These documents relate to the Scottish Schools (Parental Involvement) Bill (SP Bill 45) as introduced in the Scottish Parliament on 28 September 2005

SCOTTISH SCHOOLS (PARENTAL INVOLVEMENT) BILL

EXPLANATORY NOTES

(AND OTHER ACCOMPANYING DOCUMENTS)

CONTENTS

1. As required under Rule 9.3 of the Parliament’s Standing Orders, the following documents are published to accompany the Scottish Schools (Parental Involvement) Bill introduced in the Scottish Parliament on 28 September 2005:

- Explanatory Notes;
- a Financial Memorandum;
- an Executive Statement on legislative competence; and
- the Presiding Officer’s Statement on legislative competence.

A Policy Memorandum is printed separately as SP Bill 45–PM.
These Explanatory Notes have been prepared by the Scottish Executive in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.

The Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation or comment, none is given.

The Bill

4. This Bill has been introduced as part of the Scottish Executive’s commitment to review and reform the legislation governing school boards (the School Boards (Scotland) Act 1988 (the “1988 Act”) and associated Regulations), made in Educating for Excellence: Choice and Opportunity (The Executive’s Response to the National Debate on Education) (January 2003). The 1988 Act established statutory parental representation in public schools (schools under the management of education authorities). The Bill has a broader focus in that it also extends to parents’ involvement in their own child’s education.

5. The Bill also has to be considered in the context of other education legislation. At present the main statutory provisions relating to education are to be found in the Education (Scotland) Act 1980 (the “1980 Act”) and in the Standards in Scotland’s Schools etc. Act 2000 (the “2000 Act”).

6. In relation to the education provided in public schools, the Bill places a duty on Scottish Ministers to promote parents’ involvement in their child’s school education; builds on and strengthens the existing duties placed on education authorities by the 2000 Act with regard to parents’ involvement in their own child’s school education and in school education generally; repeals the 1988 Act and associated legislation and makes provision for new arrangements for parental representation in schools; places a duty on education authorities to give advice and information to parents on the education of their own child; and requires education authorities to have a complaints procedure covering how they carry out their functions under the Bill.

Commentary on Sections

Section 1 – Duty of Scottish Ministers and of education authorities to promote involvement of parents in school education etc

7. Section 1 establishes the duty of Scottish Ministers and of education authorities to promote the involvement of parents of pupils at public schools in the education provided to their child by the school and in education more generally.

8. Section 1(1) places a new duty on Scottish Ministers to promote parental involvement in public school education generally. This complements the Scottish Ministers’ existing duty in
section 3(1) of the 2000 Act to endeavour to secure improvement in the quality of school education which is provided for Scotland, and the duty to exercise their powers in relation to such provision with a view to raising standards of education. The new duty in the Bill is in regard to the parents of pupils attending public schools. Section 20 of the Bill provides that terms used within the Bill are, generally, to have the same meaning as given to them within section 135(1) of the 1980 Act. As a result, “public school” means a school which is under the management of an education authority. The definition of a “parent” in the 1980 Act is a broad definition and includes a guardian, those who are liable to maintain or who have parental responsibilities, and persons who have care of the child or young person, such as another relative or foster parent. An “education authority” means a council constituted under the Local Government etc. (Scotland) Act 1994.

9. Section 1(2) places a similar duty on education authorities to promote the involvement of parents in the education provided in public schools in their area. As with the new duty on the Scottish Ministers, the duty on education authorities under section 1(2) of the Bill complements the duty on education authorities under section 3(2) of the 2000 Act (improvement in the quality of school education). Education authorities have a duty under section 5(2)(a) of the 2000 Act to include within their annual statement of improvement objectives an account of the ways in which the authority will seek to involve parents in promoting the education of their children. This Bill places a duty on education authorities to promote the involvement of parents in their own child’s education and in the education provided in the school to all the pupils in attendance. It provides a statutory framework within which education authorities can continue to build on the actions already being taken to promote parental involvement in school education.

10. Section 1(3) provides that “education” is to be interpreted as meaning “school education”, defined in the 1980 Act as meaning progressive education appropriate to the requirements of pupils having regard to the pupil’s age, ability and aptitude. The meaning is enhanced by the duty on education authorities in section 2 of the 2000 Act to secure that the education provided by them is directed to the development of the personality, talents, mental and physical aptitude of the pupil to their fullest potential.

Section 2 – Strategies for parental involvement

11. Section 2 places a requirement on education authorities to develop a strategy for parental involvement and to include within that strategy their general policies for implementing the duties imposed on them elsewhere in the Bill.

12. Section 2(1) requires each education authority to prepare a strategic statement setting out their policies at the authority level on how they will fulfil their duties under sections 1 (promoting the involvement of parents in education), 5 (Parent Forums and establishment and supporting of Parent Councils), 11 (duties to Parent Councils), and 12 (duties to parents generally) of the Bill. This document must set out how education authorities will fulfil their duties with regard to “looked after” children within the meaning of the Children (Scotland) Act 1995 (see subsection (6)) and must also include the complaints procedure established under section 15.
Education authorities are required under section 5 of the 2000 Act to produce and publish an annual statement of improvement objectives relative to their duty (under section 3(2) of the 2000 Act) to seek improvements in the quality of school education provided by them for their area. The requirement to prepare and publish an annual statement of education improvement objectives for their area is part of a framework of planning and operating relative to the provision of school education. Section 2(5) of the Bill amends the 2000 Act to make clear that the strategy for parental involvement is to be included in the annual statement. The strategy document is to be reviewed regularly by the education authority and revised by it when appropriate (section 2(2)).

Subsection (3) details the individuals and groups whose views an authority must seek and have regard to when drawing up or reviewing their strategy for parental involvement.

Section 3 – Ambitions and objectives for a school

The 2000 Act requires education authorities to prepare, for schools under their management, school development plans which take account of the authorities’ annual statement of improvement objectives. Section 3(a) amends section 6(1)(a) of the 2000 Act to make clear that the strategy for parental involvement prepared by the education authority should be taken into account in the preparation of the development plan for each school and its annual update.

Section 3(b) further amends section 6(1)(a) of the 2000 Act to require that each school should have objectives regarding parental involvement for that school and that those objectives along with a statement of the education authority’s ambitions for that school are to be included in the school development plan.

Section 6(1)(a) of the 2000 Act will now read:

“a development plan which takes account of the objectives and strategy for parental involvement in the authority’s annual statement of education improvement objectives published by that date in the year in question, sets objectives for the school (including objectives as to the involvement of a pupil’s parents in the education provided to the pupil and to the school’s pupils generally) and contains a statement of the education authority’s ambitions for the school.”

Section 4 – Review of school performance

Section 4 inserts a new subsection into section 7 of the 2000 Act. Section 7 of the 2000 Act requires education authorities to review schools’ performance in relation to quality of education and against the performance measures set by the education authorities for their schools and the school education provided in their area. Section 4 of the Bill provides that an education authority, in reviewing the performance of a school, is to take into account that the expression “quality of education” includes the extent to which a pupil’s parents are involved in the education provided to the pupil.
Section 5 – Parent Forum and Parent Council

19. For the purposes of this Bill the parents of pupils at a public school are to be known as the “Parent Forum”. Parents may be represented by a “Parent Council” established by the Parent Forum at that school. In general terms Parent Councils replace the arrangements for parental representation by school boards established under the 1988 Act.

20. Education authorities are required to promote the establishment of a Parent Council at each school, and thereafter to support the operation of such councils. Section 5(4) qualifies these requirements in relation to those schools which decide to establish a Combined Parent Council for two or more schools, rather than one council for each school. (see section 16).

Section 6 – Scheme for establishment of a Parent Council

21. Section 6 sets out the procedure to be followed in regard to the establishment of a Parent Council. There are two routes by which a Parent Council can be established.

22. Firstly, in pursuance of its duty under section 5(3)(a), an education authority must let the Parent Forum in a school know of its intention to prepare a scheme for the establishment of a Parent Council in that school. The authority is to invite forum members to indicate how the council should be constituted, and suggest options, by way of example only (section 6(1)).

23. Secondly, subsection (2) entitles the Parent Forum to indicate a preference for developing its own scheme, or of not having a scheme and therefore no Parent Council. The scheme(s) offered by the education authority must make these options clear to parents.

24. Section 6(3) provides that, if the majority of the members of the Parent Forum who respond within the period notified by the education authority under subsection (1) so choose, the authority is to prepare a scheme for establishment, copy it to each member, and make arrangements for its implementation.

25. Under section 6(4)(a), if the Parent Forum chooses to have no scheme and therefore no Parent Council, subsection (3) is then disregarded, and the education authority’s duty is complete. Under section 6(4)(b), if the Parent Forum chooses that a person other than the education authority should prepare the scheme, the Parent Forum must agree on who that should be. Again in those circumstances subsection (3) is disregarded. Once the scheme is drawn up, that person is to send the scheme to the members of the Parent Forum and seek the approval of the majority of parents responding. The person who prepared the scheme is then able to make the arrangements to implement the proposed scheme (subsection (5)), which must include the preparation of a constitution for the council (subsection (6)).

26. Section 6(7) provides that, once it has been established by either of the methods set out above, the Parent Council has a number of duties. Section 6(7)(a) sets out who the Parent Council must inform that it has come into existence; section 6(7)(b) provides that those referred to in section 6(7)(a) (the headteacher, all parents and such other persons as the council consider appropriate to inform of its establishment), together with the education authority, must be informed of who the members of the Parent Council are and how they can be contacted. If the
education authority did not establish the Parent Council, the Parent Council must provide copies of the council’s constitution to the education authority (section 6(7)(c)). When intimating to persons listed in section 6(7)(a)(ii) and (iii) (the members of the Parent Forum and other such persons as it appears to the council appropriate to include), the Parent Council must provide a list of its functions.

Section 7 – Restrictions as to composition of a Parent Council

27. Section 7 sets out who can be a member of a Parent Council.

28. Section 7(1) sets out the general position, which is that the members of the Parent Council for a school must be members of the school’s Parent Forum i.e. all parents of pupils at the school. Provision is also made for other persons to be co-opted to the council if the constitution of the council allows.

29. Particular legislative provisions apply to denominational schools under the management of education authorities which do not apply to other public schools, concerning the role of the relevant church or denominational body. Section 7(2) provides that, in a denominational school, the Parent Council’s constitution must allow for at least one co-opted member nominated by the church or denominational body in whose interest the denominational school is conducted. This means that where a Parent Council is established for a denominational school then the council will need to include a representative of the relevant church or denominational body.

30. Section 7(3) defines the term ‘denominational school’ by reference to the relevant provisions of the 1980 Act. Section 16 of the 1980 Act deals with denominational schools under the management of an education authority having been transferred to the authority from a church or other denominational body and section 17 deals with denominational schools set up by education authorities.

Section 8 – Functions of a Parent Council

31. Section 8 sets out the functions of a Parent Council, and details other matters concerned with the operation of the council.

32. Section 8(1)(a) requires the Parent Council’s efforts to be directed towards supporting those managing the school in their endeavours to raise the standards and quality of education in the school and to develop the pupils at that school to their fullest potential. This links the efforts of the council to the statutory improvement framework in the 2000 Act as well as the duty on education authorities in section 2 of the 2000 Act to secure that the education provided by them to an individual child is directed to the development of the pupil to their fullest potential.

33. The Parent Council may make representations to the headteacher and education authority about the arrangements in the school to support parents in getting involved in their own child’s education, and that of all the pupils at the schools generally (section 8(1)(b)(i)).

34. It may also make representations to the education authority about the arrangements in the authority’s area to support parents in getting involved in their child’s education and in the
education provided to all pupils attending public schools in the authority’s area (section 8(1)(b)(ii)).

35. The Parent Council’s other functions as set out within section 8(1)(c) to (h) are to promote contact between the school, the Parent Forum and others; to report at least annually to the Parent Forum on its activities; to seek, collate and report the views of the Parent Forum on specified matters, and to review its constitution and amend it as necessary, seeking the agreement of the forum members.

36. Section 8(2) allows the Parent Council to make representations to the appropriate person or persons, in regard to specified matters detailed within section 8(1)(e). The council need not have obtained the views of the Parent Forum before making representations.

37. Section 8(3) and (4) make specific provision relating to representations made by a Parent Council to Her Majesty’s Inspectorate of Education (HMIE). Where a Parent Council decide to make representations to HMIE, they are required to have first made representations to the headteacher and/or the education authority as appropriate and received a reply. Such representations might, for example relate to the standards of education in the school, the quality of education provided by the school or any other matter of concern or interest to parents of pupils at the school. HMIE in carrying out their functions are required to have regard to these representations and to reply to the council. This is in so far as it is reasonable and practicable for HMIE to do so. HMIE’s functions are to be found in section 66 of the 1980 Act, (inspection of educational establishments) and sections 9 to 12 of the 2000 Act (education authority inspections and codes of practice as regards inspection of authorities and educational establishments). Representations from a Parent Council may raise issues of relevance to HMIE’s functions and this provision provides a statutory framework through which HMIE can be made aware of issues of concern or interest to the council raised by a Parent Council with the headteacher or education authority. HMIE have to take them into account.

38. Section 8(5) details what is required by way of consent, when the council is seeking to amend or replace its constitution. Each member of the Parent Forum must be sent a copy of the proposed amendment or replacement, with an invitation to say whether they agree to the proposed change, and an indication of the period within which a response is required. The Parent Council may amend the constitution if the majority of those responding agree the amendment. It must then provide the education authority and the headteacher with a copy of the revised constitution (section 8(6)).

39. In terms of section 8(7) the Scottish Ministers can, by order, add to or alter any of the functions of the council. A statutory instrument containing such an order is subject to the affirmative procedure in the Parliament (see section 22(3)).

40. Section 8(11) requires Parent Councils to have regard to any guidance issued to them by the education authority under subsection (12). The purpose of such guidance is to ensure that the council is aware of any duty the education authority has under statute or common law and to help the council ensure that such duties are duly complied with by the council in discharging its functions.
Section 9 – Attendance of headteacher at meeting of Parent Council

41. The constitution of the Parent Council may provide for who is able to attend meetings of the council. Section 9 provides that the headteacher has both the duty and right either to attend meetings of the council, or be represented at such meetings, unless both parties have agreed otherwise. This gives a statutory basis for the participation of the headteacher in the deliberations of the Parent Council and a means of ensuring dialogue between the council and the headteacher about the education provided in the school and the other measures being taken to promote parental involvement in the school.

Section 10 – Financial powers of a Parent Council

42. Section 10 sets out a Parent Council’s financial powers and obligations. Essentially, it can raise funds (except by borrowing), receive gifts, and spend such sums as it chooses. It may not however own or have any legal interest in land or buildings.

Section 11 – Duties of education authority to a Parent Council etc.

43. This section details the education authority’s duties to a Parent Council. These are intended to support the operation of a Parent Council, and require the education authority to provide advice and information to councils in response to any reasonable request from the council. In addition, section 11(3) provides that the education authority are to allocate funding each year so that a Parent Council can meet its administrative expenses (including the payment of a clerk, if appointed), expenses of training provided or arranged by the council for its members and other outgoings in carrying out its functions. The funding provided for Parent Councils is to be allocated from its budget, set at a level which the education authority considers is reasonably required by the individual Parent Council.

44. Section 11(5) requires the education authority to inform the Parent Council about the arrangements at its school for consultation between parents and teachers, and allows the council to make representations on those arrangements to the education authority or the headteacher.

45. In support of the functions of a Parent Council to make representation about matters of concern or interest to the Parent Forum or the council itself, where the authority (or headteacher) has received representations from a Parent Council, subsection (6) provides that they must have regard to such representations (as far as is reasonable and practicable) and must reply to them.

Section 12 – Duties of education authority to parents generally

46. In addition to the specific duties which the Bill imposes on education authorities in relation to the promotion of parental involvement in school education, and in that regard the promotion of and support for duties towards Parent Councils, section 12 of the Bill also introduces formal duties on education authorities to parents generally. The duty imposes a specific requirement on education authorities to give advice and information to any parent of a pupil on any matter relating to the education provided to that pupil in one of the schools under their management. This could include the education authority taking steps to ensure that the headteacher or other staff of the school attended by the pupil are available to give the parent advice and information.
Section 13 – Headteacher’s report to Parent Council, Combined Parent Council or Parent Forum

47. Section 13 sets out the headteacher’s reporting responsibilities to the council or to the forum. The duty on the headteacher to provide an evaluation report and statement of the headteacher’s objective and ambitions for the school is owed to the Parent Council or, where there is no Parent Council, to the Parent Forum.

48. Section 13(2) provides that in evaluating the performance of their school, for the purpose of the annual report required in terms of section 13(1), the headteacher is to carry out such evaluation by reference to the school’s development plan, in particular the objectives and statement of ambitions set by the education authority for the school by that plan; the report against the previous year’s school development plan as required by section 6(4) of the 2000 Act; and the measures and standards of school performance set by the education authority for schools under their management, as required by section 7(1) of the 2000 Act. In addition to the reporting obligation the headteacher has to prepare a summary of the report and make arrangements for each parent to get a copy of the summary.

Section 14 – Procedures for appointment of headteacher or deputy and participation of a Parent Council

49. Section 14 deals with the appointment procedures for senior posts in schools. The 1988 Act set out a detailed procedure for the appointment of headteachers and deputy headteachers and for parents’ involvement in that process through the School Board. The Bill enables each education authority to develop its own procedures and requires the education authority to inform the Scottish Ministers and Parent Councils for schools in their area about their procedures for filling posts. In addition, when a headteacher or deputy headteacher is to be appointed the education authority has to involve the Parent Council, where one exists, in the appointment process.

Section 15 – Complaints procedure

50. As part of the scheme of the Bill, education authorities are required to establish a complaints procedure which enables anyone to make complaints or other representations concerning the exercise by authorities of (or the failure to exercise) their functions under the Bill in respect of that person. The Bill requires the education authority to keep its complaints procedure under review and to vary it when the education authority consider it appropriate. The complaints procedure is to be publicised by the education authority and the authority must provide a copy free of charge on request.

Section 16 – Establishment etc. of Combined Parent Council

51. Section 16 sets out the arrangements to apply where a majority in each of the Parent Forums of two or more schools decide that they wish to have a combined council cover the interests of the schools involved.

52. Sections 16(1) and 16(2) set out how a combined council may be set up. The members of the Parent Forum at each school must be told in writing of the proposal and given a specific but
reasonable timeframe in which to give their response to the proposal. The decision is to be based on the response of the majority of parent members of each of the Forums responding within that period. Arrangements to establish a combined council can be made at any time, including where a Parent Council has already been set up (section 16(3)). However, an existing Parent Council ceases to exist when a combined council is established (section 16(4)).

53. If the decision of the Parent Forums in each of the schools for the prospective combined council is that a combined council should be established, the education authority then has to proceed to prepare a scheme for establishing the combined council (section 16(6)), make arrangements for implementation of that scheme which have to include the preparation of a constitution (section 16(7)), and must send a copy of the scheme to the members of the Parent Forums.

54. Once a Combined Parent Council is established, section 16(8) sets out what the new combined council must do when first set up and whom they must inform of their existence and constitution. This broadly parallels the obligation on a Parent Council for an individual school in section 6(7) of the Bill. The Combined Parent Council is to decide its own name.

55. Section 16(11) provides that a Combined Parent Council has essentially the same rights and functions as a Parent Council, subject to any necessary modifications. In that regard, the headteacher’s duty to report on an annual basis on school performance, objectives and ambitions includes, where appropriate, a duty to report to a Combined Parent Council (section 13(1)(b)).

56. Section 16(12) provides that the duties on the education authority to promote the establishment of a Parent Council and to support its operation and in that regard to offer schemes for their establishment cease to apply on the establishment of a combined council but reapply if the school withdraws from the arrangement, and/or the combined council ceases to exist.

57. Subsection (13) sets out the circumstances in which a Combined Parent Council ceases to exist. The withdrawal or discontinuation from a combined council of one or more schools will not cause the Combined Parent Council to cease to exist so long as there is more than one school remaining in the combined council.

Section 17 – Withdrawal from represented schools

58. Section 17 sets out the arrangements by which a school can withdraw from a Combined Parent Council. This is to be done by notice of the proposed decision to withdraw being given to each member of the Parent Forum. The decision is to be made on the basis of the views of the majority of members responding within the relevant notice period.

Section 18 – Abolition of School Boards

59. Section 18(1) provides for repeal of the School Boards (Scotland) Act 1988. Section 18(4) and (5) set out instances within the 1980 Act and the 2000 Act where the references to “School Board” are now to be taken to refer to “Parent Council or Combined Parent Council”, namely in regard to education authority appeal committees considering placing requests or exclusions, and in regard to the preparation of the school development plan which
imposes a requirement on the education authority to consult with the council or combined council on the school’s plan.

**Section 19 – Guidance**

60. Section 19 gives the Scottish Ministers power to issue guidance on the functions in the Bill to education authorities and Parent Councils. Education authorities and Parent Councils are under a duty to have regard to such guidance in carrying out their functions under the Bill. Education authorities and Parent Councils will need to be able to demonstrate that they took the guidance into account in carrying out their functions under the Bill.

**Section 20 – Interpretation**

61. References to “pupils” in the Bill include children under school age only where such children are attending a primary school, including nursery classes within a primary school.

**Section 23 – Repeals**

62. This section introduces the schedule which makes consequential repeals.

**Section 24 – Short title and commencement**

63. This section contains the provisions relating to the Bill’s short title and when it will come into force. It allows the Scottish Ministers to bring different parts of the Bill into force at different times for different provisions, different areas, different purposes or different cases or classes of cases.

FINANCIAL MEMORANDUM

**INTRODUCTION**

64. The Bill provides for a new statutory framework to promote and support parental representation and involvement in Scottish schools. It puts in place a new system for parental representation to replace that set out in the School Boards (Scotland) Act 1988 (the “1988 Act”) which will be repealed by the Bill.

65. The Bill places a new statutory duty on Scottish Ministers to promote parents’ involvement in school education and a series of duties on education authorities in relation to parental involvement. These include the preparation of strategies for parental involvement, support for the establishment and operation of Parent Councils, provision of information to parents relating to the education of their own child and the establishment of a specific complaints procedure by education authorities relative to their exercise of their functions under the Bill. The Bill also requires education authorities to inform the Scottish Ministers about the authorities’ procedures for the appointment of headteachers and deputy headteachers and ensures that Parent Councils are involved in such appointments.
66. Any costs resulting from the Bill will fall on the Scottish Executive or on education authorities. The Executive recognises that costs attaching to the new provisions will be offset against cost savings of £1.5m per annum of ending the current School Board system. It recognises too that there will be a transition year (2006-07) when education authorities will be required to support the process of establishing new Parent Councils while the School Boards system operates in tandem.

67. Overall the proposals will incur a modest increase in expenditure. The estimated total additional costs to education authorities, the Scottish Executive and HMIE which relate to provisions in the Bill are estimated at around £1.2m per annum from 2006-07 onwards. These are summarised in Table 1. These costs can be met from within the Scottish Executive budget.

**TABLE 1: TOTAL ESTIMATED ADDITIONAL COSTS OF THE BILL**

<table>
<thead>
<tr>
<th></th>
<th>2006-07 (Transition Year with School Boards still operational) (£000s)</th>
<th>2007-08 (First year of new system after commencement of Act) (£000s)</th>
<th>2008-09 (and subsequent years – steady state) (£000s)</th>
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<tr>
<td>Local authorities</td>
<td>1,009</td>
<td>1,123</td>
<td>1,266</td>
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<td>(see breakdown in Table 3 below)</td>
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<td>Scottish Executive</td>
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<td>50</td>
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<tr>
<td>HMIE</td>
<td>23</td>
<td>23</td>
<td>23</td>
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<tr>
<td>Total</td>
<td><strong>1,182</strong></td>
<td><strong>1,196</strong></td>
<td><strong>1,289</strong></td>
</tr>
</tbody>
</table>

**COSTS ON THE SCOTTISH ADMINISTRATION**

**Scottish Executive Education Department (SEED)**

68. Expected costs to the Scottish Executive relate to:

- the overarching duty on Scottish Ministers to promote parental involvement (section 1 of the Bill) and
- the provision of guidance by Scottish Ministers to education authorities on strategies for parental involvement and schemes to set up Parent Councils and to Parent Councils in relation to their functions (section 19).
69. No additional SEED staff costs are anticipated as a result of these measures. SEED officials are already in place to implement Scottish Executive policy on parental involvement and statutory representation for parents and these roles are expected to continue with particular emphasis on Bill implementation.

**Duty on Ministers to promote parental involvement**

70. The Scottish Executive is already engaged in a programme of measures to support parents’ involvement in their own children’s learning. Examples include support for the Parentzone website and the Making the Difference series of information packages. Measures to support parents’ involvement at the individual level would continue under the new duty on Ministers to promote parental involvement.

**Provision of guidance to education authorities and Parent Councils**

71. The Bill includes provision for Scottish Ministers to provide guidance to education authorities and to Parent Councils as to the discharge by authorities and councils of their functions under the Bill, including guidance on schemes to establish Parent Councils. The Executive intends to develop comprehensive guidance and generic support materials for use in setting up and running Parent Councils across Scotland. These will include materials to help Parent Councils consult and communicate with their wider Parent Forum. Publication and dissemination of guidance and other support materials are likely to cost £150k in 2006-07 and £50k in 2007-08.

**Her Majesty’s Inspectorate of Education (HMIE)**

72. The Bill provides in particular for a school Parent Council to make representations to HMIE and for HMIE to reply and have regard to any such representations in carrying out their functions. HMIE already receive representations from parents on matters relating to their inspection of schools. It is therefore difficult to estimate net additional numbers of representations that will be generated by the Bill. It is also difficult to estimate net additional costs, as some future representations by Parent Councils may well “replace” representations which would currently be made in another form. For illustrative purposes, and given that there will be a filter of prior representation to and response by either the education authority or the headteacher, HMIE have indicated that an additional 10 representations per year, requiring, say, an average of 4 days to investigate and costed at £570 a day, would involve an additional £23k per annum. Costs of this order could be absorbed by HMIE within its current budget.

**COSTS ON LOCAL AUTHORITIES**

73. Additional costs on education authorities are likely to result from new duties and requirements relating to parental involvement and representation. These are:

- a duty to promote in their area the involvement of parents in the education of their own children and in education generally (section 1)
- a requirement to prepare Strategies for Parental Involvement setting out their policies for implementation of their duties under the Bill (section 2)
These documents relate to the Scottish Schools (Parental Involvement) Bill (SP Bill 45) as introduced in the Scottish Parliament on 28 September 2005

- a duty to promote the establishment and support the operation of a Parent Council for each school in their area (section 5)
- a requirement to prepare and publish a scheme for the establishment of a Parent Council in each school (section 6)
- a requirement to provide support to Parent Councils in the form of advice, information, replies to representations and funding to cover administrative, training and operational expenses (section 11)
- a duty to provide advice and information to parents in response to requests relating to the education of their own child (section 12)
- a requirement to involve Parent Councils in any appointment procedures for headteachers and deputy headteachers (section 14)
- a requirement to establish a complaints procedure relating to its functions under the Bill (section 15).

**Methodology**

74. In order to develop projected costs for this Memorandum, the Scottish Executive asked a sample of four education authorities to assess their current spending on parental representation in schools i.e. school boards and in promoting parental involvement more generally. These authorities were also asked to estimate the cost to them of implementing the measures and duties set out in the Bill under the same two broad categories for the following three years. The sample authorities were initially asked to break down their estimates along the lines of the requirements set out in paragraph 73 above. However, they were unable to do so at this stage.

75. The 4 sample authorities together account for around 16% of the total current recorded spending on parental involvement in Scotland. Extrapolating from the indications from the 4 authorities, it is estimated that all 32 education authorities together currently spend around £5.8m p.a. supporting parental representation and involvement. Of this total spend, £1.5m supports the school board system and £4.3m is spent on other support for parental involvement, such as parents’ groups, parents’ leaflets, parent information phone lines and websites. Table 2 sets out authorities’ estimated total expenditure on parental involvement and representation based on their reported current spend (Table 2, column 1) and best available estimates of additional costs. Since the figures have been extrapolated from sample authorities there is necessarily some uncertainty about the exact final costs.
These documents relate to the Scottish Schools (Parental Involvement) Bill (SP Bill 45) as introduced in the Scottish Parliament on 28 September 2005.

TABLE 2: ESTIMATED TOTAL EDUCATION AUTHORITY EXPENDITURE ON PARENTAL INVOLVEMENT AND REPRESENTATION

<table>
<thead>
<tr>
<th></th>
<th>2005-06 (Pre-Bill arrangements) (£000s)</th>
<th>2006-07 (Transition Year with School Boards still operational) (£000s)</th>
<th>2007-08 (First year of new system after commencement of Act) (£000s)</th>
<th>2008-09 (and subsequent years – steady state) (£000s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supporting Parental Representation in Schools i.e. School Boards, Parent Councils</td>
<td>1,548</td>
<td>2,293</td>
<td>2,189</td>
<td>2,203</td>
</tr>
<tr>
<td>Other expenditure on promoting and supporting parental involvement, both central and local</td>
<td>4,300</td>
<td>4,564</td>
<td>4,782</td>
<td>4,911</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>5,848</td>
<td>6,857</td>
<td>6,971</td>
<td>7,114</td>
</tr>
</tbody>
</table>

76. Based on information provided by the sample authorities, the total net cost of the Bill to all 32 authorities is estimated at £1.0m/£1.12m/£1.27m for 2006-07 to 2008-09 (Table 3). Of this, £0.74m/£0.64m/£0.66m would be required to implement provisions relating to representation i.e. the new Parent Forums and Parent Councils. £0.26m/£0.48m/£0.61m will be required to top up existing expenditure on supporting parental involvement in order to comply with the new duties. These costs take account of savings accruing from the proposed changes.
These documents relate to the Scottish Schools (Parental Involvement) Bill (SP Bill 45) as introduced in the Scottish Parliament on 28 September 2005

TABLE 3: ESTIMATED NET COST OF BILL PROVISIONS TO LOCAL AUTHORITIES

<table>
<thead>
<tr>
<th></th>
<th>2006-07 (Transition Year with School Boards still operational) (£000s)</th>
<th>2007-08 (First year of new system after commencement of Act) (£000s)</th>
<th>2008-09 (and subsequent years – steady state) (£000s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supporting Parental Representation in Schools i.e. School Boards, Parent Councils</td>
<td>744</td>
<td>2,189</td>
<td>2,203</td>
</tr>
<tr>
<td>Other expenditure on promoting and supporting parental involvement, both central and local (£000s)</td>
<td>265</td>
<td>482</td>
<td>611</td>
</tr>
<tr>
<td>Gross cost</td>
<td>1,009</td>
<td>2,671</td>
<td>2,814</td>
</tr>
<tr>
<td>Savings from discontinuation of school boards</td>
<td>0</td>
<td>-1,548</td>
<td>-1,548</td>
</tr>
<tr>
<td>Net additional cost to local authorities</td>
<td><strong>1,009</strong></td>
<td><strong>1,123</strong></td>
<td><strong>1,266</strong></td>
</tr>
</tbody>
</table>

77. The projected costs can be explained as follows:

- **2006-07** is the transition year when education authorities will be working with parents to decide on arrangements for their Parent Councils while continuing to support the operation of school boards. The increased expenditure on representation reflects this double commitment. At the same time, authorities will be carrying out preparatory work for their other duties on more general parental involvement under the Bill.

- **2007-08** covers the period immediately after Bill commencement (expected August 2007) when Parent Councils begin to operate and education authorities are subject to duties to prepare Strategies for Parental Involvement, have a complaints system in place and provide responses to requests for information by parents about their own children’s education.

- **2008-09** represents the new steady state when all the Bill provisions have been implemented. The assumption is that the 11% of schools which currently have no school board will set up a Parent Council under the new arrangements. Support for these schools will account for a proportion of the additional funding required.
These documents relate to the Scottish Schools (Parental Involvement) Bill (SP Bill 45) as introduced in the Scottish Parliament on 28 September 2005

78. The following paragraphs provide more information on the individual provisions which the Scottish Executive anticipate will have financial implications to education authorities and which the sample authorities were asked to take into account in their estimates of additional costs.

Promoting and supporting parental representation in schools

79. The 1988 Act established a single system of school boards which applied to every school in Scotland. The new Parent Councils will be developed according to the needs and preferences of parents in each school and will not be subject to the same exact requirements e.g. in relation to numbers of parents allowed to serve.

80. Education authorities already provide financial support for the school board system including the cost of running formal postal elections at least every 2 years to requirements set out in the 1988 Act and more often when by-elections are required. Formal elections will not be mandatory for Parent Councils, representing a cost saving for education authorities. Education authority officials will no longer be required to guide school boards through the exact and prescriptive requirements of the 1988 Act and will be able to divert these savings toward more effective ways of supporting parental involvement. These savings have been included by education authorities in their estimated figures.

Promoting the establishment of Parent Councils

81. Education authorities will be expected to provide each school with a scheme setting out options for them to choose or develop. Authorities should not incur significant costs in developing options or model constitutions as Scottish Ministers intend to provide guidance and model constitutions to be used or adapted. Authorities will need to cover standard consultation costs including that of analysing responses and of liaison with parents and schools during this transition phase.

Supporting the operation of Parent Councils

82. Education authorities are required to provide support to Parent Councils in the form of advice, information, replies to representations and funding to cover administrative, training and operational expenses. They may also offer support in the form of services or accommodation. They are under similar obligations under the 1988 Act so these new provisions are unlikely to place a greater burden on authorities than at present.

83. This Bill places a greater emphasis than the 1988 Act on the Parent Council’s obligation to communicate with the Parent Forum at their school and to report on and represent their concerns. This will mean that the Parent Council may need more active support to fulfil these duties than the school board, enabling them to collect and collate parents’ views on a variety of issues and in different ways.

84. Provision in the Bill to allow a Parent Council to appoint a paid clerk replicates provision in the 1988 Act and should represent no additional costs. There will be no obligation to appoint a clerk and some Parent Councils may prefer the option of paying for some administrative staff time or involving volunteers.
85. The 1988 Act required education authorities to make sufficient funds available to school boards for carrying out their functions. It is envisaged that similar amounts will be required to cover the individual running costs of Parent Councils, albeit there will be an increase in the number of councils.

Other measures to support parental involvement

86. The Bill places other duties and requirements on education authorities which may involve some additional funding.

Duty to promote parental involvement

87. It will be for individual education authorities to implement this duty according to their own needs and circumstances. For most authorities parental involvement will already be a high priority and one in which they make considerable investment. Others may need to make more provision and investment to fulfil their new obligations under the Bill. In practice, measures taken by education authorities will be diverse. Examples might include supporting schools in their development of parental involvement in the Assessment is for Learning project or providing translated information leaflets for parents whose first language is not English.

Strategies for parental involvement

88. This new duty flows from that already placed on authorities by the 2000 Act to give an account of the ways in which they promote parental involvement. The active development of a strategy for parental involvement will involve consultation and discussion with parents and Parent Councils as well as the development of a clear complaints procedure. A marginal increase in staffing and administrative costs may result.

Giving advice and information to parents on a matter relating to the education of their own child.

89. Generally speaking schools and education authorities already provide advice and information to parents as a matter of course. The purpose of provision in the Bill is to enshrine this as a statutory right. It is not therefore envisaged that the provision will incur significant extra costs for education authorities. The Pupils Educational Records (Scotland) Regulations 2003 already make provision for authorities to charge parents for copies of their child’s educational record.

Appointment of headteacher or deputy and participation of parent committee

90. Any new appointment procedures must involve the Parent Council and appropriate training will be required for those parents. Education authorities already provide such training for school board members. It is however difficult for education authorities to estimate the cost of implementing a new future appointment system before any new arrangements are clear. Some have pointed to the removal of the requirement to advertise these vacancies nationally (set out in the 1988 Act) as a possible means of saving but the adoption of new assessment and appointment methods may incur additional costs in themselves.
Consulting on, establishing, publicising and operating a complaints procedure

91. Many education authorities already operate general complaints procedures. However, the Bill requires them to establish, in consultation with parents in their area, a complaints procedure specific to their duties under the Bill. There may be small short term additional costs involved in drawing up and publicising the procedure but, once in place, any increase in complaints through improved information and a clearer procedure should not be significant.

COSTS ON OTHER BODIES, INDIVIDUALS AND BUSINESSES

92. The Bill has no direct cost impact on other bodies, individuals or businesses.

EXECUTIVE STATEMENT ON LEGISLATIVE COMPETENCE

93. On 28 September 2005, the Minister for Education and Young People (Peter Peacock MSP) made the following statement:

“In my view, the provisions of the Scottish Schools (Parental Involvement) Bill would be within the legislative competence of the Scottish Parliament.”

PRESIDING OFFICER’S STATEMENT ON LEGISLATIVE COMPETENCE

94. On 22 September 2005, the Presiding Officer (Right Honourable George Reid MSP) made the following statement:

“In my view, the provisions of the Scottish Schools (Parental Involvement) Bill would be within the legislative competence of the Scottish Parliament.”
SCOTTISH SCHOOLS (PARENTAL INVOLVEMENT) BILL

EXPLANATORY NOTES

(AND OTHER ACCOMPANING DOCUMENTS)


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