

Report of the Cabinet Member for SEND Improvement

I have been asked to report as follows for Full Council on 7 December 2023.

By Councillor Letch;

- 1) How much was the SEND overspend for the following dates - June 2022, September 2022, December 2022, March 2023, June 2023 and September 2023?
- 2) What plans does DCC have for reducing and indeed clearing the overspend by March 2026?

By Councillor Bailey:

- 3) Despite repeated reassurances provided by the leadership at Devon County Council about the improvement of its children services, the Local Government Ombudsman has upheld 26 decisions relating to SEND provision in 2023, 15 of these have been since June 2023. Please can the portfolio holder provide a cabinet report on these findings against Devon County Council.

Response

1)

Month	£ million	Notes
June 2022	119.1	
September 2022	123.8	
December 2022	127.5	
March 2023	125.4	
June 2023	152.2	Increase between financial years as budget pressure deficit recognised of £26.2 million
September 2023	162.6	This is the projected outturn position for 2023/24. It has been adjusted to recognise Management Actions that would not be achieved in Financial Year

- 2) The Department for Education 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.

Our Safety Valve plans contain 20 projects which cover the four broad themes of early intervention, sufficiency, financial management & placement value and preparation for adulthood. These plans aim to bring the budget back in line and reduce the deficit over the next 5 years.

Cost savings and cost avoidance figures are being finalised, alongside project delivery plans. Devon will submit plans to the DfE by 15 December for review. There will be an opportunity to make any final amendments before submitting the final proposal on 12 January 2024.

There is statutory instrument in place until March 2026, at present, which keeps the DSG Deficit off of the Authority's accounts. There is no clarity if, to date, this will continue past then.

- 3) The Council have invested and continue to invest significant resources into the SEND improvement programme. A report has been requested in relation to the current Ombudsman findings. Information has been produced for the current financial year but the matters/finding relate to previous financial years.

The Local Government and Social Care Ombudsman (LGSCO) is an independent body that makes decisions on complaints about councils or adult care providers in England. In most cases, the complainant must have exhausted the relevant complaint process before the LGSCO will consider their complaint. If the LGSCO decide to investigate and they make a finding of fault causing injustice, the LGSCO will recommend the Council takes steps to put things right for the person (or people) affected. They might also recommend actions to improve services, to help prevent the fault from occurring again. Examples of the current recommendations include; issue an apology, staff training, issuing guidance to Officers on process, review policies and procedures and making a symbolic payment.

There have been 37 LGSCO complaints received in 2023-24 to date, and the table below details which services these related to.

LGSCO complaints received 2023-24	Q1	Q2	Q3	Q4	YTD
School Inclusion	1	3			4
SEN 0-25	14	19			33
Grand Total	15	22			37

There have been 28 findings made by the Local Government and Social Care Ombudsman to date in 2023-24; 21 of these were upheld with maladministration and injustice to the complainant, and one was upheld with maladministration but no injustice. Four were not investigated for various reasons and two were not upheld.