

Update on Devon's Special Educational Needs & Disabilities (SEND) Improvement Programme

Report of the Director of Children & Young People's Futures

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1) Recommendation

That the Committee;

- (a) Note the revised approach to improvement to enable system wide change.
- (b) Support and challenge the partnership work, particularly with schools and health, that is crucial to improving the lived experiences of children and young people with SEND, and their families.
- (c) Review the progress since the last Scrutiny Committee and the actions to be delivered before the next meeting.

2) Background / Introduction

- 1.1. The Devon local area was inspected by Ofsted/CQC in December 2018 and were required to produce a Written Statement of Action (WSOA) 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 (APP) (known in Devon as the [Devon Local Area SEND Improvement Plan 2023/24](#))
- 1.2. Furthermore, the Council is in discussions with the DfE as part of their Safety Valve Intervention programme, which is targeted at local authorities with the highest percentage Dedicated Schools Grant (DSG) deficits.
- 1.3. This report provides an update on Devon's SEND Improvement Programme, the revised approach to be taken to enable system wide change, and an update on actions since the last Committee meeting and those to be delivered before the next meeting. The report also emphasises the partnership work that's needed to truly improve the lived experiences of children and young people with SEND, and their families.

3) Delivering system wide change in SEND

A revised approach to SEND Improvement

- 3.1. The Council, with partners, is focused on delivering the Local Area SEND Improvement Plan, which is being monitored by the DfE. However, the core elements of the plan are based on weaknesses identified by Ofsted/CQC in December 2018, nearly 5 years ago. Ofsted/CQC were only able to consider these areas at the revisit in May 2022.
- 3.2. The [Ofsted/CQC Area SEND Inspection](#) guidance, published in January 2023, sets out a new framework for inspecting the local area partnership's arrangements for children and young people with special educational needs and disabilities (SEND). When Devon is next inspected, the inspectors will look at the whole system using the evaluation criteria, set out in Annex A, to judge the effectiveness of the local area partnership's SEND arrangements and their impact on the experiences and outcomes of children and young people.
- 3.3. Whilst there is a commitment to delivering the SEND Improvement Plan as a response to Ofsted/CQC findings we know, from what parents and young people are telling us and from our data and intelligence, that this alone will not drive the significant change required.
- 3.4. The Dedicated Schools Grant (DSG) Deficit Reserve is expected to increase to £152.2 million by the end of 2023/24 after management actions of £20.3 million identified as part of the SEND Improvement plans. Further discussions are currently being had with the DfE and Devon has been invited into discussions for tranche 4 of the Safety Valve Intervention programme.
- 3.5. The Council and its partners need a system-wide improvement plan which will address the challenges the local area face, improve the experiences of children, young people and their families in Devon and lead to financial sustainability. This aligns with the recommendation of the Children's Scrutiny Committee SEND Task Group.
- 3.6. To deliver system wide change at the scale required in Devon, a clear strategy and vision is essential. Devon requires a new strategy which is based on the current context and is co-produced with parent carers and young people. Parent carers and young people have been telling us about their experiences for some time. Rather than seek further views and exasperate the fact that we have not yet responded sufficiently to those views, we have gathered all the information we currently hold from parent carers and young people. This includes information from parent engagement sessions in spring 2023, information gathered from youth groups, information from the recent parent carer and young people surveys. We have put this together with our data and intelligence and worked with the Parent Carer Forum Devon, as our strategic partner, to form the basis of a draft SEND Strategy.
- 3.7. One of criticisms of Ofsted/CQC is that the SEND strategy has not previously been embedded and understood by all stakeholders. Once a revised strategy is established, we will continue to evaluate partners understanding of the strategy and

how effectively it is being delivered (Section A of the current improvement plan). This will form part of our annual self- assessment.

- 3.8. Aligned to our draft SEND Strategy, we have brought together the APP (monitored by DfE) and the work developing as part of the Safety Valve intervention to form the basis of Devon’s refreshed SEND Improvement Programme, which will look at whole system improvements to make a tangible difference to children and young people in Devon.

Working in partnership

- 3.9. 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.

- 3.10. Delivery of SEND services is under significant pressure nationally. The demand for statutory assessment processes is just one area that has put pressures upon the services that support children and young people with SEND. The continued rise in the number of children and young accessing support through statutory education health and care plans (EHCPs) is also being seen locally. However, in Devon, figures show that the local area is a significant outlier compared to regional, national and statistical neighbours.

	Devon	Statistical Neighbour average	Regional average	England average
% population with EHCPs (2022)	3.99%	3.10%	3.24%	3.08%
% requests for EHC needs assessment (2022)	0.96%	0.64%	0.73%	0.68%
% EHC assessment completed in 20wks (2022)	11.8%	45.1%	35.2%	50.7%
% requests for assessment refused	35.1%		22.9%	21.9%

- 3.11. The Council’s statutory assessment team, educational psychology service and social care teams are the recipient of referrals for EHC assessment and yet they have no control over the demand coming into the Council. All the above stages interact to impact both the timeliness of EHC assessments and the financial cost of the process. 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.

- 3.12. The data shows that the demand we’re seeing in Devon is not akin to what is happening elsewhere in the country, despite increasing national trends. 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, which will also drive down suspensions and

exclusions of children and young people with SEND, an indicator where Devon is also an outlier.

Progress since the last Committee meeting

3.13. Since the last Scrutiny Committee meeting, we have undertaken the following activity;

- appointed a new SEND Improvement Director which has brought opportunity for a fresh perspective and is yielding a more strategic approach to SEND improvement.
- improved the rigour and discipline of programme and project management arrangements, to provide greater assurance that we can deliver the urgent improvements needed.
- conducted a strategic assessment of projects against Safety Valve objectives and improvement priorities, underpinned by robust financial analysis.
- Secured support from Essex County Council, through DfE, to assist our thinking in relation to the SEND improvement work.
- Work with regional SEND leads to look at focused areas, such as self-evaluation and team structures.

Actions to be delivered before the next Committee meeting

3.14. Whilst a significant amount of activity is underway to ensure the required system change, we are committed to setting out clear actions to demonstrate progress. By the next meeting of the Scrutiny Committee, the following actions will be completed;

- A draft SEND Strategy, co-produced with the Parent Carer Forum Devon and other strategic partners.
- A SEND sufficiency strategy
- A deep dive review of statutory assessment processes

4) Strategic Plan

3.15. 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).

3.16. The SEND Improvement Programme contributes to the realisation of this element of the strategic plan by ensuring that local area partnership arrangements lead to an improved lived experiences and improved outcomes for children and young people with SEND, and their families.

5) Financial Considerations

3.17. There are no specific financial considerations related to this update.

6) Legal Considerations

3.18. There are no specific legal considerations related to this update, however the SEND Improvement Programme should be delivered in line with the Children & Families Act 2014.

7) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

3.19. There are no specific environmental impact considerations related to this update.

8) Equality Considerations

3.20. There are no specific equality considerations related to this update.

9) Risk Management Considerations

3.21. A risk register is maintained for the SEND Improvement Programme which is regularly updated and monitored. The improved rigour around project management has strengthened the risk management approach.

10) Summary / Conclusions / Reasons for Recommendations

3.22. This report provides an update on the SEND Improvement Programme, a revised approach to enable system wide change and an update on actions since the last Committee meeting and those to be delivered before the next meeting.

Director of Children & Young People's Future - Stuart Collins

Electoral Divisions: All

Cabinet Member for Special Educational Needs & Disabilities: Councillor Lois Samuel

Local Government Act 1972: List of background papers

Background Paper

Date

File Reference

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Annex A – Extract from Ofsted/CQC Area SEND Inspection Framework: The evaluation criteria

47. This section provides detail about what inspectors will consider when evaluating against each criterion.

48. The evaluation criteria apply across education, health and care, and to all children and young people with SEND aged 0 to 25 covered by the SEND code of practice, including those receiving SEN support and those with EHC plans.

49. Inspectors will evaluate the local authority's commissioning and oversight of alternative provision for all children and young people who attend, not only those with SEND.

Children and young people's needs are identified accurately and assessed in a timely and effective way

50. Inspectors will take account of the extent to which:

- children and young people are accurately identified as having special educational needs and/or disabilities
- children and young people's needs are identified in a timely way, so as to prevent needs from escalating
- practitioners assess the strengths and determine the aspirations of the child or young person alongside their individual needs
- the criteria for carrying out assessments of need and for accessing services and support are understood, and the application of these criteria improves outcomes

timely referrals are made to other services and agencies, where necessary

Children, young people and their families participate in decision-making about their individual plans and support

51. Inspectors will take account of the extent to which:

- children and young people access impartial information, advice and support that enable them to make informed choices about their future
- children, young people and families are supported to understand their rights, make choices and contribute to decision-making about their plans and support
- children and young people understand their plans and support, including intended outcomes, and why some changes are not possible

Children and young people receive the right help and support at the right time

52. Inspectors will take account of the extent to which:

- plans are developed and support is provided in a timely way, and meets children and young people's needs
- children and young people receive support based on their identified needs when they are awaiting assessment

- plans and support are coordinated within and, where necessary, across providers and services, and are based on a shared understanding of the child or young person.
- plans and support are regularly reviewed and updated to reflect changes in children and young people's skills, independence, understanding and other factors in their lives, including reduced support in line with reduced need where appropriate
- the wider needs of the child or young person's family are considered, and barriers to learning and participation are addressed

Children and young people are well prepared for their next steps and achieve strong outcomes

53. Inspectors will take account of the extent to which:

- the outcomes that are the most important to children, young people and their parents and carers are understood and planned for
- support and plans reflect children and young people's ambitions, and extend beyond required levels of support (such as the number of hours of support from a particular service) to focus on the planned outcome
- children and young people are supported before and during any point of transition, including when they will no longer be eligible for a service
- from an early age, children and young people develop the knowledge, skills and behaviours necessary to prepare for greater independence and adulthood, including in the areas of further and higher education, employment, more independent living, good health, positive relationships and participation in society

Children and young people with SEND are valued, visible and included in their communities

54. Inspectors will take account of the extent to which:

- children and young people and parents and carers understand what community activities are available
- children and young people are supported to participate, where appropriate, in activities, and to make friends and develop positive relationships
- children and young people are supported to develop their confidence, resilience and knowledge, so that they can participate in universal and specialist activities as appropriate

Leaders are ambitious for children and young people with SEND

55. Inspectors will take account of the extent to which:

- leaders have an ambitious strategy that defines the shared outcomes they will work collectively to achieve for all children and young people with SEND, and they embed an aspirational culture of high expectations and quality across services and provision.
- leaders understand their responsibilities and accountabilities, including their statutory duties and their individual responsibilities in the wider area strategy
- responsibilities are delegated in line with leaders' legal duties and there is strong oversight of these resulting activities

- processes for making decisions are structured so that the leaders responsible can swiftly agree to the changes that are required to improve services
- leaders challenge themselves and each other to improve experiences and outcomes for children and young people with SEND

Leaders actively engage and work with children, young people and families

56. Inspectors will take account of the extent to which:

- leaders consider the specific needs of groups of children and young people with SEND, and how best to engage them in co-production
- leaders ensure that decisions relating to services are appropriately shaped by children and young people's needs, experiences, ambitions and outcomes
- leaders give feedback to children, young people and parents on changes they have made to their area's services, and explain where change is not possible and why

Leaders have an accurate, shared understanding of the needs of children and young people in their local area

57. Inspectors will take account of the extent to which:

- leaders gather accurate, timely information about children and young people with SEND in their local area and monitor the changing needs of the population, including using the perspectives of children, young people and families
- leaders understand the experiences and outcomes of children and young people with SEND in their area; their backgrounds and identities, including any barriers to them accessing support; and their needs and strengths
- leaders share information across education, care and health services so they can learn from different perspectives and approaches

Leaders commission services and provision to meet the needs and aspirations of children and young people

58. Inspectors will take account of the extent to which:

- services and systems have been designed around the needs of children and young people, and are informed by evidence of what works in achieving good outcomes
- joint commissioning arrangements enable partners to make best use of all the resources available to improve outcomes for children and young people in the most efficient, effective, equitable and sustainable way
- joint commissioning arrangements meet the local area's statutory responsibilities for identifying, assessing and meeting needs
- leaders understand that children and young people with SEND may be more vulnerable to abuse, and ensure that this is carefully considered when commissioning and evaluating services
- the local authority identifies children and young people's needs accurately and arranges suitable full-time educational provision to meet the needs of children or young people who require alternative provision as early as possible, for example, ensuring that full-time education for children and young people who have been excluded begins no later than the sixth day of the exclusion

- the local authority ensures that there are intervention plans for each child and young person in alternative provision, including clear objectives and plans for their next steps, such as returning to mainstream education

Leaders evaluate services and make improvements

59. Inspectors will take account of the extent to which:

- leaders jointly evaluate whether their services and provision are improving outcomes for children and young people with SEND, not only whether children and young people have received the services
- leaders monitor whether there are sufficient services and provision to meet the needs and aspirations of the children and young people in their area and take appropriate action as a result
- leaders use information from a range of sources in their evaluation, including feedback from representative groups, children and young people using services and data relating to outcomes to improve their services and provision
- leaders have established clear processes to enable services and providers to evaluate and improve their provision regularly
- the local authority evaluates how well the alternative provision it commissions is improving outcomes for children and young people, and takes action if needed
- the local authority maintains strong oversight arrangements for alternative provision it commissions, including oversight of each alternative provision's safety and suitability, and in particular of alternative providers that are not registered as schools

Leaders create an environment for effective practice and multi-agency working to flourish

60. Inspectors will take account of the extent to which:

- processes and systems are set up to support practitioners to work together and share appropriate information in a timely manner, including strong systems for identifying and responding to risks to children and young people with SEND
- leaders ensure that practitioners are clear on their individual roles and how they can best work together to improve outcomes for children and young people
- leaders ensure that practitioners have the appropriate skills to understand children and young people's needs and aspirations, and to create an inclusive environment
- leaders encourage practitioners working together to focus on the child or young person, identifying alternative solutions when existing options do not meet needs and aspirations effectively
- leaders ensure that practitioners working with children and young people with SEND have the right knowledge and skills to reduce the risk of harm, and understand that children and young people with SEND may be more vulnerable to abuse, neglect and exploitation