

PARENT GOVERNOR REPRESENTATION

Report of the Head of Scrutiny

Recommendation: that the Report be noted and endorsed.

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### Background

1. Parent Governor representatives are required in law to be elected to serve on any local authority scrutiny committee dealing with education, in accordance with the Parent Governor Representatives (England) Regulations 2001.
2. While those Regulations say Councils may appoint between 2 and 5 representatives to represent the views of all parents, the County Council decided when first appointing a 'children's services' scrutiny committee (and as is allowed for in the Regulations) to divide parent governors into two categories, namely Primary and Secondary/Special, with the clear intention that those parent governors would represent parents within those categories (although, in the continuing absence of a secondary/special parent governor representative there may need to be a degree of flexibility in that approach). In part this was done to mirror the representation of Diocesan Authorities on the Committee and to replicate the membership of the former Education Committee which had included representation from different categories of schools/education, without making the scrutiny committee's membership overlarge or unwieldy.
3. Parent governor representatives may speak on all matters under discussion by the Scrutiny Committee but may only vote on issues relating to education and most particularly in relation to the annual budget. There is no clear definition of what that may mean as it will not only vary from Council to Council, dependent on the remit of any 'children's services' scrutiny committee, but will necessarily be also a matter of judgment relating to the circumstances of the matter under consideration. However given that formal votes within and by this Committee are relatively rare this should not prove to be an encumbrance to the work and contribution of parent governor representatives to the work of the Committee.
4. It has, historically, been difficult to attract candidates to fill these places and the vacancy for a Secondary/Special School Representative has remained unfilled for some time. Nominations were sought toward the end of 2014 but none were forthcoming and as a result the vacancy remained unfilled for a further period of 6 months, until last month when nominations were again sought. The assistance of the Devon Association of Governors was sought in encouraging appropriately qualified parent governors to come forward. However, if no nominations were forthcoming on this latest occasion – which will have been the subject of a separate report to this meeting - the Committee may wish to express a view to the County Council on the continuing relevance/desirability of seeking parent governor representation from different categories now or in the future.
5. The Primary School Parent Governor place was filled in June 2014 when Ms. Fontana (parent governor at Exeter Road Community Primary School) was elected unopposed.

## The Role of a Parent Governor

6. The role of any parent governor representative is, in the main, threefold .. acting as an apolitical voice for parents (not governors ) ... *firstly* to act as a conduit to the Committee, reporting the views of parents in matters considered by the Committee, *secondly* to help identify any generic or strategic issues that might warrant investigation by the Committee and *thirdly* providing feedback to parents on discussions and decisions of the Committee and the Council relating to education. Acting on behalf of 'users or consumers' of services in this way is an important element of scrutiny and of public accountability generally, although care must equally be taken not to be seen to be raising expectations as Scrutiny Committees do not of course have the power to make decisions affecting service delivery or budgetary provision.

7. Moreover, and in the same way that Councillors are not directly mandated by their electorate to act or vote in a specific manner on specific issues, parent governor representatives are not directly mandated to represent the views of parents - individually or collectively - rather they must necessarily bring their own perspective to bear on any discussion and debate having regard to the views expressed to them by parents.

8. Parent governor representatives cannot of course get involved in individual and specific cases about children, the provision of services to individuals or service provision at individual establishments and should refer those immediately to the Head of Scrutiny or Head of Education & Learning.

9. While there is no formal protocol for the way in which parent governors should work other than as stated above, the Centre for Public Scrutiny have in the past provided some useful guidance on how Parent Governors representatives could undertake their role, to create an on-going dialogue with parents, through, for example, the use of social media, local consultation/public meetings, newsletters, local promotional activity and surveys. The guidance may unfortunately create an impression of unlimited resources available to help representatives fulfil their role; it is more likely that the guidance and suggested support was targeted at and therefore more easily capable of being provided within a smaller urban area, and not necessarily designed for large rural councils like Devon. Parent Governor representatives are already included on and have access to the Council's email system which makes contacting them and communication easier and it is suggested that appropriate advice and support could be also given, as far as is practicable, to parent governor representatives to enable them to use social media and personal/dedicated websites if they are not already familiar with or utilising those facilities.

10. For the avoidance of doubt and to aid the understanding of all, it is suggested that the Committee formalise the current ad-hoc arrangements as follows. In future, at each meeting, Parent Governor representative(s) should be given an opportunity to outline briefly any general concerns or issues raised with them (relating to generic issues or broader strategy/service delivery rather than individual cases) together with the views of the relevant Head of Service in order that the Committee may then determine whether or not the matter might warrant any specific scrutiny activity or if it should be incorporated into any ongoing Task Group activity or within its current Work Programme. If an issue is not capable of being dealt with or answered on the day, it will be referred to the Head of Scrutiny or Head of Education and Learning to respond to or, if felt appropriate, bring back to a subsequent meeting.

11. Members will recall that at the last meeting the Primary Parent Governor Representative presented a summary of issues raised previously with her by parents - which are annexed hereto together with the response of the Head of Education & Learning in line with the above. It would appear from the response received that these particular issues are acknowledged and understood and processes are in place to identify and deal with any specific problems that arise or which parents may have. At this stage therefore it would not seem there is any need for any discrete action on any of these matters or that would warrant any detailed scrutiny activity other than as now suggested and highlighted.

12. The attached Annex also outlines a number of further issues raised subsequently raised which, in line with the above and again with the benefit of the observations of the Head of Education & Learning, the Committee may also wish similarly to consider at this meeting.

13. This Report has no specific equality, sustainability, legal, risk management or public health implications that have not already been assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements relating to the conduct of meetings, to safeguard the Council's position.

R C HOOPER  
Head of Scrutiny

**Local Government Act 1972: List of Background Papers**

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| <b><u>Background Paper</u></b> | <b><u>Date</u></b> | <b><u>File Reference</u></b> |
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Nil

### Parent Governor Issues/Work Programme

1. The following is a summary of matters previously raised by the Primary Parent Governor Representative at the last meeting for consideration by the Committee in terms of its work programme/future scrutiny with the professional advice/response shown in italics.

#### **Elective Home Education**

Concern about schools failing to make the appropriate contact with Education Welfare Officers (EWO) where families are choosing to electively home educate. An EWO should be contacted by the school to ensure the parent is aware of what legal support, mediation and advice is available to the family. This does not however appear to be routinely happening. If schools fail to inform the EWO the child becomes 'missing' off the Devon admissions records. The child will only then be picked up on the County Council's records if the parent makes contact with an EWO or contacts admissions to re-enter into education.

#### ***Response from Head of Education & Learning***

*There are well understood and efficient processes for schools to inform the Education Welfare Service of any child leaving their school to be home educated. There are also weekly computer based checking systems that identify children in transition between schools and settings. Any child not registered at another setting within a matter of days, will be followed up by specialist Education Welfare Officers.*

*There is a well established programme of home based assessment and education advice for parents choosing to home educate.*

*The process reported to the Parent Governor representative is not accepted as common practice and details of any specific instances should be drawn to the Head of Service's attention as and when they arise so that they may be followed up immediately. Further information is available at:*

*www.babcock-education.co.uk/ldp/homeeducation DEF report: Children Missing Education: <http://www.devon.gov.uk/loadtrimdocument?url=&filename=DEF/15/7.CMR&rn=15/WD116&dg=Public>*

***The Committee may nonetheless wish to have sight of the guidance referred to above and be advised how parents are made aware of those processes and the Education and Learning Mediation Services referred to hereunder and on the role of EWOs in school attendance issues generally or arising from those areas of activity.***

#### **Education and Learning Mediation Services**

Mediation is a voluntary, non-confrontational resolution process whereby impartial, trained persons help to overcome disputes between schools and parents. Parents/carers are reporting difficulties in accessing the County Council's mediation services as schools are failing to agree to take part in the process, which is exacerbating parental frustrations rather than in any way allaying them.

#### ***Response from Head of Education & Learning***

*There is no general Educational and Learning Mediation Service. However, three mediation services are available to schools and parents, namely:*

- *SEND Mediation and Tribunal Service (SEND assessment and placements)*
- *Devon Information Advisory Services (for parents of children with SEND)*
- *DCC Corporate Mediation Services (accessed through DCC's Customer Care Team)*

*It would be helpful to know which of the above three services is referred to and again any instances of schools apparently refusing to engage with the process should be raised immediately with the Head of Service.*

***The Committee may however wish to welcome the role of bodies such as the Devon Information Advisory Service in collating and representing the views and experiences of parents and in gathering intelligence which may be used to inform the work of Scrutiny, highlighting where there may be problem or where things are working well, acting also as a conduit to the Committee through parent governor representatives. The Committee may wish to receive data on these activities of these bodies at regular intervals on their take-up of those services and any trends or themes identified.***

### **Sex and Relationship Education**

Concern about Sex and Relationship Education (SRE) in Devon not being specifically tailored to account for SEND children, including those on the autistic spectrum or those that present with a low mental age. It is difficult for this cohort of children to understand and interpret the dynamics of sexual language. These children need specific emotional and social support to be inherent in their SRE programme. Without a more bespoke SRE model for SEND children, parents will continue to opt their children out of SRE with worrying consequences.

#### ***Response from Head of Education & Learning***

*Setting the policy for SRE is the statutory responsibility of the governing body but the DSCB (comprising representatives of relevant Councils, providers and partner organisations and practitioners under an Independent Chairman) has also issued guidance for schools. Special schools use a range of programmes that are adapted for individual children to match their specific needs. Approaches to SRE are agreed in partnership with parents through an individualised, person centred programme for every child. No Headteacher has reported any instance of a parent withdrawing their children from SRE.*

*School nurses and specialist groups such as 'Bodywise' are also involved in the delivery of sex and relationship education in special schools using programmes tailored to accurately match a full range of cognitive needs.*

*Sex and Relationship guidance for schools is also available through Babcock LDP and the Healthy Schools programme. The PHSE adviser is working with SHAD to develop more detailed guidance for schools and settings working with children who have complex needs.*

***The Committee may wish to have sight of this guidance once finalised and be also advised of the role/involvement of the Devon Education Forum in the preparation of any such guidance.***

### **Supporting Parents of SEND Children**

There are questions marks in terms of how well supported parents/carers of SEND children are across the County at the present time. Many children's SEN needs are not identified until primary school, and it would appear that there is little emotional and networking support available to them. Devon Carers (Babcock) have recently received funding of £140,000 for parent peer support, and it is vital this money is used effectively. There is an imperative to review how the County Council better engage parents of SEND children to support each other within their local communities.

Concerns have also been expressed about transport services for SEND Children.

#### ***Response from Head of Education & Learning***

*Devon Carers is hosted within Virgin Care and not Babcock LDP and is not directly within the remit of the Education and Learning service.*

*Devon Carers provide information, support and short breaks for carers living in Devon. There are eight organisations based across Devon through a system called Fair Access to Short Breaks (FASB). The FASB can be accessed through Virgin Health Care.*

Within education, Children's SEN needs are identified at a very early age through work that originates in the Children's Centres. These are based across Devon. Once the child attends a Foundation Stage setting, the SEN work continues through the Devon Assessment Framework (DAF).

**The Committee may wish to have an update on the requirements/arrangements for transport for SEND Children or invite the Primary Parent Governor representative to explore with the Councils Officers whether this is an area of concern and, if so, identify and report back on any practical steps that may be taken to overcome them.**

2. In addition the following issues have been raised since the last meeting which, in line with the paragraph 10 above and with the views and observations of the Head of Service, are also submitted for consideration by the Committee, in terms of its future work programme/scrutiny activity.

### **Pre-School Provision**

Questions have been raised with the Primary Parent Governor representative as to the training required and/or provided for staff of Pre-Schools which are not run by maintained schools or for Private Childminders and Nurseries in identifying children who may, potentially, have special educational needs - which may require a formal assessment - and how any such concerns should be fed into the system. Similarly questions have been asked about the support available/offered to parents of any child who may be subject to an assessment - to enable them to understand what is happening around them - and to their child - and who the relevant 'lead' Officer(s) is within the Council, who should be approached on such issues (e.g. SENCOs/Education Inclusion Officers?)

### **Response from Head of Education & Learning**

All staff working in Early Years provisions must follow the Early Years Foundation stage – the same statutory guidance that applies to reception classes in schools. The guidance sets out the qualification and experience requirements as well as ratios for different ages of children. The excerpt below is taken from the EYFS:

'3.67. Providers must have arrangements in place to support children with SEN or disabilities. Maintained nursery schools and other providers who are funded by the local authority to deliver early education places must have regard to the Special Educational Needs (SEN) Code of Practice<sup>32</sup>. Maintained nursery schools must identify a member of staff to act as Special Educational Needs Co-ordinator<sup>33</sup> and other providers (in group provision) are expected to identify a SENCO'.

Devon's Local Offer (SEN Code of practice 4.38), provides information for parents and professionals about early years education and the support available for children. <https://new.devon.gov.uk/send/o-4-years/>

Further, Impartial information, advice and training to parents of children with SEN is available through the Devon Information, Advice and Support (DIAS). This includes support through assessment processes. [www.devonias.org.uk](http://www.devonias.org.uk). Inclusion support for early years settings is commissioned by the EYCS from Babcock. The Portage Service run by Virgin Care also provides support for families. Their details can be found on the County Council's Local Offer page.

### **Thrive**

While recognising the value of *Thrive* as a developmental approach/tool to help understand working with children of all ages - to promote their emotional well being at the right time and support emotional learning throughout a child's education, while also providing a vital early opportunity to identify any difficulties - questions have been raised about the efficacy of the Council's system for assessing the results of such assessment and whether or not they take into account any SEND diagnosis (such as the chronological/mental age of an autistic child) and the methodology of that element of assessments relating to 'Power and Identity' where there appears to be two approaches/tools used ('The Drama Triangle' or a simpler traffic light system).

### **Response from Head of Education & Learning**

*This is a complex issue. The drama triangle and traffic lights models referred to are illustrative models, not part of the formal assessment. The Thrive assessment is based upon careful and detailed observation of behaviour, and ideally, upon the behaviour observed in more than 1 context i.e. home and school.*

*Thrive draws heavily on attachment theory and stages of development. The computer based assessment aims to identify children's emotional and relational needs. Relational, creative and arts based strategies relevant to the child's stage of emotional development are then suggested. Thrive is not a diagnostic tool and was never intended to replace the multidisciplinary diagnostic processes and pathways in place for neurodevelopmental conditions such as autistic spectrum condition.*

*There is significant overlap, in terms of the presenting behaviours, between children with attachment difficulties and those with ASC. Differential diagnosis is difficult even within specialist teams, hence the recent development of further assessment tools such as "The Coventry grid". Where there is concern for possible ASC, children should be referred into specialist pathways, with all supporting evidence, which may or may not include a Thrive assessment.*

*There would be cause for concern if any Thrive practitioner chose not to take that course of action. There would, be implications for supervision and for the role of SENCo within any individual school, rather than for the Thrive programme itself.*

*In terms of the suitability of Thrive for pupils with other needs, then provided that the other identified needs are met, there is no evidence to suggest that a Thrive programme should not be considered as an additional part of the support package. The authors of Thrive have been clear that the programme was developed with the "neurotypical" population and mainstream school pupils in mind. However, Thrive is being used to good effect with special school pupils including those with identified conditions, including ASC. For example, at Pathfield school there is data showing faster progress for pupils receiving Thrive than those who are not.*

*At Broomhayes School ( National Autistic Society School) the THRIVE assessment tool and activities was successfully implemented with complex ASC pupils and young adults. The assessment was useful in that developmentally appropriate activities were offered for the young adults given their needs as identified through the THRIVE model and in observation and consultation with direct contact staff. The activities chosen were often then adapted to be ASC friendly or selected as they were suitable without adaptation. The staff were able to implement the programmes consistently over the whole school day and then hand over to the care staff for the evenings. This was successful in that there was good consistency and a better understanding of needs related to the theories of attachment, child development and neuroscience.*

*The secondary CAIRB at Pilton College has also used the THRIVE model with some good results with the cohort of young people currently attending.*

*The creative arts based activities are important in developing skills for emotional regulation and the relational aspects of THRIVE for young people with Autism are important in helping and supporting the development of social communication and social skills.*

***The Committee can be reassured that there is effective advice to those who need it with consistent, common practice.***

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## Glossary

DSCB: Devon Safeguarding Children's Board  
SHAD: Special School Heads Association, Devon  
SEN: Special Educational Needs  
SEND: Special Educational Needs and Disability  
LDP: Learning Development Partnership  
DAF: Devon Assessment Framework  
SRE: Sex and Relationship Education