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To: The Chair and Members
of the Cabinet

County Hall
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Date: 4 July 2023

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CABINET

Wednesday, 12th July, 2023

A meeting of the Cabinet is to be held on the above date at 10.30 am at Committee Suite (DAW) - County Hall to consider the following matters.

Donna Manson
Chief Executive

A G E N D A

6 Question(s) from Members of the Council (Pages 1 - 8)



QUESTIONS FROM MEMBERS OF THE COUNCIL Wednesday 12 July 2023

**1. QUESTION FROM COUNCILLOR CONNETT
Re: Ted Wragg Trust and Parental Concerns over Discipline Policy**

How long have Cabinet Members and senior officers of the Council been aware of parental concerns about discipline policy and its application at these schools (Ted Wragg Trust).

REPLY BY COUNCILLOR LEADBETTER

Please see response to question 2

**2. QUESTION FROM COUNCILLOR CONNETT
Re: Ted Wragg Trust and Website Reporting Concerns**

Is the Cabinet and senior officers aware of the website reporting parents concerns and experiences (Ted Wragg Trust) (reset@tedwragg.com) – appended are four extracts of parent's accounts from the website.

REPLY BY COUNCILLOR LEADBETTER

Yes, we are aware of the parental concerns. Whilst we have every sympathy for the concerns of parents and staff it is important for members to understand the relationship Devon County Council has through the cabinet member (lead member) and the statutory director of children's services with both maintained schools and academies.

With the exception of specific powers in relation to individual vulnerable children, Schools are self-governing institutions, and whilst enquiries are made in relation to a school's actions and performance, it is the role of the governing body to address school issues. This is reflected in the schools complaints procedures <https://www.gov.uk/complain-about-school/state-schools>

Where a LA maintained school is not performing well, for example through a poor Ofsted inspection the council can take action in relation to the governing body there is a defined legal process to do this <https://www.gov.uk/government/publications/schools-causing-concern--2>

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Devon County Council has no powers to interfere with the running of Academy schools this responsibility sits with the Department for Education and ultimately with parliament.

Where there are concerns raised about an Academy school, representations are made directly to the head teacher or executive head if the school is in a multi-Academy trust and/or to the Department for Education through our regular meetings.

As you can see building relationships with schools is a key task, and it is important that members where possible establish relationships with their local schools to best serve their residents, and we encourage local members to address concerns directly with schools in their area.

**3. QUESTION FROM COUNCILLOR CONNETT
Re: West Exe and Pastoral Room**

Is the Council aware of the allegation that children at West Exe are, it is claimed, sent to a windowless room, described as a dungeon for 'pastoral support.

REPLY BY COUNCILLOR LEADBETTER

Yes, we are aware of this. The individual matter has been shared with the Department for Education. We have been informed that the Trust leader has met with the concerned parents. I also refer you to the answer to question 2.

**4. QUESTION FROM COUNCILLOR CONNETT
Re: Ted Wragg Trust and Investigation under Safeguarding Duties**

Although an independent educational trust (Ted Wragg Trust) will the matters identified and disclosed by parents matters the council should fully investigate under its safeguarding duties and obligations?

REPLY BY COUNCILLOR LEADBETTER

In relation to Academies only the Police, Ofsted and the Department for Education have investigatory powers. Children services staff visits schools where there are concerns of a safeguarding nature and provide advice to schools, Ofsted and the Department for Education. We have officers who frequently meet with the Trust and where we have had the need to enquire about a specific issue, officers have been satisfied with the actions the Trust are taking. The Lead Member for Childrens Services has also met with the Chair and Chief Executive of the Trust to discuss the concerns being raised by parents.

5. QUESTION FROM COUNCILLOR CONNETT

Re: Highways works under permit A210176604001-01-CR-01

Highways works under permit A210176604001-01-CR-01 have been taking place in Kennford.

Although the works would be clearly disruptive to residents and through traffic, residents report there was no communication with residents or Kenn Parish Council about the nature of the works, their duration or what impact there would be on the daily lives of residents.

The lack of communication resulted in multiple hours of County officer time being taken up, complaints to councillors at County, District and Parish level and huge dissatisfaction in the community with the County Council, which permitted the works. Residents report access being denied to and from their homes, misleading reports from the contractors of a residential road needing to be blocked off and other avoidable irritations.

In permitting such works, does Devon County Council REQUIRE contractors to inform residents of proposed works and to explain how they may be affected? If yes, why didn't that happen on this occasion? If no, then will the council review its policy immediately to ensure the problems created in Kennford are never repeated elsewhere in Devon?

REPLY BY COUNCILLOR HUGHES

Permit A210176604001 relates to works being undertaken by Mua Electricity using two-way temporary traffic signals. DCC does not require contractors to inform residents of proposed works of this nature, but follows the Department of Transport's national Code of Practice.

Sites using temporary traffic signals are required to display an information board which must give the name of the organisation undertaking the works, any principal contractor and an emergency contact telephone number. Wherever practical, it should also contain other information that will be helpful in explaining to the public why the work is being done, how long it will take and a message apologising for inconvenience. To give an idea of scale, DCC grant in the region of 50,000 permits per year and temporary traffic signals form a notable percentage of these.

With regards to these specific works, DCC's Network Enforcement Officer has undertaken five site visits so far. During the inspection on 23/06/23 it was noted that an information board was present on site. Furthermore, during these visits, the contractor has been encouraged to consult further with those immediately affected by the works.

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6. QUESTION FROM COUNCILLOR CONNETT
Re: Service Standards from Contractors (WSP)

What standard of service should members of the public expect from the Council's contractors when using the 'contact numbers' provided on Traffic Orders affecting local road.

In relation to a TRO advising of an apparent 6-month night closure for road works, I called WSP, the council's contractors, on 01392 229700 on 28 June to make enquiries. The number was provided on the TRO notification for any further enquiries.

No-one answered. The automated response advised no-one was available on Reception, but I could leave a message. I left a message at 11.28am. No-one had responded by 4.39pm that day and I highlighted this to Highways. By 12.27am on the following day, 29th June - there had still been no response from WSP.

Does the County Council pay WSP for its services and, if so, what is the time frame the County Council believes WSP should respond within?

REPLY BY COUNCILLOR HUGHES

WSP use generic telephone numbers and e-mail addresses in order to provide a more consistent service to customers. Individual's contact numbers are problematic when staff are taking leave etc. Unfortunately, on this instance the WSP reception was busy, so Councillor Connett was transferred to an answer phone on Wednesday 28th June.

Cllr Connett was sent a response via e-mail at 10:02 on Friday 30th June and the design lead also called him on the Friday and left a message on his phone. They have since followed up with a further call.

The contract with WSP is for Transportation and Engineering Professional Services so does not call for a 24/7 emergency response. The contract specification requires a response to a request from the Council for any urgent issues within 3hrs but the message from Councillor Connett did not give reason to think the issue would be considered urgent.

7. QUESTION FROM COUNCILLOR WHITTON
Re: Prince of Wales's Campaign and Homelessness

Does the Cabinet Member for Integrated Adult Social Care welcome the Prince of Wales's campaign to end homelessness, including his support for homelessness prevention projects?

REPLY BY COUNCILLOR MCINNES

The profile that the Prince of Wales will bring to homelessness prevention will be welcomed by those affected by homelessness and by public bodies that have statutory duties toward homelessness prevention, and the VCSE that delivers homelessness prevention services.

Homelessness is a national challenge, and this additional focus will help to shine a light on the level of central funding being provided to local areas, and how other funding streams, including the benefits system interact with homelessness to support needs beyond adult social care.

The increased profile will also highlight the need to ensure that there is an appropriate amount of affordable housing and other housing types to prevent homelessness.

8. QUESTION FROM COUNCILLOR WHITTON Re: Impact Assessment and Homelessness Grant

The Impact Assessment that forms part of the consultation documents for the proposed cut in the 18+ Homelessness Prevention Grant notes a possible risk that 5 hostels across the county could close, with a resulting large-scale increase in homelessness and health inequalities. Can the Cabinet Member explain therefore how the proposal contributes to DCC's statutory responsibility to improve health and reduce health inequalities within the county?

REPLY BY COUNCILLOR MCINNES

If the proposals are agreed by Cabinet, there is a risk that hostels may close, but that is not an inevitability. Although we do not fund accommodation, in identifying the risk of hostels closing, we have subsequently had informed conversations about how that risk can be averted or managed, including finding alternative funding options, or repurposing or reconfigure existing provision.

Like all local authorities we have a range of duties to be cognisant of including a Best Value Duty; the requirement is set out in the Local Government Act 1999 to "secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness."

This is what the proposals sought to achieve, and the consultations gave the public the ability to comment. Comments are given due regard before final proposals are developed and presented to Cabinet for decision. Any proposals will ensure that people with [eligible needs as defined within the Care Act](#) will continue to have their eligible needs met and met in ways that are improved from a best value perspective, this may include being delivered by others rather than by DCC.

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A Special Scrutiny Committee has been arranged for 27 July that will provide members with the opportunity to undertake pre-cabinet decision scrutiny of the proposed recommendation

9. QUESTION FROM COUNCILLOR ATKINSON
Re: Devolution Discussions and Homeless Support Services

Given the devolution talks are restarting with district councils in Devon in the Autumn will you include in those discussions the continuation of homeless support services?

REPLY BY COUNCILLOR MCINNES

The proposal within the consultation is to end the DCC contributions to the 18+ Homelessness Fund. The proposal within the consultation supersedes discussions on devolving the fund.

10. QUESTION FROM COUNCILLOR ATKINSON
Re: Impact of Withdrawal of Homeless Support Funding

Are you aware that the proposed withdrawal of the homelessness support funding on 30th September means that :

1. organisations affected need to give at least three months' notice of redundancy to staff;
2. there will be a loss skilled and trained support staff which may be hard and costly to replace; and
3. at least 2 months' notice is required to terminate their 85 tenancies

And the current scrutiny and cabinet arrangements for decision making on 27th August mean that even if notice is given now (and especially after that date) these organisations will be left to bear the considerable costs of continuing to employ staff and house tenants until legal notice can be given jeopardising those organisations?

REPLY BY COUNCILLOR MCINNES

Between March and July we have met with all 5 providers and discussed with them the risks that the proposals create and that we set out in our impact assessment. Discussion have helped to inform any potential mitigations.

If the contract was to end, as per the consultation proposals, it would be compliant within the terms and conditions of the contract variation.

1. Imprisoned in Alphington

If anyone ever has a child sent to the *Pastoral Support Room* at West Exe you need to be challenging it ASAP it is a draconian dungeon with no windows or natural light and no adult supervision.....West Exe Parent

2. Shocking Behaviour at QE

My son got Reset for 'defiance' yesterday.....It was lunchtime and he was told to tuck in his shirt and he said, 'oh I'm so hot, do I have to, miss?' and that was 'rude' and 'defiant'. They punish them using these negative words and when you look into it they weren't rude or defiant at all.'QE Parent

3. Since last September Cliff's 11-year old son has had 'at least fifty resets' at ISCA.

The family have lost count. Cliff isn't a new parent to ISCA. His two oldest went right through before it became a part of the Ted Wragg Trust. He says it was alright, and kids did well: one of them is in work and the other is studying law, at Exeter College.

Cliff also has a 16-year old at ISCA, who, he says, is desperately counting down the weeks until he can leave - but he's coping. It's his boy in Year 7 Cliff is worried about. Leon started off well but then, Cliff reports, "after two weeks, that's when the red cards and resets started. For small stuff. Reset for talking in class. Reset for moving around. Reset for late homework. Red card for this, red card for that. And there's nothing to do in Reset, no work, no teaching, and then an extra hour after school in detention. We didn't like it at all, and so we went in,' Cliff says, 'Me or my partner, we've been in seven times in total but they won't change anything'.

And then in winter, we didn't want Leon to walk home alone in the dark and so we told him he had to leave at 3:15 and wasn't allowed to stay for the extra hour detention. We both work, so we couldn't go and get him. And then the next day, they put him back in Reset, for missing the detention. Another Reset - for doing what we had told him to do - walk home before it got dark.

Cliff says the repeated punishments are really affecting his child's behaviour, and mental health. "At the start, he got Reset for really stupid stuff. But now, just this Friday gone, he got suspended for kicking bins and chairs and swearing at teachers."

The school have brought this on. Now he is frustrated. He is angry and he never wants to go back. The teachers do nothing. The SEND team told me Reset does no good. She told me teachers are fed up, too. But they do nothing.

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I don't know what else to do. They are changing our boy - he isn't a problem kid. He isn't any trouble outside of that school.

Now we are in May 2023. Cliff is at his wits end. Leon still isn't receiving an education from ISCA. But when his parents keep him off Reset they are threatened with fines and legal action.

Cliff and his wife work full time. They can't home-educate a 12-year old - and they can't leave him alone all day. The only non-Ted Wragg schools within any reasonable distance are massively over-subscribed.

4. Distress at West Exe

I am trying to support my daughter and her family as I watch a previously motivated, confident child gradually becoming anxious.. losing any desire to learn... the dread of resets has led to her spending nights trying to perfect her homework. It is impossible to reconcile these policies... with the "child-centred", compassionate approach on which the Trust advertises them as being based.
West Exe Grandparent