

## National Structure of the Education System of the UK

The United Kingdom is divided into 4 countries; England, Wales, Scotland and Northern Ireland. Education is a devolved matter in each country, and as such each country has the authority to legislate over matters regarding education in its own jurisdiction. The government departments responsible for education in each country are: The Department of Children, Schools and Families in England; The Department for Education, Lifelong Learning and Skills in Wales; The Education and Lifelong Learning Department in Scotland; and The Department of Education for Northern Ireland. Due to this independence with regards education, it has been decided that for the purpose of this project, we will focus on the systems of England and Wales only.

Wales obtained devolution with regards education in 2007 following the Government of Wales Act 2006. This allowed the National Assembly for Wales to pass Assembly Measures on certain devolved areas, one of these being education. Assembly Measures are a form of subordinate primary legislation, and are applicable only in Wales. Due to the recent nature of Welsh devolution, the arrangement of schooling is still very similar in England and Wales, as relatively few Assembly Measures have been passed.

Schooling is divided into 2 sectors, state maintained and independent. In England and Wales, over 90% of children are educated in state maintained schools<sup>1</sup>. State maintained schooling is provided free of charge, and is available to all children of compulsory school age<sup>2</sup>. The majority of schools are either Primary (ages 5-11) or Secondary (ages 11-16) schools, although some areas have First/Infant schools (ages 5-7), Middle/Junior schools (ages 7-11) and Upper schools (ages 11-16). Schools are required to follow a national curriculum, which specifies the subjects which must be taught. There are 13 types of state maintained schools in England, and 4 in Wales. A short explanation of the differences between the schools is enclosed.

Independent schools do not receive public funds, and most children will be fee-paying pupils (although scholarships and bursaries are widely available). Independent schools are not required to follow the national curriculum, and are able to set their own term dates. Pupils can either be day, boarding or a combination of both.

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<sup>1</sup>Training and Development Agency- <http://www.tda.gov.uk/Recruit/lifeasateacher/achoiceofschools.aspx>

<sup>2</sup> Compulsory age is 5 – 16 years- S7 and 8 Education Act 1996, Ch 56, Elizabeth II

## The Legal History of Parental Participation

The development of parental legal rights in their child's education in the UK came in a slow but steady manner. Once education became compulsory in the UK, a number of Acts sought to effectively legislate in the new area, but many failed to see the relevance of parental participation until significantly later. The Elementary Education Act 1870 was the first piece of legislation in Britain to deal specifically with the provision of education. S7 (1) stated that parents were to be given the legal right to withdraw their child from any religious instruction or observance in school. In addition to the above, S25 of the 1870 Act stated that parents were to maintain the right to select the school which they wish their child to attend, even if fees were being paid by a School Board. Therefore, sections 7 (1) and 25 provide the first pieces of evidence of parental involvement in their child's education.

The next piece of relevant legislation is found in S8 (4) of the Education Act 1918. The section relates to the passing of bylaws amending the age at which children start school by the Board of Education. Should the board wish to pass such a bylaw, and 10 parents of school age children request a public enquiry, a public enquiry must be held. Providing parents with the right to force a public enquiry to be held was a large step in the development of rights, and although relevant to those below school age, it was aimed at those with a child already in a public elementary school, and thus parents of school age children were given a voice.

Following the creation and subsequent growth in compulsory education, the government set up a number of consultative committees to encourage debate and research into the area of education. The Hadow Report<sup>3</sup> was commissioned and completed in 1931, and although it did not have a focus on parental rights, it did contain a small but pertinent recommendation on Page 148, Chapter XI. The report recommended that schools should 'enlist the interest of parents in the progress of their child'. To achieve this, schools were to provide and send a terminal or annual report to all parents. The report also recommended that local authorities send out information to parents on secondary school provisions in

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<sup>3</sup> Primary School, known as 'Hadow Report', 1931. An overview can be found from Gillard D (2006) *The Hadow Reports: an introduction*.

the area. The relevance of these recommendations is clear; parents should be involved in their child's education.

Following on from the 1918 Act, the next relevant statute was the Education Act 1944. The Act recognised the need for children to be educated in accordance with their parent wishes, a right which still stands today.

Another government appointed committee was created in 1967 to conduct research into education. The result was the production of work which is colloquially known as the 'Plowden Report'<sup>4</sup>. The report was commissioned by the Minister for Education, and sought 'to consider primary education in all its aspects and the transition to secondary education'. Chapter 4 of the report was entitled 'Participation by Parents', and produced a number of recommendations which we now see as common practice in the UK. Some of the recommended courses of action included parents having regular, private talks with teachers, providing parents with information on the general school system through a prospectus, effective reports to be sent home, parents to be given a choice of schools, and information to allow an informed choice to be made.

The 1980's saw a number of Acts which increased the level of participation of parents in the management of schools. The Education Act 1980 created the role of parent governors and the Education Reform Act 1988 allowed for parents to ballot when deciding whether the status of their child's school was to change. This Act also required governors to publish the way in which parents appeal admission decisions and to produce an annual report for parents, with the opportunity of a meeting to discuss its contents. The Education Act 1993 slightly altered the requirements surrounding the above sections, but maintained the right of parents to ballot.

The Education Act 1996 is the next relevant piece of legislation, which is still in force today.

### State Maintained Schools in England and Wales

#### **England and Wales:**

Community schools: A Community school is run by the local authority, which employs the staff, owns the land and buildings and decides which admissions criteria to use.

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<sup>4</sup> Children and their Primary Schools, A Report of the Central Advisory Council for Education (England), 1967.

Foundation schools: Foundation schools are run by their own governing body, which employs the staff and sets the admissions criteria. Land and buildings are often owned by the governing body or a charitable foundation.

Voluntary-aided schools: Voluntary-aided schools are mainly religious schools, although anyone can apply for a place. The structure is similar to Foundation schools; the governing body employs the staff and sets the admissions criteria. School buildings and land are normally owned by a charitable foundation, often a religious organisation.

Voluntary-controlled schools: Voluntary-controlled schools are similar to voluntary aided schools, but are run by the local authority, which employs the school's staff and sets the admissions criteria. School land and buildings are often owned by a religious organisation, which also appoints some of the members of the governing body.

### **England Only:**

Trust Schools: A Trust school is similar to a Foundation school, but it forms a charitable trust with an outside partner.

Specialist schools: Specialist schools focus on a particular subject area, but still follow the National Curriculum. The subject areas include sports, technology or visual arts.

Academies: Academies are independently run schools set up by sponsors from business, faith or voluntary groups in partnership with the DCSF and the local authority. Together they fund the land and buildings and the government covers the running costs.

City Technology Colleges: City Technology Colleges are independently run state maintained schools for pupils of all abilities aged 11 to 18. They often focus on science and technology and offer a range of vocational qualifications as well as GCSEs and A levels.

Community and foundation special schools: Special schools provide for children with special educational needs.

Faith schools: Faith schools are mostly run in the same way as other state maintained schools, although their faith status may be reflected in their religious education curriculum, admissions criteria and staffing policies.

Grammar schools: Grammar schools select all or a majority of their pupils based on academic ability.

Maintained boarding schools: Maintained boarding schools provide free tuition, but impose fees for board and lodging.

### Glossary of Terms

- SI** Statutory Instrument – Secondary form of legislation.
- SI 2005/545** Format – year in which the SI was passed, followed by the instrument’s individual number.
- MPS** Model Publication Scheme – The Freedom of Information Act 2000 requires every public body subject to the Act to adopt and maintain a publication scheme. The Information Commissioners Office developed a broad model scheme to be adopted by most public authorities, which contains a list of information to be published by the relevant authorities. The scheme requires proactive publication of the information and frequent reviews and updates. In addition, definition documents have been created for certain sectors. These provide examples of the information which that public sector authority is expected to publish under the headings detailed in the model publication scheme. A definition document has been created for the provision of information by schools.
- DCSF** Department for Children, Schools and Families in England.
- NCPTA** National Confederation of Parent Teacher Associations is a membership organisation, which provides support and guidance to PTA’s.

## **FULL REPORT FOR ENGLAND AND WALES**

### Right to Information

#### **Which of the following information is provided to parents and how is it provided?**

##### Criteria of admissions:

S84 School Standards Framework Act 1998 requires the Secretary of State to issue a code of practice with regards admissions. S92 School Standards and Framework Act 1998 requires local authorities and governing bodies to adhere to regulations passed with regards admissions. The current regulations are SI 1999/1812 (Wales) and SI 2008/3093 (England) for state maintained schools and SI 2003/3234 (Wales) and SI 2003/1910 (England) for independent schools.

**Wales:** SI 1999/1812 requires each local authority to provide a composite prospectus, which is to include a summary of the admissions policy. It must be available for distribution to parents at the office of the local authority, at every maintained school in the area and be available for reference at public

libraries in the area. Under 1999/1812 school governing bodies are required to publish a school prospectus containing information on the particular admissions policy which they have adopted. This prospectus must be available for distribution to parents without charge and offered at the school for reference

**England:** SI 2008/3093 requires the local authority composite prospectus to include information on the admission arrangements for each school in the area. The prospectus must be available for distribution to parents at the offices of the local authority, at every school maintained by the local authority and be displayed on their website.

**Independent Schools:** SI 2003/3234 (Wales) and SI 2003/1910 (England) state that independent schools must provide parents with information on admission policies. The manner of publication is not specified.

**Extra Information:** S85A School Standards Framework Act 1998 requires all local authorities to establish admission forums. Those regulations are SI 2003/2962 (Wales) and SI 2008/3091 (England). SI 2003/2962 requires the forum to consider the composite prospectus and any improvements which could be made to information provided to parents. SI 2008/3091 requires the forum to consider the accessibility of admissions information for parents within the relevant area. S86 1A School Standards Framework Act 1998 requires all local authorities in England to provide advice and assistance to parents on the admissions process. The Model Publication Scheme (MPS – explained in detail in the glossary) recommends that schools have information on admissions, number of applicants and appeals readily available for publication.

#### Organisation of the school system:

**Wales:** SI 1999/1812 requires the school prospectus to provide details on the curriculum, information about exams, grants available for school clothing and the current complaints procedure.

**England:** SI 2008/3093 states that the composite prospectus must include information on where parents may obtain other general information on each school. In addition, the local authority is required to publish information on financial assistance with regards milk, school meals and school clothing, information on the provision of school transport and their policy on entering pupils for public examinations. This information is to be published on their website, available for distribution to parents on request, offered at schools and public libraries for reference and distributed to parents whose children are currently in their final year and may want to transfer to another state maintained school.

**Independent Schools:** SI 2003/3234 (Wales) and SI 2003/1910 (England) both require schools to draw up and implement a written policy on the curriculum, and they must make parents aware that they are able to request such information. The school must provide to parents the results of any public examinations undertaken and details of the complaints procedure for the school.

**Extra Information:** The MPS recommends that schools, when fulfilling their duties under the scheme, publish information on the curriculum, (and any opt outs available) admission appeals, the discipline policy and general school policies.

Organisation of the school:

**England and Wales:** S110 and S111 School Standards Framework Act 1998 requires all schools to have a home school agreement, setting out the schools aims and values, responsibilities and what is expected from pupils and parents. S27 and 28 Education Act 2002 permits all governing bodies to create community services which furthers any charitable purpose for the benefit of pupils at the school or their families, or people who live or work in the locality in which the school is situated. S6 Childcare Act 2006 also requires local authorities in England to ensure that the provision of childcare is sufficient for working parents. The services provided in England are known as Extended Services, and in Wales as Community Focused Schools. Parents of registered pupils are to be consulted before the governing body exercises their power. The DCSF and the National Assembly for Wales have both produced guidance to assist in the creation and publicity of such services. This includes information in newsletters and on websites.

**Wales:** SI 1999/1812 requires the governing body of the school to publish the times of the school day and dates of school holidays.

**England:** S104 Education Act 2005 requires all state maintained schools to produce a school profile, available on their website and in hard copy. The profile must contain the most recent OFSTED report (explained below) and narrative sections, to be completed by the school in accordance with criteria laid down by the DCSF.

**Independent Schools:** SI 2003/3234 (Wales) and SI 2003/1910 (England) both require schools to provide parents with a statement of the schools ethos and aims and particulars of the school's policy for discipline and exclusion.

**Extra Information:** Under the MPS, schools are recommended to publish information on school sessions and term dates, organisational information, the schools future plans and policies and information about services which the school provides.

Project of Establishment:

S61 School Standards Framework Act 1998 requires all head teachers of state maintained schools to determine and publish, in a written document, measures put in place to prevent all forms of bullying and promote good behaviour. The head teacher is required to take steps to bring the measures to the attention of all pupils and parents at least once every school year.

**Wales:** SI 1999/1812 requires the school prospectus to include information on the ethos and values of the school, the classification of the school, any religious affiliation and a summary of any sporting aims of the school.

**England:** SI 2008/3093 gives schools the flexibility to include what they feel is necessary in a school prospectus, and does not contain full details of what must be included. As such, it is not mandatory to include any information other than the school's special needs education and disability provisions.

**Independent Schools:** SI 2003/1910 and SI 2003/3234 both state that schools must have a written policy which includes details of their personal, social and health education which reflects the school's aims and ethos, and that they provide information to parents on the school's ethos (including any religious ethos) and aims, and their policies adopted with regards discipline. Both regulations also require schools to draw up and implement effectively a written policy to prevent bullying and promote good behaviour amongst pupils and set out the sanctions to be adopted in the event of pupil misbehaviour.

### Evaluation of the Establishment

Inspections of state maintained schools are carried out by Estyn (Office of Her Majesty's Inspectorate for Education and Training) in Wales and by OFSTED (Office for Standards in Education, Children's Services and Skills) in England. The duty to carry out inspections is governed by S5 and S28 Education Act 2005. S6 Education Act 2005 states that if the appropriate authority is notified of a forthcoming inspection, they have a duty to take all reasonable steps to inform the parents of registered pupils of the date of the inspection. S7 Education Act 2005 states that the inspector, when carrying out his duties, must have regard to any views expressed by parents of registered pupils. The regulations governing school inspections are SI 2006/1714 (Wales) and SI 2005/2038 (amended by SI 2009/1564) (England).

**Wales:** SI 2006/1714 (pursuant to Para 6 (b) of Schedule 4 Education Act 2005) states that the appropriate authority must arrange a meeting between the inspector carrying out the inspection and any parents of registered pupils who wish to attend. Parents are to receive a copy of the summary of the final inspectors report within 10 working days.

**England:** SI 2005/2038 places a duty on the appropriate authority to take all reasonable steps to ensure that every parent of a registered pupil receives a copy of the inspection report within 5 working days of the authority receiving a copy.

**Independent Schools:** Independent schools are inspected under S163 (1) Education Act 2002 (Amended by Schedule 8 Education Act 2005). This can be by the Chief Inspector, in both England and Wales, or by the Independent Schools Inspectorate if the school is a member of Independent Schools Council. SI 2003/3234 and SI 2003/1910 both require either a summary report or the full report of an inspection to be sent to the parents of every registered pupil within a time frame set by the inspecting body.

**Is school information translated into community languages, provided for those with disabilities and supplied for migrant families?**

### Translation of information

S17 (1) (c) (i) Race Relations Act 1976 (amended by the Race Relations (Amendment) Act 2000) makes it unlawful for an educational establishment to discriminate against a pupil in the way it affords him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them. SI 2009/3093 and SI 1999/1812 state that if it appears to a local authority or governing body that any document published by them should be available in a language other than English or Welsh, it shall be translated. Parents are not to be charged for such a translation if they are entitled without charge to a copy of the original document. Guidance has been issued by the DCSF and the Welsh Assembly with regards the translation of school information. In addition, OFSTED and Estyn inspectors are advised through internal guidance to inspect as to whether schools provide translations of school letters and documents.

**Independent Schools:** SI 2003/3234 and SI 2003/1910 do not contain information on translation requirements. They do however state that the school must provide an education which enables all pupils to make progress, including those for whom English is an additional language.

#### Information for those with disabilities

The Disability Discrimination Act 1995 (amended by Disability Discrimination Act 2005) requires schools to make 'reasonable adjustments' to procedures and policies and to provide parents with aids to help them access their services. An example of this is creating information in accessible formats. Schools must not refuse to provide a service, or provide a lesser service, to disabled parents. A disability equality duty was introduced in the Disability Discrimination Act 2005, and is applicable to all state maintained schools in England and Wales. They must provide a Disability Equality Scheme, which is to be created in consultation with those disabled people who appear to have an interest in the way in which an authority carries out its functions. This would often involve parents when schools are creating their scheme. The scheme must include, amongst other things, the policies and practices in place for disabled people, information on how the school will assess the effect of their current policies and the ways in which they will obtain the aforementioned information. Guidance has been issued to schools by the DCSF, entitled 'Promoting Disability Equality in Schools', which provides examples of how schools can comply with the legal requirements of the Act.

#### **Independent Schools:**

Independent schools must comply with the general provisions Disability Discrimination Act 1995 and 2005.

#### Assistance for migrant families:

As mentioned above, the Race Relations Act 1976 requires all to receive the same benefits, facilities and services. In 2007, the DCSF produced guidance for all state maintained schools entitled 'The New Arrivals Excellence Programme', which advised schools as to the most appropriate methods to assist those new to England. The guidance includes recommendations on developing partnerships with parents, providing them with information on the education system in general and providing sufficient

leaflets, guides and translation assistance. On 1<sup>st</sup> March 2010, the Welsh Assembly Government announced its plans to publish an information pack to help migrants, refugees, asylum seekers and their families find the information they need to access services and integrate into local communities. The information provided in the booklet will cover education, information on relevant public sector, regulatory & government bodies and advice on day to day living in Wales. In addition, Estyn produced a report in 2009 for the Welsh Assembly Government which is entitled 'Local authority support for the education of children of migrant workers', which investigated the practices adopted by schools and local authorities in engaging and assisting migrant parents.

### **Independent Schools:**

Independent schools must comply with the Race Relations Act 1976.

### Right to Choose

#### **Do parents have a choice as to which school their child attends?**

S2 Education and Inspections Act 2006 places a duty on local authorities in England to secure diversity in the provision of schools, and increase the opportunity for parental choice. There are 14 categories of schools in England, 13 of these are state maintained schools, with the other being independent schools. There are 5 categories of schools in Wales, 4 of these are state maintained and 1 is independent.

S86 School Standards Framework Act 1998 places a duty on local authorities to enable parents to express a preference as to the school at which he wishes education to be provided for his child.

#### **Is there any financial assistance available to enable parents to choose a school other than a state school?**

The Government's Music and Dance Scheme provides means tested financial aid for those with exceptional potential in the fields of music, drama and dance to allow them to attend specialist independent schools in their field. It is governed by SI 2001/2743 and SI 2001/2857. Independent schools provide their own scholarships and bursaries (ISC schools account for 80% of all independent schools, and they estimate 33% of their pupils receive financial aid). Funding for education outside of the state funded system is available for children of employees of the Armed Forces and The Foreign and Commonwealth Office. Certain local authorities offer grants for children who can show that it is essential for them to board and so they must attend a boarding school, although limited funds are available. However, general scholarships are not available for all.

### Right to Appeal

#### **Do mechanisms exist which allow parents to appeal the following:**

Admissions:

Under S94 School Standards Framework Act 1998, a local authority shall make arrangements enabling the parent of a child to appeal any decision made by or on behalf of the governing body refusing the child admission to the school. An Admissions Appeal Code is produced by the Secretary of State under S84 School Standards and Framework Act 1998, which is accompanied by regulations. The relevant regulations are SI 2005/1398 (amended by SI 2009/823) (Wales) and SI 2002/2899 (England) (amended by SI 2008/3092). Independent Schools are not bound by the above code or regulations, as they set their own admission policies.

#### Disciplinary measures:

S88 (2) Education and Inspections Act 2006 gives parents the right to be consulted about a school's discipline policy. A parent is able to appeal against the exclusion of their child under S52 (3) and (4) Education Act 2002. The relevant regulations are SI 2003/3227 (Wales) and SI 2002/3178 (England). Independent Schools have their own policies on exclusion, and are not subject to the above regulations. SI 2003/1910 (England) and SI 2003/3234 (Wales) state that the school must provide information on their policy for exclusion and discipline. No details on appeal are laid down in these regulations.

#### Exams:

A parent is able to appeal their child's exam result, but it must be carried out by the head teacher of the school and the method of appeal follows a set route which must be adhered to. Six main awarding bodies exist, and appeals are made direct to them. The six awarding bodies follow a set of standard rules produced by the Joint Council for Qualifications (JCQ) which details the appeals process. Should parents be dissatisfied with the awarding bodies appeal, a further appeal can be made to the Examinations Appeal Board (EAB), which is an independent body.

#### Right of participation:

SI 2005/2914 (Wales) and SI 2007/957 (England) state that an elected parent governor cannot be removed by the governing body. However a parent governor which has been appointed can be removed and no right of appeal is laid down in the regulations. Parent Governor Representatives can be disqualified from office, but again no right of appeal is laid down in the regulations. A school is not required to have a PTA, so guidance has not been issued with regards a school failing to have a PTA. The role of parent councils, parent governors and parent governor representatives are all laid down as requirements in regulations. As such, any failure of a school to comply would constitute a failure to adhere to statutory requirements. Independent schools are not subject to the above regulations.

#### Decisions of the bodies of participation:

S206 (1) (a) and (2) (a) Apprenticeship, Skills, Children and Learning Act 2009 permits complaints to be made if a parent or pupil has suffered an injustice in consequence of an act of the governing body of the school in England to the Local Commissioner. S29 Education Act 2002 states that governing bodies must establish procedures for dealing with all complaints relating to the school. The complaints procedure must be published. Parents also have the right under S116 (Wales) and S95 (England)

Education Act 2002 (SI 2000/2121 England) to appeal to the governing body against a head teacher's decision to disapply or modify the national curriculum with regards their child.

**Independent Schools:** SI 2003/1910 requires independent schools to have a complaints procedure in place and in writing, be available to parents on request, allow parents to complain both informally and in writing, and should parents not be satisfied with the response from their written complaint, to appeal to a panel.

### **Are the mechanisms effective, is there a required time frame and must answers be justified?**

#### Admissions:

Based on the responses from field research, the general consensus has been that the method of admissions appeals is effective. This is with regards the process, the information received by parents and the construction of the appeal. The time frame for hearing an appeal is 6<sup>th</sup> July for Secondary school places and 30 days after the appeal closing date for Primary schools. The time frame for delivering the outcome of an appeal is contained in the Admissions Appeal Code, which states that decisions must be communicated to parents by the end of the second school day after the conclusion of the appeal hearing. The decision and grounds for the decision must be sent to parents in writing and also should be confirmed to the parents by telephone by at least the next school day after the hearing.

#### Disciplinary Measures:

As above, based on the responses from the field research, the process of exclusion appeals is seen to be effective. With regards the time frame for the outcome of an appeal, the relevant regulation states that governing body must inform those concerned 'without delay' and that they must communicate the reason for their decision in writing. Further guidance issued by the DCSF requires appeal panels to communicate their decision to parents by the end of the second working day after the hearing.

#### Exams:

The time frame for setting an appeal hearing varies based on the type of appeal being lodged. The JCQ guidelines for exam appeals to awarding bodies state that the decision of the appeal panel is to be sent to the appellant within five working days, and a report of the outcome of the appeal is to be sent to the appellant within 28 calendar days. Outcomes of appeals to the EAB are to be communicated to the relevant parties within two days after the result, and the EAB is to publish its conclusions and reasoning within 15 working days of the hearing.

#### Parental complaint under S206 Apprenticeship, Skills, Children and Learning Act:

Under S207, the time limit for lodging a complaint is 12 months from the first day which the complainant was aware of the complaint. Under S211, when dealing with a complaint, the Local Commissioner must prepare a written statement of his reasons, following a decision not to investigate a complaint, discontinuing the investigation into a complaint or completing the investigation. A time frame for producing the statement is not given in the Act.

### Appeal made under S95/116 Education Act 2002:

The Act requires the governing body to notify the appellant in writing of their decision. No time frame is given in guidance or statute. Guidance states that should the governing body decide that, following the parents appeal, the decision should be varied or revoked the head teacher must provide justification to the parents.

### Independent schools complaints procedure:

The complaints procedure required by SI 2003/1910 requires schools to set out clear time scales for the management of a complaint and ensure that the complainant is given a copy of any findings and recommendations.

## Right to Participate

### **Which bodies of participation exist?**

The following bodies of participation are available in England and Wales:

Parent Teacher Association – The aim of a PTA is to improve relations between parents and their child's school. They act as a forum for communication between parents and teachers and in a fundraising capacity to raise funds for schools. Schools are not legally obliged to have a PTA.

Parent governors – The law surrounding the role of parent governors is found in SI 2005/2914 (Wales) and SI 2007/957 (England). Parent governors sit on the school Board of Governors, which is responsible for all major decisions about the school and its future. SI 2007/957 states that Community, Community Special, Voluntary controlled, Foundation and Foundation Special schools are all required to ensure that 1/3 of the governing body is made up of parent governors. Academies are required to have at least 1 parent governor (although governance within academies is not regulated by primary or secondary legislation, but by their own Article and Memorandum). Voluntary Aided schools are required to have at least one parent governor, but enough to make up a 1/3 when counted with foundation governors eligible to be parent governors. SI 2005/2914 details the number of parent governors needed according to the number of students and type of school.

Parent Governor Representatives- PGRs are elected from serving parent governors to represent the views of all parents on local authority committees dealing with education matters. PGRs were established by the School Standards and Framework Act 1998, and are subject to their own regulations, which are SI 2001/3711 (Wales) and SI 2001/478 (England). Each local authority is required to have between 2 and 5 PGRs.

Parent Council - Foundation schools and Foundation Special schools (with a Trust that appoints the majority of the governing body members) in England are required to have a parent council (S23A Education Act 2002 - inserted by S34 of the Education and Inspections Act 2006). They are governed by SI 2007/1330. Parent members must always exceed other members by at least 1. The governing

body must consult the parent council as they see fit on matters relating to the governing body's conduct of the school. All schools in England are encouraged by the DCSF to establish a parent council. Welsh schools are not required to have a parent council.

Parent member of admission forums – SI 2008/3091 (England) requires a forum to have at least one parent member. SI 2003/2962 (Wales) requires 1 but no more than 3 parent governor representatives on the forum.

Independent schools are not required to have parent governors. Many have PTA's and Parent Associations, with the same functions as PTA's mentioned above.

**What level of autonomy do the bodies have, and how are parents represented?**

Level of autonomy:	Types of representation planned for parents:
PTA – Full autonomy	PTA – Equal
Parent governors – Full autonomy	Parent governor – Equal/Majority
PGR – Limited autonomy	PGR – Minority
Parent Council – Limited autonomy	Parent Council – Majority
Parent member of admissions forum – N/A	Parent member of admissions forum – N/A

Parents have decision making representation on a local level through PGR's, but not at a national level.

**What percentage of parents apply to participate in the bodies of participation?**

In 2005 there were 45 Parent Governor Representatives in Wales. Research carried out in 2002 by BMRB Social Research found that out of 2019 parents surveyed, 29% had participated in PTA activities. Further clarification on the figures was provided by the field research.

**Does the state collect the opinion of parents?**

**England:** Research involving parents is carried out on a regular basis by the DCSF on a variety of topics. In 2008 an average of 2.41 research projects per month included obtaining the opinion of parents and in 2009 an average of 3.58. When inspecting a school, OFSTED sends a letter and questionnaire to all parents to assess their opinion on the school prior to inspection. S38 (1) Education and Inspections Act 2006 states that the governing body of a state maintained school in England shall also have regard to any views expressed by parents of registered pupils. The Office of the Schools Commissioner was set up following the 2005 white paper, 'Higher standards, better schools for all' to promote and encourage local authorities to take account of parents views.

**Wales:** The Department for Education, Children, Education, Lifelong Learning and Skills in Wales carry out a number of research projects under their 'Customer Research Programme'. The most recent of

these to involve parents was in September 2009, and the title of the research was 'Parental engagement in pre schools, primary schools and secondary schools in Wales'. In addition, general research has ensured that parent's views have been sought on a variety of topics in the last 5 years. As with OFSTED, Estyn sends a questionnaire to all parents prior to inspecting a school. Estyn also conduct a number of remit reports on the request of the Welsh Assembly Government, and a number of these involve parents.

### **Is there a method in place to provide training to parents?**

#### **With regards behaviour:**

If a child is failing to attend school regularly, a court is permitted to grant a parenting order. The order requires a parent to attend parenting classes or programmes. The classes are designed to provide parents with support and guidance on how to improve their child's behaviour.

#### **With regards positions within the school:**

PTA-No formal training required – NCPTA provide advice and offer training sessions throughout the year for members of their organisation.

Parent governor – There are a number of course run by the local authorities annually for school governors, as well as the National Training Programme for New Governors, created by the Department for Education and Skills (Now DCSF). However the training is not mandatory.

Parent Governor Representative-The Office for Public Scrutiny have produced a guidance pack to help local authorities train new PGRs.

Parent Council – DCSF guidance recommends schools allocate funds for the training of parent council members. There is no required training for members.

### Full Titles of Statutory Instruments

#### **Right to Information:**

SI 1999/1812	The Education (School Information) (Wales) Regulations 1999
SI 2008/3093	The School Information (England) Regulations 2008
SI2003/1910	The Education (Independent School Standards) (England) Regulations 2003
SI2003/3234	The Independent School Standards (Wales) Regulations 2003

SI 2008/3091	The School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008
SI 2003/2962	The Education (Admission Forums) (Wales) Regulations 2003
SI 2005/2038	The Education (School Inspection) (England) Regulations 2005
SI 2006/1714	The Education (School Inspection) (Wales) Regulations 2006

**Right to Choose:**

SI 2001/2743	Education (Grants) (Music, Ballet and Choir Schools) (England) Regulations 2001
SI 2001/2857	The Education (Grants etc.) (Dance and Drama) (England) Regulations 2001

**Right to Appeal:**

SI 2005/1398	The Education (Admission Appeals Arrangements) (Wales) Regulations 2005
SI 2002/2899	The Education (Admissions Appeals Arrangements) (England) Regulations 2002
SI 2003/3227	The Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulations 2003
SI 2002/3178	The Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002
SI 2005/2914	The Government of Maintained Schools (Wales) Regulations 2005
SI 2007/957	The School Governance (Constitution) (England) Regulations 2007
SI 2000/2121	The Education (National Curriculum) (Temporary Exceptions for Individual Pupils) (England) Regulations 2000

**Right to Participate:**

SI 2001/478	The Parent Governor Representatives (England) Regulations 2001
SI 2001/3711	The Parent Governor Representatives and Church Representatives (Wales) Regulations 2001
SI 2007/1330	The School Governance (Parent Council) (England) Regulations 2007

## Indicators for England and Wales

<b>DROIT D'INFORMATION</b>	
1. Quelles informations sont mises à disposition des parents et parmi ces informations lesquelles sont mises à disposition de façon obligatoire? <ul style="list-style-type: none"><li>▪ Critères d'admission</li><li>▪ Organisation du système scolaire</li><li>▪ Organisation de l'école.</li><li>▪ Projet d'établissement</li><li>▪ Evaluation de l'établissement</li></ul>	All – 10 All – 10 All – 10 E-5/W+I-10 All – 10

2. L'information est-elle adaptée aux caractéristiques des parents de l'école?	All – 25
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TOTAL FOR SECTION: 80

<b>DROIT DE CHOISIR</b>	
1. Existe-t-il un paysage diversifié de projets d'établissements ?	All - 50
2. Existe-t-il des mesures financières permettant aux parents de faire le choix d'écoles «autres que celles des pouvoirs publics»?	All - 0

TOTAL FOR SECTION: 50

<b>DROIT DE RECOURS</b>	
1. Existe-t-il des mécanismes permettant d'exercer le droit de recours et	

<p>sur quels sujets?</p> <ul style="list-style-type: none"> <li>▪ Admission</li> <li>▪ Mesures disciplinaires</li> <li>▪ Evaluation</li> <li>▪ Droit de participation</li> <li>▪ Décisions des organes de participation</li> </ul>	<p>E/W – 12 / I – Unknown*</p> <p>E/W – 12/I – Unknown*</p> <p>E/W/I – 12</p> <p>E/W –12 / I-0</p> <p>E/W-12 / I- Unknown*</p> <p>*As Independent schools set their own policies, the right to recourse in certain areas is not known</p>
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<p>2. Les mécanismes de recours sont-ils efficaces?</p> <p>Selon les normes en vigueur :</p> <ul style="list-style-type: none"> <li>▪ Existe-t-il un délais que l'instance la plus proche (directeur, conseil d'établissement) doit respecter?</li> <li>▪ Les réponses doivent-elles être motivées?</li> </ul>	<p>E/W – 20*</p> <p>E/W – 20</p> <p>*20 has been given as this covers the majority of the areas assessed.</p>
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TOTAL FOR SECTION: 100

<b>DROIT DE PARTICIPATION</b>	
<p>1. Existe-t-il des organes de participation (conseil d'établissement, conseil scolaire, etc.) des parents et quelles en sont les compétences aux différents niveaux?</p> <p><u>Etablissement</u></p>	<p>E/W - 25</p>

<ul style="list-style-type: none"> <li>▪ Pleine autonomie sans intervention externe (<i>décision</i>) D</li> <li>▪ Autonomie limitée:</li> <li>▪ L'organe prend des décisions sur une liste présentée par les autorités d</li> <li>▪ L'organe prend les décisions mais elles doivent être approuvées par l'autorité d</li> <li>▪ Sans autonomie, les organes peuvent être consultés mais l'autorité prend les décisions c</li> </ul>	
<p><u>Régional</u></p> <ul style="list-style-type: none"> <li>▪ Pleine autonomie sans intervention externe (<i>décision</i>) D</li> <li>▪ Autonomie limitée:</li> <li>▪ L'organe prend des décisions sur une liste présentée par les autorités d</li> <li>▪ L'organe prend les décisions mais elles doivent être approuvées par l'autorité d</li> <li>▪ Sans autonomie, les organes peuvent être consultés mais l'autorité prend les décisions c</li> </ul>	E/W - 25
<p><u>National / central</u></p> <ul style="list-style-type: none"> <li>▪ Pleine autonomie sans intervention externe (<i>décision</i>) D</li> <li>▪ Autonomie limitée:</li> <li>▪ L'organe prend des décisions sur une liste présentée par les autorités d</li> <li>▪ L'organe prend les décisions mais elles doivent être approuvées par l'autorité d</li> </ul>	E/W – 0
<p>Sans autonomie, les organes peuvent être consultés mais l'autorité prend les décisions c</p>	As above for independent schools as each schools sets it's own policies.

<p>2. Dans les organes de participation, quelle est le type de représentation prévue pour les parents (minoritaire, paritaire, majoritaire)?</p> <ul style="list-style-type: none"> <li>• Etablissement</li> </ul>	E/W - 5
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<ul style="list-style-type: none"> <li>• Regional</li> <li>• National/Central</li> </ul>	E/W - 3 E/W - 0
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3. Quel est le pourcentage de parents prenant part aux élections des organes de participation?	E/W - 8
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4. L'Etat recueille-t-il régulièrement l'opinion des parents?	E/W - 20
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5. Existe-t-il un dispositif de formation des parents ?	E/W - 20
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TOTAL FOR SECTION: 106

TOTAL FOR ALL SECTIONS: 336

Notes to accompany the indicators

E- England      W- Wales      I – Independent Schools      All – England, Wales, Independent Schools

**Right to Appeal:**

The indicator for part 2 of the right to appeal section has been recorded as a majority over the subsections mentioned in part 1. There are slight differences with the appeal process in each subsection in part 1, but the structure of the indicators has meant that a majority has been recorded as a number in part 2.

**Right to Participate:**

Parents are not able to participate in decisions made at a regional or national level in England and Wales. They are able to participate in decisions made at a local level (in their county) and within schools. As such, I have interpreted the ability to sit as Parent Governor Representatives as representation at a regional level for the purpose of the indicators. There are 9 regions in the UK and 152 local authorities in England and 22 local authorities in Wales.

The amount of participation which parents are afforded depends on the type of school their child attends, and as such, the number given is general, and may not apply to all schools in England and Wales.

The indicator number given for point 3 is based on the averages provided by CASE during the field research.

Comments on the results

It is clear from the results that parents enjoy the majority of rights detailed in the project, and these rights have been included in legislation, in either primary or secondary form. However, it is clear from the results of the project that the UK has opted for a broad legislative framework, which is then supported by guidance.

**Right to Information:**

The criteria laid down in the Right to Information section of the report was sufficient to show the basic requirements which schools must comply with. From the results it is clear that the legislative framework in England and Wales ensures that parents are provided with all of the information required by the report.

**Right to Choose:**

The main finding in this area was that although there are a great number of schools in existence, all with differing forms of governance and funding, this is not necessarily a positive step for parents. School admissions work on geographical distribution and catchment areas, and as such, the choice which a parent has over the school which their child attends is not as broad and flexible as part 1 of the Right to Choose section implies (for example, certain schools are only provided in urban areas). In addition,

legislation provides that parents sending their child to a state maintained school are able to state a preference as to which school their child attends, but they cannot make a definite choice.

### **Right to Appeal:**

With regards part 2 of the Right to Appeal section, this was somewhat difficult to compile following the structure set out. Each sub sections mentioned in part 1 followed its own framework and set individual time limits.

It was surprising that a time limit is not set on the response to parental complaints. The legislation regarding the role of the Local Commissioner is extensive, but a time limit for responses is not contained in the Act.

### **Right to Participate:**

The structure of the report meant that with regards the indicators, the UK will have a fairly low score. As mentioned in the 'Notes to accompany the indicators' section, regions in England and Wales are very large geographical areas (For example Wales is often viewed as a region of the UK). As such, the terminology used would put the UK at a disadvantage, having only representation at a local level. In addition, the variety of schools available means that the number of parent governors can vary by type of school. Also the chair of governors can be a parent, and this then affects the level of participation awarded to parents with regards part 2 of the Right to Participate section.

### **Extra Information:**

There is currently a Bill passing through Parliament which will increase parental rights in certain areas and amend rights in others. Attached is a short outline of the main changes to be introduced by the Bill, should it be passed in its current form.

Although not relevant to this research, it was suggested by two of the parties who provided feedback that representation within the parent body is distorted. It was stated that the proportion of women involved in their child's education exceeds that of men, and the percentage of ethnic minorities participating is low.

As education is largely governed by regulations, the final report does not contain the full name of the regulation, only the short title (the year which the regulation was passed and the SI number).

## Participants in the University of Aberystwyth field research

The following people and organisations provided feedback, either via email or face to face meetings:

### **Campaign for State Education:**

CSE are a lobbying group, who campaign for an 'education system that is fair to all children, young people and their parents'.

### **Campaign for Real Education:**

CRE are also a lobbying group, who Campaign for higher standards and increased parental choice in education.

### **Cantonian High School:**

CHS is a Community Secondary school in Cardiff, with pupils aged from 11 – 18 years. The head teacher is Mrs Spargo.

### **Cwmpadarn Community School:**

CCS is a Community Primary school in Aberystwyth, with pupils aged from 5 – 11 years. The head teacher is Mr Raw Rees.

### **Department for Education, Children, Lifelong Learning and Skills:**

DCELLS is the Welsh Assembly Government department responsible for education across Wales.

### **Lisa Freedman:**

Lisa is a freelance education journalist whose articles have been published in both The Times and The Financial Times. She is also the managing director of the website [www.attheschoolgates.com](http://www.attheschoolgates.com), which provides advice and information to parents.

### **National Governors Association:**

NGA is a charity who acts as both a membership group for school governors and a campaigning group.

### **National Confederation of Parent Teacher Associations:**

The NCPTA is a charity which represents PTA's from England, Wales and Northern Ireland.

### **Ms Polly Sills-Jones:**

Polly is a qualified teacher, who has worked with children with emotional and behavioural difficulties and the Youth Offending Team. She has also headed a pilot scheme entitled DEWIS (Direct engagement work in schools) which was rolled out across the county of Ceredigion and focuses on children at risk of exclusion from school.

### Feedback from interested parties

#### **Right to Information:**

CSE – Information which parents receive over and above the current requirements is very dependent on the local authority.

CSE – Translation of school documents becomes very difficult in certain areas where 25+ languages are spoken by parents.

PSJ – The information parents receive on their child's behaviour and any plans in place to improve it is very dependent on schools and practices that they have developed. But legislation is not the best way to ensure all are following the same practices.

CSE – The Annual Governor's report and meeting should be re-introduced to allow parents to receive information on the work and role of governors, and an opportunity to discuss the annual report.

#### **Right to Choose:**

CSE – Increased diversity has reduced choice, now too many different types of schools.

LF – Parents may not be fully aware of the differences between schools as there are now so many options.

CRE – The law allows parent to state a preference as to the school their child attends but does not allow them to choose a school. This allows local authorities to use catchment areas which socially engineer intakes.

#### **Right to Appeal:**

PSJ – Parents currently receive a lot of information on their right to appeal the exclusion of their child, but do not receive enough support throughout the appeal process.

#### **Right to Participate:**

NGA – The role of Parent Councils is not clear, and clarification should be provided. Also, a recognised link with the Governing Body is needed.

CSE – As above – recognised channel should be in place for Parent Councils to meet with Governing Bodies.

CSE – Averages provided:

- 1/3 of PG positions will be uncontested, and an appointment will be appointed.
- 1/3 of PG positions will receive 1-2 applications per position
- 1/3 of PG positions will receive in excess of 3 applications per position

CCS – Mr Raw Rees stated that he currently has vacancies for parent governors, and that the positions are difficult to fill.

### Problems experienced with the research

#### **Devolution:**

One of the main problems experienced with the research is related to the devolution process with regards to education. The project could not be carried out on behalf of the UK, as this would have involved research into the education systems of 4 countries. In addition, legislation for Independent Schools in England and Wales also differs from that of state maintained schools. As such, even with the exclusion of Scotland and Northern Ireland, each area had to be researched 3 times. Much of the relevant legislation was found in Regulations rather than in Statutes, which meant that although the law was almost identical in England and Wales, it was governed by different Regulations, created under one Act. This also meant that the report exceeded the page limit specified, as two countries were examined rather than just one.

#### **Statistics:**

Finding statistics on the number of parents applying to participate in schools has been somewhat difficult. Results on those making applications to become parent governors are not kept by either the Office of National Statistics in England or the School and Teacher Statistics Department of the Welsh Assembly Government. As such, I was advised that the only way to obtain this data would be through schools. They are, however, not required to keep such data, and the outcome has been that many do not have a record.

#### **Journalists:**

We have contacted numerous local and national newspapers to obtain their support for the project, but have not been successful in gaining their interest in the project. Letters and emails were used to introduce the project to them and both were unsuccessful. We received 0 responses from the 5 newspapers contacted.

**Field Research:**

Due to the location of Aberystwyth, obtaining good quality field research has been slightly difficult. The 2 meetings which were carried out face to face were very successful, but involved a significant amount of travel. As such, the majority of the field research has been carried out over email, and this has resulted in people agreeing to take part but sending back only a few lines, and not reading through the 'Aims of the research' which was sent to them detailing their role. The result has been that some of the responses have not been used in the final draft.

The response rate from those asked to participate was extremely low. Of the 45 people invited to take part, 8 have submitted feedback. I am awaiting feedback from the NCPTA.

In addition, we did not receive any feedback from the 3 independent schools which were contacted, so the feedback is based only on state maintained schools.

**Indicators:**

As explained in the accompanying notes, the variety of schools and differing ways in which participation is afforded in each has meant that the number provided for the indicators is not accurate in all cases, but has instead been awarded on the basis of majority. In addition, where there are differences between schools in one section (such as Right to Information- Project of Establishment) I have awarded separate points based on the individual country. This creates some confusion when assessing the total, as if all provide the same level of information; one number has been given for all 3, but if they are different, 2 numbers, skewing the total number given.

Evaluation of the results**POSITIVE:**

On the whole, people felt that the information parents received was of a good standard and sufficient volume. This was especially felt with admissions information (both the composite prospectus and the school prospectus) which received very positive comments.

The information received when parents are appealing their child's exclusion from school was also felt to be of good quality and sufficient quantity.

Many schools are going over and above the legal requirements with regards information sent to parents, providing parents with information which is tailored to the school, and seen as relevant to the school.

The introduction of the right of parents to complain against an act of the Governing Body (ASCL Act 2009) has been very well received.

## NEGATIVE:

Academies are currently removing the right of parental representation on the Board of Governors, and this is seen by some as a very negative move.

The choice of schools available is a positive step for parental choice, but the information sent and structure of catchment areas can mean that the result is a lack of choice.

The training with regards governors is not currently at a sufficient level. The training is not mandatory, and the amount offered can vary by geographical area.

With regards the complaints procedure introduced by the ASCL 2009 Act, the flipside has also been expressed, which is that if a school fails to act on the complaint, there is no right of recourse for parents.

### Suggestions on improvements to be made from feedback

It was felt by the National Governors Association and Polly Sills-Jones that legislation is not the best strategy when dealing with a large group such as parents. It creates a tick-box system and tends to result in schools becoming too target focused. Instead the use of guidance and case studies should be encouraged, as they are perceived to be significantly more effective in most situations regarding parental participation than passing legislation. It was put forward by both of the above that this is due to the change in culture which is needed to improve parental participation, and this is not done by force, but by guidance providing a framework which schools can build on. Guidance and case studies also leave schools with the flexibility to provide services and support which best suit their situation.

The idea of 'Outreach' was suggested by a number of people who submitted feedback. The concept is that schools do not wait for parents to come in and see them, but make an effort to go and see parents, at a time of the parent's convenience. This can be done at their house or a neutral location. As Secondary schools are often seen as putting up barriers to parental involvement, this would allow for parents to meet with teachers in an environment other than a school.

It was mooted that it must be accepted that some parents simply do not want to play an active role in their child's school. The passing of legislation with regards parental involvement will force parents who simply do not want to be involved. A number of parents believe that it is the schools duty to educate their child, and that parents should leave the governors and teachers to do what they are employed/qualified to do. In contrast, it was believed by others that models of 'forced' participation have been adopted elsewhere and been very successful. The example given was a school in the United States which required parents of secondary school children to attend the school for a certain amount of

time per term and assist with an activity. The mindset here was parents generally want to be involved, but some feel unable or unaware of ways to participate.

The idea of independence within schools was also put forward as a suggestion for change. It was suggested with regards extended services and parent-school liaison officers. The idea is that an independent person (or a member of staff other than a teacher) is often received very well by parents. This is due to them working in a specialist area, rather than a teacher working overtime. The example was given of children with behavioural difficulties, with the proposal that an independent specialist visits a parent in their home to discuss the child rather than a teacher summoning a parent into school. In addition, independence with regards extended services may encourage parents to assist and use the services.

Mr Raw-Rees expressed the opinion that in primary schools, further interaction by parents in the classroom would be asset (example of helping with painting and reading was given) but the requirement of Criminal Records Bureau checks and their cost can be very restrictive on the school. As such, parents are less likely to be invited to participate in classroom activities.

#### Notes on the Children, Schools and Families Bill

The first reading of the Bill in the Commons was on 19/11/09. The Bill is currently at the Committee stage in the House of Lords. The remaining stages of the Bill are the Report stage, Third reading, amendments and Royal Assent. It is unknown whether the Bill will be passed before the UK General Election, which is due to be held early May 2010.

The relevant sections of the current Bill are<sup>5</sup>:

S1 (5) details Parent Guarantees, which set out to ensure that all parents have:

- Opportunities to exercise choice with and on behalf of their children, and to have the information and support to help them do so;
- A Home-School agreement detailing the responsibilities of both school and parent;
- Opportunities to be engaged in their child's learning and development, and to have information and support;
- Access to a variety of activities, facilities and services, including support and advice with regard to parenting.

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<sup>5</sup> All sections are subject to amendments. The above is correct as of 10<sup>th</sup> March 2010.

The above, if passed, will apply to community, foundation, voluntary and special schools in England, academies, city technology colleges and city colleges for the technology of the arts.

S5 states that should a parenting contract be created (under the Anti Social Behaviour Act 2003) for a parent who has entered into a home school agreement, the contract must include a statement must be made by the local authority or Governing Body agreeing to support the parent in the discharge of their responsibilities under the order.

S6 introduces a requirement on local authorities to carry out a survey of the views of parent on an annual basis. Regulations are to specify the relevant schools which will need to comply, the matters to which parent's views are to be sought and any supplementary information which may be requested from parents.

S20 introduces a school report card, which will contain information on a school's general performance across a broad range of indicators, including their responsibilities. Regulations are then expected to be introduced which require schools to obtain the views of parents and pupils for the report cards. A pilot scheme is currently taking place, and report cards are expected to be introduced across all state maintained primary and secondary schools by 2011.