INTRODUCTION

1. This document relates to the Scottish Schools (Parental Involvement) Bill introduced in the Scottish Parliament on 28 September 2005. It has been prepared by the Scottish Executive to satisfy Rule 9.3.3(c) of the Parliament’s Standing Orders. The contents are entirely the responsibility of the Scottish Executive and have not been endorsed by the Parliament. Explanatory Notes and other accompanying documents are published separately as SP Bill 45–EN.

POLICY OBJECTIVES OF THE BILL – AN OVERVIEW

2. The objective of the Scottish Schools (Parental Involvement) Bill is to modernise and strengthen the system for supporting parental involvement in school education. It aims to support parents’ involvement in schools and in their own children’s education and it introduces a more flexible statutory system for parental representation in schools under the management of education authorities. The Bill complements a major policy initiative to support individual parents’ involvement in their own children’s education and is driven in part by evidence that parental involvement has a real, positive impact on children’s achievement.

3. The main policy objectives of the Bill are:
   - to support parents’ involvement in the education provided in public schools and in their own children’s education;
   - to achieve a more flexible and inclusive statutory system for parental representation in schools to replace the ‘one size fits all’ approach of the School Boards system;
   - to strengthen parents’ rights both collectively and individually; and
   - to enable education authorities to modernise their procedures for appointing headteachers and deputy headteachers while retaining the principle of parental involvement in any new systems.

4. The Bill’s provisions are intended to be considered as a whole and collectively represent a new approach to parental involvement and representation in Scottish school education. The main elements of that approach involve:
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- new statutory duties on Scottish Ministers and on education authorities to promote the involvement of parents in their child’s education and in school education provided in public schools under the management of education authorities;
- a new duty on education authorities to prepare Strategies for Parental Involvement which will form part of their Annual Statement of Improvement Objectives as required by the Standards in Scotland’s Schools Act 2000 (the 2000 Act) and be reflected in School Development Plans prepared for individual schools;
- a new two-tier approach to parental involvement and representation in schools whereby a ‘Parent Forum’ which comprises all the parents of children attending a school can decide to establish a ‘Parent Council’ to represent them;
- a new statutory duty on education authorities to give parents advice and information relating to the education provided to their children in schools under the authorities’ management;
- provision to allow education authorities to develop new procedures for the appointment of headteachers and deputy headteachers which involve Parent Councils; and
- a new duty on education authorities to establish and publicise complaints procedures relating to how they carry out their functions as set out in the Bill.

5. To make way for the new provisions the Bill repeals the School Boards (Scotland) Act 1988 (the 1988 Act) which sets out the current arrangements for parental representation.

CONSULTATION AND RESEARCH

6. The proposals in the Bill have emerged from, and taken account of consultations and discussions with parents and other stakeholders, specific consultation on a draft Bill and the findings of independent research. They also reflect the principles and approach of the Scottish Executive’s education improvement agenda within the context of the 2000 Act.

Consultation and research which informed the draft Bill

7. In 2002 the Scottish Executive undertook a National Debate on Education with pupils, parents, teachers, employers and others with an interest in the future of school education. More than 20,000 people participated directly in the debate, which revealed widespread support for the principle of parental involvement in schools. Parents were keen to support their own children’s learning and their schools but some of the formal requirements relating to the school board system were said to be off-putting to many parents. Educating for Excellence (2003), the Scottish Executive’s response to the National Debate, included commitments to increase the involvement of parents in their children’s education, review and reform the role of school boards and improve communication with parents. The Scottish Ministers’ commitment to encouraging parental involvement in schools was articulated further in the Coalition Agreement A Partnership for a Better Scotland (2003) which gave a clear commitment to ‘work to strengthen the link between parents and schools’.
8. The Scottish Executive held a series of preliminary discussions with stakeholders in Spring 2004 on how best to improve parental involvement and representation in schools. Discussions were held with over 100 School Board chairs from across Scotland and with parental organisations such as the Scottish School Boards Association (SSBA) and Scottish Parent Teacher Council (SPTC). Discussions were also held with education authorities, teachers’ representative organisations and with others with an interest in the parental agenda such as the Scottish Consumer Council and church and faith groups.

9. Also in 2004 the Scottish Executive commissioned independent research by George Street Research seeking parents’ views on improving parental involvement. The aim was to reach the widest possible range of parents, particularly the ‘silent majority’ who were reluctant or unable to express their views. Researchers targeted parents from different geographical, cultural and social backgrounds and employed intensive one-to-one interviews and focus groups. The results showed that the majority of parents had relatively low levels of involvement in schools, particularly in formal activities, and that many viewed the formal structures as intimidating, closed and not necessarily there to seek or represent their views.

10. In the light of these early discussions and research, the Scottish Ministers considered that a more flexible and inclusive system for parental representation was needed. They had significant concerns that the system of representation set out in the 1988 Act was outdated and restricted parents’ involvement. There were particular concerns that restrictions on member numbers for individual school boards allowed only 1% of Scottish parents to serve on a school board at any one time. The option of amending the 1988 Act was considered and is discussed in more detail in paragraphs 45–49. However, any amendment to the 1988 Act would have required primary legislation anyway and Ministers decided that new legislation would better achieve an effective long-term framework to support and encourage parental involvement in schools and education more generally, as well in providing more accessible ways of representing and reflecting the views of all parents.

Consultation on a draft Bill

11. A consultation paper Making the Difference – improving parents’ involvement in schools: a Consultation on a draft Bill was published on 1 March 2005. Standard procedures for consultation were followed as set out in Scottish Executive guidance. Over 60,000 copies of the consultation paper were distributed to schools along with sufficient copies of a summary leaflet for distribution to every parent. Copies were also sent to a wide range of stakeholder and representative organisations including parents’ organisations, local authorities, public bodies, education organisations and equality organisations. Further copies were distributed on request and the paper was posted on the Scottish Executive and Parentzone websites and on websites run by the SSBA and SPTC.

12. Twelve formal consultation events were held across Scotland during April and May 2005. These were chaired and facilitated by the Scottish Civic Forum and attended by over 400 people, of whom almost half were school board representatives. Over 50 additional events were arranged by local authorities and stakeholder organisations. Ministers and Scottish Executive officials also met with key stakeholders during the consultation period to discuss emerging views, clarify specific points and discuss specific areas of concern. The 14-week consultation ended on 7 June 2005. 1025 written responses were received and those not marked confidential placed in the
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Scottish Executive library and can be accessed on the Scottish Executive website. 43% were from school boards, 26% from other organisations or groups and 31% from individuals.

13. George Street Research was commissioned to analyse responses along with feedback from the consultation events. The full report is available on the Scottish Executive website. The consultation revealed a wide range of views. On the question which explored levels of support for a more flexible system of representation, 13% were strongly in favour of the proposals as set out in the consultation, 27% opposed any form of change and 56% supported changes which would by their nature require primary legislation. The changes supported by the majority were typically the type of changes which the new proposals aimed to give parents the flexibility to adopt in their schools. Overall 69% of respondents either supported the proposals in the draft Bill or expressed support for changes requiring primary legislation. Those speaking on behalf of school boards voiced the greatest opposition to change and some of these also opposed all the Bill’s proposals including those designed to promote parental involvement in school education more generally.

14. Recurring themes included a desire to build on the strengths and experience of the school board system and concern that parents might be expected to design and set up a new representative body for their school from scratch i.e. without help or support. Some respondents were concerned about a reduction in the specific powers of School Boards and any potential reduction in funding. Partnership working with school staff and the wider community was viewed positively and respondents felt that a wide range of individuals should be involved in any new structure. General suggestions in relation to the introduction of new arrangements referred to the need to guard against cliques, single issue groups and other unrepresentative groups; the importance of good communication between parents, staff and education authorities; and the importance of guidance and support at set-up and transitional stages.

15. Respondents often supported the fact that the draft Bill would enable them to implement one model in their school while allowing parents in other schools to choose an alternative in line with their own needs. For example, the consultation draft Bill gave parents flexibility to decide whether their Parent Forum should include any non-parents as members or invite any non-parents to meetings.

16. Strong representations suggested that headteachers’ attendance and support would be critical to the successful operation of the new bodies and most respondents also supported the inclusion of people other than parents. Responses from many denominational bodies and denominational schools called for the denominational body to be represented as of right.

17. On other proposals there were significant levels of support for proposed duties on education authorities to promote parental involvement, provide information to parents relating to the education of their own children and set up complaints procedures relating to the Bill’s provisions.

18. During the consultation period it became clear that a majority of individual responses were coming from people who already had significant levels of involvement, particularly those currently serving on school boards. Ministers therefore decided to supplement the consultation information with a telephone survey of 1000 randomly selected parents which sought views on
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the proposals for parental representation. After a tendering process, MORI and the Scottish Consumer Council were engaged to take forward this work. An initial report on the telephone survey indicated very high levels of support for more flexible arrangements for parental representation in schools, as proposed by the Bill. The telephone survey findings have been followed up by focus group discussions and a full report on this research is available on the Scottish Executive website.

19. Discussions with stakeholders have continued through the consultation period, and subsequently the Scottish Ministers have looked to address points of concern, however arising, where possible and incorporate suggested amendments into the Bill, in line with its key policy objectives. Post-consultation amendments include:

- a new duty on the Scottish ministers to promote parental involvement in school education in public schools;
- a specific requirement that the Strategies for Parental Involvement to be prepared by local authorities provide for the needs of looked-after children;
- a new-two-tier system of parental representation in schools whereby all the parents at the school are recognised as the school’s ‘Parent Forum’ and can appoint a ‘Parent Council’ to represent them;
- a requirement that, in a denominational school, the Parent Council will have a co-opted member nominated by the church or denominational body;
- a new right and duty on headteachers to attend Parent Council meetings unless agreed by the headteacher and the Parent Council;
- a provision for a Parent Council to raise concerns with HMIE;
- provision for a Parent Council to appoint a paid clerk;
- a new requirement on headteachers to provide an annual report to the Parent Council evaluating the school’s performance and setting out the ambitions for the school and make available a summary to all parents as members of the school’s Parent Forum;
- provision for a Combined Parent Council to represent parents in more than one school where that is the wish of parents in each of the schools; and
- provision for the Scottish Ministers to issue guidance on aspects of the Bill.

POLICY OBJECTIVES: SPECIFIC PROPOSALS

New statutory duty on the Scottish Ministers and Education Authorities in relation to parental involvement (Sections 1–4)

20. The Bill introduces a new statutory duty on the Scottish Ministers to promote the involvement of parents in school education provided in public schools (that is schools under the management of an education authority). This will provide statutory recognition of the importance of the parental role in education and is intentionally expressed in broad terms to cover measures relating to support for parental involvement at national, local and individual levels. Ministers will fulfil the duty by promoting parental involvement generally and through specific measures which might include the provision of practical materials intended to help individual parents
support their own children or financial support for a new national body to represent parents. Proposals for such a body are currently being developed by the Scottish Consumer Council. Ministers are willing to look at the case for providing, for example, financial support for the establishment of a body which could provide a national voice for parents and promote good practice in supporting parental involvement at the education authority and individual school level and more general initiatives to enable children to achieve their fullest potential with the support of parents. There is a wide power for the Scottish Ministers to make grants relating to education already set out in section 42 of the 2000 Act.

21. The Bill also places a duty on education authorities to promote the involvement of parents, both in relation to their own children and to children generally in the education provided in public schools. This duty is intended to ensure an active, strategic and joined-up approach to promoting parental involvement across Scotland. In this context “education” is intended to cover children’s widest learning experience, their personal development and their ability to achieve their full potential as provided for in section 2(1) of the 2000 Act.

22. The Bill uses the definition of school education in the Education (Scotland) Act 1980 (the 1980 Act) which places education authorities under a duty to provide ‘adequate facilities for social, cultural and recreative activities for physical education and training’ for pupils in attendance at any school in their area. It therefore places responsibility on education authorities to support parents’ involvement in their own children’s education as well as in the education provided in the school to the pupils generally.

23. Education authorities will be required to prepare Strategies for Parental Involvement setting out how they intend to implement their duties under the Bill. They will need to consult Parent Councils and individual parents in developing the strategies which, once agreed, will form part of an authority’s annual statement of education improvement objectives as required in the 2000 Act and be reflected in school development plans. Parental involvement will be an integral part of every school’s plans for improvement.

24. The strategies will have to cover policies on how authorities intend to fulfil their duties under the Bill in relation to looked-after children. In view of the link between parents’ involvement and children’s achievement, the Scottish Ministers consider a specific reference to looked-after children appropriate to ensure that their specific needs are reflected in policies and measures which aim to encourage parental involvement. The Bill is not prescriptive about how this should be done but allows education authorities to make arrangements which reflect local circumstances and existing provision.

25. The Bill provides for consequential amendments to the 2000 Act to reflect these provisions and, in particular, provides in relation to review of school performance that objectives on parental involvement form part of the education authority’s and school’s endeavours to improve the quality of education. It also amends the 2000 Act to ensure that a school’s development plan contains a statement of the education authority’s ambitions for the school. This will be reflected in the reports to be provided by headteachers to Parent Councils (see para. 38)
Two-tier system of representation - Parent Forums and Parent Councils (Section 5)

26. The Bill puts in place a new statutory framework for parental representation through repeal of the 1988 Act and new arrangements for a more flexible and inclusive system. It introduces a new structure of a ‘Parent Forum’ – a collective statutory identity for all parents of pupils at a school. The intention behind this provision is to promote a culture of inclusion where every parent belongs, matters and is valued in the school community. Membership of the Parent Forum will be automatic for the parents of every pupil at a public school.

Establishment of Parent Councils (Sections 6 and 7)

27. Each Parent Forum will be able to appoint a Parent Council to represent it. Unlike the 1988 Act, the Bill is not prescriptive about arrangements for the establishment of Parent Councils or for their operation. It extends the principles of devolved school management and local decision-making to parental representation, enabling parents to decide how they wish to be represented and how their Parent Council should be constituted. Parents will be able to build on the best of their current arrangements – their school board, parent teacher association or other parents or ‘friends’ group – or they will be able to adopt a different model if they choose. As there are no restrictions on the number of parents who may play an active role on their Parent Council, the new system will accommodate the involvement of more parents than is possible with the school board system.

28. The Bill places a specific duty on education authorities to promote the establishment of a Parent Council for each school in its area and to support its operation. This will ensure that parents in each school have the necessary support to set up and run a Parent Council which reflects their needs and preferences. Authorities will offer a scheme to parents in each school under their management and, unless parents decide to make alternative arrangements for the preparation of a scheme, this will offer a range of options. The model taken forward will be that selected by the greatest number of parents responding to the scheme presented, whether or not the scheme is prepared by the education authority or another person chosen by the Parent Forum.

29. The scheme will draw on guidance to be provided by the Scottish Ministers which will offer alternative constitutions as examples. The guidance will also cover a range of topics for parents to consider such as appointment of members, arrangements for involving non-parents as co-optees or invitees, advice on how to handle discussions of a personal nature and how the parent committee is to communicate with the wider Parent Forum. The Scottish Executive also intends to develop materials to assist effective consultation with parents more generally including on establishing their Parent Council and on more general issues.

30. The Bill makes provision for a minimum of specific requirements relating to the membership and operation of a Parent Council. It regards the constitution of a Parent Council as the appropriate place to set out the appointment arrangements for the council and arrangements for running meetings etc. Neither the Scottish Executive nor an education authority will select a particular model or direct parents which model to adopt. That decision will be for the Parent Forum, as will any subsequent change to the constitution.
31. Members of the Parent Council will be members of the Parent Forum unless the
collection agreed by the forum allows for the co-option of any non-parents. The objective is to
allow parents to decide on the membership of their own Parent Forum and to co-opt non-parents
if they wish. The Bill provides however that a denominational school Parent Council must have
at least one co-optee nominated by the church or denominational body. This provision has been
added in response to representations during the consultation by church representatives and
denominational school boards.

Operation of a Parent Council (Section 8 – 11)

32. The Bill sets out several functions for a Parent Council to promote partnership between
parents and the school. The statutory functions focus on its responsibility to the Parent Forum
and its role as the forum’s representative voice. They are not intended to be burdensome and
will not necessarily all be carried out by every Parent Council. Nevertheless the efforts of the
Parent Council are expected primarily to reflect concerns and interests of the wider Parent
Forum. The provisions are intended to create an expectation that the council members’ role is to
represent the forum and reflect the matters of concern or interest to all parents of pupils at the
school rather than put forward their own personal views. The functions include:

- supporting the people who manage the school in raising standards and securing
improvements in the quality of education and in developing to the fullest potential the
pupils at the school;
- making representations to the headteacher, education authority and others on issues
relating to parental involvement in education;
- promoting contact between the school, Parent Forum, prospective parents, local
community and others;
- reporting on its own activities to the Parent Forum at least annually;
- finding out the views of the Parent Forum on any matters which appear to be of interest
and concern to the Parent Forum (including how they, the council, carry out their
functions) and reporting them to the headteacher, education authority or other relevant
party; and
- reviewing and, if necessary, changing its constitution.

33. The Parent Council will also be able to make representations direct to HMIE once they
have made representations to the headteacher or local authority and had a response. HMIE will
be expected to reply and have regard to the concerns expressed in carrying out their functions.
The information received by HMIE will in most cases be used to inform future education
authority and school inspections. The intention is not for HMIE to carry out an immediate
investigation of the concerns raised except in very exceptional cases.

34. The Bill makes practical provisions to ensure the smooth operation of Parent Councils,
some of which replicate current arrangements for school boards. Parent Councils will be able to
appoint paid clerks and enter into contracts with third parties. Members will not incur personal
liability if they are acting in good faith in carrying out their statutory functions. The Parent
Council will be expected to have regard to any guidance issued by an education authority in
relation to its own statutory or legal responsibilities and to comply with a reasonable request
from the headteacher or education authority for information relating to the exercise by the
council of its functions. As part of its financial powers a Parent Council will be able to raise
funds and receive gifts but may not acquire any interest in heritable property. If the Parent
Council should cease to exist, any property belonging to it is to be used by the education
authority for the benefit of the school.

35. In response to calls during the consultation, the Bill places a duty and a right on the
headteacher to attend Parent Council meetings unless both headteacher and council agree
otherwise or the headteacher elects to be represented. This provision creates a presumption that
the headteacher will attend Parent Council meetings while still offering reasonable flexibility for
occasions when this is not possible, appropriate or necessary.

36. The Bill places a number of duties on education authorities in relation to the operation of
Parent Councils. They will be expected to provide advice and information requested by a
council, ensure that headteachers and staff are available to advise on parental involvement and
provide reasonable levels of funding for administration, training and other outgoings which a
council will reasonably require in carrying out its functions. An education authority may also
provide a Parent Council with services or accommodation. An education authority or a
headteacher must have regard to and, (in so far as it is reasonable and practicable to do so) reply
to representations received from a Parent Council.

Education authority duty to provide advice and information to individual parents (Section 12)

37. Education authorities will be subject to a new duty to give advice and information to an
individual parent on any matter relating to the education provided to their own child in
attendance at a public school. This provision received strong support during the consultation. In
most cases parents do not have difficulty accessing information on their own child’s education
but the introduction of a specific statutory right was felt to be a positive move for parents.

Headteacher’s Report (Section 13)

38. The headteacher of each school will be required to provide a report to the Parent Council at
least annually, evaluating the performance of the school and stating what the headteacher’s
objectives and ambitions are for the school. The report may be prepared by reference to the
requirements of sections 6(4) and 7(1) of the 2000 Act in relation to implementation of the
school development plan in the preceding year and to any measures and standards published by
the education authority on the quality of education provided at the school. The report is to be
made in the way requested by the Parent Council and a summary prepared by the headteacher.
The headteacher must also ensure that each member of the Parent Forum receives a copy of the
summary. Through this report all parents will receive regular information on the school’s
performance, objectives and ambitions in the form chosen by their representatives.

Appointment of Headteachers and Deputies (Section 14)

39. The Bill makes provision for the introduction by education authorities of new appointment
procedures for headteachers and deputies to replace those set out in Schedule 2 of the 1988 Act.
Education authorities will be able to modernise their appointments systems but, as with the previous arrangements which involved school boards, they must involve the Parent Council of the school which has the vacancy. Since 1988 selection methods have changed significantly and the Bill offers an opportunity for education authorities to adopt procedures to secure the highest quality leadership in Scottish schools. The Bill allows for Scottish Ministers to make regulations setting out requirements which an appointment process must satisfy.

Complaints procedures (Section 15)

40. Education authorities will have to establish and publicise procedures for dealing with complaints about how they are carrying out their functions as set out in the Bill. Having these procedures in place will ensure that parents and others have a clear route to follow where they have concerns about measures designed to support and enhance parental involvement and representation in education. Education authorities have to keep those procedures under review and must vary the procedures wherever they consider it appropriate to do so. Authorities must include their complaints procedures in their Strategies for Parental Involvement.

Combined Parent Councils (Sections 16 and 17)

41. The Bill allows for the establishment of a Combined Parent Council where parents in one or more schools wish to appoint a single Parent Council to represent them. This must be supported by a majority of parents responding in each of the schools. The Bill also makes provision for the parents in one of the schools to withdraw from the arrangement. The intention behind this provision is to ensure that parents are not prevented from choosing an arrangement which might suit their particular circumstances e.g. a school cluster, shared campus or a group of small schools in a rural area.

Abolition of School Boards (Section 18)

42. The 1988 Act specifies requirements relating to the composition, election procedures and functions of a school board and, in Schedule 2, for the appointment of headteachers and deputies. Significant amendments were made to the 1988 Act in the 2000 Act. The existing legislative framework for parental representation will cease to apply when the 1988 Act is repealed to allow commencement of this Bill.

Guidance (Section 19)

43. The Bill makes provision for the Scottish Ministers to issue guidance to education authorities and Parent Councils and requires them to have regard to this guidance.

ALTERNATIVE APPROACHES

44. The measures set out in the Bill are presented as a package, designed to complement each other and collectively improve parental representation and involvement in schools and parental involvement in their own children’s education. The Scottish Ministers approached the commitment to review and reform school boards with an open mind but took the view that mere adjustment of the existing school board model would not allow sufficient flexibility or attract those parents who found the formality of the system off-putting. The Bill offered for
consultation was drafted to reflect the principle that parents should be free to decide on arrangements to suit their school with minimum statutory interference but with optional guidance and guaranteed support. Views expressed during consultation suggested that too much flexibility and choice might be a burden on parents and that some key issues such as headteacher attendance should be included on the face of the Bill. In all approaches considered the Executive has aimed to build on the best of the current arrangements and to allow parents in individual schools to do the same. The two alternative approaches are set out in more detail below.

Retain current school board system with some amendment to the 1988 Act

45. One option of fulfilling Ministers’ commitment in *Educating for Excellence*, the Executive’s response to the National Debate on Education, to ‘review and reform the role of school boards and PTAs’ could have been to retain the school boards system and make amendments to the 1988 Act when a suitable legislative vehicle made this possible. There were several reasons why this route was considered unsuitable.

46. In taking forward the first part of the commitment - to ‘review’ the role of school boards – Scottish Executive officials conducted a series of informal meetings sounding out stakeholders. From these it became clear that amending the 1988 Act could only go so far in delivering a vision of an education system committed to involving all parents in their children’s education. While individual amendments, such as removing the need for elections and relaxing restrictions on school board size, would have improved the current system, the Scottish Ministers concluded that the approach of the 1988 Act was fundamentally outdated and its further amendment would not deliver an adequate statutory framework for parental involvement in the 21st century.

47. A further factor was the school board system’s apparent lack of appeal to a large proportion of parents. A survey conducted by the Scottish Consumer Council in 2002 had found that parents with degrees were five times more likely to be school board members than those with no formal qualifications. Executive-commissioned research conducted by George Street Research in 2004 which targeted a group of hard-to-reach parents (usually part of the ‘silent majority’) found the school board system off-putting and remote. Given the link between parental involvement and children’s attainment, the need to take a more consumer-focused approach and look for better ways of encouraging the involvement of parents became pressing. The Scottish Executive was also aware that, among the 11% of schools with no school board, some had very successfully developed their own alternative arrangements for involving and representing parents. Making limited changes to a system, which appeared by its nature to be loaded against the parents of children who would benefit most from more parental involvement, increasingly appeared to be an inadequate response.

48. In addition, the prescriptive nature of the 1988 Act reflected a centrally-driven ‘micro-management’ approach to education. Education policies since devolution have aimed to allow decision-making at local level to reflect the diverse nature of Scotland’s communities and schools. The approach of the school board system was to impose, from the centre, one model for parental representation to which every public school must conform, and to set out that model in great detail – an approach which seemed increasingly out of step with other elements of the education improvement agenda.
49. The 1988 Act had also already been amended several times. It was decided that new legislation presented a better alternative. It would provide an opportunity to build on provisions relating to parental involvement in legislation postdating the 1988 Act (such as the 2000 Act) and deliver a package of measures which set arrangements for parental representation in schools in the context of an inclusive approach to parental involvement.

**Proposals published in draft Bill for consultation**

50. The consultation proposals published in March 2005 were designed to allow parents in a school maximum freedom and flexibility in setting up their representative body. The consultation draft Bill intentionally avoided placing any restrictions or requirements on parents to have any non-parents e.g. headteacher or councillor attend the meeting unless they were invited. There were no co-option requirements (as there are in the 1988 Act), although parents would be able to co-opt non-parents should they wish. The intention was to avoid being overly prescriptive and to deliver legislation which supported individual arrangements which could develop over time and involve the right numbers and mix of people for the school in question. The intention was that parents setting up a body to represent them should be able to focus on what would work best in their school and be free from the operational restrictions and requirements of the 1988 Act.

51. It was felt to be particularly important to legislate in a way unlike the 1988 Act where change to the system or structures can only occur very occasionally. In contrast there was a determination to legislate in a way that would allow, indeed encourage the new parent bodies to evolve over time. They will be able to try out an idea or approach and then abandon or modify it, or try something new at a later date. The intention was that this process should be easy, not difficult.

52. The Bill as introduced offers similar arrangements to those set out in the consultation draft and its proposals offer the same flexibility and parental choice. It does however include more specific provision in certain areas, particularly in relation to the provision of guidance by Ministers on the establishment and functions of the representative body, on the presumption that headteachers would normally attend meetings and in relation to denominational co-optees on a denominational or faith school Parent Council. The consultation draft did not include specific provision for one or more schools to have a single representative body but this has been included to reflect consultation responses which suggested that a legislative structure for this option would be welcome. The version for introduction also includes a duty on Scottish Ministers to promote parental involvement in the school education provided in schools under the management of education authorities and introduces the concept of a school’s parents as a distinct entity – the Parent Forum.

**EFFECTS ON EQUAL OPPORTUNITIES, HUMAN RIGHTS, ISLAND COMMUNITIES, LOCAL GOVERNMENT, SUSTAINABLE DEVELOPMENT ETC.**

**Equal Opportunities and Human Rights**

53. The Scottish Executive is committed to promoting equality of opportunity for all and the enactment of the Bill will have a positive effect on equal opportunities. Given the positive effect of parental involvement on children’s attainment, the proposals have been developed to benefit and include all parents of school-age children. The Bill for example makes provision for the
interests of Looked After Children to be reflected in education authority strategies for parental involvement.

54. Proposals to improve the system of parental involvement and representation in the life of schools have been developed to encourage greater equality of opportunity. By offering parents in each school the flexibility to establish a Parent Council which reflects the needs and preferences of that particular group of parents, each school will be able to adopt arrangements which appeal to those parents and encourage their involvement. The repeal of the 1988 Act will remove an inflexible system of parental representation which restricts membership to a small percentage of parents, is viewed as intimidating and closed to parents in hard-to-reach groups and attracts a disproportionate number of parents with high levels of education. The intention is not to discourage involvement of those currently involved but to put in place a system which takes account of all parents and attracts many more than at present. The intention is that guidance provided by the Scottish Executive will provide advice on how to ensure equality of opportunity in consultations and operations relating to the new Parent Councils.

55. The Executive is satisfied that the provisions of the Bill are compatible with the European Convention on Human Rights.

Island Communities

56. The Bill has no disproportionate effect on island communities. Measures to ensure that Education Authorities develop Strategies for Parental Involvement which reflect local needs and the new flexible arrangements for establishing Parent Councils will ensure that the particular needs and circumstances of island communities are reflected in implementation of the Bill’s provisions.

Local government

57. The Bill will have an impact on local government in terms of the new duties placed on education authorities. The policy objectives of these are set out earlier in this memorandum and the financial implications set out in the Financial Memorandum.

Sustainable development

58. The Bill will have no impact on sustainable development.
SCOTTISH SCHOOLS (PARENTAL INvolvement) BILL

POLICY MEMORANDUM


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