

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. In accordance with children's services found to be persistently '*inadequate*', the Secretary of State issued a revised statutory direction on 11 June 2025 ("the fifth direction") appointing Nigel Richardson CBE as the new Commissioner for Children's Services in Devon ("the Children's Services Commissioner") to carry out a formal review to assess whether the Council have the capability and capacity to improve, or if children's services should be removed.
7. The Secretary of State has carefully considered:

- a. Ofsted's inspection report of 13 May 2025, which found children's services to be '*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 all rated as '*Inadequate*'.
 - b. The Children's Services Commissioner's report of October 2025, which found that the Council does have the capability and capacity to drive improvement, and that children's services can remain with the Council. The report recommended that ongoing monitoring and support is provided to ensure longer-term improvement is sustainable.
8. 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.
9. The Secretary of State will ensure the continued support of a DfE Commissioner for Children's Services in Devon County Council ("the Children's Services Commissioner") to provide ongoing monitoring and support until a time when the Secretary of State is satisfied that adequate, sustainable improvement has been made.
10. 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:

11. Pursuant to her 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 Sector-Led Improvement Partners (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 their 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;

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

13. In consequence of this direction, the Secretary of State revokes the fourth direction.

Signed on behalf of the Secretary of State for Education.



Jessica Trahar

A Senior Civil Servant in the Department for Education
Dated on 12/12/2025

ANNEX 1

Children's Services Commissioner

Devon County Council

Terms of Reference – December 2025

Devon County Council's children's social care services have been found by Ofsted to be '*Inadequate*' overall, with '*Requires improvement to be good*' for '*The impact of leaders on social work practice with children and families.*' This follows on from Ofsted's 2020 inspection, in which services were also found to be '*Inadequate*' overall.

In cases of persistent failure of this nature, there is a presumption that children's social care services will be removed from local authority control for a period, to bring about sustainable improvement, unless there are compelling reasons not to do so.

Following publication of Ofsted's report on children's social care on 13 May 2025, Nigel Richardson CBE was appointed Children's Services Commissioner for Devon. The Commissioner's review assessed the council's capacity and capability to improve itself, in a reasonable timeframe, and went on to recommend whether this evidence is sufficiently strong to suggest that operational control continues to remain with the council. The Commissioner reported findings, in writing, to the Minister for Children and Families on 1 October 2025.

The Commissioner's report stated the following:

- Devon **does** have the capacity and capability to improve itself in a reasonable timeframe.
- Ministers **can** confidently leave the operational service control with the council.
- Extra targeted practical help and support would strengthen the current improvement journey, with three main areas outlined:
 - Support in the roll out and embedding of 'reflective supervision practices', which target Social Workers and Personal Assistants and also support multi-agency decision making at the already improving 'Front Door'
 - The expansion and strategic development of Family Group Conferencing (FGC) and Life Long Links service (LLL). This would support Devon in implementing the Families First Partnership reforms and help them to meet the requirements in the forthcoming Children's Wellbeing and Schools Bill. It should also strengthen the Early Help offer and support the Council wide commitment towards more preventative services.
 - Support to reinvigorate and refresh the 'Restorative Devon' brand. This should target the partnership in its widest sense (eg Council, Health, Education, Police, third sector etc) as well as offering some more detailed support on restorative practices to

enhance the developing social work practice framework in Devon.

To support these recommendations, Nigel Richardson will continue as Children's Services Commissioner until at least March 2026, providing ongoing scrutiny and effective oversight. His role will include monthly meetings with Department for Education (DfE) officials, a written update each month, and one comprehensive progress report to ensure improvements to children's social care are delivered at the right pace, are sustainable, and remain aligned with the Families First Partnership reforms.

A written update on the Council's progress will be provided to the Minister for Children and Families, the findings from which will be used to assess whether the decision to remove services should be reconsidered.