

## **UPDATE ON DEVON'S SPECIAL EDUCATIONAL NEEDS & DISABILITIES (SEND) TRANSFORMATION PROGRAMME**

### **Report of the Director of Children and Young People's Futures**

#### **Recommendations:**

- a) Note the revised approach to SEND improvement to enable system wide change.
- b) Note the current position in developing Dedicated Schools Grant (DSG) management plan (Safety Valve).

#### **1. Introduction**

- 1.1. This report provides an update on Devon's partnership approach to SEND improvement and the development of the Dedicated Schools Grant (DSG) management plan, as part of Safety Valve negotiations with the Department for Education (DfE).

#### **2. A revised approach to SEND Improvement**

- 1.2. The Devon local area was inspected by Ofsted/CQC in December 2018 and were required to produce a Written Statement of Action to address four areas of significant weakness. In May 2022, the local area was revisited by Ofsted/CQC and were found to have made no progress. The Department for Education (DfE) issued an improvement notice in September 2022 and the local area produced an Accelerated Progress Plan.
- 1.3. Whilst there is a commitment to delivering the SEND improvements, as a response to Ofsted/CQC findings in 2018 and 2022, that alone is not going to drive the significant change required to improve the experiences and outcomes for children and young people with SEND in Devon. This is supported by feedback from parents, young people and professionals, and from analysis of partnership data and intelligence.
- 1.4. The Children and Families Act 2014 places a strong emphasis on schools, local authorities, health, care and any commissioned service providers working closely together to meet children and young people's needs, rather than as separate entities. To improve the support for children and young people with SEND in Devon, partnership working is crucial, but it is not yet effective.
- 1.5. The Ofsted/CQC Area SEND Inspection guidance, published in January 2023, sets out a new framework for inspecting with a stronger emphasis on the local area partnership's arrangements and their impact on the experiences and

outcomes of children and young people. The next inspection in Devon will be using this framework.

- 1.6. In September 2023, the Council and its partners agreed a new approach to delivering improvements through the SEND Transformation Programme which takes a system wide approach to delivering positive change and is broadly set out under seven key strands (see Annex A), bringing Ofsted/CQC improvement work and Safety Valve activity together in one place. Updated governance arrangements have been agreed to support the new programme and new reporting arrangements are in place.

### **3. Work to develop DSG deficit management plans**

- 1.7. The Dedicated Schools Grant (DSG) Deficit Reserve is expected to increase to £162.6 million by the end of 2023/24 after management actions of £12.2 million identified through the current SEND Improvement plans. This is a reduction to those proposed as part of the SEND Improvement plans to the DfE in February 2022 of £8.1 million as some workstreams have not progressed or strategies have changed through different personnel.
- 1.8. The DfE have invited Devon into discussions for tranche 4 of the Safety Valve Intervention programme. The aim of the programme is to agree a package of reform to improve the performance of our high needs system whilst bringing our DSG deficit under control. Devon is required to submit an initial proposal by 15 December for review. There will be an opportunity to make any final amendments before submitting the final proposal on 12 January 2024.
- 1.9. As part of the refresh of our DSG management plans, a full review of all existing Safety Valve Business Cases was completed, and all were RAG rated in relation to feasibility and deliverability. A further detailed analysis of existing data and intelligence was also completed to understand the challenges that need to be addressed.
- 1.10. Increased project management is now in place to oversee delivery of the work (1FTE Programme Manager, 1FTE Project Manager and 2FTE Project Officers). SRO'S have been assigned to each strand and leads have been assigned to projects and workstreams, and reporting arrangements are in place.
- 1.11. Cost savings and cost avoidance figures are being finalised, alongside project delivery plans. Detailed work has been done to look at the mitigated and unmitigated data in relation to the Safety Valve projects. We are also considering a request for capital investment from the DfE.
- 1.12. Addressing the challenges in the SEND System
- 1.13. Delivery of SEND services is under significant pressure nationally. However, in Devon, the data shows that the local area is a significant outlier in many areas compared to regional, national and statistical neighbours. This suggests that the partnership approach to meeting the needs of children and

young people with SEND and the view of 'significantly greater difficulty in learning' may differ from other areas.

- 1.14. **SEND cohort:** Devon has a much larger EHCP cohort than statistical neighbours, as well as many LAs regionally and nationally. This is driven by an extremely high request rate for EHCPs (6<sup>th</sup> highest nationally from 152 LAs). The demand for statutory assessment is just one area that has put pressure upon the services that support children and young people with SEND. The Council's statutory assessment team, educational psychology service and social care teams are the recipient of referrals for assessment and have no control over the demand. In 2022, Devon budgeted a 25% larger per capita spend on SEN administration, assessment and monitoring than the England average and 15% larger than statistical neighbours.
- 1.15. **Primary needs:** Devon has a higher proportion of school pupils with Speech Language & Communication Needs (SLCN) and Social Emotional and Mental Health (SEMH) needs compared to England and statistical neighbours. Pupils with Autistic Spectrum Disorder (ASD) and SLCN are more likely to have an EHCP in Devon compared to their peers across England. The secondary school SLCN rate is approximately twice the national average.
- 1.16. **School provision:** Devon school pupils with an EHCP are more likely to be educated in an independent setting compared to other LAs. In 2023, Devon budgeted £289 per capita for top up funding to independent providers, which is double the England average of £141. The current annual spend on independent specialist provision is c£55 million.
- 1.17. **Outcomes:** Devon has high rates of overall absence and persistent absentees for both primary and secondary school pupils and a very high rate of permanent exclusions for EHCP primary pupils. SEN exclusion rates in secondary are significantly higher than England average.
- 1.18. The Council alone cannot address the system wide issues - though it recognises its own weaknesses - but is keen to work with partners to understand what is driving this demand. Partnership work with schools will be crucial in ensuring the right support is in place for children at the right time.

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# ANNEX A – SEND TRANSFORMATION PROGRAMME

