

Devon County Council Statutory Direction

REVISED STATUTORY DIRECTION TO DEVON COUNTY COUNCIL IN RELATION TO CHILDREN'S SERVICES UNDER SECTION 497A(4B) OF THE EDUCATION ACT 1996

WHEREAS:

1. On 17 March 2020, the Secretary of State for Education ("the Secretary of State") issued a Statutory Direction ("the first direction") to Devon County Council ("the Council") following a report from Ofsted dated 17 March 2020 ("the 2020 Ofsted report") which judged the overall effectiveness of children's social care services provided by the Council to be inadequate.
2. A revised statutory direction was issued on 2 July 2020 ("the second direction") which required the Council to work with Eleanor Brazil OBE as the Commissioner for Children's Services ("the first Commissioner").
3. Following the previous Commissioner's final report of 22 March 2021 which concluded that there were compelling reasons why the Council should retain control of its children's services, a further revised statutory direction was issued on 11 May 2021 ("the third direction"), requiring the Council to continue to take steps to improve the quality of services and to work with an appointed Improvement Adviser ("the Improvement Adviser"). The Improvement Adviser's contract formally ended on the 31 March 2022.
4. In light of concerns over the pace of progress, a further revised statutory direction was issued on 10 October 2022 ("the fourth direction") appointing Matt Dunkley CBE as the second Commissioner for Children's Services ("the second Commissioner") and requiring the Council to take necessary steps to prioritise the improvement of services.
5. An Ofsted re-inspection of children's services took place between 30 September to 11 October 2024 and 13 to 16 January 2025. A report of this inspection which was published on 13 May 2025 ("the 2025 Ofsted report"), found that, while there has been some improvement over the period, the performance of children's services remains 'inadequate' overall with 'requires improvement' for the impact of leaders.
6. The Secretary of State has carefully considered
 - a. Ofsted's report of 17 March 2020 which found that children's services were 'inadequate' overall.
 - b. The first Commissioner's reports of September 2020 and March 2021 which recommended that there was no need to consider any alternative delivery and governance arrangements for children's social care.

- c. The previous Commissioner's second report of March 2021 which concluded that the Commissioner's work should be replaced by an Improvement Adviser, and that the Council should enter into a partnership with a Sector Led Improvement Partner ("SLIP").
 - d. Ofsted's reinspection and report of 13 May 2025, which found children's services as 'inadequate' overall. The sub judgement for impact of leaders was rated as 'requires improvement to be good'. The sub judgements for the experiences and progress of children who need help and protection, and of children in care and care leavers, were both rated as 'inadequate'
 - e. Subsequent reporting and guidance from the second Commissioner.
7. The Secretary of State is therefore satisfied that while there has been some improvement, the Council is still failing to perform to an adequate standard, some or all of the functions to which section 497A of the Education Act 1996 is applied by section 50 of the Children Act 2004 ("children's social care functions"), namely;
- a. social services functions, as defined in the Local Authority Social Services Act 1970, so far as those functions relate to children;
 - b. the functions conferred on the Council under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph a. above); and
 - c. the functions conferred on the Council under sections 10, 12, 12C, 12D and 17A of the Children Act 2004.
8. In accordance with children's services found to be persistently 'inadequate' the Secretary of State has appointed Nigel Richardson CBE as the new Commissioner for Children's Services in Devon ("the Children's Services Commissioner") in accordance with, and for the purposes of, the terms of reference ("the Terms of Reference") set out in the Annex to this direction.
9. The Secretary of State, having considered representations made by the Council, considers it expedient, in accordance with his powers under section 497A(4B) of the Education Act 1996, to direct the Council as set out below in order to ensure that all of the Council's children's social care functions are performed to an adequate standard.

NOW THEREFORE

10. Pursuant to his powers under section 497A(4B) of the Education Act 1996, the Secretary of State directs the Council as follows:

- a. To comply with any instructions of the Secretary of State and/or Children's Services Commissioner in relation to the improvement of the Council's exercise of its children's social care functions and provide such assistance as the Secretary of State or the Children's Services Commissioner may require;
- b. To co-operate with the Children's Services Commissioner and any SLIP, including on request allowing the Children's Services Commissioner and SLIP at all reasonable times access to:
 - i. any premises of the Council;
 - ii. any document of, or relating to, the Council; and
 - iii. any employee or member of the Council,

which appear to either of them to be necessary for achieving the purposes of, and carrying out the responsibilities set out in the Terms of Reference;

- c. To provide the Children's Services and any SLIP with such amenities, services and administrative support as either of them may reasonably require from time to time for the carrying out of their responsibilities in accordance with the Terms of Reference, including:
 - i. providing officers' time or support;
 - ii. providing office space, meeting rooms or computer facilities.
- d. To co-operate with the Children's Services Commissioner and any SLIP in their assessments and any subsequent review, in accordance with the Terms of Reference in the Annex to this statutory direction;

11. This direction will remain in force until it is revoked by the Secretary of State.

12. In consequence of this direction, the Secretary of State revokes the third direction.

Signed on behalf of the Secretary of State for Education.



Lucy Livings

A Senior Civil Servant in the Department for Education
Dated this day of 11 June 2025

ANNEX

Children's Services Commissioner

Devon County Council

Terms of Reference – June 2025

Devon County Council's children's social care services have been found to be 'inadequate' overall, with 'requires improvement to be good' for impact of leaders. Following Ofsted's 2020 inspection, in which services were also found to be 'inadequate' overall, there is a presumption in cases of persistent failure of this nature that children's social care services will be removed from local authority control, for a period of time, in order to bring about sustainable improvement, unless there are compelling reasons not to do so.

In line with the recommendations set out in the Ofsted report of children's social care, published on 13 May 2025, the Children's Services Commissioner for Devon is expected to take the following steps.

1. To issue any necessary instructions to the local authority for the purpose of securing immediate improvement in the authority's delivery of children's social care; to identify ongoing improvement requirements; and to recommend any additional support required to deliver those improvements.
2. To bring together evidence to assess the council's capacity and capability to improve itself, in a reasonable timeframe, and recommend whether or not this evidence is sufficiently strong to suggest that long-term sustainable improvement to children's social care can be achieved should operational service control continue to remain with the council.
3. As appropriate, to advise on relevant alternative delivery and governance arrangements for children's social care, outside of the operational control of the local authority, taking account of local circumstances and the views of the council and key partners.
4. To report to the Minister of State for Children and Families by 1 September 2025.