

DRAFT Improvement Notice

To: Devon County Council (the Council)

Devon County Council
County Hall
Topsham Road
Exeter
Devon
EX2 4QD

This Improvement Notice is issued to Devon Council on xx xx 2022 following an assessment that the local area has failed to make sufficient progress against four areas of weakness in its special educational needs and disability (SEND) service provision, as set out in the Ofsted and Care Quality Commission (CQC) SEND Revisit report, published on 11 July 2022.

1. This Notice is given to address all four areas for improvement identified in the report of the Ofsted and CQC revisit to local area services for children and young people with special educational needs and disabilities (SEND) and their families, dated 7 June 2022. (Annex 1)
2. To comply with this Notice, the following actions are required of the Council, working with the Clinical Commissioning Groups and its other partner agencies (“partners”), as identified by the Children Act 2004 (Section 11).

Improvement plan

3. The Council will produce an Improvement Plan to deliver appropriate and sustainable improvement. It must cover the areas identified in the Ofsted and CQC revisit report of 7 June, as well as recommendations made by the Department.
4. To ensure there is clear evidence of progression:
 - a. the content of the improvement plan, data dashboard and risk register must be kept up to date;
 - b. the Council must ensure there is an improvement board which meets monthly and has an independent Chair and membership including leaders across education, health and care services, the Chief Executive, the Social Care Accountable Officer and the CCG Accountable Officer.

- c. the improvement board will oversee the implementation of the improvement plan and will monitor progress and provide support and challenge to all partners in the Local Area, holding those partners accountable for their contributions.
 - d. reports to the improvement board should be supported by evidence on the impact of improvements on the quality of practice and experience of children and families;
 - e. The improvement board must:
 - I. have clearly assigned accountabilities for all actions agreed, along with clear and measurable targets at 3,6,12 and 18 months covering the areas identified in the Ofsted and CQC report. In addition, the board should maintain an action log which is updated at each meeting;
 - II. oversee implementation of the improvement plan and report in writing to the Department and NHS England every two months on progress against the objectives in the plan. It can commission updates from partners in order to do this;
 - III. highlight those objectives which are slow to progress and highlight where contributions need to be strengthened;
 - IV. evidence through its working how the views of frontline staff and of schools, parents, children and young people have been taken into consideration in the development of practice and standards.
5. The Council will provide a clear plan to ensure that it has in place a permanent, suitably trained, SEN case work team of sufficient capacity to enable the effective delivery of the EHC needs assessment and review system, within six months from the date that the Improvement Notice is published.
6. Invitations to improvement board meetings must be sent on each occasion to representatives from both DfE and NHSE who will attend periodically and will notify Council representatives in advance if this is the case.

Improvement against the above measures will be assessed as follows:

7. DfE and NHS Advisers will provide to the Department updates of progress or concern against the areas set out in this notice; improvement against the Ofsted and CQC requirements; and any other such information relevant to the improvement journey.

Department for Education reviews

8. Reviews may cover but are not exclusive to: culture; performance; leadership, management and governance; quality of workforce training and support; multi-agency arrangements – including the role and contribution of health providers; joint commissioning; and the timeliness and quality of Education, Health and Care plans and engagement with children, young people, families and carers.
9. Prior to any reviews, the Council should provide its own assessment of improvement. This may reflect, but is not limited to:
 - a. progress against the improvement plan objectives;
 - b. staff surveys;
 - c. the quality of feedback from parents and carers.
 - d. clear information about local accountability and governance structure.
 - e. the documentary evidence used to plan, track and evaluate the impact of actions, which may include:
 - I. A progress update against each area of significant weakness.
 - II. A dashboard of performance measures showing whether targets and milestones are being met in a timely manner; any slippage; evidence of impact and whether the local area is on track to meet the next set of milestones.
 - III. An updated risk register and mitigation plans.
 - IV. Evidence of systems being in place for collecting and analysing the impact of actions.

Any local evidence held that key partners, including children and young people, families and schools are playing an active role in improving services.
10. From time to time, the Department may require that a diagnostic review or assessment of performance in a specific service area is undertaken by a party agreed with the Department.
11. For any review or assessment, the Council must provide the person(s) conducting it with:
 - a. access to, and time with, staff and leadership;
 - b. accurate and up to date data on performance and quality;
 - c. facilities to carry out the reviews; and
 - d. access to minutes of meetings or any other relevant information.

Timescales:

12. Taking account of the measures set out in this improvement notice, the Council should aim for actions included in the improvement plan to be delivered by the end of February 2024 or sooner, where appropriate.

Failure to comply with this Improvement Notice by the assessment dates or poor progress:

13. Should the Council be unwilling or unable to comply with this Improvement Notice or should the Secretary of State not be satisfied with the council's progress at any stage, he may choose to invoke his statutory powers of intervention (s497A Education Act 1996) to direct the Council to take any further actions deemed necessary to secure the improvements required in SEND services.

Signed: *Fiona Nzegwu*

Date: ...29 July 2022.....

Fiona Nzegwu

Senior Civil Servant in Department for Education

Senior Civil Servant in Department for Education

Annex 1 (Improvement Notice - Devon)

Areas requiring significant improvement:

1. The fact that 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.
2. The significant concerns that were reported about communication with key stakeholders, particularly with parents and families.
3. The time it takes to issue EHC plans and the variable quality of these plans. Plans do not consistently capture a child and young person's needs and aspirations. EHC plans are not able to be used as 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.
4. Weaknesses in the identification, assessment, diagnosis and support of those CYP with autism spectrum disorder.