

# **Update on Special Educational Needs & Disabilities (SEND) Transformation Programme**

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

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

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## **1 Recommendation**

1.1 That the Committee:

a) Note the progress made since the previous meeting on the SEND Transformation Programme including Safety Valve programme, update on EHCPs, and timeliness and communication with families.

## **2 Background / Introduction**

2.1 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.

2.2 The National Audit Report on Support for Children and Young People with Special Educational Needs was published on 24th October and highlighted the significant increases in the number of children identified as having SEN, particularly those with Education, Health and Care Plans (EHCPs) specifying a need for support in specialist settings. The report also stated that the DfE estimates some 43% of local authorities will have deficits exceeding or close to their reserves in March 2026.

2.3 Government announced an additional £1 billion increase in SEND funding in the Autumn Budget and a £740 million to create new specialist places in mainstream schools, which supports our commitment in the new Local Area SEND Strategy to 'build inclusive communities'. Government also committed to set out in the Spending Review its vision to reform SEND provision. We welcome both statements.

2.4 This report provides an update on the overall progress of the programme, an update on commissioning and procurement activity for alternative education provision and the independent sector and an update on the EHCP processes.

### 3) Update on SEND Transformation Programme

- 3.1. A presentation has been circulated separately which provides information about the progress of the SEND Transformation Programme. The programme consists of seven strands, including four strands (Early Help & Inclusion, Preparation for Adulthood, Sufficiency and Financial Management & Placement Value) that deliver Devon's Safety Valve agreement. A progress summary for each strand is as follows:

**Strategy:** The key milestone delivered over the past quarter was Devon's new Local Area SEND Strategy which is underpinned by the Four Cornerstones approach to co-production: we will welcome and care; value and include; embed good communication; and work in partnership with parents and carers and practitioners. Work is now ongoing around the Strategy's delivery plan for 2024/25 with partners, which is being delivered through the SEND Transformation Programme.

**Early Help & Inclusion:** In September, a pilot of the Early Help (Education) offer began in North Devon. This involves a multi-disciplinary team focused on the locality aimed at developing relationships, improving accessibility of services, removing referral barriers and enabling a more proactive approach.

In December, an Attendance and Emotionally Based School Avoidance online resource was launched to support parent carers understanding of attendance difficulties and what they can do to help their child, what schools can do to support their child and who else can help.

Conversations have taken place with two key Multi Academy Trust's (MATs) (Special Partnership Trust and Education South West) who are willing and enthusiastic to work in partnership with the Council to develop a new model for Special School Outreach, linking plans with Devon's Resource Base offer. Objectives have been agreed and a proposed operating model drafted. Mobilisation and delivery of the outreach offer is commencing shortly.

The cohort of children to be worked with as part of the Early Years Transitions Offer during the 2024-25 Academic Years has been finalised. With a focus on building confidence and capacity in mainstream Reception Classes following the pilot last academic year. 96 Reception aged children have been identified in 41 schools for additional support from a team of Early Years Consultants and Education Psychologists.

**Preparation for Adulthood:** An online Transitions guide to support young people as they plan towards their transition into adulthood launched in December and a joint protocol between Children's Services and Adult Services is being agreed to make the transition between the two smoother. Steady progress has also been made over the Christmas period towards the delivery of additional places at Exeter College and PETROC, with the team currently on track to enable 250 places in Barnstaple and Tiverton from September 2025. A further 100 places are to follow in Exeter in 2026.

**Statutory SEN processes:** Progress in this area has continued to focus on systems and processes to improve timeliness and the overall experience of parents and carers. Work is underway to implement and embed the EHCP Quality Assurance framework, starting with the Assessment process. Work has also continued across the Christmas period around financial process enhancements linked to SEND invoicing and payments.

**Sufficiency:** 54 new Resource Base places have been added across Devon since September 2024. Progress has also been made over December on the allocation and approvals linked to our two delayed new special school projects in Tavistock / Ivybridge and Cranbrook. The authority is now working closely with DfE around expediting progress on these significant projects.

**Financial Management & Placement Value:** A review of the new financial management systems and process was undertaken and the decision made to develop Capita One to bring data relating to a child and their provision onto one system to support better management and decision-making. A more detailed update on the commissioning and procurement strategy is set out in 3.2 below.

At month 8 this strand was showing as at risk of not achieving their Safety Valve savings this financial year.

**Multi-Agency Pathways:** There has been a lot of progress within this strand working with the NHS England funded Partnership for Inclusion of Neurodiversity in schools (PINS) project. This is rolling out across nominated primary schools and parent peer-led programme launched in December, and the launch of a new online all-age Neurodiversity Hub. In addition, funding was secured to address the Autism waiting list and options for non-clinical and clinical validation of the Autism wait list have been worked up into a detailed plan.

### 3.2 Update on commissioning and procurement Strategy for Alternative Education Provision (AEP) and Education placements with the independent sector

The approach for a commissioning and procurement strategy was agreed at Cabinet on 14 August 2024. Since then, progress has been made in the following areas:

- The introduction of an interim commissioning process for AEP to manage risk.
- Negotiation of block contracts with the independent sector.
- An engagement and communication plan for the project with the first in-person engagement event with providers taking place in October 2024.
- An initial needs analysis has been completed.
- Work recently commenced on working with Parent Carer Forum Devon to support engagement with parents and carers and with the Participation Team to support engagement with children and young people accessing the provision.
- Impact assessment for the project commenced.

All this work contributes towards the recommendations for phase one of the options appraisal.

The team is now focusing through the first quarter of 2025 on engagement activity with all key stakeholders, which will feed into the service specification development and the delegated decision on the final route to market in May 2025.

The project team are working through identified risks including how providers engage and agree to the new approach to market. The team continually review the resources and capacity required to implement, monitor, and review all aspects of the new approach with providers. Work on the future structure of the teams across the service will be key to support the system and improve the financial and contract management of the new way of working.

### 3.3 Education, Health and Care Plan processes headlines

**EHCP timeliness:** Progress has been made in the number of EHCPs being issued per month, with an average of 158 plans being issued a month over the past six months to November compared to 80 per month over the previous five months and 83 per month in 2023. However, this has not had as much impact on the backlog as we would have liked as the number of EHCP needs assessment requests continues to increase, with an 18.42% increase on last year.

**Annual reviews:** The number of overdue annual reviews has dropped over the past six months from 1,070 to 900.

**Communications:** The transfer of calls to the Customer Service Centre (CSC) has resulted in an improvement in both capacity and customer feedback. 7000 calls have been handled in the last six months and call wait times have dropped by 21%. Customer satisfaction has risen from 2 out of 5 to 3 out of 5 based on feedback from callers responding to our survey, and the move to the CSC has freed up 80 work days for the SEND Statutory team. Feedback from parents and carers is mixed and we will continue to learn and respond to feedback.

## 4) Strategic Plan

- 4.1. 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. The Strategic Plan includes a priority to be ambitious for children and young people. The SEND Transformation 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

- 5.1 The Council entered into a Safety Valve agreement in March 2024 with the work forming part of the SEND Transformation programme.

- 5.2 At the heart of current challenges remains ongoing pressures around the High Needs Block/Dedicated Schools Grant. Before any contributions from the DfE and Devon, the increase in the accumulated Dedicated Schools Grant (DSG) deficit is forecast to be £51.6 million compared to the DfE Safety Valve planned position of £31.2 million. An increase of £20.4 million in Month 8.
- 5.3 Additional funding demand is currently being driven by two distinct pressures;
- i) a national increase in requests for EHCP plans post pandemic, which has seen the rate of new case growth hit around 12% per annum across the Country; and
  - ii) specific action to clear the Devon backlog of delayed cases, which is driving additional cost into the system.
- In the latter case, it is estimated 300-400 additional plans will have been introduced into the system by March as a result of management action (taking overall numbers to around 9,800 plans by the end of the current year, at an average cost of £17,000 per plan).
- 5.4 The overall cumulative DSG Deficit for the Local Authority is projected to be £132.0 million at the 31 March 2025.
- 5.5 The latest DfE Safety Valve update sets out a number of areas where progress is being made which will improve the overall financial position:
- Post 18 Supervision and next steps: Over 100 young people have moved on from an EHCP through joint working with the young person and their family alongside Education, Health and Social Care professionals.
  - New specialist resource provision secured: 66 new resource base places secured from January 2025.
  - Ordinarily Available Inclusive Provision (OAIP) and early support initiatives being improved.
  - FE Capital bid successful and the numbers in the Home to Onsite (H2O) programme have expanded above the baseline.
- 5.6 In light of the demand pressures outlined however, and the ongoing requirement from DfE to address backlogs, the authority has also undertaken an initial positive conversation with DfE in late November around next steps on the Safety Valve programme, with further discussions to happen in January / February. The Council is also feeding into wider work now ongoing across Government on how best to meet the need and costs of future SEND demand and provision.
- 5.7 At Cabinet this month the Council resolved to seek further engagement with Government on SEND provision given rising demand and costs nationally and the impact on Devon.

## **6) Legal Considerations**

- 6.1. There are no specific legal considerations related to this update. The Council must adhere to the relevant legislation such as the Children and Families Act 2014 and the Special Education Needs and Disability Regulations 2014.

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

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

## **8) Equality Considerations**

- 8.1. Children and young people with Special Educational Needs and Disabilities (SEND) have the protected characteristic of disability under the Equality Act 2010 and duties to make reasonable adjustments and meet the Public Sector Equality Duty (eliminate disability discrimination, harassment and victimisation, advance equality of opportunity for disabled people, and foster good relations between people who share the protected characteristic of disability and people who do not) apply to this area of work and run alongside our duties under the Children and Families Act 2014. In addition, children with SEND will have intersecting characteristics such as gender, LGBTQ+, and ethnicity that may need to be taken into account.

## **9) Risk Management Considerations**

- 9.1. A risk register is maintained for the SEND Transformation Programme which is regularly updated and monitored and feeds into the Corporate Risk Register.

### **9.2 Risk 1: Failure to bring the HNB spend down to match the annual budget**

Current risk score: 30

Mitigations:

The Safety Valve proposal lays out the actions that must be taken to return the HNB to a balanced in year position. This includes developing and communicating OAIP and targeted Early Help offers, developing clear support pathways for each area need and to address particular issues, developing supported transition models, redesigning the statutory SEN processes, continuing to increase Special School and Resource Base capacity in Devon and putting in place commissioning frameworks to ensure value for money School Programme. We will also be looking outside the original proposal for additional potential savings opportunities.

The authority has also begun early discussions with Government about how it wishes to proceed in light of wider national pressures now facing all authorities on SEND expenditure, with a national recognition that costs arising from the current SEND system are now placing significant additional pressures on lead local authorities.

### **9.3 Risk 2: Failure to adhere to the statutory SEND Code of Practice and regulations: 0 to 25 Years**

Current risk score: 24

Mitigations:

We will address this by carrying out a wholesale redesign of the statutory SEN processes, including increased partnership working to reinforce partnership approach and consistent use of a graduated response across all schools, and timely EP, social care and health advice as part of the EHC assessment and review processes. We will be increasing capacity through recruitment to improve timeliness and be implementing and embedding a new QA framework to improve the quality of plans.

**9.4 Risk 3:** Programme fails to deliver an improvement in the life chances of CYP and the lived experiences of both them and their families

Current risk score: 20

Mitigations:

We will coproduce/codesign the services and support available with partners, including parent representatives and young people to ensure they meet the needs of children and young people and their families.

**9.5 Risk 4:** Programme fails to deliver within the planned timescales

Current risk score: 20

Mitigations:

We will have a defined programme structure and governance in place, which will be reviewed on a regular basis to ensure it is still fit for purpose.

**9.6 Risk 5:** Lack of sufficient control over the programme

Current risk score: 16

Mitigations:

We will have a defined programme structure and governance in place, which will be reviewed on a regular basis to ensure it is still fit for purpose, alongside robust risk and issue management.

**9.7 Risk 6:** Failure to embed the SEND strategy

Current risk score: 16

Mitigations:

A comprehensive communications and engagement plan and monitoring system will be put into place to ensure we deliver on the promises made in the SEND strategy within programme.

## **10) Summary / Conclusions / Reasons for Recommendations**

10.1. This report provides an update on the SEND Transformation Programme.

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