capacity of the 0-25

and Inclusion Service to achieve integration or re-integration is under intense pressure. A child, settled in the right school, has a transformative impact on the child and the family.

Investment is sought for six staff, 1.5 FTE in each area whose roles straddle 0-25 and Inclusion. The roles will ensure timely and effective intervention for children and young people with autistic spectrum conditions whose anxiety and/or fragile mental health is precluding their engagement with school. In addition, a designated social care officer to match the designated clinical officer is needed to ensure social care contributions to EHCP are timely and of the right quality.

#### Preparation for Adulthood (PfA)

Timely, planned and proactive PfA and transition to adult care and health services is hindered by capacity within the system. There is a need to accelerate the move to a more joined up approach across education, health and care, ensuring the right bespoke practice and joint commissioning arrangements are in place to support young people to achieve their goals and to prepare to live as independently as possible as they approach adulthood. A team of four social workers or equivalent supported by a Team Manager will ensure effective and timely intervention for all young people who will need support, including those with autistic spectrum conditions and complex needs, so that they are supported to be independent, resilient and thrive into adulthood.

#### Transformational change, achieving integration

In Devon, for multiple reasons, our services for children and young people with complex needs and their families are less integrated than we want. The evidence base in favour of integrated education, health and care services in this area is compelling, with a growing number of local authorities adopting a more coherent approach, focused on personalisation, independence and prevention.

The transitions work, undertaken through purposeful systems, stimulated a change in practice which was more joined up across the system and created an energy and desire in the workforce to do things differently. Strategic and operational partners across health, education and social care have the appetite for change and the inspection has helped to crystallise the system conditions which are now ripe for the next phase of change, which should be aspirational and ambitious.

We therefore want to undertake a project to redesign, with parents, children, young people and disabled adults, the SEND system to achieve a fully integrated (Health, Education, and Social Care) 0 to 25 system that ensures a seamless, multi-agency whole system response at all stages of the SEND process that supports young people to transition into adulthood at the right time, with the right support.

We plan to offer a secondment (0.5 FTE) to secure the right skill set, experience, and SEND knowledge to develop and implement robust system redesign. The CCG has committed to sharing the cost for this role and the project team will be drawn from across Devon's leaders (experts by experience, paediatricians, specialist nursing, Children and Family Health, Babcock, SEND 0-25, inclusion, schools, children and adult social care)

Alongside this proposal the CCG is taking an investment proposal through its governance to ensure appropriate resourcing of the fourth strand of WSoA, which is focused on responding to Autistic Spectrum Conditions.

### Strengthening Children's Social Care

A short-term booster investment is required to accelerate the full embedding of Eclipse (the case management system in Children's Social Care). During the recent focused visit, too few practitioners were able to fully showcase their work because of their limited confidence and competence in using Eclipse.

All managers in Children's Social Care are involved in quality assuring the work of the service. This is a key tool in securing the effective protection of vulnerable children. Compared to other Local Authorities, Devon's experience in this area of practice is relatively new and therefore is less well developed. Ofsted, in the full inspection which is expected later this year or early next, will expect to see a more developed practice. Short-term booster investment to fund four Quality Assurance Manager posts for up to nine months is required to support the enhanced activity already being implemented by the service.

### **3. Investing to Save**

Good Children's Social Care means better and more timely interventions and improved decision making which is significantly better value for money and significantly better for children. This has to be understood as a long-term investment that, over time, will lead to reduced activity and costs at the higher tariff.

The investment in the 0 to 25 and Inclusion Team will, over three years, recover (in the High Needs Block of the Dedicated Schools Grant) the costs of the investment sought. The reintegration of children into a school that can meet their needs has a transformative impact on the child and family as well as delivering better value for money. Similarly, the PfA investment sought will, over three years, recover the cost of the investment and have a similarly profound impact on the lives of individuals who are supported on their path towards greater independence.

### **4. Options/Alternatives**

The Scrutiny Task and Finish Group recommends a higher level of staffing into the 0-25 team than is proposed here, but, because of the focused nature of its work, the group did not explore some of the wider system investments needed. A more balanced investment that addresses all the elements of the WSoA, as well as the longer-term transformation is recommended.

In making this investment, the Council would, at least in part, be attempting to close a gap that is the responsibility of central government. The Council intends to continue its committed lobbying of central government. It could decide to hold off investment to exert more pressure on central government. However, we know that the system in Devon is not yet meeting the needs of all the children and

families with SEND who need support and that the current pressure in the system is unsustainable and this course of action is therefore not recommended.

## 5. Financial Considerations

The proposals within this report require additional staffing of 14.2 full time equivalent employees and have an ongoing cost of just over £640,000. The proposals also require additional staffing of 8.5 full time equivalent employees on a short-term basis that will cost £378,000 in 2019/20 and £58,000 in 2020/21.

The costs will fall to the County Council's General Fund, and whilst the proposals relating to Education and Health Care Plans and Preparation for Adulthood are expected to achieve ongoing savings, the former will be to the benefit of the Dedicated Schools Grant (DSG) High Needs Block.

| TABLE 1                           | Recurrent investment |                  |                  |                  | 2022/23 and ongoing<br>£'000 |
|-----------------------------------|----------------------|------------------|------------------|------------------|------------------------------|
|                                   | FTE                  | 2019/20<br>£'000 | 2020/21<br>£'000 | 2021/22<br>£'000 |                              |
| <b>SEND</b>                       |                      |                  |                  |                  |                              |
| Strengthened Engagement Function  | 3.2                  | 95               | 155              | 155              | <b>155</b>                   |
| EHCP                              | 6                    | 134              | 239              | 239              | <b>239</b>                   |
| Preparation for Adulthood         | 5                    | 91               | 247              | 247              | <b>247</b>                   |
| <b>Total recurrent investment</b> | <b>14.2</b>          | <b>320</b>       | <b>641</b>       | <b>641</b>       | <b>641</b>                   |

| TABLE 2                                 | One Off Investment |                  |                  |                  | 2022/23 and ongoing<br>£'000 |
|-----------------------------------------|--------------------|------------------|------------------|------------------|------------------------------|
|                                         | FTE                | 2019/20<br>£'000 | 2020/21<br>£'000 | 2021/22<br>£'000 |                              |
| <b>SEND</b>                             |                    |                  |                  |                  |                              |
| Transformational Change SEND            | 1                  | 32               | 30               | 0                | <b>62</b>                    |
| Designated Social Care Officer          | 0.5                | 16               | 28               | 0                | <b>44</b>                    |
| <b>Sub Total SEND</b>                   | <b>1.5</b>         | <b>48</b>        | <b>58</b>        | <b>0</b>         | <b>106</b>                   |
| <b>Children's Social Care</b>           |                    |                  |                  |                  |                              |
| QA Manager                              | 3                  | 167              | 0                | 0                | <b>167</b>                   |
| Eclipse Team                            | 4                  | 163              | 0                | 0                | <b>163</b>                   |
| <b>Sub Total Children's Social Care</b> | <b>7</b>           | <b>330</b>       | <b>0</b>         | <b>0</b>         | <b>330</b>                   |
| <b>Total one-off investment</b>         | <b>8.5</b>         | <b>378</b>       | <b>58</b>        | <b>0</b>         | <b>436</b>                   |

| TABLE 3                   | Savings  |            |            | 2022/23 and |
|---------------------------|----------|------------|------------|-------------|
|                           | 2019/20  | 2020/21    | 2021/22    | ongoing     |
|                           | £'000    | £'000      | £'000      | £'000       |
| EHCP                      | 0        | 170        | 340        | <b>560</b>  |
| Preparation for Adulthood | 0        | 85         | 185        | <b>285</b>  |
| <b>Total savings</b>      | <b>0</b> | <b>255</b> | <b>525</b> | <b>845</b>  |

## **6. Equality Considerations**

This investment will have a positive equalities impact. Many of the children and young people with SEND and/or involved with Children's Social Care will meet at least one of the protected characteristics in the Equalities Act.

## **7. Legal Considerations**

There are no specific legal considerations.

## **8. Public Health Impact**

Children with SEND and those involved with Children's Social Care are often more vulnerable to poor public health outcomes. Investment in this area will promote better public health outcomes for a vulnerable group

## **9. Conclusions**

The reforms to the SEND system introduced by the 2014 legislation were the right ones, but they have placed significant additional financial and administrative pressure on local authorities. We know that we are on the right path because Ofsted and CQC have confirmed this to us and have affirmed that the actions set out in the WSoA are acceptable to them. The additional investment sought, coupled with that by the CCG and that for Children's Social Care, will ensure we are better able to meet the needs of children and families and that the re-inspection will not result Government intervention in Devon.

Jo Olsson

**Electoral Divisions:** All

Cabinet Member for Childrens Services and Schools: Councillor James McInnes

Chief Officer for Childrens Services: Jo Olsson

LOCAL GOVERNMENT ACT 1972: LIST OF BACKGROUND PAPERS

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