

Children's Scrutiny Committee

# Special Education Needs and Disabilities (SEND) Task Group

November 2022

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## Preface



This report looks at how children and young people with Special Education Needs and Disabilities (SEND) are supported by Devon County Council services, how the Council works with families, partners, schools and colleges and the impact of the rise in demand on our staff's wellbeing and morale.

Throughout the task group's investigation, we have heard from a range of witnesses who are completely committed to Devon's children, and want things to improve. From our own staff to young people, parents, carers and school leaders, and more, their passion and commitment to SEND was evident. The task group recognises the significant amount of pressure placed on the system and places a special thank you to all of those working in Devon to improve the lives of children and young people with SEND.

The report places children and young people with SEND, and the wellbeing of staff at its heart. Improvements to SEND services need a change of culture by all, an urgency to drive them forward faster and the decision makers across Devon, including the Council, NHS, schools and partners to support this. These changes also need every school and college to aim to provide inclusion for every local child and young person. Special school placements would then only be required when a local mainstream setting is not able to provide the support needed. More specialist provision would then be considered for learners with the most complex needs.

The scrutiny process strives to identify improvements and the task group has conducted this review with independent minded councillors acting together as a critical friend. We have truly worked in a collegiate, cross-party manner and I would like to thank the other task group Members for their time, expertise, and contributions to this piece of work. Also, to thank the enormous amount of support we have had from the Democratic Services and Scrutiny Secretariat, especially Charlie Fisher (Scrutiny Officer) who has helped compile this report.

Our recommendations are based on evidence collected from witnesses. I would like to place on record the task group's sincere thanks to the many witnesses who gave up their time and talked to the task group openly and honestly which has enabled the task group to understand better how the system functions.

Ofsted and the CQC (Care Quality Commission) arrived in Devon for a revisit in May 2022 while we were completing this task group and we have worked to ensure that we are complimenting what their report said and not just repeating it. We hope to shine a light on our staff and partners to ensure that this report has different, meaningful outcomes that Ofsted and the CQC did not report on.

The task group wait in anticipation at the progress of their findings, after reporting back to the Children's Scrutiny Committee and then to Cabinet, to make sure our findings will be used to improve services in Devon.

**Councillor Su Aves**  
**Chair of the SEND Task Group**

# 1 Recommendations

1.1 The SEND Task Group ask the Children's Scrutiny Committee and the Cabinet to endorse and take action on the report and recommendations below and report back to the Children's Scrutiny Committee with a progress report against the recommendations and the Local Area SEND Improvement Plan in six months time.

1.2 These recommendations are presented against ambitions based on asking staff, service users and partners on what 'good' looks like. The ambitions are based on specific areas of improvement which would help to build trust and confidence in the system and underpinned by improving outcomes for children and young people.

Ambition	Specific Actions	What are we trying to change?	Agency	Timescales
<b>A workforce that has the capacity to meet demand</b>	The Cabinet takes immediate action to must ensure that there are enough staff to deal with the caseloads.	Staff caseloads to be reduced to the average of our demographic neighbours, and no more than 200 per officer. The Cabinet must ensure we are using the workforce in the right way and the 0-25 Team are doing the jobs they should be able to do.	Cabinet and Senior Leaders	Within 6 months.
	The Cabinet Member be asked to write to Secretary of State for Education to lobby for the Government's plans to address the national shortage in the number of Educational Psychologists.	Lobbying the Government to address the shortage of Educational Psychologists. The shortage is impacting the ability to get advice, assessments, and the timeliness in completing EHC Plans.	Cabinet Member	From now.
	The Children's Scrutiny Committee be asked to complete a spotlight review on recruitment and retention.	To investigate why recruitment and retention is a particular challenge in Devon.	Children's Scrutiny Committee	From now.
<b>A commitment to earlier intervention</b>	The Cabinet Member be asked to write to the f40 Group and the Secretary of State for Education to lobby for: i) Local Authorities to be funded for the entire of 0-25 age range for SEND based on current	This is to ensure the Councils is funded adequately and reflective of the current needs of the population so that the local area can plan for the future. The government must also recognise the extra	Cabinet Member	From now.

Ambition	Specific Actions	What are we trying to change?	Agency	Timescales
	<p>numbers in a year and not historical data;</p> <p>ii) The Government to recognise the flaws in the Children and Families Act and urgently release its plans for the High Needs Block overspend once the statutory instrument ends to give certainty to Local Authorities; and,</p> <p>iii) The Government to pay off the deficits of local authorities in their High Needs Block.</p>	<p>burdens it placed on local authorities and seek to address them.</p>		
	<p>Upon implementation of the Local Area SEND Improvement Plan as a response to Ofsted, the Council and its partners should produce a system wide Improvement Plan for an outstanding future SEND service.</p>	<p>This is to ensure that improvements are made system wide, rather than just in response to Ofsted as in the Local Area Improvement Plan. A system wide improvement plan should reflect the local area's commitment to a change of culture, earlier intervention, inclusiveness, flexibility and services working well together.</p>	<p>Cabinet Member and Children's Services and partners.</p>	<p>By the end of 2023.</p>
	<p>Senior Leaders to support and attend future roundtables with demographic neighbours.</p>	<p>This would help to build knowledge, contacts and experiences to identify innovations, best practice and solutions to common issues in other local areas.</p>	<p>Senior Leaders and Officers from SEND and Children's Services</p>	<p>From now, when meetings are arranged.</p>
	<p>The Cabinet Member be asked to write to The Secretary of State for Health and Social Care to lobby for improvements to accessing CAMHS services in Devon.</p>	<p>This is to ensure that children and young people can access CAMHS services and get treatment when they need it and avoid escalations later.</p>	<p>Cabinet Member</p>	<p>From now.</p>
	<p>The Children's Scrutiny Committee ensure that there are future opportunities to</p>	<p>This would allow service users to feedback their insights to Committee</p>	<p>Children's Scrutiny Committee,</p>	<p>From now.</p>

Ambition	Specific Actions	What are we trying to change?	Agency	Timescales
	hear from young people with SEND, the Parent Carer Forum and DIAS on their work programme.	Members to that concerns and issues are raised with the Cabinet Member and Senior Leaders	Children and Young People, Parent Carer Forum and DIAS	
<b>A 'human touch' in communications</b>	The local offer website and communications are reviewed via a stakeholder focus group to reflect the needs of parents, carers and professionals.	This is to ensure communication and information is up to date, understandable and make a difference to children and young people's lives.	Children's Services and communications in consultation with partners.	From now.
	Ensure that the language and functionality of the EHC Hub is reviewed.	This is to make sure that methods of communication with families are user friendly, the service is easy to access across different devices and the system is compliant with the SEND Code of Practice.	Children's Services and IT colleagues	From now.
	Ensure that the new templates and plans are understood across the professionals that use them and that appropriate training is delivered.	This to ensure that professionals across the system and in other local areas also understand our EHC Plan templates and communications.	Children's Services and partners	From now.
	Ensure that there is training and the provision of clear guidance on where, when and how parents and professionals can raise concerns and minor edits to EHC Plans.	This would allow for parents and professionals to understand how and where minor edits can be made to ensure plans and documents are kept up to date.	Children's Services and IT colleagues	From now.
<b>Efficient services working well together</b>	The Cabinet Members for Children's Services and Integrated Adult Social Care must ensure that transitions begin at 14.	The delivery of an improved data set, perhaps annually or termly, showing the young people currently in Children's Services who are turning 14, so there can be an automatic referral to Adult Services.	Children's Services and Adults Services.	From now.

## 2 Introduction

- 2.1 There is no doubt that in Devon our SEND system is under severe strain and that demand is increasingly outstripping the capacity of the 0-25 team, the high needs block budget and the services who work to support children, young people, parents and carers. Devon is in a very concerning position, with the local area's performance lagging well behind the national average and those of our demographic neighbours.
- 2.2 Throughout the work of the task group, Members became increasingly aware of the seriousness of the issues in Devon. While there are issues that face local areas across the country, the task group places on record its grave concerns about Devon. The task group found that Devon's performance is poor, our quality of practice is poor and our spending is too high. Long standing issues around poor communication, exhausted staff, low thresholds for accepting EHC needs assessments, issuing too many EHC plans as well as our use of independent sector settings have contributed to this.
- 2.3 The central message of this report is the impact of the increasing demand and the lack of capacity in the 0-25 Team to deal with the demand. This has resulted in exhausted staff, delays and a "bogged down" team. In turn, this has led to poor communication, understanding and a lack of confidence and trust in the system from parents and carers, who want to ensure their child's needs are met.
- 2.4 The response needs to be two-pronged. There is a short term need to increase capacity to ensure that demands are met. But in the long term, Devon needs to move from a reactive service to a proactive service, and transform the system and culture. There must be a system wide culture change to earlier intervention to meet needs at the right time and ensure that partners work together to do this. Earlier intervention would reduce demands on the system and allow staff to carry out their work at the highest quality.
- 2.5 The Children's Scrutiny Committee previously completed the EHCP task group, chaired by Councillor Aves. The [EHCP Task Group](#) reported its findings back to the Committee and the task group's recommendations were accepted by Cabinet in July 2019, but implementation was partial and has lacked the urgency needed.
- 2.6 Since then, the Children's Scrutiny Committee has received regular updates from the service on progress and the performance of the service. Progress had been made before the COVID-19 Pandemic on improved timeliness of EHC plans, where Devon had increased from 4.3% in 2018 to 54.5% in 2020. The Committee was concerned about the progress made since COVID-19 pandemic as EHC Plan timeliness had fallen to 40% by September 2021.
- 2.7 Throughout this time, there has been a change of leadership within SEND and Children's Services with a new Director of Children's and Young People's Futures and the appointment of the SEND Strategic Director. The task group recognises the challenges in the system they inherited and the lack of progress that had been made since 2019. The task group support the efforts of Senior Leaders to make progress and the urgency that is needed to improve services in the local area and improve outcomes for children and young people.

2.8 The Children's Scrutiny Committee resolved at their meeting on [Tuesday 9<sup>th</sup> November 2021](#) to establish a task group to investigate SEND services in Devon, with Councillor Su Aves as the Chair.

2.9 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). This task group contributes to the realisation of this element of the strategic plan by ensuring the voice of key witnesses is heard and understood. Hearing these voices must continue and become an integral part of the delivery of improving services.

2.10 In the formulation of the scope of the task group, Members recognised that SEND as a topic is too large to be completed by one task group reporting back to Committee within a year and as such had to focus in depth on the most pressing concerns. As agreed by the Members and reviewed throughout the task group, the scope of the task group was:

- To examine the performance of the SEND service.
- To explore the culture of the service and wellbeing/morale amongst staff.
- To explore the relationships between the service and its partners in the system including schools, parents and carers.
- To propose key areas of development for the future of the service to ensure it is an outstanding service.

2.8 Between November 2021 and October 2022, the task group gathered evidence across 10 evidence gathering sessions, 14 school and college visits. The task group aimed to meet with a cross section of organisations and representatives and met with 33 witnesses from 11 organisations. This included other local authorities, the voices of young people with SEND, teams within Devon County Council and the Parent Carer Forum. Data collected included witness interviews, a staff survey and the use of secondary evidence.

2.9 In submitting its recommendations, the task group has sought to ensure its findings are supported with robust evidence. The task group are aware that this report will not solve all the challenges identified. However, the task group hope that this report will complement and help progress improvement in the service and how we work with our partners and the families we support. Members of the task group have agreed to be tenacious in securing improvements and ensuring that the recommendations of this report have been implemented.

### 3 Ofsted

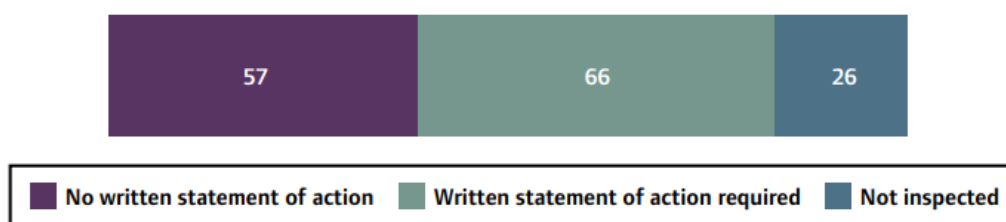
3.1 In December 2018, Ofsted and the Care Quality Commission (CQC) conducted a joint inspection of the local area to judge effectiveness of Devon's approach to implementing the reforms as set out in the Children and Families Act 2014. [In the report](#), the Chief Inspector determined that a Written Statement of Action (WSOA) was required because of significant areas of weakness in the local area's practice.

3.2 The WSOA explained how the local area will tackle the following areas of significant weakness identified in the inspection:



- A. 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.
- B. The significant concerns that were reported about communication with key stakeholders, particularly with parents and families.
- C. 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.
- D. Weaknesses in the identification, assessment, diagnosis and support of those children and young people with autism spectrum disorder.

3.3 WSOA are not uncommon after local area inspections. Whilst schools and children's social care inspections receive a rating of 'Outstanding' to 'Inadequate', there is no rating or scale for SEND local area inspections. Local areas are required to produce a WSOA if there is a weakness in the local area's arrangements. As of the 2020/2021 Ofsted Annual Report there are 147 local areas. By 31st August 2021, 123 had been inspected and 66 were asked to produce a WSOA in their most recent inspection (Ofsted, 2021).



3.4 By 31<sup>st</sup> August 2021, 29 of the 66 local areas had been re-visited. At the time of the Annual Report, just 1 of these local areas had made insufficient progress in addressing their significant weaknesses (Ofsted, 2021). This authority, the Metropolitan Borough of Sefton, made no progress on 5 areas of weakness and were issued an improvement notice by the Department for Education (DfE).

3.5 Ofsted and the CQC completed a re-inspection between 23<sup>rd</sup> and 25<sup>th</sup> May 2022 which concluded that "the area [Devon] has not made sufficient progress in addressing any of the significant weaknesses" (Ofsted, 2022). As a result, the local area received a formal improvement notice from the DfE.



3.6 This means while Devon is not unique in having a WSOA, it is one of a very small number of local areas not to have made progress in its revisit. Initial research of revisits since 31<sup>st</sup>

August 2021 indicates that Devon is alone in the category with Sefton of having not made any progress in any areas of its WSOA.

## 4 The current national picture

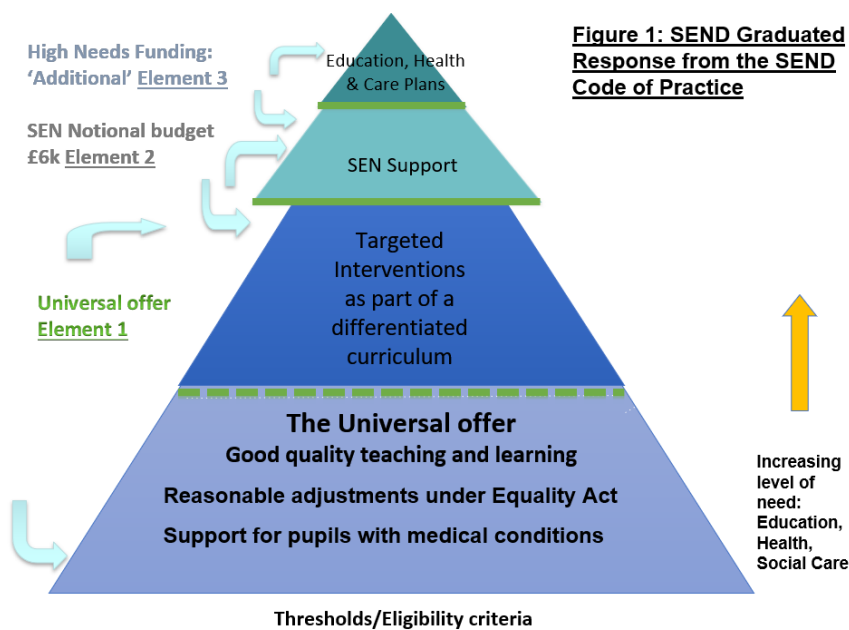
### Defining SEND

4.1 The SEND Code of Practice (Department for Education , 2015) defines SEN/SEND as:

- A child or young person has SEN if they have a learning difficulty or disability which calls for special educational provision to be made for him or her.
- A child of compulsory school age or a young person has a learning difficulty or disability if he or she:
  - has a significantly greater difficulty in learning than the majority of others of the same age, or
  - has a disability which prevents or hinders him or her from making use of facilities of a kind generally provided for others of the same age in mainstream schools or mainstream post-16 institutions.

### National SEND Context

- 4.1 The Children and Families Act 2014 enacted major reforms to identifying children and young people in England with SEND, assessing their needs and making provision for them (Department for Education, 2014). The act replaced School Action, School Action Plus and Statements from the Education Action 1996 and led to the creation of SEN Support and EHC Plans as a graduated response to children and young people with SEND.
- 4.2 The additional statutory guidance (SEN Code of Practice) widened the range of SEND support from 2-18 years to 0-25, and required local authorities to publish a 'Local Offer' of services and support available.
- 4.3 Figure 1 shows the SEND graduated response. The bottom sections refer to the universal offer within schools. SEN Support is additional support given to a child or young person in

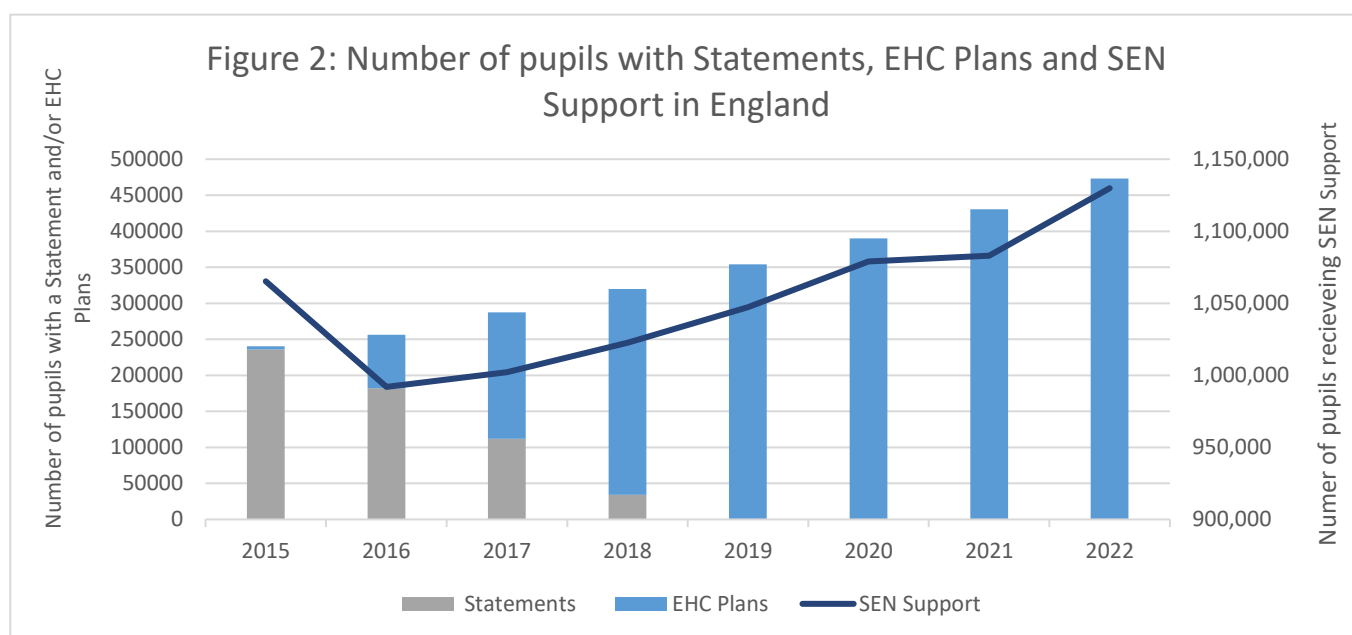


their school or educational setting where needed. This can include extra help in class from a teacher or teaching assistant, to work in a smaller group, observation and extra encouragement.

- 4.4 Some children may need an EHC Plan. This is for pupils who need more than SEN Support and aims to provide more substantial help for children and young people across education, health and social care needs. An EHC Plan identifies educational, health and social care needs and sets out the additional support needed to meet those needs in line with their aspirations and outcomes.

### Impact of the Children and Families Act 2014

- 4.5 Since 2015, and increasingly in the most recent years, the number of pupils with SEN Support or an EHC Plan has continued to rise. Figure 2 shows the numbers of pupils with Statements / EHC Plans and those receiving SEN Support (Department of Education, 2022). There is a cross over between the fading out of Statements and the introduction of EHC Plans. The number of Statements and EHC Plans has continued to rise since the Children and Families Act 2014. In 2015, there was 240,183 statements/plans and this has risen to 473,255 in 2022. (Department of Education, 2022). The number of pupils receiving SEN Support has risen from 991,981 in 2015 to 1,129,843 in 2022, despite an initial decrease in 2016. (Department for Education, 2022).



- 4.6 Since the Children and Families Act, overall allocations of national (England only) high needs block funding have increased from £5.18bn in 2014/15 to £8bn in 2022/23, with a planned spending of £9.1bn in 2022/23 (HM Government, 2022). However, the government has admitted that despite an “unprecedented level of investment...spending is outstripping funding” (HM Government, 2022).
- 4.7 According to the Association of Directors of Children’s Services (ACDS), the national deficit for high needs block could reach £2.4bn by March 2025. The initial estimate from the DfE in 2014 was that the recurring new burdens for Local Authorities would be £24.5m nationally (Association of Directors of Children's Services, 2022). The difference in these figures

highlight the large unintended consequences of the reforms which has contributed to pressures on local authority budgets.

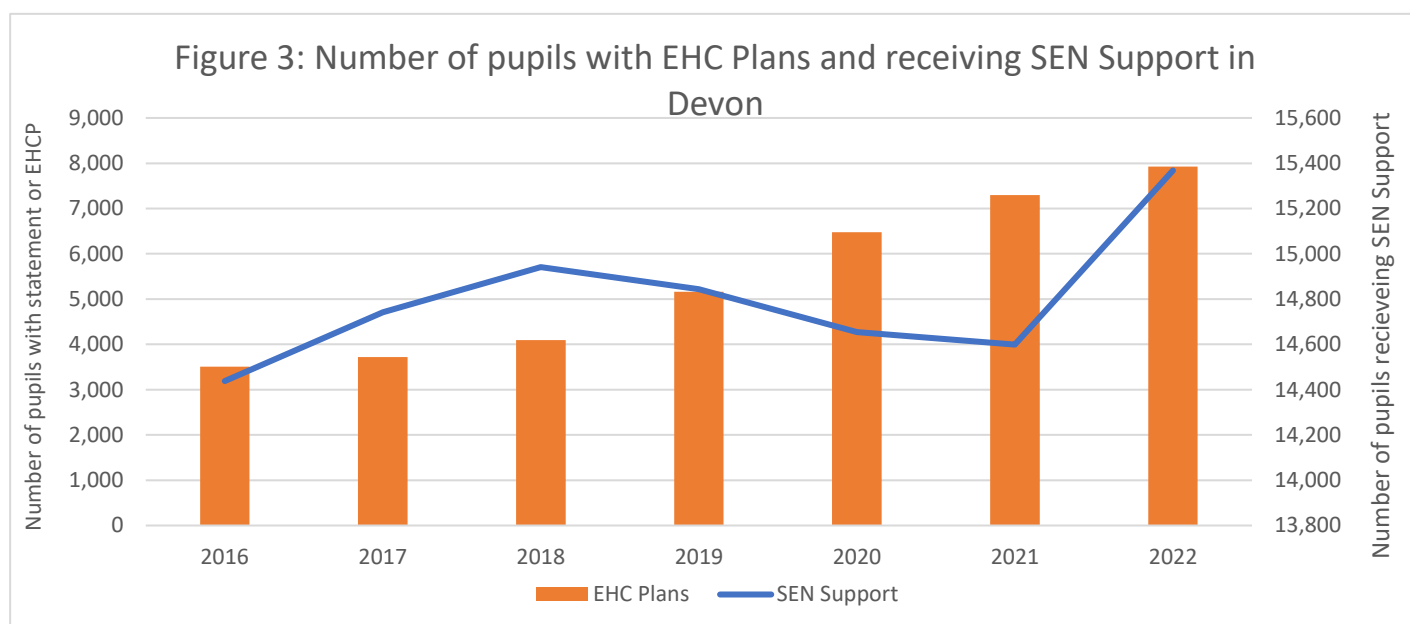
- 4.8 In September 2019, the DfE announced a review into support for Children with Special Educational Needs. The review aimed to “improve the services available to families who need support, equip staff in schools and colleges to respond effectively to their needs as well as ending the ‘postcode lottery’ they often face” (Department for Education, 2019). The SEND Green Paper titled ‘SEND Review: right support, right place, right time’, published in March 2022 commented that “many parts of the SEN system aren’t working as well as they should” and recognised that the outcomes of children and young people are poor, there are delays in accessing support, frustration from parents and carers and increasing financial pressures on local government (HM Government, 2022, p. 9).
- 4.9 The Green Paper sets out the national changes to the SEND and alternative provision (AP) system in England. This is to ensure consistent standards, update the SEND Code of Practice, improve support for mainstream schools to ensure better provision, establish local SEND partnerships to bring partners together, clarifying roles and responsibilities and funding reform (Harris, 2022).
- 4.10 In responding to the SEND Green Paper, the ACDS stated, in relation to the Children and Families Act, that: “Implementation has resulted in a number of unintended consequences; a drift away from inclusion in mainstream education, shunting of costs around the system, an over emphasis on securing an EHC Plan in order to access support, an increased parental expectation that education will continue until 25, and an over reliance on independent specialist provision” and that funding “has not kept pace with the demand for services” (Association of Directors of Children's Services, 2022).
- 4.11 Witnesses to this review stated that the flaws of the Children and Families Act are clear in Devon, where EHC plans are used as a default option to provide additional support to children and young people without using graduated support first, resulting in large pressures on our budgets. The task group have been told that this is partly because of the low threshold set out in the Code of Practice, the lack of SEN support resources and school’s resources. However, as the report will also highlight, this is also due to poor practice in Devon and weaknesses in the local area’s arrangements.

**Recommendation: The Cabinet Member be asked to write to the f40 Group and the Secretary of State for Education to lobby the Government recognises the flaws in the Children and Families Act and pays off the deficits of local authorities in their High Needs Block.**

## 5 The current picture in Devon

5.1 Devon's SEND system since 2015 has faced a rising demand for EHC Plans that has risen faster than the national average, putting even more increasing demands on the system and the High Needs Block budget.

5.2 There are around 108,000 pupils in the Devon County Council area and around 96,000 attend state-funded schools in Devon. Figure 3 below shows that the number of pupils with SEN support in Devon schools has stayed relatively stable from 2016-2021, with around 14,000-15,000 pupils, peaking in January 2018 before coming back down. From 2021 to 2022, the number rose by almost 800 from 14,599 to 15,368 (Department for Education, 2022).



5.3 In addition, Figure 3 also shows the rise in statements and EHC plans, from 3,510 in 2016 to 7,926 in 2022 (Department of Education, 2022).

5.4 Devon's SEND statistics are an outlier when compared to national averages, regional averages and compared to our demographic neighbours in relation to our percentage of pupils on SEN support, the percentage of pupils on an EHC Plan, the timeliness of issuing EHC Plans and our high needs block deficit. Our performance in these measures is largely poor.

5.5 Members of the task group hosted a roundtable with some of our demographic neighbours on Monday 10<sup>th</sup> October 2022 to discuss SEND and the approaches that other local areas have taken. The roundtable included senior leaders from Cornwall Council, Dorset Council, Gloucestershire County Council and Suffolk County Council.

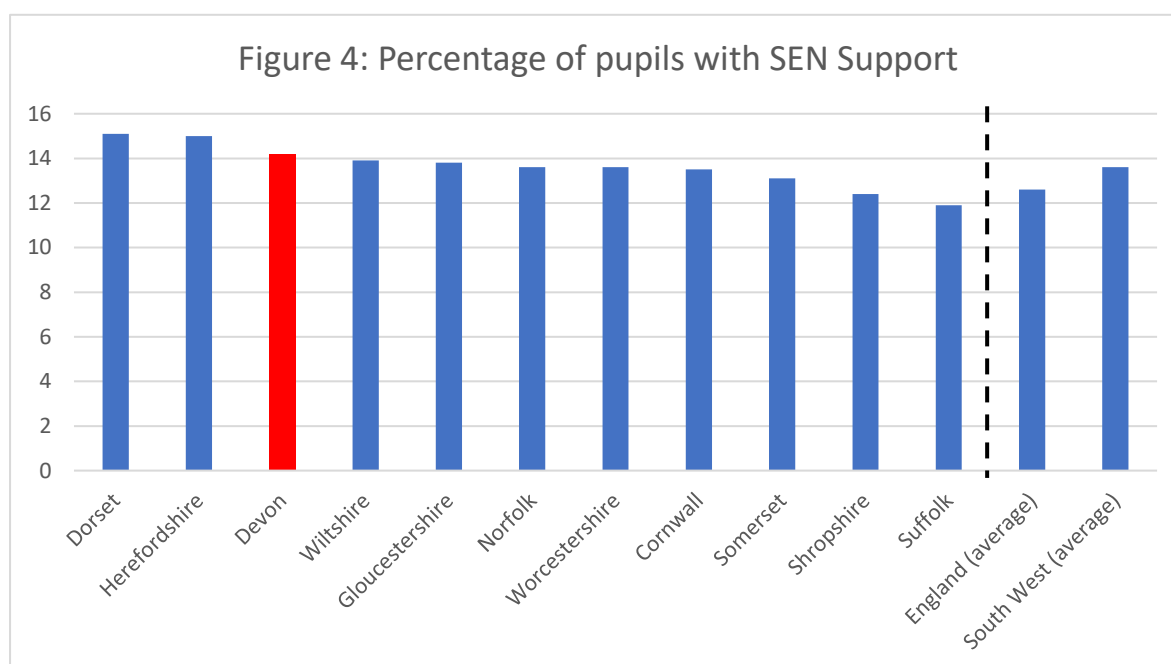
5.6 Witnesses from these local authorities shared similar stories to Devon's. There was an appreciation that the SEND system across the country is currently very difficult, and many staff are stretched with more and more demands on their time. Witnesses were all concerned about their local area's rise in demand for EHC needs assessments and EHC Plans, the pressures on their High Needs Block budgets, shortages of Educational Psychologists (EPs) and their concerns about staff wellbeing. As part of the discussion, witnesses used the

opportunity to make contacts to share best practice and ideas including staffing levels and caseloads, key performance indicators used, their use of the high needs block, and interesting ways of working. One local authority employs in house EPs and highlighted it speeds up processes and that parents value being able to talk to EPs.

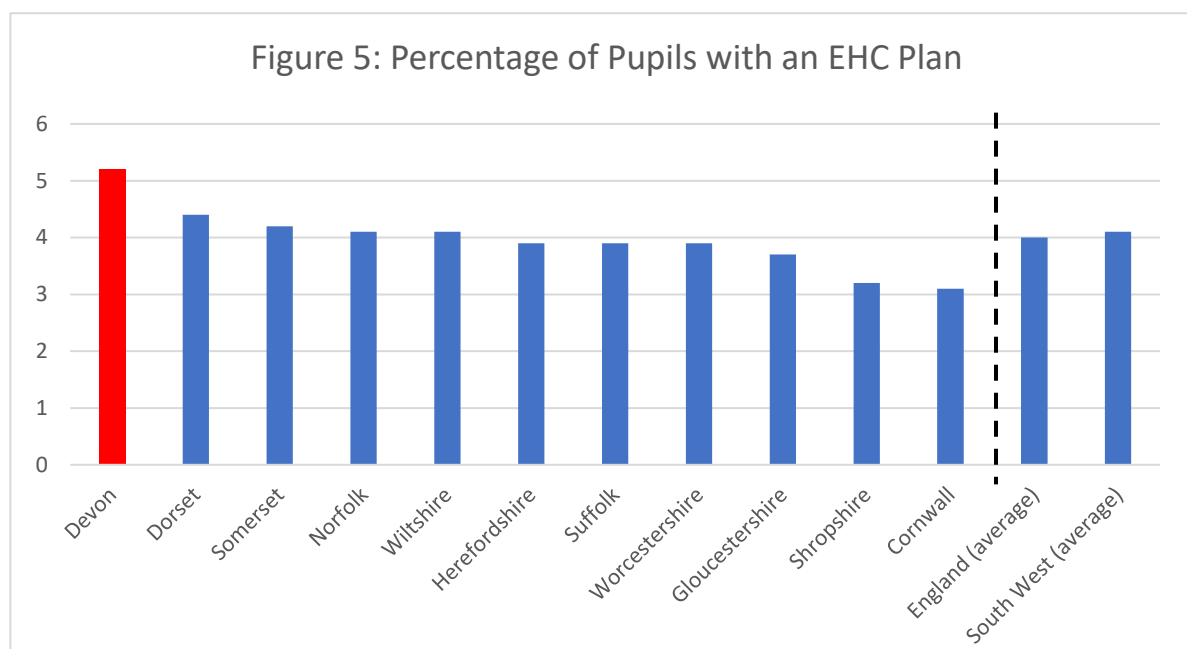
- 5.7 Demographic neighbours who attended the roundtable reflected on the usefulness of coming together to meet and share best practice and build links with each other.

**Recommendation: Senior Leaders to support and attend future roundtables with demographic neighbours to share best practice and solutions to common issues.**

- 5.8 Figure 4 below shows that Devon has one of the highest percentages of pupils with SEN Support. Devon's percentage (14.2%) is above the national (12.6%) and South West average (13.6%) and only below two of our [demographic neighbours](#), Dorset and Herefordshire.

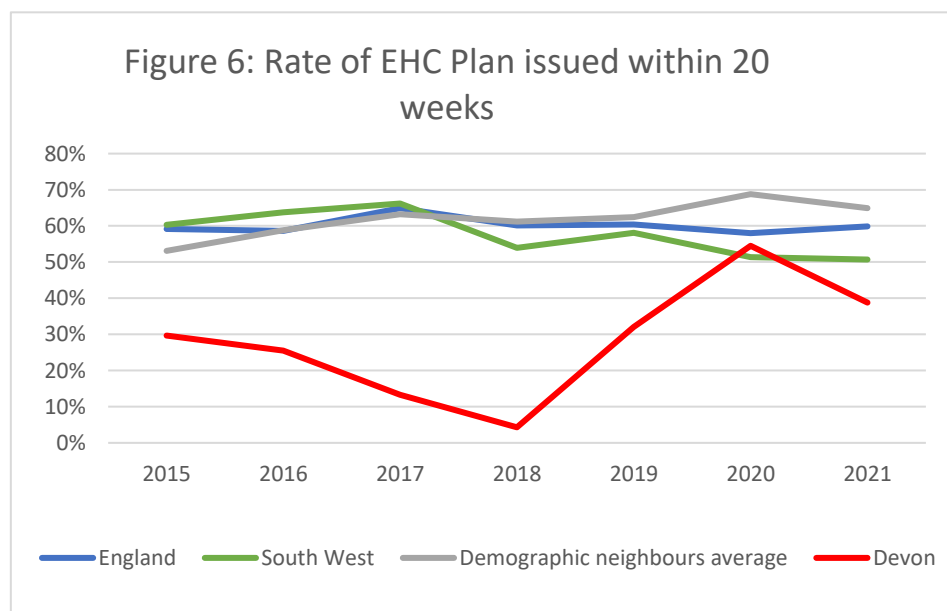


- 5.9 Figure 5 shows the percentage of children with an EHC Plan is also high. 5.2% of Devon's children in school have an EHC Plan, significantly above the national average (4.0%), South West average (4.1%) and, higher than all our [demographic neighbours](#). The next highest demographic neighbour is Dorset on 4.4% (Department for Education, 2022)



5.10 From 2016 to 2022, nationally the number of pupils with SEN support rose by 13.89%, while Devon's rose by 6.4%. The number of EHC Plans nationally rose by 84%, while in Devon the figure rose by 126%. This data shows the difference between Devon's SEND system and the national statistics, showing that Devon escalates children and young people up the graduated response (Figure 1) more than the national average.

5.11 In terms of EHC Plan timeliness, Devon again falls below the national average and that of our demographic neighbours. The whole process of the EHC Plan, from the point when an assessment is requested until any final plan is issued, statutorily must take no more than 20 weeks.



5.12 As seen in Figure 6 above, the national average for EHC Plan timeliness has been around 60% since 2015. For 2021, this means 59.9% of plans (excluding exceptions) are issued within the statutory timetable.

- 5.13 Devon's timeliness has changed significantly since 2015. From 2018 to 2020, Devon had a rapid improvement of 4.3% to 54.5% however it has since fallen to 38.8% in 2021 (Department of Education, 2022). In all but one year (2020), Devon has been below the national and South West average, and from 2015-2018, significantly below these averages.
- 5.14 The task group acknowledge these comparisons are based on quantitative data such as timeliness and doesn't look at more important elements such as the quality of our plans and practice.

## Funding and Spending

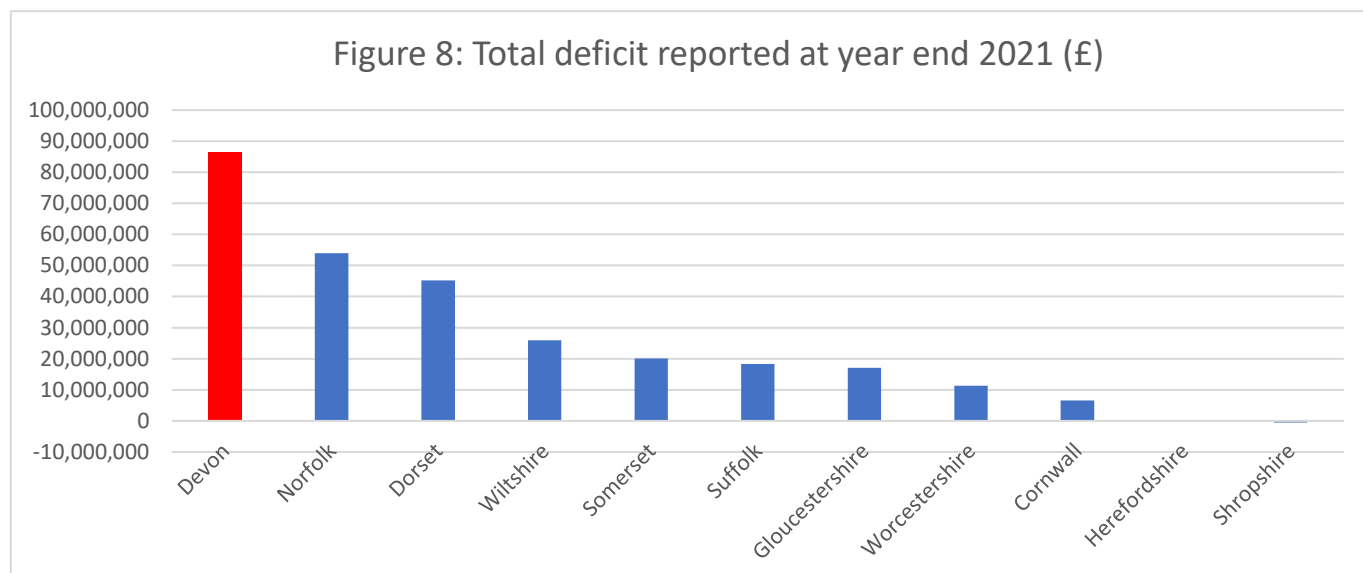
- 5.15 SEND funding is part of the overall Dedicated Schools Grant (DSG) allocated to each local authority to fund their schools' budget. The High Needs Block is for additional special educational needs provision. It is paid to the local authority to support children and young people with SEND. It provides funding at child level to deliver an appropriate education in mainstream or specialist settings.
- 5.16 Local Authorities do not receive additional funding to resource the extra provisions included in the 2015 Code of Practice for 0-2 and 19–25 year olds. 50% of the funding formula is also based on historical data and doesn't take into account the current numbers in the system.
- 5.17 The High Needs Block 2022/23 (after the 2021 Spending Review additional funding) per head based on the population aged 2-18 is shown in Figure 7. Comparatively, Devon ranks 120<sup>th</sup> out of 150 Local Authorities for the level of funding per head of population and well below the average for the South West and England.

Figure 7: Local authority per head and national rankings		
Local Authority	Funding per head of 2-18 population (£)	National ranking of local authorities (/150)
Dorset	731.42	103
Norfolk	710.36	109
Somerset	691.30	119
<b>Devon</b>	<b>686.79</b>	<b>120</b>
Worcestershire	672.34	126
Gloucestershire	664.19	129
Herefordshire	648.03	136
Suffolk	647.92	137
Cornwall	624.46	146
Wiltshire	621.01	147
Shropshire	604.68	148
England (average)	771.92	
South West (average)	729.06	

- 5.18 The amount of money spent on SEND by the Council vastly exceeds the High Needs Block funding allocated from the DfE. In 2021/22, the Council overspent on the service by £37.9m with a cumulative deficit of £86.5m and is expected to be £123.8m by the end of 2022/23 (Devon County Council, 2022). Demands on the budget in the past 3 or 4 years has been because of the rise in EHC Plans, below average funding per head and the reliance of costlier independent school placements due to the lack of state-funded placements.



- 5.19 Devon has a higher proportion of children with an EHC Plan placed in a mainstream setting (4.9% of all children, the large proportion of children with an EHC Plan). In comparison with national averages, we have a similar number of children placed in special schools as other Local Authorities. However, the proportion of children with an EHC Plan placed in the independent sector is higher than the national average.
- 5.20 Devon currently places 927 children and young people with EHC Plan in non-maintained and independent sector placements. This has been a considerable rise of since 2018, when Devon placed 332 children and young people in this sector. Independent placement costs on average £45,000 compared to a special school place of £25,000 or a mainstream setting of £10,000. This average figure alone means we are spending £41.7m annually on independent settings, compared to £14.9m in 2018.
- 5.21 In addition to this reliance on the independent sector, Devon spends considerably more top up funding (element 3) for the non-maintained and independent settings, spending £198 per head compared to £113 nationally. These factors combined have contributed to the rising deficits in the high needs block.



- 5.22 Figure 8 shows that Devon's overspend compared to our demographic neighbours is very high and close to double the next highest (Norfolk and Dorset). Devon's overspend was £86.5m by the end of the 2021/22. In comparison for 2021/22, Norfolk's deficit was £54m and Dorset's deficit was £45.2m. Shropshire even reported a surplus of over £500k. Demographic neighbours pointed out that high spending doesn't equal high performance and there are challenges across the country.
- 5.23 At the time of this report, the DfE had not confirmed what the long-term arrangements were for the Dedicated Schools Grant High Needs Block overspends. Local Authorities were required by statutory instrument to show DSG surplus and deficit balances (excluding individual schools balances) as a DSG adjustment account outside of the Local Authority Budget. This requirement ends in April 2023.

- 5.24 In addition, the task group recognises that Devon is part of the Safety Valve intervention programme and is currently in discussions with the DfE.

**Recommendation: The Cabinet Member be asked to write to the f40 Group and the Secretary of State for Education to lobby for:**

- 1. Local Authorities to be funded for the entire of 0-25 age range for SEND based on current numbers in year and not historical data.**
- 2. The Government's plans for the High Needs Block overspend once the statutory instrument ends in April 2023 to give certainty to Local Authorities.**

## Staffing

- 5.25 Benchmarking with our demographic neighbours, Devon has a comparable number of staff but double the number of EHC Plans. Cornwall and Dorset have similar numbers of FTE staff in their core teams but roughly half the number of EHC Plans.
- 5.26 Maintenance and review officers have a caseload of around 500 cases per officer, leaving them around 4 minutes and 36 seconds per case in a standard 37 hour working week. Our demographic neighbours shared with the task group their caseloads were lower than ours at round 200-270. Although it is difficult to directly compare as each local authority configures their services and teams slightly differently.

## 6 What does 'good' look like?

- 6.1 The Ofsted/CQC revisit means that many of the issues raised in this report were raised in the revisit report, along with the areas of development. Ofsted highlighted that there was "dissatisfaction" felt by parents, carers, children, young people and staff but that "new local authority leaders, including political leaders, are taking stock. They recognise that a change of culture is necessary" (McShane, 2022).
- 6.2 Whilst the task group appreciates the current circumstances, it would still like to take an aspirational approach to looking forward and has high ambitions for the children of Devon. The task group have considered how this report can complement the Ofsted/CQC report and Members have discussed the improvement journey with the SEN Strategic Director more frequently since the revisit. The revisit looked at our progress on the 4 areas of weakness in the WSOA and the Devon Local Area SEND Improvement Plan will work at addressing the issues raised in the report.
- 6.3 This is a concern to the task group as it focuses just on the actions related to the 4 areas of weakness. This report takes a wider view of how the entire system is working in Devon and sets out the wider vision for improving the system, starting with recruiting more staff and the longer-term ambitions of earlier intervention.
- 6.4 The task group recognises the Local Area Improvement's plans focus on the immediate areas of concern and improvement. However, the local area must show how it will seek to affect system wide changes relating to SEND in Devon and not just the 4 areas of weakness. The task group ask that this plan for system wide improvement to culture, early intervention, inclusiveness, flexibility and services working well together.

6.5 Throughout the task group, one of the main questions that Members asked all witnesses was “What does an outstanding SEND service look like?”, the key thoughts of which are highlighted on the following page.

6.6 These areas make up the next part of the report which summarises the evidence and recommendations into the following areas of ambition based on system wide improvements, underpinned by ensuring good outcomes for children and young people with SEND:

- Trust and confidence
- A workforce that has the capacity to meet demand
- A commitment to earlier intervention
- A human touch in communications
- Efficient services working well together

**Recommendation: The Council and its partners to produce a system wide Improvement Plan which reflects a change of culture, early intervention, inclusiveness, flexibility and services working well together.**

## What does an outstanding SEND service look like?

A service where every child's needs are fully met and children meet their full potential

Achieving the right support, at the right time

Capacity to deal with the workload

**Proactive so we can be involved early**

Quality conversations

**Easy, simple communication within appropriate timeframes**

Recognising when we get things right

Clear procedures, uncomplicated systems and less paperwork

Equal and realistic expectations

Access to good quality information and advice

Shorter waiting times

Parents and partners have confidence

Appropriate funding that meets the needs of children

Access to specialist services

Well trained, skilled staff in both schools and the Council

Seamless - One where it doesn't matter where services operationally sit

## 7 Trust and confidence

- 7.1 There is a lack of confidence that parents, carers and partners have in the system. Parents and carers do not trust that the system has their child's interests at its heart.
- 7.2 Witnesses told the task group that the relationships between parents and carers and the SEND System in Devon are poor. Parents feel that the system doesn't have their best interests or the interests of the children at heart and the system feels combative and a struggle to secure provisions of services. Parent 1 described this as "crushing" and that the distress caused to parents is "devastating". Parent 2 felt that parents needed "a lot of resilience to push through the system" and that "some parents who fight, complain and push get painted as difficult, when in reality they are needing to be persistent due to DCC processes and behaviours".
- 7.3 The Co-chairs of the Parent Carer Forum Devon appraised Members about the general views of parents and carers in their experiences and presented the results of their Parent and Carer Survey, conducted in the Autumn of 2021 with 719 respondents. The survey provided an overview of the views of parents and carers about SEND services in Devon.
- 7.4 In addition, senior leaders, services, and partners who spoke to the task group were aware that the feedback from parents was negative. One service stated "we know from what children, young people and families tell us we are not performing well. We are far from that" and a witness from another service stated "we know parents are dissatisfied with the SEND system and it is clear as a local authority we aren't keeping parents happy across the board".
- 7.5 Witnesses related the poor relationships with parents and lack of trust as a direct impact of the demand in the system. One partner told us that from their experience that "parents don't trust the system because it is overwhelmed" and related that back to staff not having the time to have early conversations with parents and resolve situations. As such disagreements get escalated, leading to a cycle of more work and a rise in statutory services. Witnesses from one service stated that some children who get statutory services would be better supported through the graduated support, but the escalation of their issues over time and poor practice means the child has an EHC Plan.
- 7.6 Staff, schools and parents agreed that there is an inherent lack of trust in the system. This meant that parents and carers were drawn to statutory services and higher tariff services including EHC Plans and placements outside of mainstream schools to ensure the provision of services for their children. Witnesses also told the task group this may also be because of the lack of provision of early help, services and resources in schools, where schools tell parents they do not have the resources to meet the needs of their child and recommend statutory services.
- 7.7 Schools and staff felt that parents sought to have a diagnosis or label for their child to open doors for more support. Many referred to it as a 'golden ticket' for more funding or services both in school and outside of school. While this was not at any particular age, witnesses reflected that when a child was transitioning from one school to another it was felt that parents wanted to have an EHC Plan to secure provisions for their child at their next school to smooth out the transition to the other school.

- 7.8 The Parent Carer Forum survey reflected that while the 'golden ticket' narrative exists, this is not what families are looking for. Their survey found that families just want the best for their child, as part of normal family life. EHC Plans are a small part of creating normal family life, where only 3% of parents felt that their child's EHC Plan enabled overall positive differences.
- 7.9 On the contrary, educational facilities felt that there have been occasions where parents would reject mainstream settings for their child and sought special school places in the hope of better provisions for their child without understanding or even coming to view what the mainstream setting could offer. The professionals at these schools felt there was a concerted effort by parents to avoid mainstream settings and even appraised members of local lawyers offering advice to parents on how to access special school places.
- 7.10 Schools and colleges felt that parental expectation of the system was too high, and they could not match what many parents expected should happen. They felt this was down to a lack of communication on the processes, parent's being misinformed and simple high expectations of what an EHC Plan is and what it means in reality.
- 7.11 Schools and staff also recognised that some of the national issues with the system are present in Devon in that some families who understand the system more and have the loudest voices, are able to push through the system compared to other families who are do not understand the system or perhaps have some level of SEN amongst the parents. This did create an unfair advantage for some families and schools highlighted that a better level playing field was needed.
- 7.12 Reflecting on the conversations and evidence it had received, the task group felt there are misconceptions and a disconnect on both sides of families and schools. While all witnesses agreed there is a lack of trust and confidence in the system, there was a lack of understanding from all sides in the system. It is a problem of the system's own making and another spiral of lack of resources, delays, communication issues, lack of early intervention and delays to accessing support.
- 7.13 In terms of improving the confidence and trust of parents, the task group felt that improving staff capacity so they have the time to communicate with parents, improving the culture in how we communicate. The longer-term aim of ensuring that we have a culture of early intervention to meet demands early would help further by ensuring that children's needs at met at the most appropriate time and build parent's trust in the system.

## **8 A workforce that has the capacity to meet demand**

- 8.1 The SEN 0-25 Team do not have the capacity to deal with the level of demand and workload that they currently face. This means they are effectively firefighting every day and the impact of the lack of capacity reverberates through many parts of the SEND system.
- 8.2 The increasing demand on staff was not new to Members, it had previously been reported in the EHCP task group in 2019 when Devon had just over 5000 EHC Plans. The EHCP task group recommended that the Council "adequately resource levels of staff in the 0-25 Team...to help manage the increased demand on the 0-25 Team" (EHCP Task Group, 2019).

**“One of the main themes which reoccurred and was highlighted to the [EHCP] task group, from parent/carers, schools, practitioners and the 0-25 Team, was the sharp and sudden rise in caseloads and number of assessment requests received by the local authority against a backdrop of insufficient increases in funding to meet this demand”**  
(EHCP Task Group, 2019).

- 8.3 At the start of the task group, Members wanted to understand more about what it was like for those in the SEN 0-25 Team working in the current system. Members were already acutely aware of the pressures on staff due to the rising levels of demand and the added complexities of the COVID-19 pandemic. Senior leaders reported the high numbers of caseloads to Members, which raised their concerns about the wellbeing and morale of staff.
- 8.4 Staff in the 0-25 Team’s work primarily revolves around the top levels on the graduated response including EHC assessments, writing and drafting plans, conducting annual reviews, supporting and monitoring plans and liaising with families, schools and professionals and services. Although, as the “SEND team”, they are being increasingly contacted about concerns outside of their remit such as the universal offer in schools.
- 8.5 Whether the issue is high and rising demand on services or a lack of staff capacity, the result is the same with an exhausted workforce struggling to keep afloat. Despite demand having risen, the number of staff within the 0-25 SEN Team has not kept pace with this demand, having risen by 55% from April 2017 to January 2022 (Devon County Council, 2022).
- 8.6 To deal with demand in the short term, the Council needs to ensure the service has the right number of staff. Staff need to be able to manage their workload and the task group want to see their caseloads reduced to around the averages of our demographic neighbours. However, the task group recognises that the national average is around 150-200 and the local area aspires caseload to be 200 by March 2023 in the Local Area SEND Improvement Plan as a result of the Ofsted revisit.

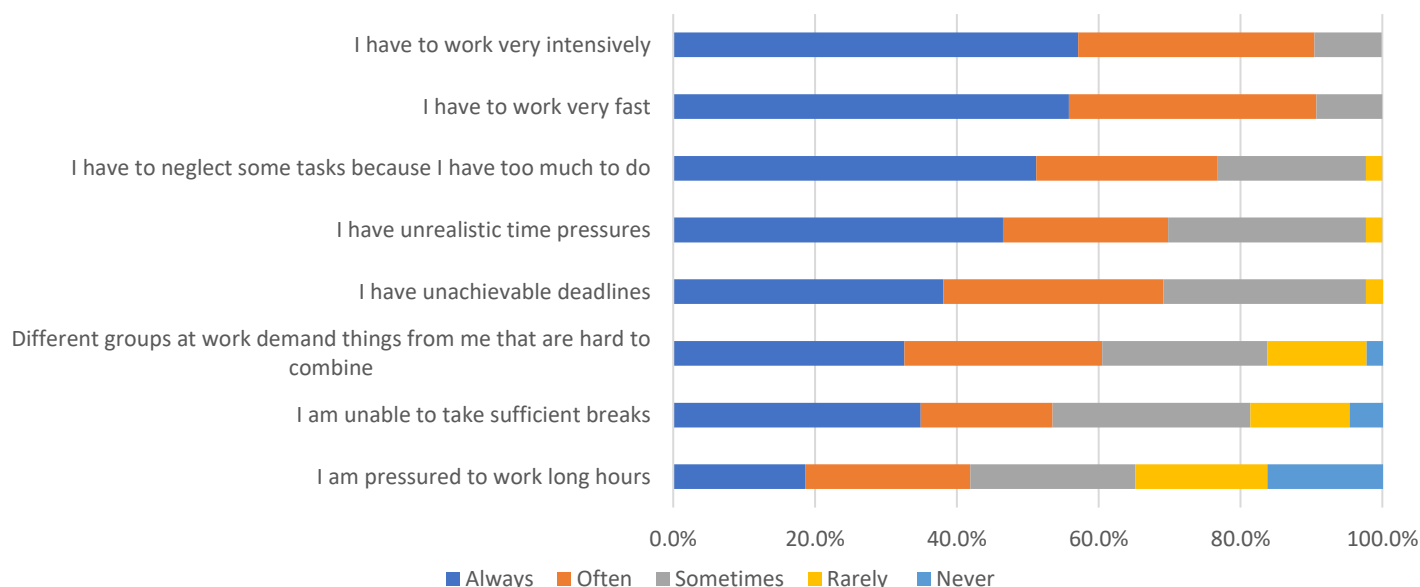
**Recommendation: The Cabinet must ensure that there is enough staff capacity to deal with the level of workload. Staff caseloads in the 0-25 Team should be reduced to the average of our demographic neighbours, and no more than 200 per officer.**

## Staff Wellbeing

- 8.7 The task group conducted a survey of the SEN 0-25 Team and then held a feedback session with officers who wanted to share more information with Members. The survey repeated many of the same questions as the EHCP task group’s staff survey to review if progress had been made since 2019. The questions used were taken from a management tool produced by the Health and Safety Executive (HSE) (Health and Safety Executive, 2022). This management tool is used to predict and therefore address stresses upon staff. It is made up of a number of questions/statements phrased positively and negatively, focussed around six functional areas to attempt to identify concerns.

- 8.8 Positively, respondents appeared to have very good support from managers and high amounts of peer support as well as personal control over how they carry out their tasks. Respondents indicated a small amount of friction, anger, harassment or bullying as part of their work, although it is clear this is not from colleagues. Respondents were often clear about their role, how to do their role and how their role fits into the organisation. However, reducing the pressures on staff and improving morale and wellbeing are areas for improvement.
- 8.9 In comparison to the 2019 survey, the responses and headline findings are largely similar. This is concerning because it highlighted the lack of progress and that the same issues that were raised in 2019 were still present in 2022.
- 8.10 The demands on the service were clearly indicated in the 'Demands' section of the staff survey, shown in Figure 9. All respondents stated that they have to work very intensively and very fast, with more than 90% of participants saying that they always or often have to.
- 8.11 Three quarters of participants always or often neglect tasks because they have too much to do. Respondents commented in the free text box that: "we are often given more tasks (almost on a weekly basis) to manage" and there were "too many cases per case worker. It is unmanageable".

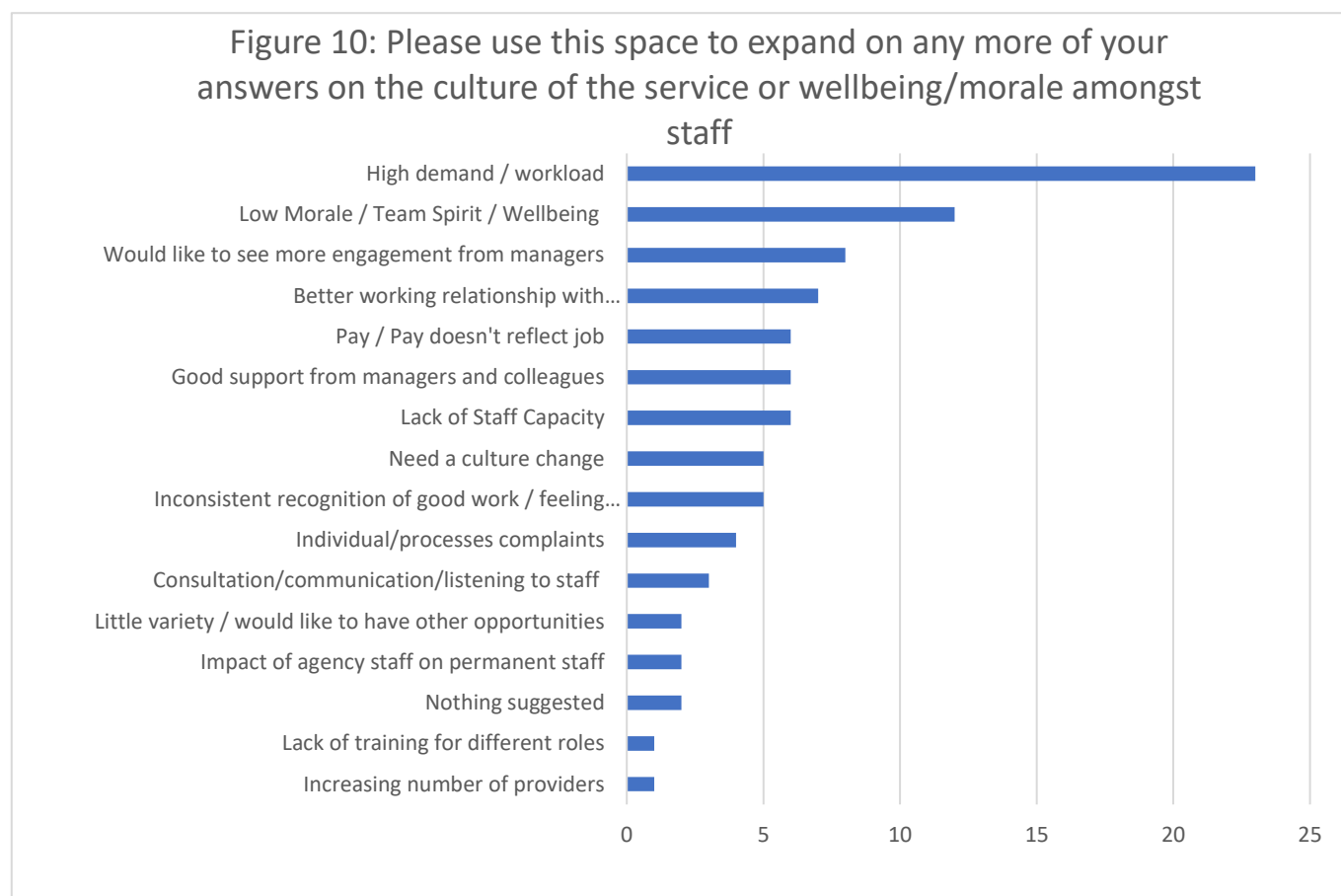
Figure 9: Demands



- 8.12 In terms of reasons for this demand, many respondents highlighted in the free text box the current high level of caseloads within the service and the pressure that this is having on the team. Comments included: "a lot of staff are feeling burnt out at the constant pressure and demand of such a high caseload" and "everyone has such a large workload – everyone is stretched out in the team".
- 8.13 A further question relating to this was an open text box asking respondents to "expand on any more of your answers on the culture of the service or wellbeing/morale amongst staff". Figure 10 shows the responses received amalgamated on the same or similar theme.



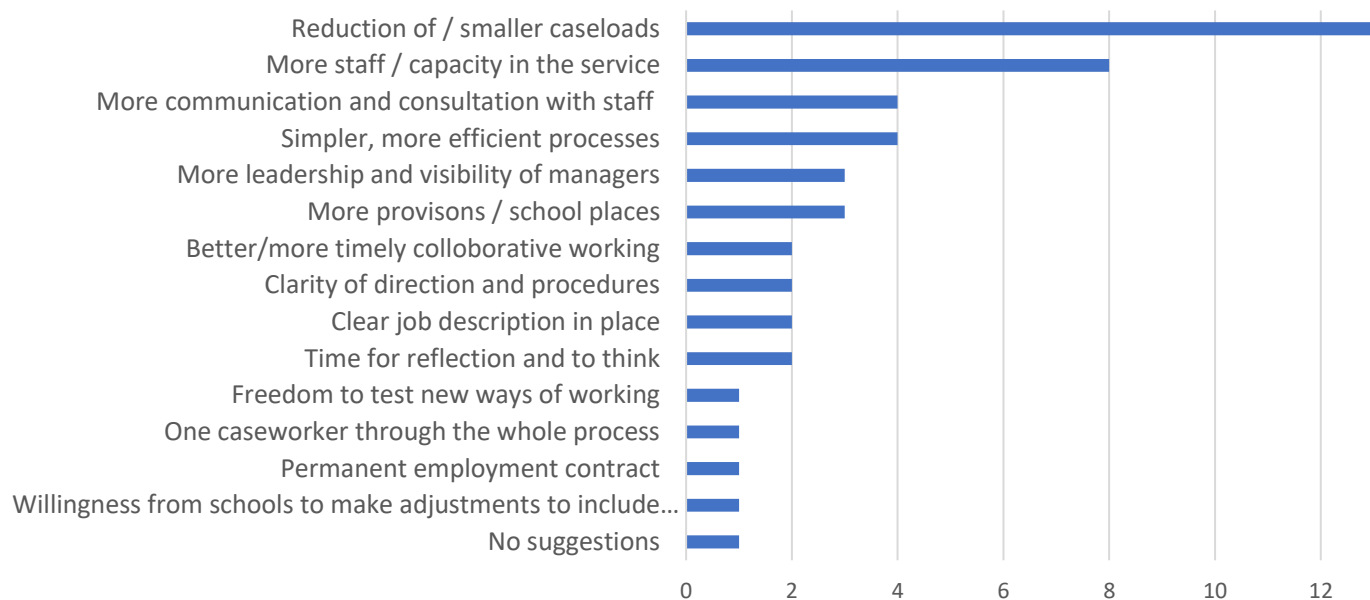
- 8.14 Out of the 32 responses received, there were 23 mentions of high demand and high workloads experienced by respondents, by far the most mentioned area. For example, respondents stated that “our workload is too high, we are always rushing and trying to fit it all in” and “it is a crazy time”. Similarly, a lack of staff capacity received 6 mentions.
- 8.15 High demand was a recurring theme throughout the survey and the knock on effect to morale is evident. The 2<sup>nd</sup> highest response, with 12 respondents, related to low morale / team spirit / wellbeing.
- 8.16 These comments and low morale also featured in the staff feedback session held with 4 frontline staff from across the service. All staff in the session reflected concern about the workloads, the demands placed on them and the effect it was having on their wellbeing and the morale of the team. Staff told the task group about how morale was “very low”, and everyone was working incredibly hard to keep on top of things but ultimately “the curve is so much higher than we can cope with within the team”.



- 8.17 It is clear from the responses in the survey and the staff who spoke to the task group as witnesses that they have serious concerns about being able to complete their job. Witnesses reflected that the demands and lack of time leaves them feeling like they cannot cope.
- 8.18 The impact of this was that staff felt they had little time to produce quality work, with one witness stating: “How can we make the time to make a quality plan when we don’t have the time for a lunch break?”

- 8.19 The demand on staff was reflected by some of the other witnesses who spoke to the task group, with witnesses from other services stating that their team works alongside with the 0-25 Team “knowing they are struggling to do their day jobs” and are “bombarded” with demand.
- 8.20 Staff warned that their colleagues have been leaving the service and more would leave the Council because of the demand, lack of capacity and pay and conditions.
- 8.21 However, both in the survey and from speaking to the task group, witnesses did speak positively about the comradery within the team and the commitment of their colleagues. Witnesses told the task group that the people they work with are the “most committed team of people”, committed to SEND and children in Devon, who go above and beyond their roles. Throughout the discussions, witnesses and partners praised the resilience of those working in the service over the past few years.
- 8.22 Staff themselves told us that more capacity would be the one thing they would change. In the staff survey. A question in the survey asked respondents to suggest which one thing that would allow them to carry out their role more efficiently and effectively. Figure 11 shows the responses of staff where different answers are clustered on the same or similar theme. 21 out of the 48 responses (44%) related to smaller caseloads and more staff capacity. Although some of the other categories are related to the demand pressures on staff such as time for reflection and to think and some are symptoms of demand and staff turnover.

Figure 11: What one thing would you change in the workplace to allow you to carry out your role more efficiently and effectively?



- 8.23 The most common suggestion was based on demand and a reduction of caseloads. Many respondents, 13 in total, noted that their caseload of up to 500 was too high and was having an impact on the amount of work they can do. Respondents commented that they would like

smaller caseloads for several reasons including to be more efficient and spend more time providing a quality service.

**“Cut our caseloads to a reasonable number so we can actually case manage, build relationships, know our cases, complete tasks, feel in control of our work, and do a good job”**

**“Smaller caseloads would enable us to spend more time on cases and to ensure we are being as thorough as we can be and therefore providing the best service for the children and young people”.**

- 8.24 In a similar theme, 8 respondents also suggested recruiting more staff or increasing capacity in order to deal with the levels of demand currently experienced by the service.
- 8.25 On reflecting on the impact on their own wellbeing, staff highlighted that the impact on them is “immense” with one witness reporting that they had personally seen every member of their team upset after something that happened at work. In the staff survey, over 20% of staff reported that they are always/often subject to personal harassment in the form of unkind words and behaviours from those who are not colleagues and just under 10% stated they were always/often subject to bullying at work from those who are not colleagues.
- 8.26 This shouldn’t be just about getting better timeliness of plans or reviews and getting them out of the door faster, but ensuring the wellbeing of our staff that they have adequate resources to do the job and can put the time and effort into producing quality work. Improved morale of staff would be a benefit of increasing capacity of the 0-25 Team.
- 8.27 The task group is fully aware of the challenges in recruitment and retention across many sectors including Children’s Services and Education and knows that senior leaders and the Cabinet have already put additional resources into the recruitment and retention of social care staff. The national shortage of Educational Psychologists, which is causing delays the EHC Plan process, and post-COVID issues are understood by the task group.

**Recommendation: The Cabinet Member be asked to write to the f40 Group and the Secretary of State for Education to lobby for the Government’s plans to address the national shortage of Educational Psychologists.**

- 8.28 On Tuesday 6<sup>th</sup> September 2022, officers brought a report to Children’s Scrutiny on actions since the Ofsted/CQC visit and highlighted that recruitment remained a challenge. Over 20 people had been recruited into the service but 24 had left meaning there was a net decrease of staff. Officers reported that exit interviews had identified that the overwhelming numbers of caseloads and pay and conditions were the overriding reasons for leaving the Council (Devon County Council, 2022). This is supported by one of the witnesses of the task group, who was leaving herself. She stated that Devon pays less than the same job in neighbouring local authorities and agency rates for the role were £270 a day, more than double the salary of permanent caseworkers.

- 8.29 Feedback from the demographic neighbours was that overall, their own workforce was stabilising or stable. Cornwall highlighted that some officers had left their teams recently for several reasons including a better work/life balance, ill health, an increased workload and changes to ways of working. Their reflection was that barriers to recruitment were the cost and availability of housing for potential staff. Dorset stated that their workforce was stable and highlighted their overall offer for staff was the reason why they did not have similar problems to Devon. While Suffolk reported they did not have difficulties in recruiting to posts historically and that only recent recruitment to fill Educational Psychologist posts in Suffolk had been challenging.
- 8.30 When looking at the most recent adverts for SEND caseworker roles or equivalent roles in local authorities and comparing the salaries of these roles, Devon's offer of £29,174 - £32,798 (Oct 2022 advert) is higher than Dorset's offer (£22,571 - £30,095) and similar to Cornwall's (£25,708 - £32,798) and Suffolk's offer (starting salary of £27,041). But it is below Torbay's offer of £32,788 - £35,336. It is worth pointing out that at the time of writing this report, all of these local authorities were advertising for caseworker roles.
- 8.31 Of course, it is not just about recruiting staff, new staff have to be trained and take time to learn how the system works in Devon. When new recruiting staff, we must ensure they are skilled and well equipped to do their job and given the time to do so.
- 8.32 The task group recognises the Cabinet recommendation on 12<sup>th</sup> October 2022 that "Cabinet further recognises the need to recruit more caseworkers in SEN to reduce to current backlogs of work to improve outcomes for children and families" as Cabinet being aware of the issue and willingness to invest in extra resources and at the time of the report, multiple roles are being advertised (Devon County Council, 2022).
- 8.33 The Council's Strategic Plan's Annual Action Plan for 2022-23 focuses on "a reduction the backlog of cases in our Special Educational Needs team and a reduction in the number of complaints" for this year (Devon County Council, 2022). The task group considers, for the reasons listed above, that improving staff capacity is the short-term action needed to deliver this aim.
- 8.34 The task group is aware it is asking the Cabinet to recruit, and is aware that there are recruitment and retention challenges in Devon. The task group's scope didn't include the reasons why and so this report doesn't address the reasons why there is a particular challenge in Devon when some of our demographic neighbours do not face the same level of challenges. The task group recognises that an investigation via a spotlight review could be completed to understand the specific reasons why recruitment for the sector is a challenge in Devon.

**Recommendation: The Children's Scrutiny Committee be asked to complete a spotlight review on recruitment and retention.**

## 9 A commitment to earlier intervention

- 9.1 Recruiting the right number of staff, notwithstanding the issues that the sector faces around recruitment and retention, is the first part of fixing the issues. The Council will not make a difference unless there is a fundamental change to reduce the levels of demand coming into the system. This is crucial for many reasons, ensuring that children's needs are met at the earliest opportunity and because of the increasing overspend on the High Needs Block Budget and the high-cost placements.
- 9.2 Witnesses from partner services reflected that the high number of EHC Plans and the pressures on the SEND system were evident across many services, not just the 0-25 Team. The pressures also impact all education teams, health, social care, school placements and school transport, all of which need to use more resources and budgets to deal with the demand in SEND. Members felt there was a need for a local area wide priority to reduce the level of demand for the system.
- 9.3 In the short term, we need to reduce caseloads for caseworkers to allow them to do a good job. However, the local area needs to tackle rising demand for an EHC Plan ensuring that it is used the most complex children in Devon that can't have their needs met without local authority involvement and avoid adding capacity to a system that is not working.
- 9.4 One clear way that many witnesses felt is the best way to reduce demand and create a better service is to invest in creating a consistent earlier intervention culture. This is to make the system pro-active instead of reactive. Demographic neighbours pointed to their priority in their systems to identify need early. Senior leaders told the task group that the system "needs to shift to earlier intervention to support children without having to escalate to the process of a formal EHC plan".
- 9.5 The task group is aware that the focus of the SEND Strategic Director is to ensure that the system meets the needs of children earlier in the graduated response and welcomes this focus. An example given to the task group of the impact of this is a recent complaint about the system which involved a 97-page report at a tribunal which stated that if the service had worked with partners at an earlier stage, it wouldn't have led to the situation that happened. All of the cost of the tribunal and impact on our staff and impact on that family could have been avoided.
- 9.6 Witnesses also told that task group that earlier intervention should be the priority with one stating that "all of our funds, resources, energy and expertise has got to go in the direction" of a "strategy of getting support in right place, right time, in the right way at a very local level". One of the reasons for this would be to "support early and build trust within schools and parents to meet children's needs". This would also be about building in services and community links to support children and families at an earlier stage with staff stating that parents currently "don't feel or know that they can go to local services for help and have to go for the statutory services and that's where we have huge problems".
- 9.7 The first step to earlier intervention is the inclusive, universal offer within school environments. Witnesses felt that improving the universal offer to meet needs at the very earliest stages by supporting schools, ensuring good practice and targeted interventions when needed would not only ensure that children's needs are met early, at the lowest part

on the graduated response, but also ensure that parents trust that the system supports their child. This would reduce the need for costlier interventions at a later stage and high-cost placements.

- 9.8 However, the task group is aware that budgets are constrained, and the number of teaching assistants has reduced. This means the message to parents sometimes has been that the school cannot meet the needs of their child so parents feel a way to get support is via the EHC plan to change schools to special schools. One school felt the lack of proper earlier intervention drives pupils to apply for EHC plans to get extra funding for support and provisions.
- 9.9 Across their school and college visits, Members wanted to hear about the current experiences of earlier intervention. Staff, schools and colleges were aware and supportive of the aim and stated that some of the meetings with parents are “useful”. The overall feedback was more mixed with one school even querying if it actually existed. Many schools felt that they do provide ‘early help’ services by their very nature of seeing children and families and ‘Early Help’ as advocated by the Council is more than what schools can provide.
- 9.10 One school highlighted that “we are here to educate children as opposed to sort out housing and finances” but as a school “we would try to support them where we can”. One called Early Help a “nightmare” and highlighted other schools in their area will avoid Early Help as they have found it “pointless”. However, it was not all negative with one school highlighting that the service is “responsive...really good” with a “really good” team and it was the only service that could reliably be accessed within a month.
- 9.11 Many witnesses felt that Education settings were becoming the default setting for all support services for children under an umbrella of ‘Early Help’. This is because schools were already being stretched beyond their resources and staff within schools were not specialists to support the wide range of potential issues which they could face. Schools felt Education settings are expected to be experts in many fields to support earlier intervention but were given no funding or extra resources to do this. Schools also felt they were being used to plug the gaps left by the lack of other services in Devon.
- 9.12 Schools felt that early intervention is left to them. Staff are told that they are the early help/early intervention services. One school recalled calling the Council for extra support and was told they were early help support and they would have to manage the problem.
- 9.13 Schools would like to see the other agencies share the load with Early Help case. In general, schools seemed to be the lead partner for many cases, and they stated they had very little support from Health or Care, even describing Health partners as “difficult” to get them involved. One school stated that 80% of their cases should be held by other agencies and that the partners “don’t step up”, and that it is “frustrating” because the training that has been given on Early Help places equal emphasis on all partners to be involved.
- 9.14 Schools highlighted that Early Help should be about partners coming together to form a plan but, the other agencies do not attend the meetings or input into the case so the school has to hold the case and support the family and pupil alone as best they can.

- 9.15 The Council should ensure that all partners are committed to an earlier intervention culture, and it shouldn't be left to schools alone to hold cases and support children. This is unfair and doesn't always meet the needs of children all the time if specialist services are required. For partners in health, their lack of commitment across the SEND system as a whole was also raised. The Cabinet Member should work proactively to engage health partners in the system and ask them to attend decision making meetings to speed up the process.
- 9.16 In terms of processes for Early Help, many schools called it "onerous" and led to dual processes operating in tandem if the child had an EHC Plan as well as going through the Early Help processes. There was mixed feedback on the Rights for Children system with one school stating it was helpful to see the records on the system, but others called it "not fit for purpose".
- 9.17 However, schools supported the aim of Early Help and felt that "when it works well, it's amazing" and that it can work well. Many of the issues, comparable with the rest of the SEND system, are down to the capacity of professionals to resource Early Help. Witnesses asked that early intervention and early help services need to be properly resourced and all partners need to be committed to delivering it to make it work. Schools felt it would be a good model if this happens.
- 9.18 Schools and Colleges highlighted that they don't get extra funding to resource Early Help and so it adds more to their demands. Members of the Children's Scrutiny Committee heard this from staff within the Multi-Agency Safeguarding Hub (MASH) themselves when they visited in Spring 2022. Staff who worked in Early Help told Members that they had improved timeliness because of additional resources but more resources in locality teams and schools were needed to support professionals and communicate with families (Children's Scrutiny Committee, 2022).
- 9.19 It's important to ensure that there are sufficient resources to support early help and children in schools. This is a concern because 1 in 4 parents felt that their child's needs were rarely or never met by Education. The average parent felt that a lack of resource leads to children being unable to reach their full potential. Parents felt there is a clear difference between what schools want to do and what they are able to do.
- 9.20 The Council's 2021-2025 Strategic Plan of making a 'Child Friendly Devon', makes specific reference to ensuring children and young people have the best possible start in life and that children and young people with SEND achieve the best possible outcomes (Devon County Council, 2021).
- 9.21 The task group wanted to include the word "consistent" in a recommendation to address the varied feedback that schools and colleges had about Early Help. As stated before, feedback from schools was mixed from an "absolute nightmare" to a "really good service". This level of consistency should be addressed so that children, families and schools get the same level of service across the County.
- 9.22 When asked about how this earlier intervention could be realised. Many witnesses highlighted that commissioning to support children in the right place, at the right time would make a difference. As a local authority, one senior leader stated that Devon should be a

“strong commissioner” that is resourced correctly and able to hold schools to account. This would ensure good practice and a quality service across the County.

- 9.23 Senior leaders in the Council told the task group that an area for development is joint commissioning with schools and this needs to exist at all levels of support including universal services and targeted services. It would allow schools to club together to commission specific services. This has not been done enough since 2014.
- 9.24 Putting the child at the centre and having committed partners working together and owning the process would ensure that the child’s needs are met. A reduction of EHC Plans, more children and young people having their needs met earlier, increased resources for Early Help, improved attendance at meetings and qualitative feedback on the commitment from partners would be used to measure if the local area has committed to an earlier intervention culture.

**Recommendation:** The Council and its partners to commit to a consistent culture of earlier intervention and local inclusion as a strategic ambition of the local area.

## 10 A ‘human touch’ in communicating

- 10.1 One of the biggest concerns raised with the task group was poor communication from the 0-25 Team to parents, carers, partners and schools. The lack of a ‘human touch’ and physically picking up the phone to speak to parents or schools was missing. Staff and partners felt that parents wanted this, they wanted to be kept up to date but staff don’t have the time to do this.
- 10.2 Witnesses told the task group about the issues and concerns about communication. A common complaint from parents was there was lack of someone to contact if you have a question. There is a lack of engagement and parents have to chase down answers.

**“Timeliness remains a significant issue and is having a direct impact on parents, families, children and engagement with school. It is increasing communications from parents who are concerned with the SEN team which in turn is putting more pressure on the SEN team”.**

- 10.3 Witnesses felt that we need to be more human, pick up the phone and speak to parents but recognised that there is a cycle of finding the time to do that which neglects another task that needs to be done. However, witnesses felt that ensuring that time is spent earlier on in the process to speak to parents, carers, schools and partners would help to avoid escalation. One witness highlighted a conversation with a parent who stated that “if you [The Council] had listened at the beginning, we [the family] would not have needed to go through all this emotional turmoil”.
- 10.4 Many schools and colleges stated that the Council has some excellent officers and praised the officers who they worked with, whether that be case officers or officers visiting them in person. But the quality of the relationship between schools and the



Council rests on the individual officer rather than being consistently excellent with one school stating “progress and the level of support from [the Council] can depend on the individual who the school are dealing with”. Likewise, one college highlighted that communication from officers was variable with some being very difficult to get hold of. This meant the college contacted officers they knew would respond and bypassed the actual case officer.

- 10.5 It was felt that by improving relationships would help to educate parents on the SEND system to avoid misconceptions about the system. It would allow officers to connect with parents, partners and schools, ensure that they understand the system and processes and work with them.
- 10.6 One of the main tools that we use to communicate is the Council’s website to publicise and give information on the Local Offer. When discussing the Local Offer, witnesses highlighted that the website has been remodelled but the information had just been moved around to different sections. In addition, the Local Offer didn’t explain the local, universal services well enough to be understood and there was a Council wide reliance on ‘PinPoint’ to act as a triaging service for people to find services for themselves. One partner felt that the local offer system “is almost impenetrable even as a professional. There is nowhere to find information about services, referral processes, thresholds etc. Information that should be available is not”.
- 10.7 There is also a lack of up-to-date information available, with current structure charts not showing the current 0-25 Team. This meant that schools and partners told the task group they were contacting officers who they didn’t know had left the authority.
- 10.8 Parents and Partners need to have access to good information that is understandable and helpful for parents as an ‘early help’ method. If parents can get the information they need, they’ll be less likely to contact the 0-25 Team for basic information. There is a need to ensure good information is available. The parent carer survey highlighted 62% of parents and carers ‘don’t really’ or ‘don’t at all’ understand all of the services available to them.
- 10.9 One other area of general communication feedback was the timescales that parents and schools are given to complete documents and forms. Young person 2 stated that because the 0-25 Team were behind with their timescales, he felt his family were not given enough time to fill in forms and were rushed into getting them completed and returned because the other professionals have taken too long. He stated he would rather everyone take their time with the plan and make it a quality plan rather than rush to get it completed.
- 10.10 Schools also raised the same complaint that the Council was sometimes unfair in asking them to complete their parts with little notice, when it has been with the 0-25 Team for some weeks, and then chasing schools for their parts. One SENDCo stated the Council “can sometimes be quick to point out where we have delays”. Schools understood the reasonings why it was needed but felt some more compassion was needed for SENDCos in schools when these tasks take a while to complete.

10.11 Colleges raised the issue of late consults from the Council. Colleges were given hundreds of consults to do at one time and at late notice and only given a short period to complete them. Colleges stated it would be easier if the consults were sent in smaller batches. These consults were sometimes late themselves, arriving as late as June, putting more pressure on colleges to get them completed. The lateness of the consults can mean that courses become full and learners are not able to have a place on the course they applied for. This creates huge anxiety for staff, families and especially students with SEND who need an alternative provision to go to if they cannot go to their first choice. Plus, time is needed for a successful transition for the students.

## Education, Health and Care Plans

10.12 In the parent carer survey, parents viewed every aspect of the EHC Plan process negatively with timeliness, communication, the overall process and ease of application being viewed the poorest.

10.13 In addition, the task group spoke to 2 young people about their views on the SEND system in Devon. Young person 2 impressed on the task group that he felt his EHC plan doesn't seem to get updated regularly and things in the plan no longer make sense or are not relevant to his current situation but are still included in the plan. He is asked about these parts in meetings. He felt the EHCP's structure was too rigid and difficult to read and make sense of and he'd prefer something simpler like bullet points. He felt that some of it was of no benefit to his school and teachers in how to support him in learning because it was out of date or because of the language used.

10.14 Witnesses felt that the language used in EHC Plans is not accessible because parts of the plan are written by professionals. The language used around SEND is complex and some parents are not able to understand the plan. This disadvantages them in accessing the system. In particular, health advice should be simplified so that teachers can understand complex medical terms and be able to use the advice in classrooms to support children and young people.

**Recommendation: Ensure communication, documents, plans and information should be up to date, understandable and make a difference to children and young people's lives.**

10.15 While many Devon based students receive healthcare in Devon, there are some who receive healthcare from outside of the Devon County Council area in Plymouth for example. Witnesses told the task group that the EHC Plan used by Plymouth City Council and Devon County Council look different, use different templates and told us that Derriford based professionals didn't understand the DCC EHC Plan template when caring for young people and adding advice to it.

**Recommendation: Ensure that templates and plans are understood across the professionals that use them.**

- 10.16 The task group recognise that the SEND Strategic Director has begun to look at the EHC Plan templates and communications alongside the Parent Carer Forum. The Council needs to ensure its plans and templates are understood by those professionals who use them and not just those within the Council's boundary and appropriate training for this needs to be provided.
- 10.17 Schools and colleges highlighted they were not sighted on annual reviews and couldn't have access to the latest annual review to help them in arranging provisions and understanding the children or young person they are working with. For those with out-of-date information on their EHC Plans, like Young person 2, this meant there was a lack of information or gaps missing on how best to support a young person. Schools and colleges felt this was unhelpful when trying to arrange support.

### The Education, Health and Care Hub

- 10.18 Overall, feedback on the EHC Hub was mixed. The EHC Hub is an online portal that can be used by parents and professionals to view key documents such as the EHC Plan. Some witnesses highlighted that while it's not perfect, it does provide a useful communication tool with parents on their child's EHC Plan.
- 10.19 The main complaint around the EHC Hub was the language that was used was not "friendly", not "intuitive" and too heavily based on legislative terms that aren't easily understood. There was a particular concern that parents who were less literate or perhaps had SEN themselves "struggle to navigate" the system.
- 10.20 Witnesses raised access to the hub. The hub is seemingly designed so that it works best on a desktop or laptop with a computer screen. However, many parents who accessed the hub did so on their smartphones. Feedback from witnesses was that the system is difficult to use and follow and isn't laid out very well on smartphone screens. For parents who couldn't access the hub another way this put them off using it, updating details or engaging with the hub as a whole. One partner felt the Council is in danger of "assuming everyone can access the documents" and editing word documents or viewing PDF attachments is not something that every parent can do on their device.
- 10.21 The task group is aware that there are compliance issues with the EHC hub and that the preference of the SEND Strategic Director is, in the short term, move away from the hub as a method of communications. The task group support reviewing the purpose of the EHC Hub but while it is still in use, it needs to work for those that are using it.

**Recommendation: Ensure that the language used on the EHC Hub is reviewed to ensure it is user friendly and functionality is improved.**

- 10.22 Witnesses highlighted that improved staff capacity would improve relationships with partners, schools, parents and carers, with staff having the time to build contacts, offer advice and find solutions. Capacity in the team would allow staff to do those jobs that are currently neglected. It would allow time for training and building knowledge and expertise within the team.

## 11 Efficient services working well together

- 11.1 There is frustration and concern amongst witnesses about the efficiency of the services that work together to support children with SEND. Processes for processes sake, data sharing and a lack of joined up working were all seen as problems contributing to the issues within the system.
- 11.2 Staff and Parents agreed that families do not experience collective working. The Parent Carer survey found over half of parents (54%) felt the communication and joined up working between professionals and services was 'poor' and 'exceptionally poor'. Similarly, staff told the task group that "parents feel the disconnection between different parts of the Devon system. [Parents] experience us working in a silo". In addition, 64% of parents and carers stated they don't really or don't at all experience collective joined up working across Education, Health and Social Care
- 11.3 The lack of working together meant that parents found the system "confusing" and contributed to poor communication because they have to "interact with multiple teams and find barriers to access". For parents, this is frustrating and doesn't give them the answers they sought. Witnesses told the task group this is particularly evident in complex issues that cut across services with parents being bounced around from service to service in search of answers.

### Behaviours within the 0-25 Team

- 11.4 Witnesses from both staff in the 0-25 team and our partners highlighted that because of the demands on our staff, it meant they prioritised what was in front of them and couldn't do everything they would want to do or need to do. The overwhelming response from witnesses was that staff were "bogged down" in processes and form filling and had no time to communicate with parents or schools, resolve conflicts or find solutions. Witnesses external to the Council expressed concern and sympathy with the 0-25 Team in having to work in such demand, and the sheer amount of work they are expected to get through.

**"[We find] ourselves in a situation where we cannot achieve what we want to do: provide a consistent child/young person centred service".**

- 11.5 Witnesses highlighted the cycle within the service of high demand, low capacity and lack of communication resulting in more work at later stages and parents and carers who are frustrated with delays. Staff reflected that the "system is broken", with "constant shifting sands" and "they are battling circumstances beyond their control, taking abuse from parents and schools".
- 11.6 Witnesses felt the service is slow to react and inflexible. Schools told the task group that decisions take too long and there is a lack of urgency within Devon to drive change. The Council doesn't always recognise opportunities to act quickly and thus wastes opportunities due to its slow pace. This was reflected by staff who felt that layers of managers mean there are delays in getting responses and decisions and in the meantime, families and children are waiting. Some reflected that good initiatives are removed later despite positive reactions

from parents. For example, changes to direct payments over the COVID-19 pandemic that allowed parents to be flexible and creative. 86% of parents and carers felt direct payments had made a positive difference but the flexibility was stopped because of concerns around misuse of funds and ensuring appropriate outcomes.

- 11.7 Staff reflected this point more by pointing to the inflexibility of the system and the centralisation of the system, stating that while they may want to, many services and officers “don’t feel able to or know if they have permission to work in different ways”. This was shared by a colleague in another service, who commented that “some officers may not feel empowered to make decisions or find solutions outside of process”.
- 11.8 Processes were highlighted by one witness stating that “the amount of calls we have to make is huge, every call has to be logged and a form filled out. A lot of processes for processes sake which doesn’t make the job easier for those struggling with a high workload”.
- 11.9 What concerned Members was the acceptance that many just felt this was just how things were. Many witnesses raised their concerns and emphasized with the 0-25 Team but reflected that all of the services were busy and everyone being in a similar situation. Members did not get a sense from some partners that there was any desire to change the system or that the issues were for the Council or 0-25 Team to solve, rather than a whole system transformation where partners all owned the process.
- 11.10 Positively, the overwhelming majority of witnesses who spoke to the task group welcomed Jackie Ross’ arrival to Devon as “phenomenal”. Witnesses told the task group there is now a willingness to change the culture, engage and listen to parent and carer voice as a whole and for it to genuinely inform practice. Witnesses stated that previously, there was a lack of engagement, and a positive picture of the service and improvement was painted without any evidence.
- 11.11 Members of the task group, and of the wider Children’s Scrutiny Committee, have reflected on the impact that Jackie has initiated since arriving in Devon and support her efforts to improve SEND services. Members have particularly welcomed her ‘on the ground’ approach to working with staff and partners.

## Budgets

- 11.12 Schools discussed funding with the task group and the amount of money available to them to support children with SEND. Senior leaders told the task group that the national funding formula has been acknowledged to be not working properly and there have been concerns with the level of funding Devon receives for its schools for many years.
- 11.13 The SEN Element 2 notional figure of £6,000 was set nationally in 2013 and many of the schools asked for this to be reviewed and increased to reflect the current cost of provisions as the one thing that would make a difference to them.
- 11.14 Schools and colleges highlighted that their spending on SEND was on staff and resources that would be used to meet the needs of their pupils. Most of this spending was on teaching assistants or learning support assistants to support children and young people as one to one

support. Schools raised concerns that funding for teaching assistants was not enough and even adding together different strands of funding still meant they couldn't afford to pay good salaries for support staff. For example, one school stated that one child's budget was £10,500 and he was entitled to full time 121 support on his EHC Plan, but £10,500 was not enough to pay for a full-time staff member. This led to more shared support staff across multiple children, which gave them support but not full-time support as they were entitled to. Young person 1 told us how having a shared learning support assistant (LSP) with another student wasn't helpful or supportive for her as the LSP would move between classes and wouldn't know where Young person 1 was with her work when she returned.

- 11.15 Schools and colleges raised that there was little support for those who were waiting for their EHC Plan to be completed and clearly needed some support but no financial support was available until the EHC Plan was completed, which due to timeliness issues, was months away. One college, whose courses last for one year, stated it takes 9 months for a plan to come through and then the extra element 2 funding is lagged by one year.
- 11.16 In addition, schools raised concerns about the spending of money and the siloed approach that each service has when allocating resources to children. One school highlighted that "health and education often argue between themselves over provisions and spending and lose sight of the outcomes for learners". This was supported by another school that stated that multi-agency working becomes siloed when money is tight, and people "protect" their own service/budget area.
- 11.17 Demographic neighbours pointed to the use of non-statutory funding as a way to reduce the number of EHC Plans and allowing access to the high needs block without an EHC Plan. Devon previously did this via 'My Plan' but it was suspended after concerns were raised about overspending and that funding wasn't being used for what it was originally intended for. Senior officers did not rule out looking at non statutory funding again but needed to ensure that funding was being used correctly.

### Relationships within child-centered services

- 11.18 Many of the schools and staff spoke about the sporadic and inconsistent services across Devon. Schools spoke about the impact of the lack of Educational Psychologists and the delays in receiving their advice for EHC Plans. Another concern was the lack of Speech Language and Communication Specialists, to which one college suggested they were "impossible" to get and now rarely advised putting them on EHC Plans as they know there is no provision for them. Many schools were concerned about the limited presence of partners in health in the EHC Plan and annual review processes and in some cases, their presence in schools and colleges in general.
- 11.19 By far the largest concern raised with the task group was the lack of CAMHS support (Children and Adolescent Mental Health Services). One school described them as "non-existent" and stated the service is "hugely needed" but seems to be in a crisis. CAMHS was seen as the biggest concern because it is so crucial and a delay for young people receiving support is potentially so damaging when a child is crying out for support or in crisis. One

**Recommendation:** The Cabinet Member be asked to write to the Secretary of State for Health and Social Care to ask how the Government will improve access to CAMHS.

school impressed on the task group that the crisis is a “message that needs to go back” to senior leaders.

11.20 One other complaint from schools was that when a child’s needs change, a part of the plan needs amending or a request for extra funding, the child has to have another assessment from an Educational Psychologist. This is regardless of when the last assessment was. Schools and Colleges felt that their word and their own feedback to the Council wasn’t enough, and they asked to ‘prove’ the change in need. While it is reasonable to have another assessment, schools highlighted the lack of trust between the Council and schools and added that it was another assessment for the child or young person to go through. Schools and colleges also raised the delays to services and shortage of services meant it would be a while before an assessment is carried out and then the subsequent change to the support is completed.

11.21 However, within the SEND Code of practice there is scope for minor edits to be made. The task group felt that there was an issue of understanding the Code of Practice and where parents and professionals can ask for minor edits to be made without a specialist assessment.

**Recommendation: Ensure that there is training and the provision of clear guidance on where and how parents and professionals can raise concerns and minor edits to EHC Plans.**

11.22 Witnesses also raised the relationships between Children’s Services and the relationships between SEND and Children’s Social Care. Witnesses from schools and colleges, and even our own staff felt there wasn’t a good link between the SEND teams and the Social Care teams. Staff felt those in Children’s Social Care saw the SEND Code of Practice as “on the periphery” and not considered as part of their work.

11.23 Likewise, one college stated that it felt like the Multi Agency Safeguarding Hub (MASH) wasn’t considering SEND enough when making decisions and felt it was difficult to get children with SEND through the MASH with the referral forms being “designed to be difficult”. One partner suggested that communication between themselves and children’s social care was “impenetrable” because access to the service was via a complicated form but reflected that work was ongoing to remedy this.

11.24 However, witnesses recognised that the difficulties they faced were unintentional. Again, the issues of demand and staff capacity were raised. One witness reflected on system wide issues that “everyone is busy” and the recruitment and retention challenges facing the sector. Likewise, witnesses from the school that raised the issues stated that from their experience officers and social workers were doing their best to cope but ultimately, they were “exhausted”.

### **Devon Information and Advisory Service (DIAS)**

11.25 Members gained a better understanding of DIAS (Devon Information and Advisory Service) during the task group. During the task group, witnesses raised issues with DIAS and concerns about the advice that they were giving out to parents. DIAS is a statutory service, delivered



by the Council but as an arms-length based service as per the SEND code of practice. Their role is to deliver accurate, impartial, information, advice and support to parents and children and young people with SEND, based on the law and families and children's rights.

- 11.26 One SENDCo stated that their experiences with DIAS were that they often advised parents and carers to request an EHCP assessment without consulting the school or exploring whether what the parent is telling them is sufficient evidence for an EHCP assessment request. Most EHCP requests that are turned down are those submitted by parents separate from school and the SENDCo felt that DIAS' advice raised parents' expectations that their child would have an assessment or a plan. This would result in disappointment and anger when this didn't happen. This was raised directly from DIAS who agreed that it works best when schools and families come together and agree to a solution that those types of meetings are not happening enough. This working together would help to ensure expectations aren't raised and contribute to re-building trust in the system
- 11.27 DIAS' role is to provide advice based on the law and the code of practice and Members felt there was a lack of understanding of the role and responsibility of DIAS. While witnesses from DIAS told the task group they were aware of the pressures on the system and made parents aware of them, it is their role to provide impartial advice on the law and rights of the children and families. DIAS will be aware which services or support can be delivered but it is not their place to advise on behalf of the Council.
- 11.28 DIAS speak to many parents and families who access SEND services and thus have accumulated a large wealth of knowledge that the service felt it was important to relay back to services and senior leaders to be "part of the solution" and help to improve services. Witnesses told the task group that the future goal is to have the service regularly feedback their insights and core messages to partners in Education, Health and Care to strategically drive improvement for the Council.
- 11.29 Members were supportive of this future aim to improve relationships, data sharing and commitment to improve services and welcomed a future report to the Children's Scrutiny Committee on the service.

**Recommendation: The Children's Scrutiny Committee add further opportunities to learn about DIAS to its future work programme.**

### Transitioning from Children's to Adults Services

- 11.30 One area that was raised by partners and young people was the transition at 18 from children-centered services to adult-centered services. This is both from within Council services, other services and the experiences of young people becoming an adult. In the parent carer survey, 54% of parents rated the Disabled Children's Service as poor. All of the areas asked about were seen as poor (transitions to adult services, communication, ease of access and the eligibility criteria). In addition, young people who were witnesses to the task group told us their difficulties when transitioning from Children's Services to Adults Services.
- 11.31 Young person 1 was 19 and told the task group about her life growing up with SEND in Devon, her lack of support at college and the services she accesses. She told the task group



that she is now 19 and felt that the transitions out of her current arrangements were difficult. She told us that the services, which she enjoyed growing up, seemed to just disappear when she was 16 or 18 and she did not recall being part of the decision-making process. This meant that some of the things that she enjoyed about her life had to end because she reached an age limit and services didn't understand how important those relationships were to her as her support network. She felt it was unfair that you could have education provision until age 25 as part of the EHC Plan but not the leisure activities like a youth club and she would have liked to continue going to the youth club for some more time as well as having a social worker over the age of 18. Young person 1 felt that services like these should come to an end when it is 'right' for the individual young person rather than chronological age and a good transition to 'young adult' services should follow.

11.32 Young person 2 was 18 and spoke about his experiences of SEND Services, Health and the transition to Adult Services. His relationship with services had "not been the best experience" and this included multiple social workers in the Disabled Children's Service and multiple social workers in the Preparing for Adulthood (PFA) team. This meant that for his transition, he stated it was "non-existent". While he first met with an officer at 15, that officer then left and he had to re-do the 'getting to know you' meeting with another officer, who then left too. He felt that when he turned 18 he did not feel prepared with Adult Services, and they didn't know him very well. His meeting with PFA was "disastrous" as he and his family were unsure about the process and felt blamed for not knowing what they had to do.

11.33 Witnesses from Adult Social Care recognised that there are always opportunities to improve early conversations and planning. Witnesses told the task group that their ambition is to have good connections between Children's and Adults services so it shouldn't matter operationally where the services sit in the Council and the aim is to have the two directorates working closely together to support the individual. In addition, it was their aim to ensure they are involved early to get young people moving forward by offering advice and information early so there is no cliff edge at age milestones. The task group recognised the challenges facing the Adult Social Care sector nationally, the demands and the backlogs in services.

11.34 One area that could be improved was improving the infrastructure and data sharing around one clear data set on which children and young people are currently receiving services and who might need support from Adults Services in the future rather than relying on ad-hoc methods. At the moment, those in Children's Services have to refer themselves to Adult Services because there is no automatic referral. Members were concerned that this had not happened yet but welcomed the fact that officers from Children's and Adults Services were developing this information sharing.

11.35 Adult Services told the task group that their intention is to contact young people aged 14 or in year 10. An improved data set should capture those turning 14 so Adults Services can see who they would be expecting to have in their services once they turn 18. This would allow them to make contact early and prepare young people to move to Adults Services with a planned, timely transition.

11.36 One other issue that was raised was the involvement of health services with young people with SEND as they transition. Young person 2 told the task group of the difficulties in

accessing services as he grew up from 16 to 18. Age brackets for different services meant that at 16 he was no longer able to see a paediatrician but couldn't get seen by an adult physio until 18 so there was a 2-year period of not having any services which impacted on his health.

- 11.37 Young person 2 felt overall that health services were not as involved as he would have liked them to have been. They initially weren't present at Annual Review meetings and eventually provided just a written report. However, this written report wasn't easily understandable by other professionals and his school because it was written using medical terms.

**Recommendation: Ensure the delivery of improved data sharing between Children's and Adults Services to ensure transitions start at 14.**

- 11.38 Witnesses felt improved staff capacity and improved communication would help the service to work with its partners and other services within the local area, which in turn would help children and young people get the things they need. Members asked Young person 2 what would be the one thing he would suggest to help improve services. Young Person 2 stated that good planning and being told in advance of things would help and felt there had been many instances where he's had no notice to get things done or meetings arranged with little say on timings because of the rushed nature of services and lack of time to properly communicate.

- 11.39 Services and teams need to ensure that they work together as partners, focusing on the needs of the child or young person at the centre, akin to a Matrix Management structure.

## 12 Conclusion

- 12.1 Members appreciate the scale of the challenges that Devon faces and that it will not be an easy task to improve services. On the conclusion of the task group, Members were optimistic that the local area can improve and improve the lives of children and young people with SEND and hope this report will play a meaningful role in that journey. Throughout the task group, preparing this report and by speaking to witnesses the task group was drawn to the complexity of the problem. There isn't a 'silver bullet' or single solution to overcome the issues we face in Devon's SEND system. There are things we can do in Devon to make the system work better and this report has laid out some of them. But they must be taken seriously and prioritised to make changes and improvements happen faster.
- 12.2 Undoubtedly, our recommendations are linked because of the very nature of the SEND system. Improved capacity in the 0-25 Team could allow for staff to have those earlier conversations with concerned parents or schools about a child. It would give time to add that human connection to understand what is needed and can be achieved. These earlier conversations would mean support for a child with SEND would be put in place earlier, where schools and partners are able to deliver on those early help services and that a child's needs are met in a timelier manner. It would then give parents the confidence and trust in the system that their child's needs are being met and would hopefully avoid moving up the graduated response, reducing costlier intervention at a late date.

- 12.3 In the short term, a solution is to ensure that we have the capacity to meet demand in the 0-25 Team. The local area's longer-term ambition should be the consistent culture of earlier intervention, where children and young people's needs are met in a timelier manner.
- 12.4 The task group spoke to a range of witnesses and organisations however there were some potential witnesses who could not give evidence to the task group. These included schools that were contacted but did not have the capacity to meet with Members and services such as CAMHS. This lack of capacity of the system is evident in that many felt they didn't have the time to speak to the task group.
- 12.5 Finally, there were some other areas of development that were raised with the task group that need to be considered for more investigation:
1. Training of staff, support staff and learning support assistants within schools and colleges to be reviewed for its effectiveness and preparing staff to work with children with SEND. Young people should be involved and consulted if they are happy with their support. This will help both the student and the support staff enjoy the lessons and support the needs of the student.
  2. Provisions outside of education for those aged 18-25. While young people aged 18 are entitled to education provisions up to 25, some of the leisure and social activities that they went to were removed from the age of 18. This is particularly related to Young person 1's comments that she was no longer allowed to attend a youth club and would welcome youth clubs or an equivalent café with activities for those with SEND up to 25 years old so they continue to meet with their friends and not have to stop at 18. This would also allow for some work experience for those with SEND within the café.
  3. Children and young people with SEND who are educated other than at school (EOTAS) and the impacts of the system on them. A future report on this to Members would be welcomed.
  4. The link between levels of deprivation and the achievements of children and young people with SEND who are impacted by this across Devon and ensuring the collection of data relating to that relationship.

#### Additional thanks

- 12.6 The Task Group would also like to place on record its thanks to Camilla De Bernhardt Lane (Head of Scrutiny), Fred Whitehouse (Scrutiny Officer), Charles Hall (Members Services Officer), Yvette Welsh (Members Services Officer), Victoria Bendle (Senior Policy and Executive Support Officer), Hannah Dixon (Executive PA), Amy Bickford (Senior Participation Officer) and Shirin Kastar (Participation Worker SEND) for their support throughout the work of the task group.

#### 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)).

## 13 Task Group Membership

The task group was chaired by Councillor Su Aves and membership was as follows:

### SEND Task Group



Councillor Su Aves (Chair)  
St Sidwells & St James



Councillor Frank Letch MBE (Vice Chair)  
Crediton Rural



Councillor Janet Bradford  
Newton Abbot South



Councillor Christine Channon  
Exmouth & Budleigh Salterton Coastal



Councillor Linda Hellyer  
Bideford East



Councillor Lois Samuel  
Okehampton Rural



Councillor Jeffrey Wilton-Love  
Bideford West & Hartland

## 14 Sources of evidence

### Witnesses

The task group 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. This was largely done via interviews at evidence gathering sessions with some follow up emails leading to some written evidence being submitted.

<b>Witness</b>	<b>Role</b>	<b>Organisation</b>
Melissa Caslake	Director of Children and Young People's Futures	Devon County Council
Dawn Stabb	Deputy Chief Officer and Head of Education and Learning	Devon County Council
Jackie Ross	Interim Deputy and SEND Strategic Director	Devon County Council
Adrian Fox	Head Accountant – Education and Learning	Devon County Council
Helen Wyatt	Customer Relations Manager	Devon County Council
David Edmondson	Assessment Manager – South and Mid	Devon County Council
Sarah Winstone	Virtual School SEND Officer	Devon County Council
Jonathan Mitchell	Designated Social Care Officer	Devon County Council
Nicki Bland	SEND Casework Officer	Devon County Council
Keith Bennett	Executive Principal	Marland School
Gareth MacIver	Head of Pastoral Care	Marland School
Annette Lee	Safeguarding Manager	Marland School
Sean Mackney	Principal and Chief Executive Officer	Petroc College
Miriam White	Head of SEND	Petroc College
Pete Gammon	Deputy Designated Safeguarding Lead	Petroc College
Karen Moore	SEnCo and Leader of Learning Support	Okehampton College
Julia Bonell	Co-Chair	Parent Carer Forum Devon
Victoria Mitchell	Co-Chair	Parent Carer Forum Devon
Sue Brealey	Information Advice and Support Lead	Devon Information and Advisory Service (DIAS)
Amy Carey-Jones	Information Advice and Support Lead	Devon Information and Advisory Service (DIAS)
Rebecca Hudson	Senior Commissioning Manager for Adults	Devon County Council
Amy Howard	Assistant Director Adult Social Care	Devon County Council
Louise Rayment	Commissioning Development Officer	Devon County Council
Simon Niles	Schools Planning, Pupil Placement and Commissioning Manager	Devon County Council
Rachel Delourme	Head of SEND and Inclusion	Cornwall Council

Vik Verma	Corporate Director for Education and Learning	Dorset Council
Miriam Leigh	Principal Educational Psychologist	Dorset Council
Amanda Henderson	Head of SEND	Gloucestershire County Council
Ros Somerville	Assistant Director – Inclusion	Suffolk County Council
Francesca Alexander	Head of SEND Services	Suffolk County Council
Chris Petherham	Head of Faculty	Exeter College
Sonia Manester	SEN Manager	Exeter College
Simon Turner	High Needs Claim Lead	Exeter College

The Council's Participation Team arranged for the task group to hear from children and young people on SEND and collected feedback at two youth group sessions in Newton Abbot and Tiverton, where a total of 9 young people took part. Young people were asked to share their thoughts and the Participation Team collated them. The task group also met with 2 young people:

- Young person 1 – A young person with SEND who met Members of the Task Group on 4<sup>th</sup> October. Young person 1 also submitted some additional information via a Participation Worker on 5<sup>th</sup> October.
- Young Person 2 - A young person with SEND who met Members of the task group on 4<sup>th</sup> October.

In addition, Members collected feedback from 10 schools in their own divisions including:

- Copplestone Primary School
- East the Water Primary School
- Haytor View Primary School
- Haywards Primary School
- Landscore Primary School
- Monkleigh Primary School
- Newtown Primary School
- Queen Elizabeth Primary School

#### Other evidence

- National SEND Context and Devon SEND Context information guides, written by the Scrutiny Officer.
- SEND Performance Scorecard, submitted by the Head of Education and Learning (Received on 28<sup>th</sup> April 2022).
- 0-25 Team Staff Survey – the task group ran a survey with the 0-25 Team from 28<sup>th</sup> February to 11<sup>th</sup> March 2022. 44 Responses were received in total.
- Parent 1 - anonymous evidence submitted by a parent with a child with autism (Received on 13<sup>th</sup> June 2022).
- Parent 2 – An officer of the Council who gave their view both professionally and personally as a parent.
- Moving Forward to Improve SEND Masterclass delivered by Jackie Ross on 31<sup>st</sup> October 2022.

## Bibliography

- Association of Directors of Children's Services. (2022). *ADCS Response to the SEND and Alternative Provision Green Paper*. Retrieved from [https://adcs.org.uk/assets/documentation/ADCS\\_response\\_to\\_the\\_SEND\\_and\\_AP\\_Green\\_Paper.pdf](https://adcs.org.uk/assets/documentation/ADCS_response_to_the_SEND_and_AP_Green_Paper.pdf)
- Children's Scrutiny Committee. (2022). *Children's Social Care Visits*. Retrieved from <https://democracy.devon.gov.uk/documents/s40924/Childrens%20Social%20Care%20Visits.pdf>
- Department for Education. (2015). *Special educational needs and disability code of practice: 0 to 25 years*.
- Department for Education. (2014). Children and Families Act 2014. Retrieved from [http://www.legislation.gov.uk/ukpga/2014/6/pdfs/ukpga\\_20140006\\_en.pdf](http://www.legislation.gov.uk/ukpga/2014/6/pdfs/ukpga_20140006_en.pdf)
- Department for Education. (2019). *Major review into support for children with special educational needs*. Retrieved from Gov.uk: <https://www.gov.uk/government/news/major-review-into-support-for-children-with-special-educational-needs>
- Department for Education. (2022, June). *Special educational needs in England*. Retrieved from <https://explore-education-statistics.service.gov.uk/find-statistics/special-educational-needs-in-england#dataBlock-678da1e3-97e6-42f1-165e-08da47b0392d-tables>
- Department of Education. (2022). *Education, health and care plans*. Retrieved from Gov.uk: <https://explore-education-statistics.service.gov.uk/find-statistics/education-health-and-care-plans>
- Devon Council Council. (2022). *Budget Monitoring 2022/23 Month 2*. Retrieved from <https://democracy.devon.gov.uk/documents/s41174/2022-23%20Month%20%20Budget%20Monitoring%20Report.pdf>
- Devon County Council. (2019). *The Education, Health and Care Plan Task Group*. Retrieved from <https://democracy.devon.gov.uk/documents/s26954/Education%20Health%20Care%20Plans%20Task%20Group.pdf>
- Devon County Council. (2021). *Strategic Plan 2021-2025*. Retrieved from Devon County Council: <https://www.devon.gov.uk/strategic-plan/>
- Devon County Council. (2022). *2022-23 Month 6 Budget Monitoring Report*. Retrieved from <https://democracy.devon.gov.uk/documents/s43823/2022-23%20Month%20%20Budget%20Monitoring%20Report.pdf>
- Devon County Council. (2022). Cabinet - Wednesday 12th October 2022. Retrieved from Devon County Council: <https://democracy.devon.gov.uk/ieListDocuments.aspx?CIId=133&MIId=4461&EVT=51>
- Devon County Council. (2022). *Children's Scrutiny Committee, SEND Ofsted/CQC Revisit - Update on progress since the inspection*. Retrieved from <https://democracy.devon.gov.uk/documents/g4607/Printed%20minutes%2006th-Sep-2022%2010.30%20Childrens%20Scrutiny%20Committee.pdf?T=1>
- Devon County Council. (2022, July 26). *EHCPs for primary and secondary children*. Retrieved from [https://www.devon.gov.uk/accesstoinformation/information\\_request/ehcps-for-primary-and-secondary-children/](https://www.devon.gov.uk/accesstoinformation/information_request/ehcps-for-primary-and-secondary-children/)
- Devon County Council. (2022). *Helping children and young people access opportunities to do well and fulfill their potential*. Retrieved from Annual Action Plan 2022-2023: <https://www.devon.gov.uk/strategic-plan/annual-action-plan-2022-23/helping-children-and-young-access-opportunities-to-do-well-and-fulfil-their-potential/>



- Devon County Council. (2022). *Revenue and Capital Outturn 2021/22*. Retrieved from <https://democracy.devon.gov.uk/documents/s40503/Outturn%20Report%20-%202021-22.pdf>
- Devon County Council. (2022, February 18). *SEN Staff - numbers, spend and requirements* . Retrieved from [https://www.devon.gov.uk/accesstoinformation/information\\_request/sen-staff-numbers-spend-and-requirements/](https://www.devon.gov.uk/accesstoinformation/information_request/sen-staff-numbers-spend-and-requirements/)
- Devon County Council. (2022). *SEND Transformation Programme*. Retrieved from Devon County Council: <https://www.devon.gov.uk/education-and-families/send-local-offer/working-together/send-transformation-programme/#longdesc-return-3406>
- Devon County Council. (2022). *Special Educational Needs and EHCPs*. Retrieved from [https://www.devon.gov.uk/accesstoinformation/information\\_request/special-educational-needs-and-ehcps/](https://www.devon.gov.uk/accesstoinformation/information_request/special-educational-needs-and-ehcps/)
- EHCP Task Group. (2019). *The Education, Health and Care Plan Task Group*. Retrieved from Devon County Council: <https://democracy.devon.gov.uk/documents/s26954/Education%20Health%20Care%20Plans%20Task%20Group.pdf>
- Harris, C. (2022). *SEND Green Paper*. Retrieved from Local Government Association: <https://www.local.gov.uk/parliament/briefings-and-responses/send-green-paper-29-march-2022>
- Health and Safety Executive. (2022). *What are Management Standards?* Retrieved from <https://www.hse.gov.uk/stress/standards/index.htm>
- HM Government. (2022). *SEND Review: Right support, right place, right time*.
- McShane, S. (2022). *Joint area SEND revisit in Devon*.
- Ofsted. (2018). *Joint local area SEND inspection in Devon*. Retrieved from Ofsted: <https://files.ofsted.gov.uk/v1/file/50054047>
- Ofsted. (2021). *The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2020/21*.
- Ofsted. (2022, June 7). *Joint area SEND revisit in Devon* . Retrieved from Ofsted: <https://files.ofsted.gov.uk/v1/file/50188140>
- Parent Carer Forum Devon. (2022). *Survey Report 2022*. Retrieved from <https://www.parentcarerforumdevon.org/wp-content/uploads/2022/05/Survey-Report-2022.pdf>