

## **SEND Ofsted/CQC Revisit Update**

Report of the Interim Deputy and SEND Strategic Director

At the last Cabinet meeting, I agreed to bring a report to Full Council to set out the service's response to the recent SEND letter and to detail the Action Plan to address these failings and improve the service. I would like to set some context for Members.

In preparation for the Inspection, D.C.C. leadership team were able to provide a detailed self-assessment acknowledging that there has been no progress in the four areas of weakness identified in the first inspection:

1. Strategic plans and the local area's SEND arrangements are not embedded or widely understood by stakeholders, including schools, settings, staff, and parents.
2. The significant concerns that were reported about communication with key stakeholders, particularly with parents and families.
3. The time it takes to issue education, health and care (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 children and young people with autism spectrum disorder (ASD).

The leadership team demonstrated to Ofsted that they:

- Therefore, already have a clear understanding of the weaknesses in the service and how to address these
- Are already taking the steps to deliver improvement The inspection was an inspection of the Local Area, which includes D.CC. and partners. Since the initial inspection of 2018 there has been both a DfE and NHS adviser involved with supporting improvement.

However, the DfE has understandably challenged us in relation to the need to make headway on reducing the backlog of annual reviews-which is still accumulating-there is a need for far greater caseworker and leadership capacity.

Shortly before the Inspection, the Parent Carer Forum shared the feedback from their parent survey which mirrored the findings of the Inspectors in terms of our relationships with children and families, the quality and level of service that we provide, particularly around quality and timeliness of Education and Health Care plans (EHCP) and the need for vastly improved relationships and communication with families.

In January, the Interim Director for SEN conducted an early assessment of the weaknesses within the system and was quickly able to put some tactical improvements in place to stabilise the service wherever possible as part of an

overall improvement plan. I have set out a list of actions below that are already in train.

Actions on the ground:

1. Recruitment has been underway to ensure greater capacity and skills in delivering services to families- based on forming and improving relationships. The caseloads are far too high, with one caseworker to 500 children's cases. The involvement of the Parent Forum co-chairs in recruitment has been pivotal in ensuring relationships with families are a focus of casework. This has to date included recruiting 14 new permanent staff to the service.
2. In addition, there has been further recruitment to create a 'backlog' team to oversee the delayed annual reviews and there is now a team of 10 experienced virtual case officers in place with a lead. In the past month they have closed 100 reviews. We have taken advantage of technology and Teams meetings to recruit virtual caseworkers with experience and skills. Our Parent Forum co-chairs have been alongside side us at all of the interviews. The team needs to be further expanded.
3. Appointed a lead Annual review officer to quality assure annual reviews and train staff.
4. Deployed in the first instance two virtual case officers in the backlog team to focus solely on post-16 young people. We need to add greater capacity here.
5. There is delegated leadership now to robust leads for the backlog team, and post-16 work, who will work together to ensure
6. The deputy director leading by example to the 0-25 service by meeting (virtually or face to face) parents before they escalate their complaint so that their voice is heard and listened to.
7. Providing clear direction in engagement with children, young people and a. families so that schools and further education providers improve the opportunities, communication with and outcomes for our young people and their families.
8. We have established a multi-agency assessment panel to ensure children and young people referred to EHC needs assessment are considered in more a robust way.
9. Commissioned a quality assurance tool from Invision 360 which will involve a. multi-agency collaborative quality assurance and training for caseworkers in relation to annual reviews and EHC Plans.
10. Commissioned a data company to develop a dashboard.
11. Established a High Needs Funding sub-committee of the schools forum.

Since the inspection in May 22, we have:

1. Refreshed the SEND board, agreed governance and membership with partners,
2. secured more senior support
3. Developed an action plan with KPIs and milestones based on the parent career survey-in liaison with the Parent Forum-this is now being considered across the Local Area
4. Used this work to develop a draft Accelerated Progress Plan based on the Parent Survey and the Ofsted inspection outcome letter. Now being reviewed and further developed across the Local Area.

The focus has been on improving outcomes for children and young people through changing culture and practice to be restorative rather than process driven.

Partnership between senior local areas leads, including health partners and the Parent Forum is fundamental in showing that there is the right leadership capacity to take any development of a joint improvement plan forward. This cannot be solely a DCC one. We are also required to work with the DfE and NHS inspectors. We are required to work alongside the Department for Education (DfE) and the NHS to set out the full improvement plan. The official meeting with the DfE happened on 19 July 2022.

There have been weekly meetings between the Deputy Director and the co-Chairs of PCFD (who now have an office in County Hall) to ensure the parent voice is embedded in improvements. The Parent Carer Survey gave clarity about the poor experiences of families 'on the ground' and was reflected in the Ofsted inspection. This survey also made positive recommendations and KPIs are developed in the draft action plan, drawing on the impact of service delivery on the experience of families. This action will be embedded in a wider improvement plan following the Ofsted inspection.

The SEND Board has agreed it will provide governance over the development of the plan, along with oversight of its implementation and impact.

The DfE meeting on 19th July set out that we will most likely have a government intervention which will involve an accelerated action plan developed in liaison with our partners.

Following that meeting, we have now been sent a letter by Will Quince, Minister for School Standards, saying that:

"The issues raised in the revisit report are serious. The following findings were particularly concerning: *"that the strategy fundamentally fails to address the significant weaknesses that were apparent at the previous inspection and are still evident now"* and that *"there are 1,600 delayed annual reviews outstanding"*. Even more concerning is the following, which highlights a decline in services: *"Communication remains poor. In fact, in many cases communication has got worse"*. The pace of change in Devon over the past three years has been too slow and is significantly affecting the lives of children and young people and their families.

We need to be confident that you are now taking the right actions to secure swift and sustainable improvement.

I can therefore confirm, on behalf of the Secretary of State for Education, that I am minded to issue Devon Local Authority with an Improvement Notice. A draft Improvement Notice is attached, and you will have the opportunity to provide any representations to officials in writing in advance of, and to inform, my final decision

In the meantime, I expect the Council to continue to work closely with Clinical Commissioning Groups and partners in education, health and care and alongside parent and carer groups. In taking the swift and decisive action required to address the areas for improvement identified by Ofsted and CQC, it will be vital that the local area accepts collective responsibility and accountability for delivering the agreed actions. This will require a relentless focus on improvement across all service providers so that children, young people and families are able to access the support that they need.."

The Draft Improvement notice sets out that:

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.

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;

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.

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.

- The recommendation is that there is no amendment required to the Improvement notice other than to accept and move forward.

There have so far been two informal meetings with the DfE and NHS advisers, with health partners, to discuss the development of an action plan. These have so far covered EHC Plans and the Autism pathway.

The Interim Deputy Director has already worked with our Parent Forum Co-chairs to develop a draft action plan based on the findings of the parent Care survey and used the KPIs/metric from the survey to set targets -this will need to be worked upon by all stakeholders at pace and developed into an Accelerated Programme Plan, agreed upon by the DfE. The DfE adviser and Health adviser have already had an informal meeting with the Interim Deputy and will again on Thursday. Health partners as well as the Parent Forum co-chairs have been invited.

I would like to state my support for the D.C.C. leadership team for their proactivity in partnership work both with the Parent Forum, health partners, and education providers to ensure there is a wider Local Area approach, as well as close working with the DfE and NHS advisers. This is creating the conditions for the Council itself to support the delivery of the changes needed with their support. Whilst no Council wants to be subject to Intervention, this is an opportunity for the Council to support the leadership team in every way possible to ensure that all children, young people,

and families in Devon receive the best possible service from a council that cares and truly wants every child to reach their full potential and live fulfilled lives.

Appendices:

1. Initial draft of Accelerated Progress Plan still under discussion with health partners (with embedded action plan in response to Parent Survey)
2. DfE Letter to Devon from Minister Quince
3. Draft Improvement Notice.

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[Electoral Divisions: All]

Cabinet Member for *Childrens Services*: Councillor Andrew Leadbetter

**Local Government Act 1972: List of Background Papers**

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