



The Scottish Parliament

Education Committee

2nd Report, 2006 (Session 2)

Stage 1 Report on Scottish Schools (Parental Involvement) Bill

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Education Committee

2nd Report, 2006 (Session 2)

Stage 1 Report on Scottish Schools (Parental Involvement) Bill

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The Scottish Parliament

Education Committee

Remit and membership

Remit:

To consider and report on matters relating to school and pre-school education, young people and social work and such other matters as fall within the responsibility of the Minister for Education and Young People.

Membership:

Iain Smith (Convener)
Wendy Alexander
Rosemary Byrne
Lord James Douglas-Hamilton (Deputy Convener)
Fiona Hyslop
Mr Adam Ingram
Mr Kenneth Macintosh
Mr Frank McAveety
Dr Elaine Murray

Committee Clerking Team:

Clerk to the Committee
Eugene Windsor

Senior Assistant Clerk
Mark Roberts

Assistant Clerk
Ian Cowan



The Scottish Parliament

Education Committee

2nd Report, 2006 (Session 2)

Stage 1 Report on Scottish Schools (Parental Involvement) Bill

The Committee reports to the Parliament as follows—

SUMMARY OF KEY FINDINGS

General Principles [Paras 151-155]

- 1. The Committee is fully supportive of the principle of parental involvement in children's education. It recognises that although many school boards have played a valuable and constructive role over the last 17 years, the system does require modernisation which could not be achieved without primary legislation.**
- 2. Some members of the Committee, although supportive of the aim of raising levels of parental involvement in schools, had doubts that the Bill, if passed, would be effective in achieving this aim. They considered that there were higher current priorities in the education field than those proposed in the Bill.**
- 3. A majority of members of the Committee, however, consider that the Bill is a genuine attempt to introduce a system which is more in tune with recent educational developments, yet sufficiently flexible to meet local needs.**
- 4. There are a number of areas where the Committee considers that the Bill could be improved as the legislation progresses through the Parliament.**
- 5. However, the Committee recommends to the Parliament that the general principles of the Scottish Schools (Parental Involvement) Bill be approved.¹**

¹ Agreed by division - For: Iain Smith, Dr Elaine Murray, Mr Kenneth Macintosh, Mr Frank McAveety. Against: Lord James Douglas-Hamilton. Abstained: Fiona Hyslop, Adam Ingram.

Duty to promote parental involvement [Paras 61-67]

6. **The Committee recognises that parental participation in education is critically important. Furthermore, the Committee recognises the role of parental representation in increasing levels of parental participation.**

7. **The Committee welcomes the duty on Scottish Ministers and education authorities to promote parental involvement but notes that it must extend beyond representation to ensure increased parental participation in education.**

Establishment and operation of parent councils [Paras 68-84]

8. **The Committee accepts that the proposals in the Bill offer an appropriate degree of flexibility to enable parents in a diverse range of school circumstances across the country to devise arrangements for their parent council which best suit the local needs. However, the Committee recognises that it will be crucial that adequate resources exist within local authorities to ensure that appropriate advice, support and information is made available to parents to enable them to decide what arrangements are most suited to their needs, and to put these arrangements into place.**

9. **Although the Committee accepts the principle of flexibility, it considers that the guidance that the Scottish Executive is committed to providing will be crucial in informing the work taking place in local authorities to develop the new parent bodies.**

10. **The Committee also welcomes the commitment in the Policy Memorandum² that the Scottish Executive is to develop materials to assist effective consultation with parents including materials to support parents in establishing their parent council.**

11. **Subject to the above, the Committee welcomes the flexible approach to the establishment and operation of parent councils.**

Composition of the parent council [Paras 85-98]

12. **The Committee agrees that although parents would always hold the majority of places on a parent council, it would be expected to be the norm that parent councils would have members drawn from the teaching and other staff of the school, pupils of the school, other people drawn from the local community and one or more locally elected councillors. The Committee also supports the continuation into the new arrangements of the 'strong partnership ethos' mentioned by Headteachers' Association of Scotland (HAS) and others.**

13. **The Committee acknowledges that the under the Bill, arrangements for councillors, pupils and other representatives of the local community to become members of parent councils can be set out in the constitution of the parent council. However, the Committee calls on the Minister to consider whether or not such arrangements should be set out on the face of the Bill.**

² Policy Memorandum, para 29

14. The Committee is content with the proposals in the Bill in respect of the role of the headteacher. The Committee agrees that attendance at a parent council meeting should be both a 'right and duty' of headteachers and therefore does not support the Educational Institute of Scotland (EIS) position.

Functions of parent councils [Paras 99-115]

15. The Committee welcomes the clarification from the Minister that the proposed power to refer to HMIE would be only be exercised when all other options to address the concerns had been exhausted, and believes this should provide reassurance to those witnesses who had concerns about it. The Committee also recommends that further advice on the use of this power be included in guidance.

16. The Committee agrees that it would be inappropriate for parent councils to discuss matters relating to individual pupils or staff, and suggests that it would be helpful for Ministers to issue guidance on this issue.

Senior staff appointment process [Paras 116-132]

17. The Committee acknowledges that modernisation of the appointment procedures is necessary in view of the changes in educational practice and employment legislation which have taken place since the 1988 Act, and that the approach being taken is appropriate and in keeping with the overall flexible approach being adopted in the Bill.

18. The Committee also recognises the concerns that existing school boards have about the lack of detail in the Bill, and understands their fears about a possible diminution of their role. The Committee also recognised the tensions between different views within the professional organisations and trades unions, some of whom favour less prescription from the centre than is being proposed, while others would prefer a standardised approach across the country.

19. However, the Committee is heartened by the statement by the Minister on the importance of meaningful involvement of parents in the appointment process.

20. The Committee welcomes the consultation on this matter, but regrets that this will not be concluded before the Parliament has completed stage 1 of the Bill. The Committee requests that the Executive publish the results of the consultation and its proposed response before the commencement of Stage 2 to allow the Committee to take full account of this during its consideration of the Bill at stage 2.

21. The Committee has also agreed to make representations to the Parliamentary Bureau to the effect that it would prefer the Parliament to agree that the conclusion of stage 2 consideration of the Bill to be timed in such a way that there is time for the Committee to consider the Scottish Executive's proposals.

22. It is acknowledged by the Committee that it is necessary to consult widely on this matter, but the Committee also considers that it would have been helpful for the Executive to have held the consultation earlier, so that members could have had a clearer idea of the detailed proposals.

23. The Committee is therefore unable to make any recommendation on this part of the Bill.

Other issues [Paras 133-145]

24. The Committee questioned the Minister on this and noted that he wishes to hear the views of the existing national bodies and other organisations before making any decisions on a possible future national parents' body. The Committee is however heartened to hear the Minister's view that a strong national body would have 'a range of benefits' and that he would be prepared, if necessary, to provide 'some cash' to enable such an organisation to be established.

25. The Committee supports the case for a national parents' body, and recommends that the Scottish Executive facilitates and supports the establishment of such a body.

26. The Committee calls on the Minister to clarify whether or not it is intended that any future national body will be established in such a way as to enable it to pass on charitable donations to individual parent councils in a similar way to which SPTC currently passes such donations to individual PTAs.

27. The Committee notes that the Minister believes these matters can be resolved, and calls on him to provide clarification of the insurance situation under the Bill, ahead of stage 2 consideration.

Miscellaneous matters [Paras 146-150]

28. The Committee has considered the Bill's Policy Memorandum and concludes that it provides an adequate explanation of policy.

29. The Finance Committee concluded that the Financial Memorandum was adequate. The Education Committee has nothing to add to this, and endorses the Finance Committee report.

30. The Committee endorses the Subordinate Legislation Committee's report.

31. The Committee considers that consultation on the Bill has been adequate.

The Committee reports to the Parliament as follows—

INTRODUCTION

32. The Scottish Schools (Parental Involvement) Bill was introduced to the Parliament on 28 September 2005. The Education Committee was designated as

the lead Committee at stage 1, and this report presents the views of the Committee on the general principles of the Bill as required under Rules 9.6.1, 9.6.2 and 9.6.3 of the Parliament's Standing Orders.

THE NEED FOR LEGISLATIVE CHANGE

33. School Boards came into existence in Scotland under the School Boards (Scotland) Act 1988. Currently 97% of Scottish secondary schools and 88% of primary schools have a school board.³ School boards are supported by a national body, the Scottish School Boards Association, (SSBA) whose activities are funded mainly by membership fees.

34. Many schools also have a Parent-Teacher Association (PTA). These are informal non-statutory organisations in which parents and teachers work together to support the activities of the school, often by fundraising activities. The Scottish Parent Teacher Council (SPTC) supports PTAs nationally.

35. In 2002, following discussions between the Deputy Minister for Education and Young People and the SSBA regarding support for school boards, the Scottish Executive commissioned a review by independent consultant Philip Banks. The Banks report⁴ considered that the number of parent members of school boards is too small; election procedures discourage parents from coming forward; the length of service is too inflexible and sub-committees are insufficiently used to widen participation. The report concluded that 'it could be argued that school boards have been in place a long time and a revision of the style and approach of school boards is entirely appropriate for a new age and anew agenda.'⁵

36. In January 2003, the Scottish Executive responded to the National Debate on Education⁶ and committed to increasing levels of parental involvement in schools and to reviewing and reforming the role of Parent Teacher Associations and School Boards. In its *Partnership for a Better Scotland* agreement, the Scottish Executive made a commitment to 'work to strengthen the link between parents and schools.'

37. In 2004, the Scottish Executive commissioned George Street Research to examine parents' views on improving parental involvement. The research aimed particularly to reach the 'silent majority' who were reluctant or unable to express their views. The research concluded 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.

³ Source: Scottish Executive, 2004 data

⁴ Support for School Boards. An independent report prepared by Philip Banks for the Scottish Executive. July 2002. Available at <http://www.scotland.gov.uk/library5/education/sfsb.pdf>.

⁵ Ibid, p23

⁶ http://www.scotland.gov.uk/education/nd_homepage.htm

38. Research⁷ conducted by the Scottish Consumer Council and MORI for the Scottish Executive during the development of the Bill indicated that 69% of parents had not been involved in any kind of activity at their children's school.

39. In his statement on the Scottish Executive's forthcoming legislative programme on 6 September 2005, the First Minister outlined the rationale behind the Scottish Schools (Parental Involvement) Bill stating that: "[...] when schools and parents work together, children do better. So we need to reform engagement with parents too. So, in this parliamentary session, we will introduce legislation to provide for a more inclusive and flexible system of parental involvement in schools".

THE STRUCTURE OF THE BILL

40. Sections 1 to 4 of the Bill place duties on Scottish Ministers and education authorities. The Bill requires education authorities to develop strategies to promote parental involvement in public⁸ schools. Section 5 of the Bill establishes a two-tier structure with a "parent forum" which includes all parents of pupils in a school and a "parent council" to represent the parent forum. Sections 6 and 7 set out how parent councils will be formed and sections 8 to 11 outline the functions and operations of parent councils.

EVIDENCE

Written evidence

41. The Committee issued a call for written evidence from interested parties on 6 October 2005. In response, it received a total of 60 submissions: 28 from individual school boards, 13 from education authorities, 10 from other organisations and 9 from individuals. The Committee thanks all those who provided written submissions.

Oral evidence

42. The Committee heard oral evidence at four meetings. On 30 November 2005, it took evidence from Jennifer Wallace from the Scottish Consumer Council. At its next meeting, on 7 December 2005, it heard evidence from Alan Blackie from the Association of Directors of Education in Scotland, Councillor Ewan Aitken and Anna Fowlie from the Convention of Scottish Local Authorities, Caroline Vass and George Hammersley of the Scottish School Boards Association and Judith Gillespie from the Scottish Parent Teacher Council. On 14 December, the Committee questioned headteachers' representatives: Lindsay Roy and Bill McGregor from the Headteachers' Association of Scotland, Gordon Smith from the Association of Headteachers in Scotland and Jack Barnett and Ken Wimbor from the Educational Institute of Scotland. The Committee concluded its oral evidence on 11 January 2006 when it took evidence from Peter Peacock MSP, Minister for Education and Young People and Colin Reeves, Deirdre Watt and Stephanie Walsh, Education Department, Scottish Executive.

⁷ Making the Difference. Research on parents' views of Scottish Executive proposals to improve parental involvement and representation in schools.

⁸ "Public school" refers to a school managed by an education authority.

KEY THEMES

Consultation

43. The Policy Memorandum notes that in Spring 2004 the Scottish Executive held a series of preliminary discussions with stakeholders including over 100 school board chairs, the SSBA, SPTC, education authorities, teachers' representative organisations, the Scottish Consumer Council and church and faith groups, on how best to improve parental involvement and representation in schools.

44. Following these discussions, Ministers considered that 'a more flexible and inclusive system for parental representation was needed.'⁹ They were concerned 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 but as any amendment would also have required primary legislation Ministers decided that 'new legislation would better achieve an effective long-term framework to support and encourage parental involvement in schools [...]'¹⁰

45. On 1 March 2005 the Scottish Executive published a consultation paper *Making the Difference – improving parents' involvement in schools: a Consultation on a draft Bill*.

46. The Scottish Civic Forum chaired and facilitated twelve formal consultation events, attended by over 400 people across Scotland, during April and May 2005. More than 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. Additionally, 1025 written responses were received. 43% of the responses (and 63% of those from organisations) were from school boards. Of the total, 13% were 'strongly in favour of the proposals as set out in the bill'¹¹, although 56% supported changes which would in themselves have required primary legislation.

47. The Scottish Executive also commissioned the Scottish Consumer Council to carry out research into parents' views, after it became apparent that the earlier consultation had not reached many parents other than those who were members of school boards or PTAs.

48. The Bill, when introduced in September 2005, contained a number of changes from the draft Bill that was published along with the consultation document in March 2005.

49. A number of witnesses praised the Scottish Executive's consultation process. EIS, for example, indicated that it—

⁹ Policy Memorandum, p 10, para 3

¹⁰ Ibid

¹¹ Policy Memorandum, para 13

‘accepts that the Scottish Executive has consulted effectively and appropriately on the Bill before its introduction to the Parliament.’¹²

50. COSLA noted in its written submission—

‘We would like to take this formal opportunity to applaud the Scottish Executive’s Education Department on the manner in which this Bill has been developed. We feel that the consultation process has been excellent, and has afforded COSLA and our members a full opportunity to express our views.’¹³

51. Existing school boards were, however, less happy with the consultation process. The SSBA noted that—

‘Many parents feel that the consultation process was badly handled. The SSBA received many complaints from school boards that they had been unable to obtain a copy of the consultation document from their school. Some of the documents were late in arriving in schools; others seem to have lain in schools with the head teacher and the School Board being unaware of their presence.’¹⁴

52. In this case, the Committee commends the Scottish Executive for publishing the Bill in draft form during the consultation, and for amending that draft in the light of some of the comments received in the consultation before introducing the Bill to the Parliament.

53. The Committee concludes that the consultation on the Bill has been adequate.

GENERAL VIEWS ON THE BILL

54. The Committee found general support amongst local authorities, teachers’ unions, professional associations and other stakeholder organisations for the principle of increasing parental involvement in children’s education. A number of organisations, however, including some local authorities, were supportive of the current school boards system, and questioned whether the Bill would do very much to increase parental involvement in schools. Some, mainly existing school boards, argued that there was no need to remove school boards, and that the existing system could be modernised instead.

55. COSLA in its written submission commented—

‘Overall, COSLA welcomes the bulk of changes introduced by the legislation. [...] it is fair to say that most of the proposals are sensible, practical, and will effectively contribute to meeting the Bill’s overarching objectives.’¹⁵

56. The EIS told the Committee—

¹² EIS, written submission to Education Committee

¹³ COSLA written submission to Education Committee

¹⁴ SSBA written submission to Education Committee

¹⁵ COSLA written submission to Education Committee

'The Educational Institute of Scotland is very much in favour of the main provisions of the bill. We make it clear that we support the bill essentially because it moves us away from the very bureaucratic, inflexible and pseudo-governance model of parental representation and involvement that is enshrined in the School Boards (Scotland) Act 1988. The bill moves us towards a more flexible and inclusive model of parental representation, which we believe will encourage a greater number of parents to become involved in the life of the schools and the education of their children.'¹⁶

57. The Association of Directors of Education in Scotland (ADES) and Association of Headteachers Scotland (AHTS) also both broadly supported the Bill, but the Headteachers Association of Scotland (HAS) was less convinced. In its written submission it welcomed the intention to enhance the participation of parents and recognised that after seventeen years of operation it was time to review the existing legislation, but it added—

'HAS believes that there are fundamental flaws in the proposed legislation which run counter to the ethos and culture within Scottish Education - and that the proposed changes, in themselves, will do little or nothing to bring about the desired participation of that section of the parent body who have been disengaged, disaffected or who have felt disenfranchised under the current scheme.'¹⁷

58. The bodies representing the current parents' organisations were split over the Bill. The SPTC were entirely supportive of the Bill's proposals, telling the Committee in its written submission—

'We are totally supportive of the principles incorporated in the Bill that is now being considered by the Scottish Parliament. We welcome the proposals to facilitate parental involvement through parent-friendly bodies and also those changes from the draft Bill that respond to concerns raised during the consultation.'¹⁸

59. SSBA took a less positive view of the Bill. Its submission argued—

'There seems to be little in the Bill itself which will directly lead to improvement in parental involvement. No strategies are given to help deliver this. Members have clearly stated that they object to the principle of the abolition of School Boards. Replacing Boards with Councils will not help parental involvement, nor indeed, remove the barriers to involvement. We believe that the parents who will come forward to be involved in Parent Councils will, in most cases, be the same parents who are presently involved in School Boards.'¹⁹

60. The Committee welcomes the views of those who submitted evidence which were extremely helpful to the committee in considering the general principles of the Bill.

¹⁶ Barnett, Official Report, Education Committee, 14 December 2005, col 2909.

¹⁷ HAS written submission to Education Committee

¹⁸ SPTC written submission to Education Committee

¹⁹ SSBA written submission to Education Committee

SPECIFIC ISSUES

Promotion of parental involvement and strategies for parental involvement

61. The Bill provides for a duty on the Scottish Ministers and education authorities to promote the involvement of the parents of pupils in attendance at public schools.

62. The Policy Memorandum explains that Ministers will fulfill 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.' The duty on education authorities is 'intended to ensure an active, strategic and joined-up approach to promoting parental involvement across Scotland.'²⁰

63. Local authorities will be required to prepare a 'strategy for parental involvement' containing their general policies for implementing their duties. In developing their strategies for parental involvement, local authorities will be required to 'seek and have regard to' the views of the parents to whom the duties relate and of any parent councils established in the area.

64. This duty was generally welcomed by witnesses, although there was some uncertainty amongst some witnesses over what the duty might mean in practice. SPTC noted in its written submission—

'We welcome the fact that there is now a duty on Scottish Ministers, as well as on education authorities, to promote parental involvement. This clearly signals both that parents do have an important role to play in schools, and that the importance of this role is recognised at the highest level'²¹

65. The Minister for Education and Young People explained—

'The bill places a duty on education authorities to recognise the importance of parental involvement in the widest sense and to prepare strategies for that involvement. That is a new requirement that we are bringing to bear.

Our wider parental involvement agenda is about enabling parents to do what they can in their specific circumstances to support their children. We want to extend the opportunity for parental involvement not just to those who are comfortable with sitting on committees and representative structures, but to parents who have found involvement in their schools not easy in the past. I recognise that some parents face significant challenges in getting involved in their children's education, which is why the flexibility that we seek in the bill is essential. The emphasis in the bill is on empowering parents, giving local choice and flexibility in the arrangements that are put in place and allowing parents to make decisions without having unnecessary detail in legislation.'²²

²⁰ Policy Memorandum, p6 para 22

²¹ SPTC written submission to Education Committee

²² Peacock, Official Report, Education Committee, 11 January 2006, col 2961.

66. **The Committee recognises that parental participation in education is critically important. Furthermore, the Committee recognises the role of parental representation in increasing levels of parental participation.**

67. **The Committee welcomes the duty on Scottish Ministers and education authorities to promote parental involvement but notes that it must extend beyond representation to ensure increased parental participation in education.**

Establishment and operation of parent forums and parent councils

68. The Bill provides that each school shall have a new statutory body to be known as the 'parent forum,' which is 'intended to to promote a culture of inclusion where every parent belongs, matters and is valued in the school community.'²³ Membership of the forum is to be automatic for the parents of every pupil at the school.

69. A parent forum will be able to appoint a parent council to represent it. The Bill is not prescriptive about arrangements for establishment and operation of the parent council. The Policy Memorandum claims that this '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.'²⁴

70. The Policy Memorandum goes on to suggest that under the Bill 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.'²⁵ As there is no prescribed maximum number of members of the parent council, the new system will, it is claimed, be able to accommodate the involvement of more parents than is possible under the current school board system.

71. There was some criticism of the Bill's flexibility in respect of the arrangements for the constitution and membership of the parent council. Existing school boards in particular were critical of what were seen by some as vague proposals. The SSBA for example commented in its written submission—

'We need to have an agreed structure which will be acceptable to both parents and teaching professionals.'²⁶

72. Judith Gillespie of SPTC, on the other hand, told the Committee that 'one of the strong points of the bill is its flexibility.'²⁷ She later commented further—

'We need a minimum of prescription. Parents manage very well without it.'²⁸

²³ Policy Memorandum, p7 para 26

²⁴ Policy Memorandum, p7 para 27

²⁵ Ibid

²⁶ SSBA written submission to Education Committee

²⁷ Gillespie, Official Report, Education Committee, 7 December 2005, col 2882.

²⁸ Gillespie, Official Report, Education Committee, 7 December 2005, col 2883.

73. Other organisations generally tended to be fairly relaxed about the flexible proposals in the Bill. ADES told the Committee—

[...] the constitutions and membership of parent councils need flexibility to reflect local circumstances and to recognise the fact that schools vary in pupil numbers, ranging from 10, or even slightly below 10 in some very rural areas, to well over 1,000 or 1,500 in other parts of the country.²⁹

74. The EIS was also in favour of the flexible approach adopted in the Bill. In its written statement it said—

‘It is also important that the nature of the structure to be developed at school level properly reflects the views and wishes of the parent body at that particular school. The Bill, as formulated, does attempt to ensure that parents are as fully involved and consulted as possible on the structure and constitution of the Parent Council and the move away from the top down “centralist” direction is also very welcome. In short, it is no longer acceptable to attempt to dictate from the centre the precise powers and functions of a tiny minority of parents acting as agents of the local authority while ignoring the views, wishes and aspirations of the majority.’³⁰

75. Local authorities were, in the main, supportive of the flexible proposals for the establishment of parent councils, although a number also had concerns over the potential for widely diverse types of bodies to emerge across a local authority and across the country.

76. Glasgow City Council, for example, stated—

‘Given the diverse needs of individual parents, the concept of flexibility is very welcome. However, the complete lack of structure for Parent Councils is a concern.’³¹

77. Highland Council took a similar view—

‘In general, the Bill is welcomed. It retains much of what was appreciated in the School Boards Act as well as good PTA practice, but also incorporates an encouraging degree of flexibility, particularly in relation to constitutions, the removal of the requirement for elections, the option of Combined Parent Councils, and changed appointments procedures for senior school staff.’³²

78. North Lanarkshire Council noted—

‘The Parent Councils will clearly be more flexible and responsive to local needs than the existing system of School Boards. Therefore, it is very likely

²⁹ Blackie, Official Report, Education Committee, 7 December 2005, col 2861.

³⁰ EIS, written submission to Education Committee

³¹ Glasgow City Council, written submission to Education Committee

³² Highland Council, written submission to Education Committee

that we will see a significant increase in the number of parents taking an active role in the life of the school through Parent Councils.’³³

79. Perth and Kinross Council, while welcoming the flexibility in the Bill, also called for clear guidance—

‘The advantages of the proposed system of parental involvement relate mainly to the current election procedures for School Boards. These currently are cumbersome, too formal and expensive. This format deters parents from becoming involved in their child’s school and education in many cases and the abolition of the election process is welcomed. However, a framework for the establishment of Parent Councils would be desirable as this would address the potential for widespread variations in constitutions. There is also a need for clear guidance and exemplar models to be provided for Local Authorities to assist them in establishing and supporting Parent Councils where required.’³⁴

80. However, Perth and Kinross Council went on to argue—

‘However, it is felt that the new proposed system also has disadvantages by allowing each Parent Council to decide its own operational arrangements. This will result in a disparate range of structures and practices. This may make joint working problematic between clusters, local authority areas and nationally.’³⁵

81. The Committee accepts that the proposals in the Bill offer an appropriate degree of flexibility to enable parents in a diverse range of school circumstances across the country to devise arrangements for their parent council which best suit the local needs. However, the Committee recognises that it will be crucial that adequate resources exist within local authorities to ensure that appropriate advice, support and information is made available to parents to enable them to decide what arrangements are most suited to their needs, and to put these arrangements into place.

82. Although the Committee accepts the principle of flexibility, it considers that the guidance that the Scottish Executive is committed to providing will be crucial in informing the work taking place in local authorities to develop the new parent bodies.

83. The Committee also welcomes the commitment in the Policy Memorandum³⁶ that the Scottish Executive is to develop materials to assist effective consultation with parents including materials to support parents in establishing their parent council.

84. Subject to the above, the Committee welcomes the flexible approach to the establishment and operation of parent councils.

³³ North Lanarkshire Council, written submission to Education Committee

³⁴ Perth and Kinross Council, written submission to Education Committee

³⁵ Ibid

³⁶ Policy Memorandum, para 29

Composition of the parent council

85. The Bill as introduced makes no stipulations about the composition of the parent council, except that members may only be members of the parents forum, co-opted members (if permitted under the parent forum's constitution) or, in the case of denominational schools, nominated by the relevant church or denominational body. The Bill makes no specific provisions for representation on the parent council from teaching or other staff, pupils, local councillors or representatives from local business or the local community, although the Bill would allow for such members to be co-opted if the constitution of the council adopted by the parent forum so permits.

86. Generally speaking, those who supported the flexible approach taken in the Bill were also relaxed about the arrangements for membership of the parent forum. In respect of teaching staff, there were differing views amongst the trades unions and professional bodies who gave evidence to the Committee.

87. HAS had 'strong feelings' about this issue—

'We feel that the bill's proposals represent a considerable cultural change. We have been used to having a strong partnership between parents, school staff and the community. There seems to be some kind of disfranchisement of teachers under the bill. The approach in Scottish education has been based on partnership and trust. We feel that teacher representatives can bring valuable insights to the practicalities of implementation of any proposals that are made.'³⁷

88. AHTS and EIS however were more content with the proposals in the Bill as introduced. The EIS told the Committee—

'We believe that there is sufficient flexibility in the bill to allow for invitations to other teaching staff, as may be considered appropriate. As one of the main functions of the parent council will be to promote good, close relations between the school and the parent body, it would be extremely surprising if ordinary teaching members of staff were not invited to attend meetings of the council.'³⁸

89. AHTS had similar views—

'We like the flexibility of the bill. We like the proposal that it should be the duty of the head teacher or his or her representative to attend. There can be many inputs to the parent council. It appears from the bill that if it is felt that somebody should be on the council to advise or help through co-option or invitation, there are no barriers to that. There are no barriers to us, in any case—it seems that there are no barriers to teachers or any other interested party attending the parent council if they are invited.'³⁹

³⁷ Roy, Official Report, Education Committee, 14 December 2005, col 2910.

³⁸ Barnett, Official Report, Education Committee, 14 December 2005, col 2910.

³⁹ Smith, Official Report, Education Committee, 14 December 2005, col 2910.

With regard to local councillors, most witnesses were of the view that in general councillors had made an important contribution to school boards, and it would be helpful to have their knowledge and expertise available to the new parent bodies in the same way. COSLA endorsed this view, noting the possible contribution to be made by parent councils to the community planning agenda—

'[...] We also believe that it is essential that elected members be represented on the new bodies. That is important in terms of the relationship with the community planning partnerships, to which I referred earlier, and with the decision makers, in terms of the education authority function of local councils. We would like to see elected members having a statutory right of representation on the new bodies.'⁴⁰

90. COSLA did however point out that more thought would need to be given to this in view of the change to the electoral system for local government elections from 2007.

'One of our members from a rural authority seems to reckon that, if he were to be elected under the new system, he would have 33 schools in his new ward. That is a lot of evenings. We need to think this through, but we do not think that that is a reason for not having elected members on the new bodies.'⁴¹

91. The Committee agrees that although parents would always hold the majority of places on a parent council, it would be expected to be the norm that parent councils would have members drawn from the teaching and other staff of the school, pupils of the school, other people drawn from the local community and one or more locally elected councillors. The Committee also supports the continuation into the new arrangements of the 'strong partnership ethos' mentioned by HAS and others.

92. The Committee acknowledges that under the Bill, arrangements for councillors, pupils and other representatives of the local community to become members of parent councils can be set out in the constitution of the parent council. However, the Committee calls on the Minister to consider whether or not such arrangements should be set out on the face of the Bill.

Role of headteacher with the parent council

93. The Committee notes that section 9 of the Bill provides that headteachers have the 'right and duty' to attend meetings of the parent council. Section 13 sets out the duties of the headteacher in respect of reporting to the parent council and parent forum.

94. The Committee heard mixed views on this aspect of the Bill from the professional associations and trades unions.

95. Bill McGregor of HAS commented—

⁴⁰ Aitken, Official Report, Education Committee, 7 December 2005, col 2864.

⁴¹ Ibid

'[...] I am concerned that although the bill indicates that there should be head teacher involvement, it goes no stronger than that. I am concerned that the flexibility that is implicit in the bill might almost become a form of slackness.

I would like there to be a much clearer indication of the role of the head teacher in working with the parent council, for example on matters such as the school budget and devolved school management. [...]'⁴²

96. AHTS argued—

[...] ensuring that the school has the right levels of communication about its pupils, how the school is run and the issues that affect the school is the best baseline or foundation for any partnership between parents and school staff. [...] it should also be the responsibility of the head teacher to discuss with the parent council issues on which he or she wants the parent council to make representations.⁴³

97. The EIS argued that attendance by headteachers at parent council meetings should be 'a contractual and professional right rather than as a statutory duty.'

98. The Committee is content with the proposals in the Bill in respect of the role of the headteacher. The Committee agrees that attendance at a parent council meeting should be both a 'right and duty' of headteachers and therefore does not support the EIS position.

Functions of parent councils

99. Sections 8-11 of the Bill set out the proposed functions of parent councils. The Policy Memorandum stresses the parent council's role as the forum's representative voice and adds that generally there is '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.'

100. Specific functions mentioned include supporting the school's management in raising standards, securing improvements in the quality of education and in developing the potential of the pupils; making representations to the head teacher, 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 to the parent forum at least annually; finding out the views of the parent forum on relevant matters and reporting them to the headteacher, education authority or other relevant party; finally reviewing and, if necessary, changing its constitution.

101. The proposed functions of parent councils attracted some criticism from existing school boards and their national body on the grounds that they were not sufficiently specific. SSBA for example in their written submission noted—

⁴² McGregor, Official Report, Education Committee, 14 December 2005, col 2911.

⁴³ Smith, Official Report, Education Committee, 14 December 2005, col 2911.

'The Bill also contains terms like 'have regard to,' and 'make representations to' and words such as involvement which are inadequately explained. These are very much open to different interpretations by different Local Authorities. SSBA has constantly asked that the legislation should be so transparent that parents and Authorities alike should be quite clear on their rights and responsibilities, with no room for different interpretations.'⁴⁴

102. This view was shared by most of the school boards who made written submissions to the Committee.

103. The Scottish Consumer Council argued that the Bill as introduced did not propose that the new parent bodies would have real decision making powers—

'We are concerned that parent councils will have no decision-making powers and that such powers will rest solely with the head teacher and the education authority.'⁴⁵

104. However, most of the other witnesses and submissions appeared to accept that the Bill set out an enabling framework which provides an appropriate set of functions for parent councils.

Power to make representation to Her Majesty's Inspectors (HMIE)

105. The Bill provides, under section 8, that a parent council may make representations to the headteacher of the school, the education authority or 'such other person' as appears appropriate to the parent council. The Bill goes on to specify that where a representation is to be made to HMIE, the parent council must first have made representations to, and received replies from, the headteacher and the education authority. HMIE must 'have regard' to any representations from a parent council and must reply.

106. The Policy Memorandum explains that—

'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.'⁴⁶

107. The Committee heard mixed views on this aspect of the Bill.

108. HAS had 'no great concerns' over this provision and were—

'reassured that we are being encouraged to follow due process and that issues will be raised at the appropriate levels before HMIE becomes involved. That is an entirely appropriate way to proceed.'⁴⁷

109. EIS, on the other hand stated that—

⁴⁴ SSBA, written submission to Education Committee

⁴⁵ Wallace, Official Report, Education Committee, 30 November 2005, col 2851.

⁴⁶ Policy Memorandum, p8, para 33

⁴⁷ Roy, Official Report, Education Committee, 14 December 2005, col 2908.

'The EIS is of the view that HMIE is not equipped to become the educational equivalent of the Advisory, Conciliation and Arbitration Service.'⁴⁸

110. SPTC pronounced itself 'puzzled' at the inclusion of the provision enabling parent councils to make representations to HMIE, as it had not been mentioned in the original consultation ahead of the introduction of the Bill.

111. COSLA was concerned over 'the potential for frivolous or vexatious use of that provision' whilst ADES considered that it was—

'wholly inappropriate to cast HMIE in the role of final arbiter or receiver of complaints because that is not its role.'⁴⁹

112. The Committee put these points to the Minister for Education and Young People. He advised that—

'I want to make it clear that we do not see that provision as one that would be triggered on an everyday basis—far from it. It is a measure that exists to be used in extremis, when a group of parents who have concerns about the performance of their school that would be of interest to HMIE have come to the end of the normal procedures available to them through the parent council, and when the school itself has failed to address the issue adequately through its normal procedures and the local authority has subsequently failed to address the issue adequately. I believe that, in the overwhelming majority of circumstances, parents' concerns will be readily and adequately addressed at that level. That said, we do not want to prevent parents from referring a matter to HMIE if their concerns have not been adequately addressed.'⁵⁰

113. The Committee welcomes the clarification from the Minister that the proposed power to refer to HMIE would be only be exercised when all other options to address the concerns had been exhausted, and believes this should provide reassurance to those witnesses who had concerns about it. The Committee also recommends that further advice on the use of this power be included in guidance.

Discussion by parent council of sensitive matters

114. The EIS and others argued that it would be inappropriate for a parent council to discuss certain matters, for example individual matters affecting specific children or human resources matters affecting individual members of staff. The EIS called for guidance to be issued on this matter.

115. The Committee agrees that it would be inappropriate for parent councils to discuss matters relating to individual pupils or staff, and suggests that it would be helpful for Ministers to issue guidance on this issue.

⁴⁸ Barnett, Official Report, Education Committee, 14 December 2005, col 2908.

⁴⁹ Blackie, Official Report, Education Committee, 7 December 2005, col 2872.

⁵⁰ Peacock, Official Report, Education Committee, 11 January 2006, col 2964.

Senior staff appointment process

116. The Bill provides that education authorities must inform the Scottish Ministers and any parent council established for a school in their area, about their appointment processes in respect of posts of headteacher and deputy headteacher. The Bill also specifically provides that the appointment process must 'entail involvement in it of any parent council established for the school to which an appointment is to be made'. Finally, it provides that Ministers shall have powers to impose, by regulations, requirements which an appointment process must satisfy, and, by notice, require an education authority 'to make such changes to their appointment process as may be specified in the notice.'

117. This approach is in contrast to the 1988 Act, in which the role of the school board in the appointment process, and the detailed procedures which are to be followed, were specified on the face of the Act.

118. The Scottish Executive is currently conducting a consultation on this issue.⁵¹

119. ADES was critical of the Bill's proposals in this respect, on the grounds that they were 'overprescriptive.' This concern was shared by COSLA, which told the Committee—

'There is no doubt that there are areas in which practice needs to improve and we believe absolutely that parents should be involved in appointing head teachers. In my authority, parents are involved in drawing up the long list and the short list and in developing questions. Ultimately, however, the authority is the employer and it should have the final say in the process.'⁵²

120. Generally speaking, existing school boards were critical of this section of the Bill, mainly because of the lack of detail. The SSBA commented—

'The Bill merely states that Local Authorities will inform parents and the Executive about their arrangements for appointments and that there will be continued parental involvement. There should be more detail about this in the Bill.'⁵³

121. SPTC recognised that there was a parallel consultation taking place—

'Another major area of concern that arose during the consultation was the apparent diminution of the parental role in the appointment of headteachers and senior staff. [...] We welcome the fact that this consultation is now ongoing. We also welcome the suggestion that parents should be more meaningfully involved at the person specification stage but feel it is very important that the final appointment stage should be rigorous and

⁵¹ Parental Involvement – Headteacher and Deputy Headteacher appointments: [A consultation document](#)

⁵² Aitken, Official Report, Education Committee, 7 December 2005, col 2863.

⁵³ SSBA, written submission to Education Committee

professional, with parent's views contributing, but not determining, the outcome.⁵⁴

122. The Committee questioned the Minister for Education and Young People on this aspect of the Bill. The Minister advised the Committee—

'We want to allow a wider involvement of parents than there has been in the past. We want to involve parents in the advertising strategy for head teacher posts and in discussions about the job spec and person spec for the post, so that parents can say what kind of person they are looking for. We want them to be involved in the leeting process and in the final interview. Because of the critical nature of the job, and because of the modern legal requirements to do with appointments, the appointment of a head teacher must also be a highly professional exercise and must be conducted in a professional manner. That is why we are more than happy to commit ourselves to ensuring, with local authorities, that parents are properly trained for that task. We take the matter seriously and we want to gear up the system to allow appointments to be made in a thorough and proper way.'⁵⁵

123. The Committee also heard a range of views on the question of flexibility in the way in which headteachers and deputy headteachers can be deployed across local authorities. ADES, speaking in support of a more flexible approach than is possible currently, told the Committee—

'The existing legislation is restrictive, in that a head teacher is appointed to a school and cannot be moved unless for negative reasons. There needs to be more flexibility. From talking to head teachers in my authority area, I know that they are in favour of the flexibility that would be gained through head teachers being appointed to a local authority—albeit, in the first instance, to a specific school. That would give local authorities the opportunity to be flexible.'⁵⁶

124. COSLA also indicated support for such a degree of flexibility.

125. HAS on the other hand was strongly against the proposal for more flexible arrangements—

'We do not believe that that is a forward step. If what you mean is the appointment of a head teacher to an authority followed by placement in one of the authority's schools, we do not believe that that is good either in respect of the best use of management or, which is much more important in this forum, in respect of parental involvement in selection and representation. Parents want to know who will be the head teacher of their school rather than of a school. The Headteachers Association of Scotland opposes that concept.'⁵⁷

⁵⁴ SPTC, written submission to Education Committee

⁵⁵ Peacock, Official Report, Education Committee, 11 January 2006, col 2973.

⁵⁶ Blackie, Official Report, Education Committee, 7 December 2005, col 2873.

⁵⁷ McGregor, Official Report, Education Committee, 14 December 2005, col 2920.

126. The Committee acknowledges that modernisation of the appointments procedures is necessary in view of the changes in educational practice and employment legislation which have taken place since the 1988 Act, and that the approach being taken is appropriate and in keeping with the overall flexible approach being adopted in the Bill.

127. The Committee also recognises the concerns that existing school boards have about the lack of detail in the Bill, and understands their fears about a possible diminution of their role. The Committee also recognised the tensions between different views within the professional organisations and trades unions, some of whom favour less prescription from the centre than is being proposed, while others would prefer a standardised approach across the country.

128. However, the Committee is heartened by the statement by the Minister on the importance of meaningful involvement of parents in the appointment process.

129. The Committee welcomes the consultation on this matter, but regrets that this will not be concluded before the Parliament has completed stage 1 of the Bill. The Committee requests that the Executive publish the results of the consultation and its proposed response before the commencement of Stage 2 to allow the Committee to take full account of this during its consideration of the Bill at stage 2.

130. The Committee has also agreed to make representations to the Parliamentary Bureau to the effect that it would prefer the Parliament to agree that the conclusion of stage 2 consideration of the Bill to be timed in such a way that there is time for the Committee to consider the Scottish Executive's proposals.

131. It is acknowledged by the Committee that it is necessary to consult widely on this matter, but the Committee also considers that it would have been helpful for the Executive to have held the consultation earlier, so that members could have had a clearer idea of the detailed proposals.

132. The Committee is therefore unable to make any recommendation on this part of the Bill.

Other issues

National parents body

133. The Committee is aware that this issue is not amongst the general principles of the Bill and is therefore not central to the Committee's report. Nevertheless, the Committee heard from the Scottish Consumer Council and others that, under the Bill, the SSBA and SPTC are likely to disappear in their current form, which will leave 'a gap at national level.'

134. SPTC told the Committee that—

'There would be major problems in setting up a national body in the bill. The body would not qualify for charitable status because it would be a statutory body, not a voluntary body. [...] The body's charitable status would also give parents a much stronger ownership of it and would make the accountability of the national body to the individual councils much clearer. If the national body was set up by statute, it would somehow become a creature of the legislation and there would not be the same dynamic interchange between the two levels. Therefore, I do not think that setting up the national body in the bill is the right way to go.'⁵⁸

135. The Committee questioned the Minister on this and noted that he wishes to hear the views of the existing national bodies and other organisations before making any decisions on a possible future national parents' body. The Committee is however heartened to hear the Minister's view that a strong national body would have 'a range of benefits' and that he would be prepared, if necessary, to provide 'some cash' to enable such an organisation to be established.

136. The Committee supports the case for a national parents' body, and recommends that the Scottish Executive facilitates and supports the establishment of such a body.

Charitable status

137. The Committee was grateful to SPTC for its explanation of the position of PTAs in relation to charitable status. Currently PTAs do not generally have charitable status, as this would place a number of onerous burdens on them, but SPTC as the national body does have charitable status, and is able to pass charitable donations on to the relevant PTA.

138. The Committee's understanding is that parent councils will not be able to be charities for the purposes of the Charities and Trustee Investment (Scotland) Act 2005, because their activities can be controlled by the Scottish Ministers.

139. The Committee therefore calls on the Minister to clarify whether or not it is intended that any future national body will be established in such a way as to enable it to pass on charitable donations to individual parent councils in a similar way to which SPTC currently passes such donations to individual PTAs.

Complaints systems

140. Section 15 of the Bill provides that education authorities must establish and publicise procedures for dealing with complaints about how they are carrying out the functions as set out in the Bill. Members noted views that there could be an anomaly in that this Bill provides for a complaints procedure in relation to its provisions, yet no such provision is made in other areas of education. The Scottish Consumer Council told the Committee—

'That is one of the concerns that we have about the bill. It introduces a right to complain about parental involvement but not a general right to complain about standards and quality in education. We think that it would be a

⁵⁸ Gillespie, Official Report, Education Committee, 7 December 2005, col 2898.

significant increase in parents' rights if there were such a consideration in this bill. As many local authorities already have satisfactory complaints systems, it would not be onerous to add that to the bill.⁵⁹

141. This point was put to the Minister for Education and Young People by the Committee. In reply he explained that the Executive did not intend to use this Bill to widen existing complaints provisions, but stated—

[...] the reason why we have included provisions in the bill on complaints is to help to make it explicit that parents can make complaints about the performance of the local authority. Local authorities now have much more sophisticated complaints procedures than they had in the past—the procedures are explicit. Under existing statute, complaints mechanisms are also provided that allow complaints on matters of performance in education to go direct to ministers. We are not seeking to widen the provisions. We expect the local authorities to make explicit within their existing procedures the way in which people can make complaints on these matters.⁶⁰

142. The Committee welcomes the Minister's clarification.

Insurance

143. The Committee understands that currently school boards may carry out activities as 'agents' of the local authority, and as such enjoy the similar insurance cover to that which applies to the local authority's own staff. PTAs on the other hand have access to a group insurance scheme organised by SPTC.

144. In response to questions on this issue from the Committee, the Minister indicated—

'I have had assurances from my officials that we can resolve those matters one way or another, but we have yet to decide how we shall resolve them.'⁶¹

145. The Committee notes that the Minister believes these matters can be resolved, and calls on him to provide clarification of the insurance situation under the Bill, ahead of stage 2 consideration.

SUBORDINATE LEGISLATION

146. The Subordinate Legislation Committee considered the Bill and reported to the Education Committee under rule 9.6.2.

147. The Subordinate Legislation Committee's main concern was over section 19, which provides for Ministers to have powers to issue guidance to education authorities, parent councils and combined parent councils. The Subordinate Legislation Committee considered that guidance issued under this provision should be subject to some form of parliamentary scrutiny.

⁵⁹ Wallace, Official Report, Education Committee, 30 November 2005, col 2586.

⁶⁰ Peacock, Official Report, Education Committee, 11 January 2006, col 2977.

⁶¹ Peacock, Official Report, Education Committee, 11 January 2006, col 2965.

148. The Committee agrees with this and endorses the Subordinate Legislation Committee's report.

FINANCIAL MEMORANDUM

149. The Committee is obliged, under Standing Orders Rule 9.6, to consider and report on the Bill's Financial Memorandum, and in doing so must take account of any views submitted by the Parliament's Finance Committee. The Finance Committee considered the Bill's Financial Memorandum. **The Finance Committee concluded that the Financial Memorandum was adequate. The Education Committee has nothing to add to this, and endorses the Finance Committee report.**

POLICY MEMORANDUM

150. The Committee has considered the Bill's Policy Memorandum and concludes that it provide an adequate explanation of policy.

CONCLUSION

151. The Committee is fully supportive of the principle of parental involvement in children's education. It recognises that although many school boards have played a valuable and constructive role over the last 17 years, the system does require modernisation which could not be achieved without primary legislation.

152. Some members of the Committee, although supportive of the aim of raising levels of parental involvement in schools, had doubts that the Bill, if passed, would be effective in achieving this aim. They considered that there were higher current priorities in the education field than those proposed in the Bill.

153. A majority of members of the Committee, however, consider that the Bill is a genuine attempt to introduce a system which is more in tune with recent educational developments, yet sufficiently flexible to meet local needs.

154. There are a number of areas where the Committee considers that the Bill could be improved as the legislation progresses through the Parliament.

155. However, the Committee recommends to the Parliament that the general principles of the Scottish Schools (Parental Involvement) Bill be approved.⁶²

⁶² Agreed by division - For: Iain Smith, Dr Elaine Murray, Mr Kenneth Macintosh, Mr Frank McAveety. Against: Lord James Douglas-Hamilton. Abstained: Fiona Hyslop, Adam Ingram.



The Scottish Parliament

SUBORDINATE LEGISLATION COMMITTEE

REPORT ON SCOTTISH SCHOOLS (PARENTAL INVOLVEMENT) BILL AT STAGE 1

The Committee reports to the lead committee as follows—

Introduction

1. At its meetings on 6 December and 13 December 2005, the Subordinate Legislation Committee considered the delegated powers provisions in the Scottish Schools (Parental Involvement) Bill at Stage 1. The Committee submits this report to the Education Committee, as the lead committee for the Bill, under Rule 9.6.2 of Standing Orders.
2. The Executive provided a memorandum on the delegated powers provisions in the Bill, which is reproduced at Annex 1.
3. The Committee's correspondence to the Executive and the Executive's response to points raised are reproduced at Annex 2.

Delegated Powers Provisions

4. The Committee considered each of the delegated powers provisions in the Bill. The Committee approves without further comment: sections 14(3), 21(1) and 24(2).

Section 8(7) Functions of a Parent Council

5. The Committee noted that this provision conferred a power on Ministers to "alter" the functions conferred on a Parent Council by virtue of section 8(1) of the Bill. The Committee asked the Executive for further clarification as to the policy intention behind the width of this power. The Committee also asked the Executive if it had plans to include a formal requirement on the face of the Bill to consult Parent Councils before making an order amending their statutory functions.
6. The Executive explained that the power to alter the functions may be exercised in light of the experience of new Parent Councils as they are established and develop. It confirmed that the power allows the functions to be "added to" in response to future changes in education policy. **The Committee agreed to accept this explanation, given that the power is subject to affirmative resolution procedure, and draws the issue to the lead Committee for information.**
7. **The Committee was also content with the Executive's undertaking to consult stakeholders in relation to an Order made under this section.**

Section 19 General power to issue guidance

8. The Committee observed that this provision conferred on Ministers a wide power to issue guidance to local education authorities, Parent Councils and Combined Parent Councils, with regard to the exercise of any of their functions under the Bill. The Committee noted that

this power as currently drafted is not subject to any Parliamentary scrutiny and asked the Executive for comments on whether this power ought to be subject to some form of Parliamentary scrutiny. The Committee was particularly concerned that such guidance could be issued to groups of parents who may have little experience of dealing with statutory guidance.

9. The Executive stated that it would be its intention to include key stakeholders in drawing up guidance to be issued under this section. The nature of any guidance is thought by the Executive to be a matter likely to be considered further as the Bill progresses.
10. **The Committee considers that some form of Parliamentary scrutiny may be desirable in the circumstances. The Committee therefore brings this matter to the attention of the lead committee for its consideration.**

ANNEX 1

**MEMORANDUM ON DELEGATED POWERS
SCOTTISH SCHOOLS (PARENTAL INVOLVEMENT) BILL**

Purpose

1. As required under Rule 9.4A, this Memorandum has been prepared by the Scottish Executive to accompany the Scottish Schools (Parental Involvement) Bill introduced in the Scottish Parliament on 28 September 2005. It details the provisions in the Scottish Schools (Parental Involvement) Bill that confer powers to make subordinate legislation. It describes the persons upon whom the powers are conferred, the form in which the powers are to be exercised, the Parliamentary procedure to which the powers are to be subject and why it is considered necessary to delegate the powers. It does not form part of the Bill and has not been endorsed by the Parliament.

Background to the Bill

2. The following paragraph outlines the main provisions of the Bill. Further information about the Bill's provisions are offered in the Explanatory Notes, Policy Memorandum and Financial Memorandum.

3. 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. 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"). 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.

Delegated Powers

Section 8(7) Functions of a parent council

Power conferred on:	The Scottish Ministers
Power exercisable by:	Order made by statutory instrument
Parliamentary procedure:	Affirmative resolution of the Scottish Parliament

4. Section 8(7) confers powers on the Scottish Ministers to add to or alter the functions of a Parent Council set out in the Bill.

Justification for taking this power

5. The 1988 Act, which part of this Bill replaces, set out the functions and duties of a school board in detail. The main role of the new Parent Councils to be introduced by this Bill is in communicating with and representing parents and in doing so to support those managing the school. This power allows Ministers to amend the functions of Parent Councils without requiring primary legislation where a change is deemed appropriate. For example, once Parent Councils are established it may become apparent that existing functions should be altered, or new ones added. Any such additions or alterations would be brought about by means of statutory instrument subject to affirmative resolution procedure. As is normally the case with powers which allow amendment of primary legislation, affirmative procedure is considered appropriate in relation to adding to or

altering the functions of parent councils currently listed in the Bill because of the greater opportunity for scrutiny and debate by the Parliament afforded by this procedure.

Section 14(3)(a) Procedures for appointment of headteacher or deputy and participation of a Parent Council

Power conferred on: The Scottish Ministers
Power exercisable by: Regulations
Parliamentary procedure: Negative resolution of the Scottish Parliament

6. Section 14(3)(a) confers on Scottish Ministers the power to make regulations imposing requirements which the process involved in relation to headteacher and deputy headteacher appointments must satisfy.

Justification for taking this power

7. Section 14 replaces the current prescriptive appointment procedures for headteachers and deputy headteachers set out within Schedule 2 to the 1988 Act.

8. Instead of prescribing a new system centrally for senior management appointments, the Bill requires each education authority, in terms of section 14, to inform Ministers and Parent Councils about their procedures for filling such posts, and to involve the Parent Council (where one exists) in the appointment process. While provision has therefore been made for what is a more flexible appointment procedure, section 14(3) will enable Scottish Ministers to make provision by way of regulations setting out the specific requirements which those processes must satisfy. It is considered that negative resolution procedure is appropriate on the basis of the procedural nature of the subject matter.

9. Power is also conferred on Ministers enabling them, by notice, to require education authorities to change their appointment process to the extent set out in the notice. The power is considered necessary to allow action to be taken at short notice, where this is considered necessary in relation to that appointment process.

Section 21(1) Transitional provisions etc.

Power conferred on: The Scottish Ministers
Power exercisable by: Order made by statutory instrument
Parliamentary procedure: Negative resolution (but affirmative in relation to amendment or repeal of another enactment)

10. Section 21(1) confers powers on Scottish Ministers by order to make incidental, supplemental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes, or in consequence, of the Bill. The power would be appropriate to allow Ministers to make changes to other legislation as a consequence of the Bill that are not apparent at the moment. In terms of section 22(3)(b) a statutory instrument containing an order under section 21(1), where the effect of that order would be to amend or repeal primary legislation, requires to be made by affirmative procedure. It is considered that an order which makes such an amendment or repeal should be subject to full scrutiny and debate by the Parliament and therefore made by affirmative procedure. In respect of other orders or regulations (aside from any made under section 8(7) as referred to earlier in this Memorandum) it is not considered necessary or desirable to require a higher level of Parliamentary involvement than that afforded by negative procedure, as provided for under section 22(2).

Section 24(2) Short title and commencement

Power conferred on: The Scottish Ministers
Power exercisable by: Order made by statutory instrument
Parliamentary procedure: No parliamentary procedure

11. Section 24(2) gives the Scottish Ministers power to commence provisions of the Act by order. Provision is made for different days being appointed for different provisions, for different

areas, for different purposes or for different cases or classes of case. This would allow a phased approach to commencement for example by reference to education authority areas, or for different provisions in the Bill. No commencement date is specified in the Bill as Ministers are yet to determine when it would be appropriate to bring the substantive provisions of the Bill into force. As is normal with commencement orders, no form of parliamentary procedure is required.

ANNEX 2

Scottish Schools (Parental Involvement) Bill at Stage 1

Letter from the Clerk to the Subordinate Legislation Committee to the Scottish Executive

The Subordinate Legislation Committee today considered the above bill and asks the Executive for explanation of the following matters.

Section 8(7) – functions of a Parent Council

*The Committee noted that this section confers on Ministers a power to add to or “alter” functions of a Parent Council. **The Committee asks the Executive for clarification of its policy intention with regard to the width of the power to “alter” the Council’s statutory functions.***

*The Committee also considered that Parent Councils should perhaps be formally consulted on any amendment to their statutory functions before any order is made. **The Executive is asked to comment.***

Section 19 – general power to issue guidance

*The Committee considered that while this power is not contained in the delegated powers memorandum, as it does not confer power to make subordinate legislation, it is a wide delegated power and therefore falls within the Committee’s remit. The Committee considered that the issuing of Guidance under this provision ought to be subject to some form of Parliamentary scrutiny, or at the least laid before Parliament. The Committee felt this to be of particular importance given that the bodies to which the Guidance may be directed include not only the more usual local education authorities, but also Parent Councils. **The Executive is asked to comment.***

Response from the Scottish Executive to the Clerk to the Subordinate Legislation Committee

Thank you for your letter of 6 December, concerning the Subordinate Legislation Committee’s consideration of the Scottish Schools (Parental Involvement) Bill. I trust the following response will prove helpful in clarifying the points you have raised.

Section 8(7) – functions of a Parent Council

This section provides Ministers with a power to add to, or to alter, the functions of a Parent Council. We note that the Committee asks for clarification of the Executive’s policy intention with regard to the width of the power to “alter” the Council’s statutory functions.

The Council’s statutory functions focus on promoting partnership between parents and the school and on the Council’s responsibility to the Parent Forum and its role as the Forum’s representative voice. This power allows Ministers to alter these functions, if necessary, in the light of the experience of the new Councils themselves as they are established and develop. It also allows for a Parent Council’s functions to be added to, in response to any future changes in education policies. It may be helpful also to draw the Committee’s attention to section 22(3) of the Bill which requires any statutory instrument being made under section 8(7), amending Parent Councils’ functions, to be laid in draft before, and approved by resolution of, the Parliament.

The Committee asks if Parent Councils should be formally consulted on any amendment to their statutory functions before any order is made.

The Executive is committed to working closely with stakeholders in the education sector. We would, as a matter of course and good practice, consult with stakeholders in accordance with the Scottish Executive's Good Practice Guidance on Consultation.

Section 19 – general power to issue guidance

We note that the Committee considers that the issuing of guidance under this provision ought to be subject to some form of Parliamentary scrutiny, or at least laid before Parliament.

We note the Committee's view that this would be important because the guidance would be directed not only to local authorities, but also to Parent Councils. It may be helpful for the Committee to know that it would be the Executive's intention, in line with the Good Practice Guidance on Consultation, to involve key stakeholders, in drawing up any guidance under section 19 of the Bill. The nature of any guidance is an issue which we would expect would be considered further in the light of discussions as the Bill progresses through Parliament.



The Scottish Parliament

Finance Committee

Report on the Financial Memorandum of the Scottish Schools (Parental Involvement) Bill

The Committee reports to the Education Committee as follows—

INTRODUCTION

Under Standing Orders, Rule 9.6, the lead committee in relation to a Bill must consider and report on the Bill's Financial Memorandum at Stage 1. In doing so, it is obliged to take account of any views submitted to it by the Finance Committee.

This report sets out the views of the Finance Committee on the Financial Memorandum of the Scottish Schools (Parental Involvement) Bill, for which Education Committee has been designated by the Parliamentary Bureau as the lead committee at Stage 1.

At its meeting on 22 November 2005, the Committee took evidence from Scottish Executive officials. Oral evidence for this meeting can be viewed by clicking [here](#). In addition, the committee received written submissions from Her Majesty's Inspectorate of Education and from COSLA. Objectives of the Bill

The purpose of the Bill is to replace School Boards which were established under the School Boards (Scotland) Act 1988, with parent forums at each school within each local authority, which will in turn elect a parent council for that school. The aim is to promote and support parental involvement in school education and to place statutory duties on Ministers to do so.

Costs of the Bill

The costs of the Bill will fall upon the Scottish Executive, local authorities and Her Majesty's Inspectorate of Education (HMIE). These will total £1.2m per annum from 2006- 07 onwards. Costs upon the Scottish Executive

The Scottish Executive will be responsible for producing guidance to local authorities and parent councils as to what their roles will entail through the Bill. The Executive will provide support material to assist with the setting up of parent councils, and this will include guidance on consultations and running the parent councils. The costs that will fall upon the Scottish Executive for producing guidance and generic support materials for local authorities and parent councils is £150,000 for 2006-07, and £50,000 for 2007-08.

Costs upon Local Authorities

Until the enactment of the Bill, local authorities will be responsible for continuing to provide support to school boards. In addition, they will also be required to provide for the creation of parent councils and forums. Once the Bill is enacted, school boards will be dissolved, and the local authorities will be responsible for providing funding to support the parent councils with their operation, administrative costs and training. This service is currently provided to school boards, and following

the enactment of the Bill and the dissolution of the school boards, this funding will be redistributed to the parent councils.

Local authorities will also have a duty to promote parental involvement, and this may include providing translation of information leaflets for parents whose first language is not English.

The Financial Memorandum states that it is not anticipated that the local authorities will have to incur significant costs towards developing options and model constitutions, as this will be provided for in guidance from the Scottish Executive. However, authorities will need to cover the cost of consultation with parents, and analysing responses.

It is anticipated, that as the parent councils will be expected to have more involvement with parents than school boards at present, there may be a greater requirement for administrative assistance. The Financial Memorandum is not prescriptive in what the local authorities will need to provide towards this administrative assistance, but it suggests that this could be a paid clerk or through voluntary work.

Local authorities will also be expected to provide accommodation and guidance for the meetings of the parent councils, and to prepare and publish the scheme for each school council. In addition, they will be expected to provide training for representatives from parent councils for interviewing head teachers and deputy head teachers at schools. However, some education authorities believe that savings will be made from the removal of the requirement to advertise these posts nationally. They will also be expected to provide a complaints procedure for parents at schools, through consultation with parents specific to the duties of the Bill. While this may incur some additional short term costs, it is not anticipated that further costs will arise, as the complaints procedure should ensure that there is more clarity in the information provided.

Local authorities will also be required to provide information to parents at their request in relation to the education of their child at the school. While this is currently provided in most schools, the Bill will make this a statutory duty upon local education authorities. The Pupils Educational Records (Scotland) Regulations 2003 currently enable education authorities to charge parents for copies of their child's educational record.

It is estimated that costs upon local authorities of providing support, administrative costs, promoting the establishment of parent councils will be £100,9000 in 2006- 07, £112,3000 in 2007-08, and £126,6000 in 2008- 09.

Costs upon Her Majesty's Inspectorate of Education

Her Majesty's Inspectorate of Education (HMIE) currently receives representations from parents in relation to inspections of schools. While the Financial Memorandum states that it is difficult to estimate additional costs from representations by parent councils, it is believed that some of the current parent representatives may be replaced by those of parent councils. Costs would be incurred by HMIE for investigating each representation it receives.

It is estimated that for an additional 10 representations per year from parent councils, the costs upon HMIE will be approximately £23000 per annum.

The costs are set out in the Financial Memorandum as follows.

Table 1: Total Estimated Additional Costs of the Bill

	2006-07 (Transition Year with School Boards still operational) (£000s)	2007-08 (First year of new system after commencement of Act) (£000s)	2008-09 (and subsequent years – steady state) (£000s)
Local authorities	1,009	1,123	1,266
Scottish Executive	150	50	N/A
HMIE	23	23	23
Total	1,182	1,196	1,289

Summary of Evidence

In their written submission, COSLA said that they had reservations regarding the cost of additional representations made to HMIE from parent councils. They highlighted that this could lead to additional costs, which could impact upon the costs of the Bill. HMIE however were content with the costs that were reflected in the financial memorandum.

In evidence Executive officials explained that HMIE had provided the estimate of representations. HMIE had informed the Executive that even if the number of representations made to them by parent councils were to be double this amount, they were content that they could absorb any additional costs from their budget.

The Committee asked whether the assumptions in the Financial Memorandum had been set at a minimum or maximum level of parental involvement. This was in relation to the fact that there may be a broad range of approaches and levels of activity in individual schools. Given that the Bill is not prescriptive in how parent councils should be formed, this could result in different approaches to the Bill in different schools across the country.

The Executive explained that the assumptions had been based on a figure from an assessment of the likely response to the Bill. Neither the Executive nor local authorities envisaged that there would be a much greater number of parents on a parent council more than are on the current school boards. The Executive also believed that there was unlikely to be a substantial alteration from the assumptions given in the Financial Memorandum.

The Executive confirmed the names of the four sample local authorities during their evidence which were used to develop the methodology for calculating the cost of the Bill. These were: East Renfrewshire, East Lothian, North Lanarkshire, and Highland. They chose these authorities as they cover both rural and urban areas and the east and west of Scotland. Both COSLA and the Association of Directors of Education Scotland had indicated to the Executive that they were content with the approach of using these four sample authorities to provide the assumptions of costs in the Financial Memorandum.

Conclusion

The Finance Committee considers the Financial Memorandum for the Scottish Schools (Parental Involvement) Bill to be adequate.

ANNEXE – written submissions

Submission from HMIE

Consultation

Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made?

Yes

Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?

Yes

Did you have sufficient time to contribute to the consultation exercise?

Yes

Costs

If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details.

Yes – HMIE costs are specifically discussed in paragraph 72 of the Financial Memorandum and we fully endorse the statements made there.

Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met?

The costs predicted (£23,000) are relatively minor and can be absorbed within the context of the existing HMIE budget.

Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?

Yes

Wider Issues

If the Bill is part of a wider policy initiative, do you believe that these associated costs are accurately reflected in the Financial Memorandum?

Yes

Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs?

We do not anticipate further costs of this nature arising.

Submission from COSLA

Introduction

As the collective voice of Scottish local government, COSLA are delighted to have this opportunity to express our views on the Scottish Schools (Parental Involvement) Bill – Financial Memorandum. The Bill introduces a range of practical measures which we believe will improve the way that parents engage with schools and are involved in their children's education.

COSLA are particularly pleased with the way that local government's view has been considered in the formulation of this legislation. Furthermore, the high level of engagement between the Executive and COSLA has been instrumental in the development of these sensible policy proposals and practical financial projections.

We are confident that much of the associated costs of this legislation will be offset using existing resources in a different way. The overall additional costs should be relatively modest, and we are comfortable that the figures set out in the Financial Memorandum will provide adequate provision.

Did you take part in the consultation exercise for the Bill, if applicable, and if so did you comment on the financial assumptions made?

COSLA did take part in the consultation, both through the formal response process and through numerous informal discussions with officials from the Executive. No detailed comments were made on financial assumptions in our response, but there have been significant discussions on the financial aspects of the proposals.

Do you believe your comments on the financial assumptions have been accurately reflected in the Financial Memorandum?

Yes, we are satisfied that our views have been accurately reflected.

Did you have sufficient time to contribute to the consultation exercise?

Yes, sufficient time was given.

If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the Financial Memorandum? If not, please provide details.

Yes. COSLA undertook separate research into the likely financial implications. The results tally with those made in the Financial Memorandum.

Are you content that your organisation can meet the financial costs associated with the Bill? If not, how do you think these costs should be met

The provision outlined in the Financial Memorandum would appear to be sufficient.

Does the Financial Memorandum accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?

Although very difficult to gauge, we are comfortable that the margins of uncertainty should not ultimately result in impossible financial burdens for local authorities.

If the Bill is part of a wider policy initiative, do you believe that these associated costs are accurately reflected in the Financial Memorandum?

Yes.

Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation or more developed guidance? If so, is it possible to quantify these costs?

We do not envisage significant future costs arising. However, we have reservations about the Bill's provision for HMle intervention at the behest of parents, and are concerned at the potential resultant added costs for the public purse. We therefore reserve the right to comment on this at a future date if it remains in the Bill, and when we have more information about the associated costs.

EDUCATION COMMITTEE

EXTRACT FROM MINUTES

17th Meeting, 2005 (Session 2)

Wednesday 5 October 2005

Present:

Ms Wendy Alexander

Lord James Douglas-Hamilton (Deputy Convener)

Adam Ingram

Mr Frank McAveety

Iain Smith (Convener)

Ms Rosemary Byrne

Fiona Hyslop

Mr Kenneth Macintosh

Dr Elaine Murray

The meeting opened at 10.31 am.

Item in private: The Committee agreed to take item 3 in private.

Scottish Schools (Parental Involvement) Bill (in private): The Committee agreed its approach to stage 1.

The meeting closed at 12.35 pm.

EDUCATION COMMITTEE

EXTRACT FROM MINUTES

22nd Meeting, 2005 (Session 2)

Wednesday 30 November 2005

Present:

Ms Wendy Alexander

Lord James Douglas-Hamilton (Deputy Convener)

Adam Ingram

Mr Frank McAveety

Iain Smith (Convener)

Ms Rosemary Byrne

Fiona Hyslop

Mr Kenneth Macintosh

Dr Elaine Murray

The meeting opened in private at 10.03 am.

Scottish Schools (Parental Involvement) Bill: The Committee took evidence at Stage 1 from—

Jennifer Wallace, Policy Manager, Education, Housing and Local Government, Scottish Consumer Council

The meeting closed at 12.21pm.

Scottish Parliament Education Committee

Wednesday 30 November 2005

[THE CONVENER *opened the meeting in private at 10:03*]

Scottish Schools (Parental Involvement) Bill: Stage 1

10:48

The Convener: We come to our first oral evidence session on the Scottish Schools (Parental Involvement) Bill. This morning, we will take evidence from the Scottish Consumer Council. I am pleased to welcome Jennifer Wallace, who is the policy manager for education, housing and local government at the Scottish Consumer Council.

Good morning, Jennifer. We received your written submission on behalf of the council, but if you have any additional points that you would like to make before I open the meeting for questions, feel free to make them.

Jennifer Wallace (Scottish Consumer Council): I thank the committee for inviting me to give evidence today. As you will see from our submission, we see parents as consumers of education and therefore we support measures to encourage better involvement and representation in schools. I have no further comment at this stage.

The Convener: I will start with a general question about the consultation process for the bill. Have you any comments about the effectiveness of the Scottish Executive's consultation on the proposals in the bill?

Jennifer Wallace: The Scottish Consumer Council believes that the Executive consulted adequately on the bill, although we are aware of the criticisms that were made of it. Our initial criticism was that the traditional methods of consultation struggled to get access to the views of the 90 per cent of parents who are not members of a parent-teacher association or a school board. We took that concern to the Executive and it agreed to carry out further research, which is the basis of the evidence in our submission. That research included a MORI telephone survey of 1,000 parents and eight focus groups of parents who have not been members of school boards. We viewed the Executive's willingness to conduct extra research as a sign of effectiveness.

Fiona Hyslop (Lothians) (SNP): I am interested in the point that you made about the need for clarity about the difference between parental involvement and parental representation, which were initially confused. What did the research show about those two aspects? Is the balance right, or is parental involvement more of an issue for policy while parental representation is an issue for legislation?

Jennifer Wallace: We pointed out in the discussion paper the need to be clear about the difference between parental involvement and parental representation. We welcome the fact that section 1 makes that clear. It does not use those words, but it talks about parents' involvement in the education of individual children and then about their involvement in the education of pupils generally in the school. We called attention to that difference again in our submission because much of the evidence that is being submitted is about the impact of parental involvement but is being used to justify parental representation. We can point to the evidence that supports better parental representation, but we need to be clear about whether we are talking about involvement or representation. That will need to be teased out more in guidance in particular.

You asked about the evidence that we gathered. We found fairly low levels of parental involvement in schools. I make it clear that I am talking about involvement in schools rather than in education because parents are very involved in homework and so on, but about two thirds of them have no involvement with the school or with activities in school and their child's learning there. However, 45 per cent of parents want further involvement, so there is an obvious enthusiasm for involvement.

We also found that when we asked parents why they had not been involved, the reason was a combination of the opportunities provided by the school and keeping a work-life balance. The work-life balance is a wider issue than the bill can address, but many of the things that they told us—about open days or being able to drop into the school at any time—could be addressed in the bill by a strategy for parental involvement. That would be an appropriate measure for legislation.

Fiona Hyslop: Should the duty that the bill places on local authorities to encourage parental involvement, without being overly prescriptive, be the vehicle for how that is done?

Jennifer Wallace: That is the right vehicle. I agree that it is important not to be prescriptive. There are huge variations, particularly between rural and urban areas, in how one would go about ensuring parental involvement. As long as guidance is sufficient and the situation is monitored, we are comfortable with the provision.

Fiona Hyslop: There was considerable movement between the initial consultation and the recent publication of the bill. For example, school boards are being abolished, but now it appears that if one wanted, the parent council could be called a school board and it would not make much difference. What is your perception of the degree of change from the consultation stage to what has been published? How significant has that been?

Jennifer Wallace: It has been significant. The Executive has listened to the concerns, particularly about the inclusion of head teachers. Our survey found that only 1 per cent of parents did not want the head teacher to be present at meetings, which is a clear research finding.

We also welcomed the so-called two-tier system that would include a parent forum and a parent council. One of the difficulties with the original consultation was that people could not understand how a parent forum, as it was called then, would have been defined and constituted. However, a parent council seems to be defined much more clearly and that has overcome some of the concerns.

Fiona Hyslop: Finally, I ask about variability throughout the country. The merit of the school boards is that the structure has been set out in legislation and provides commonality. You indicate in your evidence that variability might be a problem because the proposed system would not result in a national representation. To what extent will variability—the fact that a body could be set up in a school that is not the same as the one in the school down the road or in another county—cause difficulties for parents who want to make their voices heard? The education authority might choose to divide and rule. Secondly, would you explore your proposal for a national body? How helpful might that be to parental involvement?

Jennifer Wallace: On the variability at local level, about 83 per cent of parents said that they wanted to be able to decide how the parent forum in their school—now called a parent council—would be organised. Our research evidence showed that parents have called for that flexibility.

Detailed guidance will be crucial to make sure that education authorities are able to implement a flexible provision that has a degree of consistency. Given the amount of flexibility in the bill, we hope that the guidance will be consulted on and we would welcome a further opportunity to comment on that later.

We have argued for many years for national representation. About 49 per cent of parents said in response to our previous survey that they did not believe that their views were well represented nationally and it concerns us that parents do not recognise a vehicle for that. More recently, we have become concerned that if the bill goes through, the abolition of school boards will mean that the Scottish School Boards Association will not have membership fees and will in effect cease to exist. That would leave a gap at national level. The Scottish Executive does not provide core funding to the Scottish School Boards Association or the Scottish Parent Teacher Council, yet it uses the representatives of those organisations in working groups and expects them to consult their

members. That is a significant gap in funding for the sector.

We hope that if a new national parent body were set up, it would be given a key role in monitoring the implementation of the bill and would be an independent voice to challenge education authorities and perhaps the Scottish Executive on its level of success. That would be quite a large job.

Ms Wendy Alexander (Paisley North) (Lab): Clearly, the SCC is broadly sympathetic to the aims and objectives of the bill, but one of your criticisms is that you are

“not convinced that the balance of rights and responsibilities in the ... Bill will provide Parent Councils with a strong enough voice to challenge service providers and professionals.”

What changes to the bill might you be looking for to meet that concern?

Jennifer Wallace: We are concerned that parent councils will have no decision-making powers and that such powers will rest solely with the head teacher and the education authority. We accept that the term “having regard to” is common in legislation and we are comfortable that most authorities and head teachers would interpret that as they should, but we would like it to be reviewed. We welcome the fact that there are provisions in the bill to allow the powers of parent councils to be extended, but we think that there needs to be a clear commitment to reviewing that and to ensuring that education authorities and head teachers have regard to what parents are saying. That part of the bill should be strengthened, so that if we find in a review that education authorities and head teachers are not having regard to what parents are saying, a school development plan or any other proposal could perhaps be vetoed.

Ms Alexander: That is helpful. The critical issue is that there should be a commitment somewhere in the bill or the accompanying documents to reviewing whether head teachers and local authorities have had regard to the views of parent councils.

Jennifer Wallace: Yes.

Lord James Douglas-Hamilton: I have two brief questions. First, what role should parents play in the appointment of the head teacher and the deputy head teacher?

Jennifer Wallace: There is a consultation out on that matter and we have not yet come to a policy decision as an organisation, although we support continued parental involvement in the appointment system. We will respond to the consultation.

Lord James Douglas-Hamilton: Secondly, we appreciate that you responded positively to the

Executive’s proposals for the draft bill, but only 13 per cent of the 1,030 responses to the consultation were in favour of outright abolition of school boards. In your view, what compromise might be made that would retain the legal structure of existing boards, which enjoy widespread support, while encouraging more parents to support their children’s learning?

Jennifer Wallace: In our research, we found support for school boards. Most parents were happy with how their views were being expressed by school boards. We need to be clear about that. School boards have not failed in their role, but it is difficult for them to engage with a wider group of parents, particularly those from more disadvantaged backgrounds. That is the difficulty that the bill is trying to rectify. The difficulty is that the School Boards (Scotland) Act 1988 is detailed and prescriptive. In order to make the kind of tweaks that we might all want to do with elections and so on, primary legislation would be required anyway. We support the flexibility in the bill and we support many parts of it.

Lord James Douglas-Hamilton: If you have any invaluable ideas, could you let us have them in the form of amendments?

Jennifer Wallace: Of course.

Mr Kenneth Macintosh (Eastwood) (Lab): Thank you for your evidence. You have already addressed some of my questions. You spoke about trying to get the balance right between the prescriptive legislation for the school boards and the very flexible approach to parent councils and you said that there should be guidance. Should there also be provision in the bill for minimum guarantees or minimum ratios of professionals to parents, for example? There is an outside possibility that a body could exist that is all parents but no professionals, although I know that the head teacher has to attend meetings. Should all that be covered in guidance? If so, what sort of guidance are you thinking of?

11.00

Jennifer Wallace: We do not think that matters such as membership should be in the bill. The provisions for the attendance of the head teacher, if all the parties agree, are sufficient to ensure that there is partnership between teachers and parents. However, in our initial consultation response, we suggested that there should be principles for what are now called parent councils—for example, parents should be independent, should be representative and should be in touch with other parents. If such principles were enshrined in the bill, education authorities and parent forums would have a framework to create a structure that is flexible enough to work

for them but that adheres to the common elements that all parent forums and councils should have.

Mr Macintosh: So the bill should say nothing about membership. You made a useful distinction between parental involvement and parental representation. Perhaps one of the failings of parental representative bodies is that the lines of accountability between the school boards and the parents are sometimes not great. Many parents do not know what is going on at the school board. Could accountability be viably inserted into the bill, or is that best left for guidance?

Jennifer Wallace: That could be in the bill, but it depends. The issue of mandatory elections and their removal is under considerable debate. We do not support them; we think that most parents find them offputting, particularly when they have to put down what amounts to a manifesto. That is not a very inclusive way of doing things. However, accountability can be ensured through consultation and the representation of parents' views through the proper procedures and so on. If the bill provided for accountability, the guidance could expand on what that would involve, which might be elections or a duty to consult.

The Convener: In your written evidence you stated:

"While a School Board cannot exist without parents, once constituted they bring parents, teachers, community groups and in some cases pupils around one table. Replacing these with parent only bodies, as Parent Councils will be, raises questions about school governance."

Should the provisions in the bill on co-option be amended to make it clear that it is good practice to include such groups as other teaching staff, community representatives and, indeed, pupils?

Jennifer Wallace: The variations among communities and schools mean that that should be included in guidance. I am not convinced that it should be in the bill, but it should certainly be in guidance. It is good practice to include community members and we support the inclusion of pupils in a parent council.

Dr Elaine Murray (Dumfries) (Lab): The convener has asked my first question, so I shall move on to the second. You support the establishment of a new national parent forum. Is there any merit in having local authority-wide regional forums that might be able to make representations on behalf of parents to local authorities?

Jennifer Wallace: In a previous discussion paper, we pointed out that there is a gap at local authority level. As good practice, many local authorities have parent representatives, but that is not enshrined in law. It is a matter of local

authority decision and practice. When we began to think more about the national parent body—we hope to have a paper on that in the near future—we thought about the importance of regional links. We considered that having a representative in each local authority area was perhaps not necessary, but we were positive about regional links to facilitate communication.

Dr Murray: Under the bill, individual parent forums could ask an inspector to inspect a school if they were unhappy. There could be an argument for an equivalent power to allow a regional parent forum to call in Her Majesty's Inspectorate of Education to inspect the local authority if it was unhappy about the education provision. Would you support that?

Jennifer Wallace: We have not considered that, but we could support it in principle.

Mr Frank McAveety (Glasgow Shettleston) (Lab): What were the barriers to participation?

Jennifer Wallace: I touched on that before. Not having enough time is one issue. We all understand the difficulties with which parents are faced when trying to juggle work and family life and involvement in school. Also, 18 per cent of parents told us that the problem was that they did not have enough opportunities to participate. Many parents said that they wanted to be asked to get involved; they said that having more activities would help them to be involved. Schools could do some relatively simple things to increase parental involvement.

Mr McAveety: Does the bill address those concerns?

Jennifer Wallace: It will be for the detail of strategies for parental involvement to do that. It is difficult to comment on those strategies, as we have not seen guidance on them. We hope that the strategies for parental involvement will be innovative and creative and will consider such things as open days when parents can drop into schools and speak to the teachers. There are many other examples of innovative practice and we hope that they will be contained in the strategies.

Mr McAveety: In the research, was there a clear difference in disadvantaged communities' participation and expectations or in the role that they felt encouraged to play?

Jennifer Wallace: There was no difference in that respect. There were differences between the levels of involvement in primary and secondary schools and in what parents thought might encourage their involvement. Parents with children in primary schools were less concerned about time; that became more of an issue for parents of children at secondary schools. Parents with

children in primary schools were less keen on elections than were parents with children in secondary schools. Those kinds of differences were apparent, but we did not find differences across social strata.

Mr McAveety: Was the research rigorous enough to tell you that?

Jennifer Wallace: I think so. We worked with MORI on different categories and we tried to address that issue. We have reported on the statistically significant relationships; where there is no discussion, we did not find anything significant.

Ms Rosemary Byrne (South of Scotland) (SSP): Your submission does not comment specifically on a number of areas. I wonder whether you have a view on those areas or whether any research will be done in those areas, which are quite important. What is your view on the appointment of head teachers and deputy head teachers? Did anything on that come through in the research?

Jennifer Wallace: That was not discussed in the research because, when we carried it out, we knew that there was going to be further consultation on the issue. We did not have the detail that would have allowed us to ask parents specific questions on that, which is why that is not in the research.

Ms Byrne: Did you get a feeling for whether that is an important area for parents?

Jennifer Wallace: It was not mentioned by anybody.

Ms Byrne: The proposal to place a duty on education authorities to provide advice and information to individual parents on request on matters relating to the education of their children is an important one for parents. It is probably one of the things about which parents feel most strongly, as they often do not get that information. Did you get any flavour of that in the research? Do you plan to do any research in that area?

Jennifer Wallace: That feeling came out in the focus groups when we asked parents about the information that they received. Some of them were unhappy about the information that they received—their unhappiness always related to information about their individual child. They wanted more information about how the child was progressing, about its attainment levels and about any additional support needs that may have arisen. They were not especially interested in receiving basic information about the schools. Parents say over and over that they are interested in the education of their individual child; only a few parents are interested in the management of the school. That must be recognised.

Ms Byrne: The duty to provide advice and

information on the child's education is important, given that under the Education (Additional Support for Learning) (Scotland) Act 2004 parents can ask for assessments. I wondered whether there had been any discussion of that.

Jennifer Wallace: Only as it came out in the focus groups, as I have said. Some parents were slightly dissatisfied with the amount of information that they received and wanted more.

Ms Byrne: Do you have plans to consider that issue in more detail?

Jennifer Wallace: We previously carried out work on advice and information services—that was before my time at the Scottish Consumer Council. At that time, parents suggested that they wanted an independent source of advice and information. The advice and information that they wanted was not about their own children's attainment; it was about what education policy should be and what standards schools ought to meet. The parents were not convinced that they would get such advice and information from an education authority in an unbiased way—that was the perception; it is not a criticism of education authorities.

Mr Adam Ingram (South of Scotland) (SNP): I want to ask about the work that you are doing on the complaints system in schools. There seems to be an anomaly in the fact that people will be able to initiate a complaint under the bill but not under, for example, the Standards in Scotland's Schools etc Act 2000. Could you give us your views on that anomaly?

Jennifer Wallace: That is one of the concerns that we have about the bill. It introduces a right to complain about parental involvement but not a general right to complain about standards and quality in education. We think that it would be a significant increase in parents' rights if there were such a consideration in this bill. As many local authorities already have satisfactory complaints systems, it would not be onerous to add that to the bill.

As I said, we are concerned about the fact that parents are not being encouraged to complain. It seems that the education profession is not aware of the benefits of having an effective complaints system. For example, if the professionals were aware of the possibility that they can get information about problems before they accelerate and become more serious, that might increase quality in the education system and deliver better outcomes for children. We would like that to be included in the bill.

I should also stress that our previous research in 2002 found that 96 per cent of parents were either very satisfied or fairly satisfied with the education of their children. We would not, therefore, expect

there to be a huge number of serious complaints. The level of complaints would not cause a problem for schools and education authorities.

Mr Ingram: However, if no complaints procedure is laid down, it will not be easy for parents to get involved in supporting their child through the system.

Jennifer Wallace: Absolutely. The system is complex. We raised the issue that you are talking about during the consultation on the Education (Additional Support for Learning) (Scotland) Act 2004, which has created several different avenues for complaints relating to additional support needs.

At this stage, we are not sure how many complaints parents might have that would not fall into that system. However, it would be helpful if there were a single complaints system that would point parents to the other sources of redress.

Mr Ingram: You say that your research shows that only a small percentage of parents make complaints. Do you think that a significant number of parents would complain if there were a well-defined procedure?

Jennifer Wallace: The research does not suggest that there is a high level of grievances that have not become formal complaints. The high level of satisfaction that we detected leads us to suspect that there are not many parents who would use the complaints system. However, as I said, we should be encouraging the use of a complaints system as a way of early intervention to stop further problems.

The other benefit of having a well-defined complaints system is that it might reassure some parents who are concerned about the repercussions on their child of complaining. Our research has shown that people can worry about what might happen to their child if they complain to the education authority about the school. That is one of the barriers to people making complaints; having a properly publicised complaints system might allay their fears somewhat.

The Convener: A number of the written submissions that we have had from the local authorities make the point that they already have complaints procedures in place and that, therefore, adding another complaints procedure to that would seem to be unnecessarily burdensome and confusing to the public. Do you think that the complaints procedures that councils have in place should be adequate to deal with the points that you have just raised? If so, do you think that they are or should they be reviewed?

Jennifer Wallace: We are just beginning to do some work on complaints in education. During the course of the bill, I hope that we will be able to provide more evidence on what local authorities' policies are and so on.

We are aware of good practice in some local authorities but we are not convinced that all local authorities have an effective complaints process for education. As a principle, we believe that there should be a single gateway through which parents can pass to access the various systems if and when they need them. We have said that it should not be up to the parent to find out what avenue they should be pursuing. There should be one entry point from which they can be guided through the complex system.

The Convener: The committee will be interested in the results of your study into those complaints procedures. I thank you for giving your evidence, which has been helpful.

That concludes the public part of today's meeting.

11:14

Meeting continued in private until 12:21.

EDUCATION COMMITTEE

EXTRACT FROM MINUTES

23rd Meeting, 2005 (Session 2)

Wednesday 7 December 2005

Present:

Ms Rosemary Byrne

Fiona Hyslop

Mr Kenneth Macintosh

Dr Elaine Murray

Lord James Douglas-Hamilton (Deputy Convener)

Adam Ingram

Mr Frank McAveety

Iain Smith (Convener)

Apologies were received from Ms Wendy Alexander.

The meeting opened at 10.03 am.

Scottish Schools (Parental Involvement) Bill: The Committee took evidence at Stage 1 from—

Panel 1

Alan Blackie, Director of Education and Children's Services, East Lothian Council, Association of Directors of Education

Ewan Aitken, Education Spokesperson, COSLA

Anna Fowlie, Team Leader, Education, Children and Young People Team, COSLA

Panel 2

Caroline Vass, President, Scottish School Boards Association

George Hammersley, Company Secretary, Scottish School Boards Association

Judith Gillespie, Development Manager, Scottish Parent Teacher Council

The meeting closed at 12.24 pm.

Scottish Schools (Parental Involvement) Bill: Stage 1

10:06

The Convener: Agenda item 2 is our second oral evidence-taking session on the Scottish Schools (Parental Involvement) Bill. There are two panels of witnesses this morning. On the first panel are Alan Blackie from the Association of Directors of Education Scotland and East Lothian Council; and Ewan Aitken and Anna Fowlie from the Convention of Scottish Local Authorities. Thank you for coming this morning. We have received written evidence from both organisations. If you have brief comments that you wish to make by way of introduction, please feel free to do so.

Alan Blackie (Association of Directors of Education Scotland): We very much welcome the opportunity to give the committee oral evidence this morning. I will start by saying how much ADES welcomes the general thrust of the Scottish Schools (Parental Involvement) Bill. Of course, we recognise that the contribution of parents to driving up standards in education is vital.

There is, however, a feeling that the general thrust of the bill might have been lost a little bit, particularly in the reporting of its proposals by the media. The bill is currently seen by many people as simply replacing school boards, but the requirement that the bill contains for education authorities to develop parental involvement plans or strategies is vital for progress in education as a whole. There clearly also needs to be legislation to cover what will replace school boards, and that involves the parent forums and parent councils.

We are a little anxious about the possibility that the bill will become excessively prescriptive as it goes through the committee stages on its way to becoming an act, and we are concerned that it might try to do the work of education authorities for them. For example, the constitutions and membership of parent councils need flexibility to reflect local circumstances and to recognise the fact that schools vary in pupil numbers, ranging from 10, or even slightly below 10 in some very rural areas, to well over 1,000 or 1,500 in other parts of the country. We also have concerns that there is little or no mention of the role of elected members. I am sure that Ewan Aitken will say more about that when he speaks about parent councils. That role has been valuable on school boards, and we do not want to lose it.

Turning to the most recent part of the consultation—on appointment and deployment of head teachers—we feel strongly that the regulations that are being suggested are

overprescriptive. Head teachers are employed under legally binding contracts from education authorities. We strongly suggest that guidelines, rather than regulations, are more appropriate in relation to the employment of head teachers.

In summary, ADES is very supportive of the objectives and the main thrust of the bill, although some of the detail still needs to be ironed out.

Councillor the Rev Ewan Aitken (Convention of Scottish Local Authorities): I thank the committee for giving me the opportunity to present evidence. COSLA welcomes most of the bill, as it presents huge opportunities to build on some of the things that are happening in education.

As Alan Blackie outlined, the bill recognises the central role of parents in the whole education experience. However, COSLA wants to reiterate that there is much more to parent involvement and engagement in schools and in education as a whole than simply being on the existing school boards or in any future organisations that may be set up. For example, parents have a role in personal learning planning, which is being introduced as part of the individual journey through education. Parents also have opportunities in developing the role of the school in community life. I will return to that point shortly.

COSLA thinks that on the one hand the bill tries to be as broad and as flexible as possible, but on the other hand, as Alan Blackie said, it contains some quite prescriptive bits, about which COSLA has some concerns. Section 6(6) of the bill refers to the constitutions of parent councils. COSLA is in favour of some sort of model constitution that would allow authorities, in partnership with schools, to develop the appropriate constitution for their circumstances. We would expect that to be done at local authority level.

Section 6(2)(b) says that a person other than the education authority may be asked to prepare a scheme for the establishment of a parent council, which seems superfluous. Ultimately, preparing a scheme for a parent council embeds the partnership between the local authority and the school and parent body. Therefore, it seems odd to suggest that people other than the two partners would be involved in drawing up such a scheme.

I referred to wider community matters. Our written evidence contained a proposal that a new section 8(1)(b)(iii) be added. The new paragraph would recognise the role that the parent councils could play in

“relevant local strategic partnerships, e.g. Community Planning, Community Learning and Development, Community Safety, Sports Groups, etc. to ensure that parental involvement extends to those aspects of local strategic planning that are co-dependant with schools in that area.”

Integrated community schools are being developed and work will be done under the Education (Additional Support for Learning) (Scotland) Act 2004, including the introduction of co-ordinated support plans. Therefore, we should do more to relate schools to local decision-making structures. Since new structures are coming into place with devolution to communities—which COSLA supports whole-heartedly—we need to ensure that we take this opportunity to create links for the new parental bodies. Parents can play a significant role in making such links effective.

We share ADES's concerns about the prescription concerning the appointment of head teachers. There is no doubt that there are areas in which practice needs to improve and we believe absolutely that parents should be involved in appointing head teachers. In my authority, parents are involved in drawing up the long leet and the short leet and in developing questions. Ultimately, however, the authority is the employer and it should have the final say in the process.

We object to the provisions in section 14; we have great concerns about them. We would like to be removed the provisions that call for ministerial power to impose requirements on and changes to the appointment process for head teachers. We are absolutely fine about education authorities being called to account over an appointment process, but we see no justification for such changes nor can we find any examples of them. We are satisfied that the vast array of employment legislation and a well-developed culture of human rights renders such provisions impractical and unhelpful.

COSLA does not believe that it would be appropriate for parent councils to have an explicit right under the legislation to call in Her Majesty's Inspectorate of Education. There are already mechanisms in place to allow parents, individually and collectively, to make representations to schools and to education authorities. HMIE inspections include assessing responses to such representations. There would be huge resource implications for such provision, not just for local authorities but for HMIE. We have to consider the cost to the public purse, which we believe would be disproportionate to any perceived benefit. It would also place HMIE in the role of arbiter in individual complaints or circumstances. I am not sure that that is a role that HMIE would want to play.

10:15

We are concerned about the potential for frivolous or vexatious use of that provision. All authorities have appropriate complaints procedures in place. The introduction of the Education (Additional Support for Learning)

(Scotland) Act 2004 requires that to be firmed up even more, with the role of mediation and so on, so it seems that the proposal would be unhelpful in terms of that legislation and in terms of encouraging parents to engage with authorities and the HMIE.

We have no problem with the HMIE coming into schools; in fact, we think that that is a good thing and helps us to ensure that we are accountable and continue to raise standards. However, that is done under a systematic work programme as opposed to what would be essentially an ad hoc call for HMIE's involvement.

Alan Blackie referred to the role of elected members. We welcome the changes that will result in the directorate, and the fact that head teachers will have a role in any new bodies. We also believe that it is essential that elected members be represented on the new bodies. That is important in terms of the relationship with the community planning partnerships, to which I referred earlier, and with the decision makers, in terms of the education authority function of local councils. We would like to see elected members having a statutory right of representation on the new bodies.

However, we accept that there are some difficulties, particularly with the advent of proportional representation and the single transferable vote in the 2007 elections. One of our members from a rural authority seems to reckon that, if he were to be elected under the new system, he would have 33 schools in his new ward. That is a lot of evenings. We need to think this through, but we do not think that that is a reason for not having elected members on the new bodies.

We are concerned about the issue of other co-opted members. We are absolutely clear that the chair should have a live interest. In other words, it would be appropriate if the chair was the parent of a child at the school.

We have suggested that the church would not be represented. However, I should say that our suggestion that reference to co-opted members be deleted does not apply to section 7(2). We accept the right of the church to be represented on the parent councils of denominational schools. We suggest that the chaplains of non-denominational schools might also have a live interest.

We think that this is a good bill that has the potential to increase the level of parental involvement significantly in a number of ways. We are generally supportive of it.

Fiona Hyslop: Last night, I attended in West Lothian an interesting meeting about the bill. It was hosted by the education authority and attended by school boards from across the county.

In my questions, I will reflect some of the concerns that were expressed.

Ewan Aitken talked about the difference between a parent being involved in their child's education and everyone working together for the improvement of the school community environment. There is confusion about the bill as it is. One of the concerns that were expressed last night was quite specific. Under section 8, the functions of the parent council are extremely broad. Section 8(1)(a)(iii) says that part of the functions of the parent council is

"to develop to their fullest potential the personality, talents and mental and physical abilities of the pupils attending the school".

That is similar to the responsibility that the Standards in Scotland's Schools etc Act 2000 gave to local authorities. Last night, a parent said to me, "I am responsible for three children of my own already, am I supposed to be responsible for the education of other children?" If you add the requirement in section 8 to the representations that can be made by the parent council to the head teacher, the education authority and HMIE, you can see that, all of a sudden, the parent councils are taking on educational responsibility for other people's children. If complaints are made to the parent council about a teacher's ability to educate a particular child, a hornets' nest could be opened up and the parent council could end up being dragged into the matter. At the moment, as I understand the situation, if there were any concerns about the education of a child, they would go through the teacher, to the head teacher and on to the local authority.

Councillor Aitken: Are you referring to a scenario involving the education of an individual child as opposed to—

Fiona Hyslop: Yes. The bill states that the functions of the parent council include a responsibility

"to develop to their fullest potential"

the personality and talents of the child. It depends how you look at that. That is an onerous responsibility for a local authority, let alone for a parent council.

Councillor Aitken: In some senses I was alluding to that. We do not want a parent body to have to deal with the specifics of an individual child's circumstances. However, any individual child's circumstances will, in part at least, reflect the situation in the whole school. That comes back to the tension that I described earlier. That is why there must be consistency of understanding of the lines of responsibility, as I outlined in respect of the model constitution that I described earlier. The role of any parent forum must be clearly understood.

If an individual circumstance is brought to the parent forum, the forum needs to be able to say, "We do not deal with individual circumstances, but there are wider issues of which we should be aware." Therefore, the parent forum could address the matter at that level. It could not do so in respect of an individual child's education, which should clearly be the responsibility of the teacher, the head teacher and the education authority. As I said, complaints should be handled by the complaints procedure. The school forum should not be a point of contact for complaints about an individual child's circumstances.

Fiona Hyslop: So the model constitution must be tight, but perhaps it might be for the legislation to reflect that the parent council is about the advancement of the education of the community rather than the individual.

Councillor Aitken: The legislation talks about the parent council's "endeavours" as opposed to its responsibilities. That point must be articulated in any model constitutions. I emphasise that I feel—other people share this view—that we need a variety of models for different circumstances. Otherwise we will impose things that are not wanted. However, the model constitutions must outline the differentiation of roles that Fiona Hyslop articulated. An individual circumstance might raise wider issues with which the parent council can deal, but it should not deal with the circumstances of an individual child.

Alan Blackie: The bill is interesting. Fiona Hyslop makes an important point. We do not want to frighten people away from taking on an important role. The bill states that it is about functions, but we could debate the difference between functions and responsibilities for a long time. However, every school and every education authority has in place good, tried and tested procedures to cope with parental concerns and to pick up on teachers' performance and identify whether performance is lacking. A raft of personnel procedures are in place to deal with matters such as that. As Ewan Aitken said, complaints procedures are also in place. The drafters should take care with the amendments to the bill because the last thing that we want to do, as Fiona Hyslop rightly says, is to scare people off. We want to encourage people to get involved in parent councils.

In relation to the existing set up, in East Lothian Council we had an information evening last Thursday. Some head teachers, parent-teacher associations and school boards were present. People tended to get caught up in the organisational issues of parent councils rather than to consider the wider opportunities that the bill offers. Parent councils are not unimportant, but they are but one part of the bill and there are wider opportunities.

Fiona Hyslop: I will ask three more specific questions. Would it be reasonable to allow for the attendance by invitation of elected members and directors of education at the meetings? The school boards used to be agents of the local authority, but parent councils are not. What does being agents of the local authority mean in law? Was it effective?

My final question is more technical. We have heard in Parliament presentations by looked-after children from West Lothian. They feel resentful about the references everywhere in schools to “parent evenings”, “parent this” and “parent that”. We live in a world in which children are looked after by aunts, uncles and grandparents; the use of the word “parent” might exclude people. What we are talking about is school: the school forum and the school council. Would you feel reasonably relaxed about reflecting the interests of looked-after children even in the wording of the legislation?

Councillor Aitken: I accept that last point absolutely. I understand that there is quite a group of young people who care for their parents. In Edinburgh, it is reckoned that 5,000 young people are the main carer in their families. Where do they fit into the bill? Fiona Hyslop’s point was well made; the language of the bill is a challenge. The downside of a school forum is that it would not affirm the role of the parent-carer. I am relaxed about trying to find the right language. Whether it means that we have the more cumbersome “parents and carers forum” or whether we find a new word that people are up for, I am happy to have that conversation.

On elected members, given the role that I was suggesting of community involvement, and community planning partnerships, community learning and development, it would be right and proper to have a statutory right for elected members to be present at school boards. However, although we must recognise that a scenario such as that in which an elected representative has 33 schools in their ward—as I mentioned earlier—would make that difficult to achieve, I am clear about the need for elected members to have a statutory right to a role at local level. Alan Blackie can deal with agents, which is slightly more technical.

Alan Blackie: For representatives of the authority to be able to attend only by invitation would not strike the right balance. My team and I attend a lot of school board meetings, sometimes because a school board wants to see us about something and sometimes because we would like to explain something to a school board. We do a lot of cluster meetings, including a programme of cluster meetings every winter at which we discuss matters of common concern. We attend by mutual

agreement rather than by invitation. If the bill were to say “by right”, it would sound as if it were being imposed; if it says “by invitation”, it would sound as if someone cannot go unless they are invited. We need to find a form of words that enables the education authority to work in partnership. When we did the consultation evening, in partnership with the Executive and the Scottish Civic Forum, I quite liked the notion of parent partnerships as opposed to parent councils. However, “partnership” is a much-used word nowadays and it may not find favour.

You would probably need a lawyer to answer in any detail the question about the agents of the local authority. Although agents are, strictly speaking, the legal link, if you like, as far as I am aware that issue has never been tested. Again, the notion of working together is the important thing. Interestingly, if—as seems likely—parent councils have constitutions, the constitution would be a legal document. Parts of the current education service, such as community centres, have constitutions and annually elected committees and so on—that works extremely smoothly. Within such constitutions, the membership is usually clearly stated and the relationship with the authority is spelled out. There are some real benefits to having a constitution, which I will not go into now. A constitution would work well as long as there was sufficient flexibility to take account of Ewan Aitken’s points and the point that Fiona Hyslop made about the wider community and not necessarily just parents.

Mr Adam Ingram (South of Scotland) (SNP): On the general principles of the bill, as Fiona Hyslop indicated, there is a difference between parental representation on bodies such as school boards and parental involvement in children’s education. Will you help us to understand the current barriers to parental involvement in schools? Is it not arguable that the bill does nothing to promote the involvement of the parents of those children who are most in need of that involvement in their education?

10:30

Councillor Aitken: We need to reflect on that. A number of levels are involved, the first of which is representation. The school boards legislation is fairly rigid in its approach, and although there is a role for co-opted members, it is relatively narrow. As I understand it, representation is fixed for all schools.

The parental involvement debate is about what happens in each school and how that is supported by each authority. For example, we have heard about open evenings, and the bill contains other ways of involving parents. At the other extreme is the development of personal learning plans for

each child. That process should rightly involve parents or carers. Although that is not dealt with in the bill, it is part of the ethos of the changes in education and we support it whole-heartedly.

Your point about the most vulnerable children is a good one. My experience and that of my colleagues is that the children whose circumstances make them most vulnerable tend to be cared for by people whose lives are chaotic. Therefore, the ability of those parents and carers to engage in any form of representation is limited, and schools and education authorities need to find other ways of involving them.

One of the bill's advantages is that it has the potential to provide wide flexibility, although we have referred to how that flexibility might be limited, including, unfortunately, in relation to constitutions. We need the flexibility to say, "Okay, we can take account of parents' views in a wide variety of ways and set ourselves up to have a wide variety of structures that draw people in." The bill has the potential to allow us to be more flexible than we can be at the moment.

The parent-teacher association offers another way in which parents can get involved. That is another helpful model that can be drawn into the process. It is hard to reach out to those for whom being involved in the structures is difficult, but the bill provides us with the potential to do so, although it does not offer us the detail on how to do that. One wonders whether legislation can ever take account of the needs of all the different individuals we are talking about.

Mr Ingram: However, the bill provides that ministers and education authorities have a duty to promote involvement in schools. Surely that is a green light—an opportunity, if you like—to address that lack of parental involvement in children's education.

Councillor Aitken: Absolutely.

Mr Ingram: I see nothing in the bill that points in that direction.

Councillor Aitken: If one endeavours to write legislation on improving parental involvement in Westray, Dumfries, Dunfermline or wherever, either that legislation will be huge or it will be overly prescriptive. The potential that parent forums provide is the flexibility—if we can allow them that flexibility—to ensure that the required structures are created to best achieve that involvement at a local level without being prescriptive. That is the advantage of flexibility.

The disadvantage is that people might ask, "What am I supposed to do?" We have been given what appears to be a blank sheet and people want it to be filled in a bit. I think that you are arguing for it to be filled in a bit more, and I am saying,

"Perhaps, but not too much."

Alan Blackie: I do not know whether to launch into my 10-minute spiel on what education is all about.

Councillor Aitken: Oh go on—I have not heard it for 20 minutes.

The Convener: If you can keep it to one minute, that will be fine.

Alan Blackie: Okay.

The whole thrust of education in this country now is about devolving and empowering, not prescribing. It is also about outcomes and making sure that accountability is built in. It is not the job of the bill to dot every i and cross every t. The bill should be about placing a duty on schools and education authorities to ensure that opportunities such as the ones proposed are taken up. The big prize in the bill is an increase in parental involvement and closing the gap with the lowest performing 20 per cent. That will be good for families, young people and children, but it will also be good for the country and the economy and it will take pressure off many other parts of the system. However, if the Parliament tries to legislate to the nth degree, that prize will not be attained.

When we consider the role of education authorities, we all know that better results are achieved when we empower people and devolve responsibility to them. One could make a similar argument about the role of the Parliament. Our plea from ADES is, "Please do not tie our hands. Hold us accountable, make sure we can demonstrate positive outcomes, but don't write the book for us because that is our job, along with communities and parents."

Lots of ideas will emerge when parental involvement strategies are devised. That work will follow on from the bill and we welcome it.

Dr Elaine Murray (Dumfries) (Lab): Would it be correct to summarise the position of COSLA and ADES as basically in favour of the general principles of the bill? COSLA has very helpfully suggested a number of amendments to address its particular concerns, which include: who has the right to attend a parent council meeting; the role of ministers in the appointment of head teachers, and the regulations on that; and the involvement of HMIE.

I want to ask in particular about a parent council's ability to make representations to HMIE if it remains unsatisfied after having communicated with the local authority. The local authority is instructed to "have regard to" representations from the parent council. What do you understand by the phrase "have regard to"? We have heard evidence that the wording is not strong enough.

Anna Fowlie (Convention of Scottish Local Authorities): I think that the phrase means that people would have to listen to the representations and take them into account, but no more than that.

Councillor Aitken: The problem with creating a direct link between parent councils and HMIE is that it could be misused—although we are not suggesting that HMIE should not listen to parents.

Dr Murray: The education authority is expected to have regard to representations from the parent council; it is only if the parent council believes that the education authority has not paid any regard to its representations that it would be entitled to go to HMIE. Are you completely opposed to that? Do you feel that the relevant sections in the bill allow the possibility of vexatious complaints to HMIE? Should something be added to the bill to rule out the possibility of HMIE being continually invoked if a parent council is not quite happy with an education authority?

Councillor Aitken: There are two ways in which the bill could be amended: the relevant sections could be removed altogether; or, if the sections were left in so that HMIE could be involved, the cases in which it could not be involved could be stipulated.

HMIE has a clear role in inspecting authorities and schools rigorously and systematically. We are unconvinced that HMIE should have another role in dealing with what, essentially, would be complaints. What would HMIE inspect—the complaint or the school? HMIE already inspects the school and, as part of its inspection, deals with how the school authorities handle complaints. It is not HMIE's role to be an arbiter on specific complaints, so we do not think that there should be any suggestion in the bill that that might even be a possibility.

Dr Murray: Basically, you think that the present wording does not make clear the role of HMIE when it is called in in such circumstances.

Councillor Aitken: Yes.

Anna Fowlie: The proposal appeared after the consultation exercise.

Councillor Aitken: It just came over the hill.

Anna Fowlie: I have lost my train of thought.

My concern is that the proposal makes it look as if the ultimate aim is to get HMIE involved. There are already processes and complaints procedures, which, as Councillor Aitken says, are inspected. Parents will be given the feeling that the great thing to do would be to get HMIE involved, so they will go through the processes with the school and the head teacher just to tick the boxes so that they can get to that point. That is similar to what happened under the previous additional support

for learning arrangements—people simply ticked boxes to achieve their ultimate aim. I think that the arrangement that the bill proposes is unnecessary and that it highlights the involvement of HMIE as an explicit prize rather than making it just a normal part of the process.

Dr Murray: That is helpful.

Alan Blackie: It is vital that parents feel and see that their concerns are addressed properly. With the best will in the world, education authorities do not always get that right. However, as well as being confusing, the potential involvement of HMIE in the process cuts across section 15 of the bill, which is about the complaints procedure. Moreover, no mention is made of the public services ombudsman's role in the process. If reference to the HMIE stays in, the bill could contradict—or, at least, cut across—the legislation that established the ombudsman. Surely we need some consistency.

It is wholly inappropriate to cast HMIE in the role of final arbiter or receiver of complaints because that is not its role. I am no expert on the drafting of legislation, but the involvement of HMIE may even cut across the legislation that established the inspectorate. If a great deal of care is not taken, the situation could become much messier than it needs to be and the bill will not necessarily ensure that parents' concerns and complaints are addressed properly and effectively, which is what we want at the end of the day.

Councillor Aitken: HMIE could end up inspecting its own decision.

Mr Kenneth Macintosh (Eastwood) (Lab): I have a question for Alan Blackie about prescription and flexibility. You made a point about the director of education having a right to attend meetings. If such a right is not needed at the moment—I cannot imagine a situation in which a director of education would not be invited to attend a meeting or in which their attendance would not be agreed to—why do we need to write it into the bill? That seems quite prescriptive to me.

Alan Blackie: That is not what I was suggesting; I was suggesting that such a right should not be written into the bill. However, we need a form of words to ensure that the education authority is able to attend meetings as and when that is required.

At the vast majority of school board meetings, no one from the education authority is present. The adviser is the head teacher. If the director or his or her representative wants to go along to a meeting, the normal procedure is simply to contact the clerk to the school board and that will be set up. An education authority representative does not have to wait for an invitation.

Mr Macintosh: Indeed. Is that not exactly the sort of thing that would be agreed locally?

Alan Blackie: Absolutely. That is my point. Let us leave such matters to be agreed locally.

Mr Macintosh: In your submission, you said that it would be desirable for the director of education to have the power to move head teachers and assistant heads. I would have thought that that was quite a radical proposal; I do not know what head teachers and other teachers would think of it. Is there a pressing need for such a power?

10:45

Alan Blackie: I understand that such a procedure exists in Ontario in Canada, where a primary head teacher has tenure for seven years and a secondary head teacher has tenure for six years, and then they are moved to another school. Many professions have a similar practice. One head teacher in my area has been in post as head teacher in the same school for 25 years. She is excellent, but her expertise could be deployed equally well in another school. It is a question of refreshing staff, providing career opportunities and ensuring that we have the flexibility to move staff. Although that sometimes has to be done for negative reasons, it is often done for positive reasons. Head teachers are increasingly part of the corporate management of an education authority. Especially in smaller education authorities, their expertise needs to be brought to bear.

The existing legislation is restrictive, in that a head teacher is appointed to a school and cannot be moved unless for negative reasons. There needs to be more flexibility. From talking to head teachers in my authority area, I know that they are in favour of the flexibility that would be gained through head teachers being appointed to a local authority—albeit, in the first instance, to a specific school. That would give local authorities the opportunity to be flexible.

We are talking about secondments, job exchanges and a load of other opportunities for continuing professional development. That is also part of the growing agenda around the standard for headship and leadership, which is rightly being pushed by the Executive. Such flexibility is about modern employment practice coming into play for head teachers and deputy head teachers.

Councillor Aitken: COSLA is also in favour of that flexibility. At the moment, when there is a difficulty in a certain school, an authority can take a head teacher out of another school, for a short time, to help out. That head teacher might do a great job, but if the problem was going to take a while to sort out, it might be better if the authority

was able keep them at the school on more than a short-term basis. That would be enormously helpful both for the schools concerned and for head teachers' development. It is not about saying, "Oi, you—move there"; it is about an authority acting strategically with its resources, so that all its schools get the best service as quickly as possible.

Mr Macintosh: I can see the attraction of that proposal for education authorities, but I am not sure about it. It would fundamentally change the relationship between head teachers and their schools.

Councillor Aitken: We live in a world of constantly changing relationships.

Alan Blackie: A big question for anybody to face at their annual review is, "Where do you see yourself in five years' time?" We must constantly refresh things and offer challenges and support. The proposal would not be right for everybody, but at the moment there is no flexibility at all.

Mr Macintosh: I appreciate the point, but this is another proposal that has come over the hill.

Councillor Aitken: It is a busy hill.

Fiona Hyslop: We are talking about one of the most controversial aspects of the bill. The problem is that the consultation is on-going and will not end until 28 February. Do you think that the bill and the regulations on the appointment of head teachers should be dealt with in tandem, rather than one being dealt with ahead of the other?

Councillor Aitken: They impact on each other. I understand the point that you are making, but the regulations on the appointment of head teachers are very challenging, so it might be good to deal with them separately. To understand the regulations it is necessary to understand the bill and the general context. I know that that makes the process more complex, but I think that we will get a better result as a consequence of dealing with them in that way.

Fiona Hyslop: We may need to delay our stage 3 consideration of the bill until we have seen the final draft of the regulations.

I completely understand your views on the deployment of resources; however, schools are not private limited companies. If they operated in the private sector, your proposal would make sense in terms of their deployment, professional development and movement of staff; however, schools are not in that position. ADES is calling for education authorities to be empowered to deploy as they see fit not just head teachers, but senior staff in schools. There is concern that that will completely change the relationship between those staff and their schools.

We are agreed that leadership in schools and the performance of head teachers are fundamental to schools' performance. What is the point of parent councils having all these functions to help to deliver education in schools and support head teachers if decisions concerning head teachers are taken away from them? Under the regulations, the role of parent councils in the appointment of head teachers is much bigger than we expected it to be. I was surprised to find that the regulations suggest that, at the final interview, they would have 40 per cent representation, which is a much higher proportion than might have been expected. Nevertheless, that role could disappear before the final draft of the regulations appears. If a local authority can simply bring in a cadre of head teachers and senior people, parent councils' involvement in appointments could end abruptly.

How can we square the circle and give local authorities the flexibility to deploy their best educationists while recognising that schools are not public limited companies? There has to be a positive relationship between the parent council and the head teacher, and the appointment of the head teacher is an important part of the process.

Councillor Aitken: I take your point. There is a circle to be squared with regard to appointments, although I am a little confused because you said that there is 40 per cent representation. In my authority, it is 50 per cent.

Fiona Hyslop: The regulations that are being consulted on at the moment say that representation could be up to 40 per cent.

Councillor Aitken: Parents need to be involved regardless of the circumstances that they and the school find themselves in. I am a little concerned about your reference to private limited companies. We are not saying that we need to treat schools in the same way as businesses—in fact, I have strongly argued the opposite. However, we need to ask whether we can learn helpful lessons about personnel from other contexts. You asked why the private sector and some statutory bodies choose to move people in particular circumstances, but council staff can already be moved, by agreement. We are learning lessons from other contexts. We are not saying that we want completely to change the ethos of school communities.

I gave a good example earlier of an authority taking a strategic view of the resources that it has and the needs of the community. If its ability to do that is removed, if its resources are limited and if the parent council also has limited resources, it will be more difficult to provide a solution to a school's difficulties. We are not talking about treating head teachers as chess pieces and moving them about willy-nilly. The question that we need to consider is in which circumstances it would be helpful to have the flexibility to move somebody—not just a head

teacher but perhaps a deputy head—to deal with particular issues. That does not mean that parents will not be involved in the process.

It is right to have conversations with the parents in a school that is having difficulty. We should be able to say to them, "Look, here are two options. We can go down the appointment route or I've got somebody who would be good. I'm happy for you to meet them beforehand and I'm happy to talk about the right thing to do." The second option would mean that the local authority could deal with the issue quickly rather than have to go through the appointment process, which can sometimes take six months because of the need for people to give notice and so on. In the intervening period, the authority would have to appoint someone for a short period before the new head teacher took up their post.

The proposal will give us the flexibility to deal with specific circumstances. It will not be—as I think Fiona Hyslop was suggesting—the thin end of the wedge or destroy the relationship with head teachers. Things need to be done by agreement and with an understanding of what we are trying to achieve.

Fiona Hyslop: There is agreement about appointments but there does not seem to be agreement about the removal of staff, even when that is done for good, strategic reasons. I can think of examples in which senior staff are regularly taken from a good school to plug gaps elsewhere in a local authority. That might be an issue. If you think that it is important for the appointment of senior staff—

Councillor Aitken: I see where you are coming from. You are saying that we should also consult the parents of the school from which the person will be moved.

Fiona Hyslop: Yes.

Councillor Aitken: There seems a certain logic in that. It is worth exploring the involvement of parents across the board. In the end, local authorities still need the ability to move staff, but that does not mean that parents would pitch up one day to be told that the headie had been removed. I understand your point, which is that we should say, "Let's have a conversation about what we would like to do and why we are trying to do it."

Mr Macintosh: Will you expand on your earlier point about co-opting? I did not understand your concern about the current practice of allowing co-opted members on to school boards. What is your concern? I am interested in the balance between prescription and flexibility in the system that we are setting up. Should we prescribe that councillors should be on school boards or should there be flexibility?

Councillor Aitken: I think that the description that was described—*[Interruption.]* That was well-put, wasn't it? From Alan Blackie's description of his work as director of education, it appears that what he does is similar to the work that elected members carry out. Although we do not want to impose anything, we still want to be part of school boards, because they are play a very significant role in communities. The relationship needs to be well articulated.

We have two concerns about people being constantly co-opted. First, if someone sits on a board simply because they like doing so, they lose touch with the live issues in a school. Secondly, that can disempower other people who might want to get involved. For example, all the places might be filled or people might feel that co-opted members who have been there all the time know much more than they do. As a result, they might not feel confident about managing to get up to speed with the issues.

In light of those concerns, we suggest that the convener of each new body should be a parent of a child who attends the school. Co-opted members have a role to play, but we must ensure that they do not dominate.

Lord James Douglas-Hamilton (Lothians) (Con): In its submission, and again in this morning's evidence, COSLA has suggested that a provision relating

"to relevant local strategic partnerships, e.g. Community Planning, Community Learning and Development, Community Safety, Sports Groups, etc. to ensure that parental involvement extends to those aspects of local strategic planning that are co-dependent with schools in that area"

be added to section 8(1)(b). Are you willing for COSLA to frame the relevant amendments to cover such issues? That might ensure that the point was clear and would allow us to see how it became practice throughout Scotland. It would be a great help if the committee could consider in depth your proposals and their implications.

Councillor Aitken: We would be happy to do that. Indeed, the suggestion is very helpful. I have to say that I am not entirely sure about the process in that respect—perhaps we just ask our officers to do it. I should point out that, as far as that provision is concerned, one of the principles behind the bill is devolution—in other words, the more power one gives up, the more influence one has.

Lord James Douglas-Hamilton: I must ask Mr Alan Blackie a question that is not terribly easy to answer. In its submission on the consultation, Glasgow City Council stated that the draft bill would not strengthen current parental interest or representation in schools, that it would not lead to

an immediate surge in parental involvement and that, in fact, the proposals might well erode parental involvement in schools. How would you answer those claims?

Alan Blackie: I find it difficult to answer that question because I am not fully aware of the current situation in Glasgow. However, we should acknowledge that the city faces many challenges in educating its children and young people. To that end, the council has introduced an ambitious programme for improving the school estate, which includes closing schools, and it has taken the ambitious step of appointing a director of education, young people and training. Although I do not want to comment on the situation as a whole, I would be surprised if Glasgow City Council did not want to increase and improve parental involvement in children's education. It will no doubt have a raft of ideas and practical solutions to deal with the situation.

My position remains the same: the bill gives us an opportunity to improve parents' involvement in their children's education beyond the bureaucracy of the parent forum and parent council. Education authorities need to be held accountable for outcomes and for their impact on key areas of education practice such as the lowest performing 20 per cent. Only then will we be able to see the bill's impact on parental involvement.

I think that innovative and creative solutions will be proposed. Many schools already greatly involve parents in the school's life way beyond the school board. Parents will become involved in things other than the committee structures of the PTA or the school board. We often demand so much from people that they get scared off and do not become involved, but if we are clear about the opportunities, there will be greater involvement.

Your question is difficult to answer. Glasgow City Council has great ambitions for its education service, but I do not want to get involved in a debate on its stance on the bill as it currently stands.

11:00

Lord James Douglas-Hamilton: Should the appointment of head teachers be covered by the primary legislation or by regulations?

Alan Blackie: My view is that that matter should be covered by guidance rather than by the legislation and that we should not be too prescriptive. Our hands are already tied. Part of the problem with the current legislation is that it is inflexible and there is a danger that the new legislation will be equally inflexible.

Mr Frank McAveety (Glasgow Shettleston) (Lab): You have touched on involvement in substantially disadvantaged areas. Let us project

five years from now, with the bill in its broad current form having been enacted. What real differences can the legislation make in getting parents involved in their children's education in schools and in ensuring wider parental representative involvement in schools, particularly in substantially disadvantaged areas?

Alan Blackie: That is the \$64,000 question. If there were an easy answer, somebody would have written about it and the problem would have been solved.

On Monday morning, I listened to the Minister for Education and Young People, who stressed that we are already in a position of strength in Scotland and that we should not forget that our education service is up there among the best. We should not be complacent, but we should recognise that we are not starting at a very low level.

We know that the gap is widening between children and young people who are doing well—whatever that means; we can get into a big debate on measuring the effectiveness of the outcomes of the education process—and the far too many children and young people who are not achieving their potential. We know about young males, areas of deprivation, entitlement to free meals, looked-after or accommodated children and so on from all the figures that we have.

As was said earlier, the important point is that the bill gives us the potential to engage with people other than parents. The Education (Additional Support for Learning) (Scotland) Act 2004 is also part of the jigsaw. We must involve culture and community development folk—or whatever they are called nowadays—and ensure that the voluntary sector has a part to play. Most important, we must improve parents' engagement and confidence. I know that a lot of work is being done through further education colleges in Glasgow, for example, and in partnerships with the Glasgow Development Agency that will enhance that engagement and confidence.

We must take approaches other than simply considering outcomes vis-à-vis the statutory performance indicators, which are about exam results, test scores and all the stuff in *The Sunday Times* and *The Scotsman* a couple of weeks ago. That stuff does not help—it further undermines efforts to make progress in the more deprived communities.

We must also engage a bit more with local businesses, because they know what they want. A key thing for young people who may not want to achieve academically is to find something in their lives to which they can make a positive contribution among all the things that make a community happy and vibrant.

Mr McAveety: You have talked about the innovation that may emerge in the development of parent councils as a result of flexibility, but your submission and the submission from COSLA express concerns about whether parent councils should be established other than by the local authority. Will you expand on your scepticism? That is the best word that I can find.

Alan Blackie: Yes. The concern relates to section 6(2)(b), which states:

“any such scheme prepared should be prepared by a person other than the education authority.”

I find it difficult to envisage who else will come along and establish a scheme if the education authority does not do it, when it is the education authority that has the duty. There is confusion about that.

Councillor Aitken: In some ways, talking about a partnership between the authority and the schools is odd, because in a sense the authority is the schools and the schools are the authority. We are all part of the same thing and we have a common task. Describing the partnership in those terms but then saying that the method of engaging key members in the process will be designed by folk who are neither of those partners takes us away from the task and takes away the focus.

On your previous point, we will have achieved something significant if in five years' time parents and others have a greater understanding of what it is to be successful in education as a result of greater engagement, as opposed to through an obsession with numbers that tell us little.

Fiona Hyslop: Your reference to section 6 is well made. You will not have responsibility for establishing parent councils; you will have responsibility only for promoting them and, once they are up and running, helping to operate them. Those are not the same things. How would you feel about there being a duty in the bill to establish parent councils, just as there is a duty to establish school boards?

Alan Blackie: I would have no difficulty with that. It would remove the confusion.

Councillor Aitken: As far as I am concerned, we have an obligation to fulfil. We have to do it and we should be doing it. We would be happy with being given a duty to ensure that it happened, without suggesting that we had to prescribe anything.

Fiona Hyslop: Frank McAveety asked where we will be in five years' time. What will you as local authorities be doing differently? A lot of the bill is about parent forums and parent councils, but will the new duty on you to promote parental involvement just be discharged through parent councils and parent forums, or will you have to try

different things directed at parents? If you have to try those different things, will you not cut out schools and parent forums?

Councillor Aitken: The issue is a double-edged sword. If we are doing things at an authority-wide level for parents, what is the role of schools? In my authority, we have a consultative committee, which brings together representative parents from across the authority six times a year as a statutory body of the council to discuss, make decisions on and have influence over wider policy issues. However, we also have head teacher representatives on that body, so that there is a relationship between schools and parents. That is just one example. Other authorities have similar bodies.

The key issue is whom we involve in making decisions. Yesterday, Alan Blackie had an authority-wide discussion about the bill, which I am sure did not exclude schools—it just involved them in a different way. Schools would have known about the bill and they could have gone to the meeting if they wished. You are right to identify that the bodies that the bill provides for do not represent the only way in which parents need to be involved, can be involved and should be involved. The benchmark is that in five years' time we should be able to give you a longer list of the ways in which parents are involved, in addition to those under the bill. Planning is a prime example of that. Other authority-wide things should be part of the process.

There should also be greater use of technology, such as e-mails. The issue is whom we involve in making a decision to do something. Say we decided to e-mail as many parents as we had information on. We would have a conversation with our head teachers executive in the authority about doing that and about what was going into the e-mail. Those conversations are key.

The Convener: As there are no further questions, I thank the panel from COSLA and ADES for their helpful evidence, which has given the committee food for thought not just for stage 1 of the bill, but for stage 2. We will have a short suspension while we change the panel of witnesses.

11:09

Meeting suspended.

11:12

On resuming—

The Convener: I am pleased to welcome our second panel of witnesses. We have heard from representatives of the education authorities; we now have representatives of parents

organisations. From the Scottish School Board Association, we have Caroline Vass, the president, and George Hammersley, the company secretary, and from the Scottish Parent Teacher Council, we have Judith Gillespie, who is the development manager. I thank them for coming this morning. I will allow a few brief opening remarks to supplement the written evidence, after which we will ask questions.

Judith Gillespie (Scottish Parent Teacher Council): I would like to say how much I appreciate the opportunity to give evidence in support of the bill, which represents a good opportunity for parents. I was interested in the questions to the previous panel about where we will be in five years. That is the key question. A good suggestion is that the situation will move a long way because parents will take up the opportunities and make it move. One strong feature of the bill is that it identifies the entire parent body as the parent forum, which is important, because it makes it absolutely clear that the measures are about everyone. To pick up on one of Fiona Hyslop's points, the definition of "parent" is the wide one that is used in the school boards legislation, which basically means that anyone who has a caring role with regard to a pupil is deemed to be a parent. Therefore, under the bill, pupils will have many people who fulfil that role, as is the case at present.

One of the strong points of the bill is its flexibility. On that score, when earlier legislation was passed, it was pointed out to me that what was not actually prohibited was allowed. That is an important point and I assure the committee that parents take advantage of it strongly—if they are not forbidden to do something, they will do it. On the back of the bill, we must trust the good sense of parents, because they are just folk like everyone in this room. We do not have to tie them up, because they are folk with good sense.

11:15

Caroline Vass (Scottish School Board Association): I thank the committee for inviting us to give oral evidence. We at the Scottish School Board Association are very supportive of the bill's objectives. However, we feel that clarity is required and that the detail needs to be strengthened. We are happy to have flexibility and to have more relaxed structures but, in seeking an inclusive system, we are mindful that the parent councils will be accountable to all parents at the school. We are looking for clarity with respect to the rights and responsibilities of parents, schools and local authorities.

There are a number of challenges, including major ones relating to communication. We have suggested some ideas on that, which I hope will

be taken up. We feel that greater communication will help with involvement. We also welcome a modernised appointments system. Indeed, parents have been asking for that for a long while. We do not wish to lose the voice that we have at the moment at the final interview stage.

I totally agree with Judith Gillespie that it is not the bill that will get us to where we want to be, but the will behind the bill and parents, authorities and schools working together with a renewed focus on parental involvement. We all have a big job to do. I hope that we will see a big difference over the next five years because of that renewed focus and because of the will behind the bill.

The Convener: Thank you for those opening remarks. You said that you wanted more clarity in the bill. Does that mean that you would like more prescription in the bill? We heard earlier that local authorities wanted as little prescription as possible in the bill, yet as much flexibility as possible. Would the SSBA like more prescription in the bill over how the parent councils will operate?

Caroline Vass: We do not fear prescription, but we do fear lack of clarity. We want the bill to be so clear and transparent that we are all perfectly aware of our rights and responsibilities. We would like it if no one has any need to bother HMIE with complaints because we all know exactly where we stand. At the moment, the bill contains phrases such as “make representations to” and “The Parent Council may”. We need things clarified, so that we can all be happy about the agreements that we make. Nobody wants to go and complain because we cannot agree. If things are set down clearly, we will all agree and we will all be happy.

Judith Gillespie: We need a minimum of prescription. Parents manage very well without it. It is striking how quickly people forget about the legislation. Fiona Hyslop mentioned the issue of agents in the School Boards (Scotland) Act 1988. Because I am as old as I am, I know precisely what that means. The school boards were made agents of the local authority in an attempt to pick up their public liability in relation to third parties. Originally, that proposal was carried through to the draft bill, precisely and only in order to pick up the public liability of the new bodies. On further exploration of the matter with legal experts, the Scottish Executive realised that the wording did not do what it thought it did.

I have to admit to being the starting point for that, because I raised a question that I know is close to Ken Macintosh’s heart—walking buses. I highlighted the fact that, if the new parent bodies took responsibility for the walking buses and were the agents of the local authorities, that would introduce the new concept of making local authorities responsible for children when they are going to and from school. I said that I thought that

that area should be explored. My understanding is that the matter was explored with legal experts, who looked into it further. They said that the use of the term “agent” did not do what people thought it did, so it was not appropriate to include it in the bill.

That, in any case, was the question that I asked, which set the thing going. It is interesting that I remember the original legislation, although most people do not. Similarly, I remember the Standards in Scotland’s Schools etc Act 2000, which more or less gave school boards the function that Fiona Hyslop mentioned. Most school boards do not know that they have that.

One of the important points about legislation is that it should not be too prescriptive, because people will forget it. The important thing is to establish the principles, to ensure that people do not do things wrongly and to keep the on-going arrangements active. One of the important parts of the bill is that not only will the new bodies be responsible for their constitution, which they will most likely live by, but they will have the opportunity to amend that constitution over time. That issue will become live for them and they will constantly remember it.

Dr Murray: At stage 1, our report has to indicate whether we think that the bill should proceed. Do you believe that the bill should proceed and be amended at stage 2, or is there no need for it?

Judith Gillespie: I have no doubt that the bill is the right way to go. Parents have been waiting for it for a long time. I point out, because I am so old, that when the school board consultation was undertaken in 1987, there were 8,000 responses to it—from a system in which there were no boards. A lot of the responses came from ordinary parents and PTAs. There was a live interest in education prior to school boards.

I make no criticism whatever of the people who have been engaged in school boards—I have been so engaged—but we have tended to have a compartmentalisation of parental involvement. We have had boards doing the development planning stuff and many PTAs have been disfranchised and told that they can do only such things as fundraising. At the time of the education debate, when we opened up discussion, it was interesting how many parents told us how nice it was to be talking about things to do with education, rather than talking just about fundraising. The bill offers parents a permanent opportunity to do that and I think that it is really good.

Caroline Vass: We support the bill, its objectives and the modernisation of parental representation. In that respect, we should move forward, but we should not throw the baby out with the bath water. We should consider the best of

what we have at the moment and ensure that everything that has gone on for the past 18 years has not been for naught.

Judith Gillespie is right: we have moved on from the 1988 act. We have worked in partnership to achieve that and we can do it again with the bill. We need to take the opportunities that the bill offers us, move on and make the system fit for the next century.

Dr Murray: I presume that you will be proposing amendments at stage 2 in that case.

I want to ask about two issues that our previous panel raised. One is the rights of other people to attend parent council meetings, such as representatives of the local authority or councillors. Do you believe that the bill should provide for such rights?

Judith Gillespie: Alan Blackie talked about 10-pupil schools, 1,500-pupil schools, schools in leafy green suburbs and schools in more deprived areas. It is important to remember that the bill is for everybody. I imagine that in some areas the idea that the local councillor or director of education had a right to turn up at the board meeting would be terrifying. The opportunity should be there, but turning that into a right could make things difficult.

Parents on the whole always want to work in partnership. There is no point in their being involved in their school if they do not speak to the people who have the power to do things that will have an impact on the school. Parents are keen to speak to people who will make a difference, whether that be the head teacher, the local councillor or the education authority. However, I would not support the provision of a duty or absolute right for such people to attend meetings.

Caroline Vass: The present school boards system offers a balanced view. The ethos of Scottish education is to work in partnership, which we have been doing successfully. The composition of the parent councils may be only parents or it may be parents and, by invitation, the head teacher—that must be agreed by the head teacher and the parents. That is effectively saying to teachers and to pupils, “You may not be part of this partnership.” We are losing councillors and we may be losing valuable co-opted members.

I have no doubt that some parent councils will co-opt people to help them to do what they have to do. However, there may be some parent councils made up of cliques where there are only the people who were there in the first instance, who may not want to invite people. We need to look again at the partnership ethos and the structure of parent councils.

Dr Murray: The submission from the Scottish Parent Teacher Council also expresses concern

about the involvement of HMIE as an arbiter when the parent council and the local authority or school are unable to agree. I invite witnesses from both organisations to comment on that and to raise concerns about, or agreement with, the suggestion.

Judith Gillespie: The points that HMIE could find itself inspecting its own decisions and that it is not actually a conciliator were well made. I know of cases in which parents have asked HMIE to go into a school and have been pleased about that because they thought that it would solve a problem, only to find that HMIE has found the school to be good once it gets there. One of the problems with giving parents that kind of right in the bill is that they will not just see it as a right to ask HMIE to come and have a look; as is human nature, they will think that what they have been given is the right for HMIE to support their position. They will have to face up to the possibility that HMIE could go in and say, “Sorry, but you parents are wrong in this situation.” The parents would then be angry.

I have always thought it more important that conciliation services such as the City of Edinburgh Council and East Renfrewshire Council have should become universal in authorities’ provision. People want to sort problems out, but what is suggested in the bill is not the right way to do it.

Caroline Vass: I agree with that. We do not want to go and complain to HMIE. I have great regard for HMIE and the role that it plays, but it is quite stretched at the moment. I do not imagine that we would have a mass of parents running to complain to HMIE; after all, they have been able to complain to the ombudsman, but we have not seen a raft of parents doing that. However, the suggestion poses challenges, and we should really be thinking not about complaints but about working together and sorting things out before we ever get to the complaint stage. Parents do not want to complain; parents want to discuss working in partnership. It seems quite a funny thing to put in the bill, because it was not in the original consultation. The thought crossed my mind that it might be an attempt to pacify parents.

Mr Macintosh: My first question is for the Scottish School Board Association. There was a deal of concern from school boards when the consultation on the bill was first announced. A lot has changed since then, but have the residual concerns of most school boards been addressed?

Caroline Vass: There is no doubt that school boards, parents and various other parties were listened to, because there have been some changes, but there are areas that need still to be addressed so that the bill will succeed and be acceptable to parents. The language and structure of the bill are the most important aspects that need

to be addressed. Let us make things clear in the bill and let us make it a starting point for what the minister desires, which is parental involvement.

Mr Macintosh: If an existing school board wanted to continue after the act was introduced, and if parents agreed that the current structure was working fine, my understanding is that it could pretty well replicate itself under the new system. It would not be called a school board, but it would be a similarly structured organisation. Is that also your understanding, or are powers missing?

Caroline Vass: You used the words “pretty well”, but how do you know that? It is not at all clear how a school board could replicate itself, so that could also cause challenges. There could be school boards, parent councils and all sorts of systems working at the same time. School boards are a bit wary of that, because it is not clear that they could continue to do what they do at present. Nor is it clear that, if we work in partnership with authorities, continuing in their present form would be an option for boards. We have much more talking to do about that. It is not as clear as, “Keep the status quo if you want.” If it were, we would not have heard from so many school boards about their fears.

11:30

Mr Macintosh: The term “school boards” will not be used; they will be called “parent councils”. Are there any specific powers or functions that school boards carry out at present that they will not be able to carry out under the new legislation?

Caroline Vass: That depends on how things pan out. That is what the debate is about; the provisions in the bill are open to interpretation. We want clarity and we want everyone to sing from the same hymn sheet. The bill leaves interpretation of powers open-ended, so we will know what will actually happen only when the legislation is up and running.

Mr Macintosh: Ultimately, it will be up to parents. I am sorry to push the issue, but is there a specific example of powers that school boards have that could not, if parents decided, be replicated under the new system?

Caroline Vass: Could you repeat that?

Mr Macintosh: Is there any role that a school board currently fulfils that it could not perform under the new legislation?

Caroline Vass: As I say, it is a matter of interpretation. We will not know that until the bill becomes law. If an authority chooses to interpret the provisions in the legislation differently from the parent council, we could see a diminution of parent representation.

Mr Macintosh: Do you fear that local authorities will be less responsive to the wishes of the new councils?

Caroline Vass: Some local authorities may be, because the bill does not put a duty on them to be responsive. The bill uses the words “may” and “make representations”. What does that mean? Such language could mean one thing to me and another thing to someone else. Let us make it clear what is meant. Let us all work in partnership to have our rights and responsibilities defined.

Mr Macintosh: Okay. I am sorry to have pressed the point.

George Hammersley (Scottish School Board Association): Eighty-nine per cent of schools in Scotland have school boards; that means that almost 2,400 schools in Scotland have parents who are interested and involved in them. It is a credit to everybody involved in education that so many parents are interested in their children's schools.

Most parents welcome the changes in the bill because they will give us the opportunity to get more people involved and they will allow us to soften participation in the election process and make it more user-friendly. As a result, we will increase the number of parent councils and get more people involved. That is a commendable aspect of the bill.

The Scottish School Board Association and the parents whom it represents are, however, concerned that reform may become destructive radicalism. We have built up a network of school boards, which will become the parent councils. Parents have been very effectively represented by the Scottish Parent Teacher Council and by SSBA, but we see provisions in the bill that could undo much of that work, which would be very destructive.

Like Councillor Aitken, we are concerned about HMIE suddenly creeping in. That suggestion only appeared at the last review of the legislation. Parents want to be involved in the appointment of head teachers, but they certainly do not want to control appointments, which is the job of professional educationists. We would like to be involved and to have a say in the process, but not the final say.

We are also concerned about suggestions that a third body—the Scottish Consumer Council—might be introduced to represent parents. That worries parents, who want to know why, given that the SPTC and the SSBA represent them effectively, the process should be diluted by a third body. At the moment, there are parent bodies that look after the interests of parents, children and their school and that system seems to work effectively.

Overall, we want the new legislation to come to fruition, but we want to make sure that we keep the best of the old system.

Judith Gillespie: Can I give you a specific answer to your specific question again? I am sorry; it is age creeping in.

The school board legislation gives school boards specific powers to organise school lets. That has largely been overtaken in public-private partnership schools, so it is not really relevant. In any case, most school boards never bothered to pick up on it. It also gives them the right to set occasional holidays, which is not something that parents ever picked up on. It gives them a right to exercise what is called a veto of head teachers' spending powers, but they are not allowed to exercise that veto to the point at which they would stop schools functioning. Therefore, they could not stop the head teacher spending money if that meant that, for example, the head teacher could not buy an essential set of books.

The head teacher's role has been well discussed and carries through quite clearly. I cannot remember the precise wording in the Standards in Scotland's Schools etc Act 2000, but it is similar to the first function that is set out in the bill. Fiona Hyslop said that many school boards in West Lothian are alarmed by that part of the bill, but that is because many school boards do not know that they currently have that function. I share their alarm because it is not the role of parents to pick that one up.

I have described the precise functions that school boards have. Those that will be lost relate to school lets and occasional holidays, but they are redundant, so I do not think that any tears will be shed over them.

The Convener: Perhaps we should be encouraging the schools to set St Andrew's day as a holiday.

Mr Macintosh: I hope that Judith Gillespie is not going to start quoting the Education Act 1870.

Judith Gillespie: I thought that I might, actually. I could if you really wanted me to—I remember it.

Mr Macintosh: I want to get to the heart of the anxieties that exist about the bill. Both organisations have made strong points about the importance of a national parent body which, I think, were good points to make. How do you think that PTCs or PTAs and school boards will continue after the act is in place?

Judith Gillespie: To begin with, people will not move much unless they already have a good reason to move. For example, some small schools are desperate for the legislation to come in because they see it as an opportunity to remove the requirement on them to have two bodies rather

than one. It is clear that a number of extremely small schools do not even work with a committee structure. For them, the parent forum will become the parent council because they are small enough for that to be a good way of working. That will save them from having to satisfy a requirement to operate with two bodies, which is difficult.

Bigger schools will probably continue with their current system involving two committees, simply because that is what they already have, but over the next five years, people will gradually see the opportunities for merging the committees and perhaps operating one as a sub-committee of the other. There are advantages in terms of communication in doing that. That will also enable people to get more actively involved in both types of activity.

Parents are involved in education issues, the discussion of development plans and so on and in social issues and fundraising, so there is a lot of overlap between those areas. For example, the key importance of a lot of social and fundraising work is that it brings people into the school, which is when informal discussions between parents start; that is a good way of building the community. As a result of such social interactions, people start asking questions about the education provision. Because of the opportunities that are presented by the provisions in the bill, people will—not immediately, but over time—start to bring the two activities together.

We have advocated that schools, particularly larger ones, should start to work in year groups so that they can draw representation for the new councils from specific year groups. The year group provides a natural community in a school because parents know the parents of their children's friends best. It is interesting to note that, if I meet a parent of someone who was in one of the years that one of my three children was in, I know who they are, but if a person's kids were in other year groups, I will often not know them. The parents of the children who were in my children's year groups and I went through parents evenings, subject choice and so on together, which helps to create that natural community.

There are so many inventive ways in which the provisions in the bill can be used. At first, we might not see a huge change, except perhaps in smaller schools, but in time imaginative use will be made of the opportunities that it will provide. Five years from now, we will have much more vibrant parental involvement in our schools because that involvement will be offered in terms that parents can understand and in which they will have more control. It will be about parents becoming involved rather than about somebody requiring their involvement.

Mr Macintosh: Are you optimistic that all the parents who are involved in school boards will still be involved in five years?

Caroline Vass: I would like to be optimistic, but there has been quite a lot of consternation among parents who are involved but who feel that they have not been consulted properly and that the views of school boards have not been heard. I am afraid that we might lose some of those parents.

I share Judith Gillespie's view that not a lot will happen in the short term. An awful lot of parents still know nothing—or very little—about the bill. It will take a long time and a lot of work for information about the bill to filter through, despite the consultations and the meetings that we have set up. Unfortunately, there is apathy among some parents. The consultation responses indicate that many PTAs and school boards are looking for the status quo to be maintained; only a few think that merger will be good.

There are some positive aspects. In considering what will happen, PTAs and boards have been talking to each other a lot more and quite a few have decided to go to each other's meetings. Many of us have been doing that for years, but that is a good thing that has come out of the proposals. I do not envisage that there will be a lot of merging. I am sure that many parents regard the two groups as having separate functions, even though there is some overlap. Interestingly, parent councils will be able to raise funds under the bill.

Lord James Douglas-Hamilton: Might not use of e-mail addresses be of great assistance to parent councils and parent forums?

Caroline Vass: Yes. We have mooted that for some time. It works very well in Edinburgh, where there are rapid communications. The SSBA is a national body but, at the moment, we do not have e-mail addresses for our school boards and we have to use snail mail. That costs our members a lot of money and it takes a lot of time. For some time, we have been asking for dedicated e-mail addresses for parent councils; we would like them for school boards, as well.

Lord James Douglas-Hamilton: That would represent for value for money.

Caroline Vass: Absolutely—we are looking for the best value for our members.

Lord James Douglas-Hamilton: Is insurance a big issue for parent councils? Apparently, school boards are covered by insurance, but parent councils might not be. Is that the case?

Caroline Vass: Insurance is a big issue. PTA members often say to me that they are annoyed that school boards are covered by local authorities' insurance but PTAs are not and so they have to take out private insurance. When the

issue was raised in the consultation, we were told that the matter was well down the road. I am not sure what has happened with the legal position, but school boards are agents of their local authorities, so I do not see why parent forums cannot also be agents. That not been explained to us.

Lord James Douglas-Hamilton: In your evidence, you mention—

Judith Gillespie: May I comment on insurance? It is an area in which, unfortunately, I have far more expertise than I ever wanted. As I explained earlier, the problem is that, if a body is an agent, it can carry out only the functions that the parent body has authorised.

The issue that I highlighted was that if the parent council wanted to run a walking bus to and from the school, there would be huge legal implications in respect of whether that would make the local authority responsible for home to school travel, or whether the parent council could be covered by the local authority. It is clear that the personal liability for the people who participate is covered within the legislation. What is important is that the public liability for both the parent forums and parent councils be picked up. That can be done and I am sure that it will be done, because we could not ask parents to participate in such things voluntarily, while leaving them liable for legal bills for damages as a consequence of their actions. The agency has been left out of the bill because that issue was not addressed, but it can still be addressed. For example, local authorities can pick up a public liability insurance policy for all their new councils: that is not a problem and we operate that system for PTAs.

11:45

Lord James Douglas-Hamilton: I do not want us to get bogged down in the details, but perhaps Judith Gillespie could send in a short paper about what she thinks would be best practice. I envisage that there could be many complexities.

Judith Gillespie: Yes, I will do that with pleasure. As I said, we operate a scheme for PTAs that picks up everything that they require to be picked up—it covers them to the tune of £10 million. Such a scheme for the new bodies could be put in place without any difficulty.

The Convener: Some local authorities cover public liability for community councils in their area.

Judith Gillespie: It is the same kind of process.

Caroline Vass: It is possible to do that. We would like that to have been included in the bill.

Lord James Douglas-Hamilton: Caroline Vass made comments in her submission about parent

representation on local authority education committees. The suggestion is that in some areas such a scheme is already set up and works well. Is that widespread in Scotland?

Caroline Vass: No, it is not widespread. George Hammersley has experience of such parent representation because he sits on the education committee in East Ayrshire. It seems to have been handled in various ways: some education authorities invite parents on to the education committee but do not give them voting rights; in other education authorities, parents have voting rights. I believe that George Hammersley has voting rights on the authority.

George Hammersley *indicated agreement.*

Caroline Vass: We feel that such parent representation could be more widespread. If we really want parental representation to be helpful, such representation would mean that parents would have a voice at authority level. Therefore, they would not feel that things were being done to them, but that they were taking part at that level in the authority.

Lord James Douglas-Hamilton: Would you have favoured the Executive piloting its parental involvement bill plans in some local authorities first, as it did with the Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Bill, so that the effectiveness of the draft bill could be observed in practice?

Caroline Vass: That would have been worth while. Many school boards said in their consultation responses that that would be a way forward. We certainly take such an approach for most other developments in education. Such a pilot would have given us some answers and, perhaps, an idea of what problems we may face before we face them.

Judith Gillespie: I do not think that pilots would be a good idea. The bill sets in train an organic change and such organic change cannot be piloted. Several members asked the previous panel about where they saw the bill taking us in five years. For the reasons that I mentioned earlier, the impact of the change will not be obvious for five years. A short pilot would not work when we want people to think of imaginative ways to get representation.

Lord James Douglas-Hamilton: Would Caroline Vass prefer the provisions on the appointment of head teachers to be contained in regulations or in the primary legislation?

Caroline Vass: It has been undertaken that that will be in the secondary legislation. We quickly picked up on the fact that the issue was not addressed in the previous consultation. Our members have some worries about that. On the

one hand, we are being told that we will be more involved and that we will be asked what we want of a head teacher and about job descriptions—which is already best practice in some authorities—but on the other hand, we have been told that the percentage of parents on the final interview may be smaller, subject to consultation. I cannot reconcile those two messages; either we will be more involved or we will not.

I have listened to the director of education in my area and Ewan Aitken talk about their rights as employers. We recognise that they are the employers. The idea that was expressed by ADES of moving head teachers or senior staff from school to school does not preclude parents from being on the panel. Parents see the big picture and, although some parents would say to us "It's my school and it is not a business," we are all aware that the authorities have to get the best deal for the whole authority. We are all about excellence in education, but there seems to be an idea that the recruitment process can be modernised only if parents are removed. However, parents have been asking for the recruitment process to be modernised for as long as I have been on school boards. We should keep the parents involved and keep working in partnership.

Judith Gillespie: I welcome the proposed changes. The HMIE reports suggest that something like 20 per cent of head teachers—one in five, which is quite a lot—are either fair or unsatisfactory. We need to professionalise the system and ensure that the right things are being looked for. The point about local authorities being the employers is important. I listened carefully to what was said about the opportunity not to force people to move around but to invite a change of head teachers in certain circumstances. That approach would provide an opportunity to improve all schools in an authority. The proposed changes present us with a timely opportunity to consider exactly what the process is for appointing head teachers.

Caroline Vass: We seek a more professional system, but I cannot see why excluding parents from the final interview stage will mean that we will have a more professional system. Parents have always worked alongside professionals in the interview process. Are we being told now that parents' involvement detracts from the professionalism of the system? We all work together to get the best outcome for the school and the local authority.

Lord James Douglas-Hamilton: Judith Gillespie thinks that there is a need for a national parent body. What role do you envisage it having?

Judith Gillespie: If many PTAs are retained, there will be an opportunity in the early days for existing parent bodies to negotiate through the

early stages of the legislation until it is implemented in—I think—2007.

It is important that the new bodies feel that they have ownership of the national body and that it is representative. If you set up a kind of consumer council model, the new parent councils will simply set up their own bodies because they will want to be represented. Parents who are involved in the school bodies at the moment feel strongly that they have to have ownership of the national body and that they must be able to hold it to account. I am sure that the SSBA shares our view and is answerable to its members as we are to ours. If we do something wrong or something that our members disagree with, we have to answer to them. If they want us to change, we have to change. That sense of responsibility between the local school bodies and the national bodies is important and must be retained.

I also point out that many parents focus much more on the local authority level than on anything else. For them, the first stop is the school and the next stop is the local authority. Many people are surprised that other authorities do not operate as theirs does. An example of that is Edinburgh's asymmetric week, whereby the school hours are fitted into four and a half days. People in Edinburgh think that that is universal, that it was given in the declaration of Arbroath and that if it is taken away from them their human rights will have been infringed. People who do not live in Edinburgh cannot believe that anybody there works only four and a half days and that everyone goes home on a Friday afternoon. Everybody thinks that what is true for them is universal. For many people, the absolute focus—after the school—is the local authority. I would like to see more and stronger local authority bodies. Work at that level is meaningful, but there is also space for a national body.

Lord James Douglas-Hamilton: Thank you. Caroline, what are the main amendments that you would like to see implemented?

Caroline Vass: As I mentioned before, the main thing to be amended is the clarity of the language. We all need to be singing from the same hymn book so that we are all clear about our rights and responsibilities. Specifically, section 2(3) uses the words "have regard to", section 11(5) states that a council "may make representations" and section 5(2) states that the parent body "may" have a parent council. That should be "must"; it should be a duty. If we are to have more involvement, there has to be a duty on the parents as well as on the authority.

We have not touched on the structure of parent councils. I was asked about the powers that will be lost. It is not really about the powers that we will lose but about how we will act. At the moment,

boards do not ask teachers about personal issues. The language in the bill basically says that parents are allowed to ask what they like or make representations on what they like. That could cause challenges, because it will mean that some people—probably not many—will feel that they have the right to ask teachers about personal issues. That will make teachers wary. We need to have boundaries that the teaching profession accepts. Parents should make that clear before people fall out or there are complaints. We must also look at the composition of the councils. We need to develop the ethos of partnership. We have built that up over the years, so let us not throw it out. Let us not have just parents and head teachers sitting on a council; let us get others involved, with all the help that they can bring. Those are the main points.

A small point that arises is that although we now have the head teacher coming back into the equation, the word "adviser" is not in the bill, although it was used previously. We need to look at that role and define it more specifically and ask whether the head teacher will offer advice. Advice is mentioned later in the bill, in the sections about the duty of the education authority, but not in the section about the role of the head teacher. Teachers and head teachers have queried that as well.

Fiona Hyslop: That point was raised last night. People were very pleased that there has been movement to get teachers involved. However, the bill talks about head teachers attending meetings, rather than necessarily attending and advising. The giving of advice continues between meetings; it does not just happen at meetings, so there is clarity there.

If you both agree that there should be a national body, will it represent and draw members from parent councils and forums, or will it be involved in national policy making by the Scottish Executive? If you both agree that there should be a national body, there is a hole in the bill, because it contains no reference to the roles, responsibilities, duties or relationships of a national body.

Caroline Vass: As I said in our written evidence, we missed an opportunity there. We still have that opportunity—

Fiona Hyslop: At stage 2.

Caroline Vass: We can still consult parents. After all, a national body is about representing parents. Much has been made about how we represent school boards or how we represent PTAs. I have always been quite clear on this: my involvement in education has always been about representing parents. I have not represented boards—yes, we represent through boards, but we represent parents. We have an opportunity to get

a really good national body in statute that is independent, accountable, better resourced and set up by parents so that it is exactly what they want, and which can make progress on parental involvement. I agree with Judith Gillespie that we need to look at the local issue as well because some very good local forums are operating, and we should consider those as best practice. We must consider education authorities, the local issues and the national situation, but we have time to do that. We have a transition period; let us ask parents what they want and let us consider current best practice.

12:00

We have a wealth of experience, and the Scottish School Board Association's training is second to none. The feedback that we get on our training is amazing and 19 local authorities regularly buy in our training. Although that training has been formulated for school boards, it could be amended slightly and would work very well. Effective communication and knowing how to run meetings effectively are important for both parent councils and school boards. We have that expertise, which has been built up over years in partnership with local authorities and the Executive. Let us not throw out that expertise.

We also have a good advice service and we regularly receive phone calls from people asking for advice on all matters from legislation to bullying—everything to do with schools. Often, they come to the SSBA because they have gone to other places and have not got the answers that they were looking for or have not been given good advice. There is a lot of expertise in the national bodies and we have a great opportunity to go forward with a much better resource—one that we all want and one on which we consulted the parents. We hear all about consultation from the Executive; let us ask the parents what they want.

Fiona Hyslop: We are about to move to stage 2 of the bill, so if we were to establish anything in law, that would need to be done soon. Also, it might cut across the fact that it is education authorities that run the system. Much of what you have described could happen without statute.

Judith Gillespie: Section 1(1) places a powerful duty on ministers to draw parents into education. At present, parents are heavily involved in a range of activities and section 1(1) is a powerful protection for the involvement of parents. It guarantees that they are involved all the way through. I take comfort in that provision, rather than worrying about the hole in the bill that you identified.

There would be major problems in setting up a national body in the bill. The body would not

qualify for charitable status because it would be a statutory body, not a voluntary body. That is significant. PTAs often get matched funding from workplaces, but companies such as BP and some of the banks will pay that money only if they can pay it to a charity. On the whole, PTAs are not charities, as that would put a heavy burden on them, so they use our charitable status to procure the money and we then pass it on to them. It is perhaps a minor point, but it is significant that we have charitable status—as does the SSBA—because we have not been set up in statute.

The body's charitable status would also give parents a much stronger ownership of it and would make the accountability of the national body to the individual councils much clearer. If the national body was set up by statute, it would somehow become a creature of the legislation and there would not be the same dynamic interchange between the two levels. Therefore, I do not think that setting up the national body in the bill is the right way to go.

The need for a national body is recognised, and careful thought, as well as support, must be given to its formation. There is a danger that if the Government changed and the new Government had a different mindset, a body that was dependent on the Government would be vulnerable. If it was dependent on the grass roots, it would be much more secure. Therefore, I would not like the national body to be set up in the bill.

Fiona Hyslop: As we progress, it would be helpful to hear how both your organisations see the national body developing.

Parent councils will be able to fundraise and, in some parts of the country, parents expect their PTA and the school board to merge and become the parent council. Are you implying that there might be issues for parent councils to do with charitable status and fundraising?

Judith Gillespie: I might be wrong, but my understanding is that statutory bodies cannot be charities. Also, under the changes to the legislation on charities, people who do things only for themselves do not satisfy the public good requirement. The new charity law is still being worked through and a colleague has been to several meetings to find out about the issue of the public good. My understanding is that a body cannot be a charity if it just does things to help itself. There has to be an outer dimension to its work. When schools apply for funding from the New Opportunities Fund, their application is invariably turned down unless the activity that they have planned will serve more than just their pupils. For example, if a school wants to introduce a sports programme and it applies to the New Opportunities Fund, it will have to make the

programme available to other children in the community and not just to its own pupils.

The problem for bodies such as schools is that the legislation is starting to get complicated. We allude to that in our submission. We have talked about insurance, but there is also the need for Disclosure Scotland checks and people have even raised issues of employment legislation. If one of the new bodies employs a clerk, will it be liable for national insurance? There are so many technicalities. As the bill progresses, the implications of the legislation for the new bodies need to be made clear.

A further point is that we thought that we might be subject to freedom of information requests. Because we are not a public body, we are fairly certain that we are not required to respond to such requests, but that is another issue that might arise for parent councils. It is a legal nightmare. We are saying to parents, "Will you please get involved in your spare time to help your school?" They agree because they want to help, but they will suddenly find themselves having to deal with a mass of legislation that they do not understand. That is a serious problem, which needs to be considered alongside the legislation so that the answers are there and, when parents turn round and say, "Do I have to do this?" we can say to them, "It's all right—it's sorted." We will get parents to volunteer only if we take the hassle away.

Fiona Hyslop: It would be helpful if the clerks could examine the issues of charitable status for parent councils, fundraising and freedom of information, because we will need information on those for stage 2.

We heard from ADES and COSLA that they would be relaxed if there was a duty on local authorities to establish parent councils. What do your respective organisations think about the idea that, rather than just promoting parent councils, local authorities should have a duty to establish them?

Caroline Vass: May I go back to the previous point? Most parents who want to volunteer will do so. They will not get bogged down in all the little bits of stuff. If they want to volunteer and we want parental involvement, we should let that happen. The little things are only challenges and we can deal with them.

Fiona Hyslop: Would you prefer local authorities to have a duty to establish parent forums and parent councils?

Caroline Vass: Yes. I do not see a problem with that. As I said, we have "may" where we should have "must". If we want parental involvement, what is the problem with a "must"?

Fiona Hyslop: So the SSBA, ADES and COSLA think that it would be a good idea for local authorities to have a duty to establish parent councils. Does the SPTC agree?

Judith Gillespie: No. I do not see how one can force people who are simply parents at a school to participate in a parent council if they choose not to. If there is a duty to establish a parent council, then it has to be done—that is what a duty requires. If the parents at a school say that they do not want a parent council, what penalty does one impose in that situation? That has to be worked through. If a duty requires a local authority to set up a parent council, but the parents at the school say that they are not going to take part in it, how can the authority force the parents to volunteer to serve on the parent council such that their duty to set it up will have been fulfilled?

Fiona Hyslop: I have a question for the SSBA. You say that 89 per cent of schools have school boards, which means that 11 per cent of them do not. What penalties are there for local authorities that do not establish school boards?

Caroline Vass: There do not seem to be any.

Judith Gillespie: Can I explain the legislation again? The School Boards (Scotland) Act 1988 says that a school board will come into existence if a sufficient number of parents request that and come forward to fill the parent places on the board. If just co-optees and teachers come forward and there are not enough parents, the school board does not get established. Under the 1988 act, a board is not required to find either teachers or co-optees but can function with just the parents. At present, what is crucial to the formation of a school board is that parents at the school come forward in sufficient numbers to fill the parent places on the board. There is no penalty on anyone if an insufficient number of parents come forward.

The fact that 89 per cent of schools have boards is an indication that, on the whole, parents volunteer to serve on boards in sufficient numbers. However, it is true that in some schools that have a very lively PTA, people simply say, "No, we do not need a second body." That often happens in small schools; I suspect that there is not a secondary school in Scotland that does not have a school board. Most of the schools that do not have a school board will be in the primary sector because in that sector people have other ways of working. In response to the bill, a primary school that already has a PTA might feel that it would like to carry on as it is, rather than changing the PTA into a parent council. If there was a duty to establish a parent council, there would have to be a penalty that could be imposed on those people who failed to ensure that that duty was fulfilled.

Fiona Hyslop: It would make sense to have the same wording in the bill as is in the School Boards (Scotland) Act 1988, to ensure that the position is the same.

Judith Gillespie: Yes.

Caroline Vass: I thank Judith Gillespie for reminding me of the school boards legislation. I have some figures. She seemed to think that all secondary schools had boards but, in fact, only 96.9 per cent of them have boards. We would like 100 per cent of secondary schools to have boards. The duty would be for the authority to encourage the involvement of parents. It is possible to impose a duty on someone to encourage and cajole people, although parent councils will obviously have to be set up before parents will want to serve on them. If there was a duty on authorities to encourage parents, there would be a greater likelihood that 100 per cent of schools would have parent councils.

Fiona Hyslop: I have a question about the kick-off date. If everything goes to plan, the bill should be enacted before the summer. I assume that any sensible roll-out proposal will be based on the academic year. When do you anticipate that it would be reasonable for the measures in the bill to come into force and what preparations should be done in advance of that? In which school year do you think that the bill will come into force?

Caroline Vass: We are being told that it will take a year for the bill to come into force. A great deal of preparation and training needs to be done. If we are to go forward with a system that we all hope will improve the situation by increasing parental involvement and helping us all to work well together, we need to have proper training for the new members and a great deal of discussion with parents about the national body. There needs to be significant dissemination of clear information. I believe that the parental involvement team will have meetings in the new year and that its new presentation will be good at clarifying matters. Training and clarification are necessary so that people know exactly what will happen. At the moment, we are not sure what will happen. We have been told that it will be a year before implementation.

Fiona Hyslop: In other words, the bill's measures will come into force in the 2007-08 academic year.

Judith Gillespie: The crucial aspect is setting up constitutions and getting advice on that to hand. We passionately hope that parents are not made to feel that they must rewrite the American constitution; parents should end up with something that they understand. If a constitution is not easy for people to hold in their head, they will not remember what it says. However, writing

constitutions can present us with opportunities. For instance, using year-group representation is a fantastic opportunity in secondary schools, and that could be included in a constitution. As we move forward, I would like people to start thinking about the opportunities for different formulations in different types of school so that we end up with systems that work and that can be fitted into a constitution. However, we should bear in mind that a constitution has to be written in plain English and in terms that people understand. It should not be a complicated, legalistic document.

12:15

Caroline Vass: There will be no lack of constitutions. The Executive will write one and so will local authorities. The SSBA has already written one, as has the SPTC. I do not think that parents need to worry about writing a constitution; their only worry will be choosing a constitution—or not choosing one, as the case may be.

Ms Rosemary Byrne (South of Scotland) (SSP): I am interested in how we get more parents involved in school life and in knowing about education. Often, the number of parents involved in school boards was small, whereas parent-teacher associations always managed to achieve much greater involvement of parents. Perhaps the bill will meet the two goals that we are discussing, which would be a positive development.

I am also aware that a great deal of parental involvement and good practice goes on in our schools. However, when young people move to secondary school, only a small number of parents will be involved in the school board, as the involvement of parents in secondary school boards has never been as great as in primary schools. Will the bill solve some of those problems? Will it enable parents to go into what they might feel is very different territory from a primary school? Will it help them to become more involved in the life of secondary schools?

Getting parents more involved in secondary schools would be a very positive development from the point of view of education, discipline and supporting vulnerable young people. Can we do that?

Judith Gillespie: That is one of the reasons why I suggested that secondary schools focus on the year group. That is the community to which people look and over which they tend to meet up with one another. Sometimes, it is a matter of parents offering one another mutual support and of asking one another practical questions: "Do you really give your child £5 a week pocket money?" only to be told, "No. Who told you that?" At meetings about the year group, parents can sort out some of the myths that children peddle to one

another. It is a good community and secondary school offers a good opportunity to build on it.

There is a natural shift of focus in secondary school. It is where young people have to make decisions for themselves and parents realise that they cannot live their lives through their children. For example, parents can be powerful in offering guidance on subject choice, but the youngsters often have very strong ideas about what they want to do and they have to have the opportunity to do that.

Parental involvement has a role if it is expressed in terms that parents find helpful. One of the difficulties in the past was that when people talked about involving parents in schools, it was to somebody else's agenda, not to that of the parents. One of the important factors in getting parents across the threshold of a school is getting them involved in dialogue either with one another or with teachers so that they get to know one another. That way, it is much easier to deal with a subsequent problem, as there is no longer that awkward initial, "Who is this person who has asked me to come to see them?" No parent on earth will react, "Yippee, I must go and hear about it," when told that their child is being difficult at school. The last thing that parents want is to hear that their child who is difficult at home is causing problems at school. Therefore, we must build a school community and a sense of human dynamics. The bill offers us opportunities—if they are pitched at the parents' agenda.

In other words, the starting point has to be what parents want, where they are at, and the issues that involve and concern them. It does not matter how trivial those issues may seem; if parents consider them important, they are the issues that should be taken seriously. At a meeting of a committee of which I was a member, parents got very animated during a discussion on head lice. The officials closed the discussion. However, that is a big issue for parents. What is the alternative? Should parents put organophosphates—sheep dip—on their children's heads? Those issues matter and they must have space on the agenda. If we give parents space on the agenda for the things that matter to them, they will be interested in picking up the issues that matter to the school. That will have started the dialogue. However, the starting point must be parents' perspective.

Ms Byrne: How do we make sure that that happens?

Judith Gillespie: The bill is a very good step, as it offers excellent opportunities. I urge the committee to resist the temptation to tighten it and make it too prescriptive. We have to retain a level of flexibility so that people can set up the systems in their schools that suit their circumstances. The legislation will apply to all the schools in

Scotland—and the schools in Scotland are incredibly diverse. Let that diversity go through the bill and down to the parent bodies.

Caroline Vass: We agree with the idea of working with year groups. School boards look for that opportunity at the moment, given the numbers with which they have to work.

Let us not kid ourselves that the bill will break down the barriers to parental involvement. However, it is a starting point. I have confidence in the will of the bill—or in the will of the minister—and the opportunities that it affords us. Those local authorities that, unfortunately, only paid lip service to their parental strategies have to look at them again. There is no hiding place.

The bill provides an impetus for some local authorities to rethink their attitude. However, it will not break down barriers. It is parents, schools and local authorities working together in partnership that will do that. As Judith Gillespie says, it is the human element that will break down barriers.

Rosemary Byrne mentioned good practice, of which there is plenty, but who is telling those who do not use it about good practice? The Minister for Education and Young People told us at an SPTC conference that he had gone into a school in which the first thing that he saw was the sign, "Parents: do not cross this threshold." Who will tell that school about good practice? Let us get good practice rolled out to schools that raise barriers. Of course, parents raise barriers as well as schools. Therefore, all of us need to look at the human element. Let us work together for the good of our children—that is what it is all about, after all.

The Convener: As there are no further questions, I thank the panel from the SPTC and the SSBA. I should say to Judith Gillespie that she is not alone in remembering the earlier legislation. I was chairman of an old-fashioned school council before the SSBA came into effect.

Judith Gillespie: So was I.

The Convener: None of us is as young as we look. That concludes this morning's business.

Next week, we will have a further oral evidence session about the bill. We will hear from organisations that represent head teachers. I remind the committee that, subject to events in the chamber this afternoon, we are likely to take stage 2 of the Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Bill on 21 December. That means that the deadline for amendments is a week on Friday.

Meeting closed at 12:24.

EDUCATION COMMITTEE

EXTRACT FROM MINUTES

24th Meeting, 2005 (Session 2)

Wednesday 14 December 2005

Present:

Ms Wendy Alexander

Lord James Douglas-Hamilton (Deputy Convener)

Adam Ingram

Mr Frank McAveety

Iain Smith (Convener)

Ms Rosemary Byrne

Fiona Hyslop

Mr Kenneth Macintosh

Dr Elaine Murray

The meeting opened at 10.03 am.

Scottish Schools (Parental Involvement) Bill: The Committee took evidence at Stage 1 from—

Gordon Smith, President, Association of Head Teachers in Scotland

Lindsay Roy, Immediate Past President, Headteachers' Association of Scotland

Bill McGregor, General Secretary, Headteachers' Association of Scotland

Jack Barnett, President, Educational Institute of Scotland

Ken Wimbor, Assistant Secretary, Educational Institute of Scotland

The meeting closed at 10.58 am.

Scottish Schools (Parental Involvement) Bill: Stage 1

10:09

The Convener: Item 2 is the continuation of our evidence taking on the Scottish Schools (Parental Involvement) Bill. Our panel today represents head teachers' interests. Gordon Smith is the president of the Association of Head Teachers in Scotland. Lindsay Roy is the immediate past president of the Headteachers Association of Scotland and Bill McGregor is its general secretary. Jack Barnett is the president of the Educational Institute of Scotland and Ken Wimbor is its assistant secretary. I welcome you to the committee and ask each group to give us brief opening remarks in support of its written evidence before we move to questions.

Lindsay Roy (Headteachers Association of Scotland): I understand that the committee has our position statement. We welcome any moves to enhance genuine parental participation and representation. However, there are some practical implementation issues. We have a strong desire to ensure that there is effective delivery and it is in the light of that objective that we have made some constructive proposals. We have raised eight points, on which we are more than happy to elaborate in due course.

Gordon Smith (Association of Head Teachers in Scotland): The committee has our response to the bill. I echo what Lindsay Roy said: a bill that encourages more parents in Scotland to take a greater interest in their child's education is good news for us. The previous legislation required changing because it may have been put in place for the wrong reasons. We note that it will be the duty of the education authority to promote parental involvement. A high level of communication from education authorities and schools to parent forums will be needed.

Jack Barnett (Educational Institute of Scotland): I thank the Education Committee for inviting us to give oral evidence on this important bill. As the committee will see in our written evidence, the Educational Institute of Scotland is very much in favour of the main provisions of the bill. We make it clear that we support the bill essentially because it moves us away from the very bureaucratic, inflexible and pseudo-governance model of parental representation and involvement that is enshrined in the School Boards (Scotland) Act 1988. The bill moves us towards a more flexible and inclusive model of parental representation, which we believe will encourage a greater number of parents to become involved in the life of the schools and the education of their children.

Although the EIS broadly supports the bill, there are several points of detail that we want to draw to the committee's attention and which are reflected in the six amendments that are included in section 3 of our written evidence. We will be glad to respond to any questions on those issues.

The Convener: I thank you for those opening remarks. I open the meeting up to questions from colleagues.

Dr Murray: I take it that you all support the general principles of the bill but might want to propose amendments at stage 2. You are all nodding, so I take it that that is a fair summary of your views.

Concerns were expressed to us last week about the involvement of Her Majesty's Inspectorate of Education when the parent council is not satisfied with the actions of either the school or the local authority. There was a feeling that there had been a lack of consultation on that point. Does the panel have a view on the right of the parent council to go to HMIE if it is not satisfied?

Bill McGregor (Headteachers Association of Scotland): I have no great concerns about that. On the face of it, it might look as if that right creates an opportunity for anyone to stir up a bit of hassle if something happens in a school with which they are not pleased. However, there are several steps to be gone through before it comes to that. I am reasonably satisfied that intervention by HMIE on issues that parents raise would not be groundless or needless but would be well researched. I am satisfied that HMIE would step in only if there was an absolute need for it to do so.

Lindsay Roy: I am reassured that we are being encouraged to follow due process and that issues will be raised at the appropriate levels before HMIE becomes involved. That is an entirely appropriate way to proceed.

Gordon Smith: I would be concerned if parents thought that they could not trust their local education authority and that they had to go directly to HMIE. I can see how that would raise problems for both parties.

10:15

Jack Barnett: The EIS is of the view that HMIE is not equipped to become the educational equivalent of the Advisory, Conciliation and Arbitration Service. As we stated in our submission, we believe that all outside representations that parent councils make, not just to HMIE, should be preceded by formal representations to both the head teacher and the education authority.

Dr Murray: Concerns were expressed to us about the fact that the only people with a right to

attend the parent council will be the parent representatives and the head teacher. Some evidence suggested that that should be extended, perhaps to a local councillor or other representative of the local authority, or to pupil and teacher representatives. What are your views on that? Should that right be extended to more people? What are your views on the suggestions that councillors should be on the parent council only by invitation and that pupils and teachers should be there by co-option?

Lindsay Roy: We have quite strong views on that. We feel that the bill's proposals represent a considerable cultural change. We have been used to having a strong partnership between parents, school staff and the community. There seems to be some kind of disfranchisement of teachers under the bill. The approach in Scottish education has been based on partnership and trust. We feel that teacher representatives can bring valuable insights to the practicalities of implementation of any proposals that are made.

The documentation that we received strongly indicated that the bill intends to build on the strengths of the school boards legislation. One of the strengths in schools has been the partnership at local level, where there has been some teacher involvement. We certainly would not want to have anything other than a parental majority.

Gordon Smith: We like the flexibility of the bill. We like the proposal that it should be the duty of the head teacher or his or her representative to attend. There can be many inputs to the parent council. It appears from the bill that if it is felt that somebody should be on the council to advise or help through co-option or invitation, there are no barriers to that. There are no barriers to us, in any case—it seems that there are no barriers to teachers or any other interested party attending the parent council if they are invited.

Jack Barnett: According to the bill, the head teacher would have the right to attend and to represent the interests of school staff. We believe that there is sufficient flexibility in the bill to allow for invitations to other teaching staff, as may be considered appropriate. As one of the main functions of the parent council will be to promote good, close relations between the school and the parent body, it would be extremely surprising if ordinary teaching members of staff were not invited to attend meetings of the council.

Ms Byrne: How do you see the role of the head teacher in all this? Do you feel that the bill's provisions are appropriate in that regard?

Bill McGregor: I see the role of the head teacher as critical to all this. The evidence is that, under the existing system, the head teacher has often been the driver in getting parental

involvement in the school up and running, whatever form that has taken. I am concerned that although the bill indicates that there should be head teacher involvement, it goes no stronger than that. I am concerned that the flexibility that is implicit in the bill might almost become a form of slackness.

I would like there to be a much clearer indication of the role of the head teacher in working with the parent council, for example on matters such as the school budget and devolved school management. The minister has clearly indicated that there will be an expansion in the amount of funding and responsibility that will come into schools. There must be a very clear indication of how the head teacher and the parent council will be involved in that. Similarly, the parent council's role in the appointment of staff needs to be clearer.

I would like to see a firmer indication of how the relationship between the head teacher and parent council should develop. I am concerned that no such indication is given in the bill as it stands.

Gordon Smith: I see the role of the head teacher in two ways. First, the head teacher has the responsibility—it is shared with the local authority, but it rests very much with the head teacher—of ensuring that the school has the right levels of communication with parents in general and with the parent council. The Association of Head Teachers in Scotland believes that ensuring that the school has the right levels of communication about its pupils, how the school is run and the issues that affect the school is the best baseline or foundation for any partnership between parents and school staff.

Secondly, it should also be the responsibility of the head teacher to discuss with the parent council issues on which he or she wants the parent council to make representations. It will be another way for the head teacher to approach the education authority. The head teacher could use the parent council as a group that, with the head teacher in attendance, can raise issues with the education authority.

Jack Barnett: The EIS proposes that the bill should be amended so that the head teacher's attendance at meetings of the parent council is framed as a contractual and professional right rather than as a statutory duty. We believe that that would better reflect the existing arrangements for school boards and would be more in keeping with the spirit and terms of the 2001 teachers agreement.

Fiona Hyslop: The Headteachers Association of Scotland's submission states:

"there are fundamental flaws in the proposed legislation which run counter to the ethos and culture within Scottish Education - and that the proposed changes, in themselves,

will do little or nothing to bring about the desired participation of that section of the parent body who have been disengaged, disaffected or who have felt disenfranchised under the current scheme."

That is quite a strong statement, given that the purpose of the bill is to encourage parental involvement. Like other submissions, the association's evidence also highlights a distinction between parental representation and parental participation. Will you elaborate on how the bill runs counter to the ethos and culture of Scottish education? Perhaps other witnesses might want to comment on that as well.

Bill McGregor: To an extent, that depends on what one believes is likely to result from the bill. We cannot know what that result will be, but the evidence so far is that parents—especially in the secondary sector, which we represent—have not shown a marked enthusiasm to become involved and to participate in the events and life of the school. Of course, we have had parents who have been keen to seek powers of representation, but they have tended to be almost unrepresentative of the wider parent body.

I can understand why the bill might be seen as a driver to widen participation and to get more parents involved while retaining some level of representation, but my concern is that the bill will not reach that part of the parent forum. There is not enough in the bill to do that, but my concern is that it might even be impossible to get more parents to participate actively in the school, as that market might simply not exist. However, the bill will also mean that we will lose a group of parents who, through their representation, have been supportive of the school. I will be happy to be the first to say that I got it wrong if the bill results in parents flooding forward to support parent councils, but I have a concern that we will lose something and gain little in return. That is the point that we are trying to make.

Ken Wimbor (Educational Institute of Scotland): It is important to bear in mind that the bill as formulated deals specifically with parental representation and parental involvement and moves away from the issues of governance. It is important that in moving away from those issues of governance the bill is not too restrictive and allows individual schools flexibility so that they can come to their own solutions on structures and so on.

Gordon Smith: I would tend to lean that way as well. Recent research and my recent experience have shown that parents do not want to run schools but they want to know what is happening and to be part of the school. Therefore, we support the bill in moving away from the statutory school board.

The majority of schools in Scotland have difficulty in electing a school board under the current legislation. It might be an ironic point that I am the head teacher of the only school in Scotland that is run by a school board—Jordanhill School—and I do not think that there has been an election for the school board positions in the past few years. My previous life was in Easterhouse and it was also difficult to get a school board elected there.

There is a colossal amount of good will and support among our parent group. If we can activate that through the bill and through parent councils, that will be a better way forward.

Fiona Hyslop: I have a question about the relationship between the head teacher and the parent council. Parent councils are clearly focused on and driven by parents, whereas a school council or a school board will take a bit more of a partnership approach. The EIS indicated that it wants to move back to the school board having a contractual right.

The proposed legislation does not talk about the advisory role of head teachers in the way that the school board legislation did. Should the legislation provide for an advisory role as well as a contractual right to attend? Would that run counter to the idea of the relationship being between equals?

Gordon Smith: I do not see how an advisory role could not be part of it. That is implicit in the proposed legislation whether it is in writing or not.

Fiona Hyslop: So the fact that it is not explicit in the bill is not a major point.

Gordon Smith: No. I do not see that as a problem.

Ms Byrne: I would like to take the point about the advisory role beyond the head teacher and the school to the local authority. One of the issues for parents is the lack of access to appropriate advice when they have a difficulty with their child's learning. If there is a need for additional support because the child is struggling, parents often find it difficult to get access to assessments and identification that will help the child to move forward. Sometimes, that can go on for a very long time. Will the bill make any significant difference to that or should we be putting something more into the bill to achieve that? The Education (Additional Support for Learning) (Scotland) Act 2004 invites parents to seek assessment by submitting a written request to a local authority. However, if they do not know what kind of assessment they need and what the issues are, it is difficult to do that. What kind of extra help will be available to parents as a result of the bill, or have we missed something?

The Convener: We seem to be moving beyond the scope of the bill but, if the members of the panel want to, I am happy for them to respond to the point briefly.

Bill McGregor: Rosemary Byrne has touched on a vital issue. I do not think that the bill will make a blind bit of difference, because it does not focus on those areas.

A strong parent council might be able to bring pressure to bear on a local authority, provided that it could find the right doors to open. However, generally, Rosemary Byrne has highlighted one of the difficulties with the bill: it does not answer specific questions. To take a slightly negative view—for which I apologise—the bill will provide the opportunity for factions to grow up within the parent council that could mount takeover bids and decide on the direction of the parent council. Ms Byrne might well have highlighted one of the particular areas in which such an issue could come to the surface.

Gordon Smith: Ms Byrne is talking about individual children and I would be disappointed if parents used the bill to talk about individual children. That is not what it is about. If a parent wants greater access to assessment facilities in a school and advice on the educational needs of an individual child, that is not to do with the parent council; that is more to do with that parent's relationship on behalf of their child with the school, the head teacher and the education authority.

10:30

Ms Byrne: I am talking about access to information that helps pupils along the road. As a parent, I would wish a parental involvement bill to enable me to seek access to whatever information I needed. That is where I am coming from.

Gordon Smith: Again, that is about the level of communication between parents and the school.

Jack Barnett: I would share the view that my colleague has just expressed about the parental involvement aspects of the Education (Additional Support for Learning) (Scotland) Act 2004. We broadly supported that legislation, which will be reviewed in 2007. Any difficulties that emerge in relation to the matters that Rosemary Byrne has just referred to will be picked up at that point.

Lindsay Roy: I will take up the wider point. My belief is that local authorities should encourage schools to engage in genuine participation in the progress of individual youngsters. Many things are happening to promote a more individualised approach to education—personal learning planning, for example—and there are opportunities for short-life groups to address issues such as health education and sex

education in schools. That is the kind of approach that we would like there to be in schools, with opportunities for parents to participate in genuine discussions about the progress and performance of their youngsters and about some of the wider issues in Scottish education. That need not be the sole province of a representative group—a parent council; it could go much broader than that.

Fiona Hyslop: The EIS's proposals are specific on excluding references to discussion of any individual child's education. It has been suggested that section 8 should be amended. Section 8(1)(e) outlines the responsibility of the parent council

"to ascertain the views of the members of the Parent Forum"

on quite a broad variety of areas. That could involve what the school does to provide support for those with additional support needs. It might also involve sex education. I assume that bullying policy might be included, too.

In its submission, the Headteachers Association of Scotland stated:

"A clear statement is required on **parental responsibilities**, as well as parental rights."

If we bear in mind the fact that section 8 could cover sex education, bullying and additional support for learning, what responsibilities of parents—in addition to rights—should be set out in the bill?

Bill McGregor: It is important that any parent council has the right to discuss the issues that you have just mentioned, but it would be totally wrong for parent councils to discuss those issues as they relate to any particular child or parent. I think that we share a great deal of common ground on that.

Fiona Hyslop: What type of responsibilities should be specified in the bill?

Bill McGregor: It would be difficult to build in specific responsibilities. We are trying to build a concept of parental responsibility into the bill. I am not sure how that can be done in primary legislation—that is more the province of MSPs.

Fiona Hyslop: But you want us to do it.

Bill McGregor: Too often, we hear talk only of parental rights. If we want to talk about true partnership and a system that works, there must be recognition of parental responsibility, and indeed responsibility on the part of all the partners.

Fiona Hyslop: Bullying could provide an explicit, tangible example of how that could work. The parent council might agree about parental responsibility and parents' side of the bargain.

Bill McGregor: I agree. There could be a set of guidelines, for example. The question would

always be what happens when parents do not meet the guidelines. Perhaps that issue does not really form part of our current consideration, because what we are talking about here is setting up a system.

Jack Barnett: I stress that the EIS was referring to specific pupils or members of staff. We feel that it is pertinent for parents to discuss the broader issues that have been mentioned, but it is inappropriate to go into specific details of individual pupil or staff involvement. That issue should be addressed in the guidance to the bill.

Gordon Smith: Parent forums will have a role in discussing the positive and negative aspects of how a school is handling broad, important issues such as bullying, sex education and health education. However, that should take place on a general rather than an individual basis.

Lindsay Roy: I realise that this might not be the place to raise this matter, but the bill could make reference to various responsibilities such as encouraging good attendance at school and supporting an agreed approach to behaviour management in schools. Moreover, on devolved school management, we should also address the question of the parent council's rights and responsibilities in relation to certain financial powers.

Fiona Hyslop: From my reading of the bill, I imagine that it will not have many.

Lindsay Roy: Yes. It would be helpful to have further information on that matter.

Mr Frank McAveety (Glasgow Shettleston) (Lab): The bill seeks to update the selection process for senior staff. I have read your written submissions on that point, but what are your views on the overall process? In particular, I wonder whether the AHTS will expand on its comment that "At key decision points in the process (long leet, short leet, selection) the education professional should have a casting vote."

Gordon Smith: We express that concern in our submission, although I do not know whether it has anything to do with this particular bill. We firmly believe that parents should be involved in the selection of senior staff. Indeed, we have made representations on the structure of the selection process, which we feel should be the same, no matter whether someone is applying for a job in Stornoway or Selkirk.

The leeting and interview processes should involve representatives from the education authority; two peer members; a member of the parent forum; and a local councillor or their representative. Unfortunately, there are not many leets for head teacher posts, particularly in primary and nursery education. Indeed, we are lucky to get five applicants for such posts, never mind a leet.

Mr McAveety: Why must an education professional have the casting vote?

Gordon Smith: Education professionals have the necessary background. By that, I mean that they have enough information and experience to know about an applicant's life and their previous work in schools and so on. That is an important part of the process.

Lindsay Roy: We support the proposals to enhance the rigour of the selection and recruitment processes. However, we have expressed reservations on prior proposals to allow a local authority to move a head teacher from one school to another on a mandatory basis. If the position is negotiated, we are more than happy to support the proposal, but any imposition of such a measure would not be the way forward.

Jack Barnett: The EIS intends to respond to the separate consultation on new appointment procedures for head teachers and deputy head teachers. Because of our structures, we have not yet been able to discuss the nature of that response. However, in our response to the bill, we point out that the existing provisions of section 74 of the Self-Governing Schools etc (Scotland) Act 1989 might interfere with some of the aspirations that are identified in section 14 of the bill and some of the ideas that people might have for new appointments procedures.

Fiona Hyslop: It would be helpful if you would send us a copy of your response to that consultation, which will be running alongside our stage 1 consideration of this bill.

Bill McGregor: I have a fundamental difficulty with the part of the bill that we have been discussing. The bill sets out to improve parental involvement and to encourage parents to join in the life of the school, so I would have thought that partnership would be implicit when it came to employing and appointing senior staff. My experience in 15 years as a head teacher was that parents thought it absolutely vital to be involved in that. One of the ironies of the bill is that it actually presents an opportunity to reduce the role of parents. I would find that very difficult to live with.

The Convener: Gordon Smith hinted that the procedure for the appointment of head teachers and senior staff should be standardised across Scotland. That suggests that you would rather have a regulatory approach than a guidance approach and that local authorities should not take different approaches. Do all the witnesses share that view, or should local authorities be allowed to develop their own practice, albeit with guidance?

Jack Barnett: The EIS has not yet held detailed discussions on that, but we intend to while we prepare our submission to the separate consultation that I mentioned. We would obviously be pleased to share our views with you.

I emphasise that we feel that parents should have an important role. However, we have not yet discussed, within our internal structures, whether a specific make-up for appointments panels should be applied across all local authorities.

Lindsay Roy: As has been suggested, the approach of the Headteachers Association of Scotland would be to make best practice standard practice across all local authorities. That was the view during our initial discussions, but we will provide fuller details as part of the consultation exercise.

Gordon Smith: One reason for the Association of Head Teachers in Scotland wanting a regulatory approach is that we have experience of 32 different appointments procedures and some of them are less rigorous than others—perhaps I will just leave it at that.

The Convener: I repeat Fiona Hyslop's point: it would be useful to receive copies of your submissions on the process for appointing head teachers. The deadline for those submissions is 28 February, but our deadline for the stage 1 report on the bill is 22 February, so it would be helpful if you could let us have your submissions a little earlier.

Mr McAveety: On a separate issue, I detect from the written submissions and from some of the comments this morning that you may have different views on how effective the legislation will be for primary schools as opposed to secondary schools. Am I right to say that the approaches in primary and secondary schools will be different? I was trying to work out why there were two different associations for head teachers—not that, as a former class teacher, I would like to have a go at head teachers when I get the chance. Obviously, we hope that the bill will be refined as it goes through its stages, but could there be any major differences in the experience in primary and secondary schools?

Gordon Smith: I am sorry, but I will speak anecdotally. The school where I work is primary and secondary together in one building; one usually finds that the vast majority of the members of the boards of such schools are the parents of the primary school children. I think it is correct to say that most primary schools in Scotland enjoy strong parental involvement. I am not necessarily talking about the school board or the parent council, but the philosophy and ethos is to have strong parental involvement in primary schools. It therefore becomes natural for parents to walk in without feeling insecure and wondering, "Who do I have to see?"

In primary schools there is ease of engagement, but secondary schools—this is not a criticism, but a view from my own area—are different and do not

have the same directness of approach. I will now pass over to my secondary colleagues.

10:45

Bill McGregor: In a similar debate, my English counterpart, Dr John Dunford, made the point explicitly. He said that two factors militate in favour of less parental involvement in the secondary sector, but those factors need not affect efficiency or the relationship between parents and schools. He said that the relationship is more like a relationship with Tesco than with a corner shop. The scale of secondary schools is different; they tend to be much bigger organisations, so parents perhaps find involvement more difficult.

The other factor is human. Primary school children still quite like their parents to be involved in their school, whereas secondary school children would rather die than have their parents go to their school, even for the best of reasons.

Fiona Hyslop: I heard last week about year-group representation. Would that help to keep the energy from involvement in primary schools in the transition between primary and secondary schools?

Bill McGregor: Yes.

Jack Barnett: Any information that we could provide on that would be purely anecdotal. However, I will mention the common concern across education sectors about hard-to-reach parents. We would like that issue to be pursued by building on and disseminating good practice. In relation to attainment in the bottom 20 per cent, reaching and involving those pupils' parents is crucial across sectors.

Lord James Douglas-Hamilton: I have six brief questions. My first question is to Mr Jack Barnett and Mr Ken Wimbor. Your submission says that a local authority should prepare the constitution for a parent council, but you also recommend flexibility. How strongly do you feel about local authorities preparing constitutions?

Ken Wimbor: Given the local authority's duties under the bill, it is a little incongruous that the role of producing an initial scheme and constitution for approval by a parent council could be taken away from a local authority. That is why we suggest the amendment.

Lord James Douglas-Hamilton: Does the Headteachers Association of Scotland share that view?

Lindsay Roy: It is important for a model constitution to be presented to parents. Otherwise, they might spend a hugely disproportionate amount of time discussing that at the expense of more important matters.

Gordon Smith: The committee will see from our response that we are pleased that it is firmly a local authority's duty to promote parental involvement. It will have a responsibility to provide a model—we do not want 140 different models in one education authority.

Lord James Douglas-Hamilton: Do Mr Jack Barnett and Ken Wimbor think that the bill will substantially increase participation by the parents of children who might have become somewhat inattentive or be insufficiently motivated?

Jack Barnett: I wish that I had a crystal ball that would enable me to answer. As I said in my opening statement, we certainly hope that the bill will lead to increased parental involvement in schools and their communities, in the interests of their children's education. We will have to judge what the future holds by the outcome.

Lord James Douglas-Hamilton: What are the main amendments that Mr Bill McGregor would like to be made to increase parental participation and involvement with teaching staff to support children's learning?

Bill McGregor: What I am about to say may be fairly fundamental. I would like a parent council really to be a school council. I would like to be represented on it parents, who should always be in the majority; the head teacher; teachers; co-opted members, when relevant; and students from the school. If we could get that grouping together, the parent council would be fundamentally more able to approach the rest of the parent body—the parent forum—and would, I hope, be able to move matters forward. I am not sure whether the approach would be successful; I share the view of Jack Barnett. However, it would be a more positive way forward than the current proposals in the bill.

Lord James Douglas-Hamilton: Last week we heard that local authorities may wish to deploy head teachers among a group of schools in their area. What might your members' views be on that suggestion?

Bill McGregor: We do not believe that that is a forward step. If what you mean is the appointment of a head teacher to an authority followed by placement in one of the authority's schools, we do not believe that that is good either in respect of the best use of management or, which is much more important in this forum, in respect of parental involvement in selection and representation. Parents want to know who will be the head teacher of their school rather than of a school. The Headteachers Association of Scotland opposes that concept.

Lord James Douglas-Hamilton: I will ask a technical question, which may be for the committee rather than for witnesses, although you have already answered a question from the convener on the subject. Should there be further

provision in the bill for appointments procedures for senior staff, or should that be left to regulations, which are currently being considered in a consultation?

Bill McGregor: If you had asked me that question three weeks ago I would have said that there is definitely a need for further provision in the bill, but I am now aware of the quality of the consultative document on the issue, which may well address the problem.

Lord James Douglas-Hamilton: We received evidence last week about insurance. School boards are insured, but the same provisions are not likely to be forthcoming in exactly the same way for parent councils. I ask all the panel members: Do you have strong views on insurance? How should insurance considerations be taken forward? Have you given much thought to the matter?

Gordon Smith: To be honest, no.

Jack Barnett: We have not expressed a view on the matter, so I am not in a position to comment.

Mr Macintosh: Almost all my questions have been asked, although I will make one small point. I would like clarification of a comment in the AHTS submission on representation of local authorities on parent councils. Last week, we heard from the Association of Directors of Education that they should have the right to attend meetings. Should that right and duty be placed on local authorities rather than on head teachers? Should they attend as well as or instead of head teachers?

Gordon Smith: What we mean is that the head teacher should have the right and duty to attend and that he or she will also represent the local authority; however, by local authority representation we are thinking of the local councillor.

Mr Macintosh: So you think that that should not be a matter for guidance, but that elected officials should have a right and duty to attend meetings.

Gordon Smith: I do not think that there should be a duty to attend, but I think that they should have the right to attend. The influence and responsibility of local councillors is very important.

Mr Macintosh: Community representation is definitely important.

What about the attendance of the director of education? That is probably worth considering.

Gordon Smith: No—such representation would be achieved through the head teacher.

Mr Macintosh: Do other witnesses have a view on that suggestion?

Bill McGregor: It would be very good for directors of education to attend parent councils,

but I suspect that it is fairly impractical. Therefore, a representative from somewhere down the line would be attached to the parent council. That could be a good thing, but it could equally be construed as not being a good thing because parents would be talking, if you like, to the monkey rather than to the organ grinder. It would have to be approached carefully.

Mr Macintosh: So we should take out the duty. What about the right for the director of education to attend?

Bill McGregor: There should always be a right to attend.

Fiona Hyslop: I have a question on deployment. The directors of education felt strongly that they should be able to deploy senior staff across authority areas. The current consultation is on selection and appointment to new positions. We have heard that there are pressures on recruitment generally—there is a difficulty with small leets in head teacher appointments. How do you feel about movement of staff and a potential role for the parent council when senior staff move? There are as many issues about the movement of staff as there are about initial appointment and selection. Should staff movement be given as much status in the discussions as initial appointment and selection?

Frequently, secondments become permanent, but the decisions on them barely touch school boards, although they can bring significant changes to schools. Should that issue be included?

Lindsay Roy: Secondments could be discussed at parent councils. A number of things should be considered; for example, how long the proposed secondment is, the potential impact on the school, and whether appropriate replacement staff can provide the same quality of teaching and support.

Fiona Hyslop: The current consultation does not appear to go anywhere on that. I would be interested if you could submit your views.

Gordon Smith: You could not include the matter in the bill, but obviously if a parent forum was unhappy for a senior member of staff to be seconded for 18 months but not replaced—as is often the case—it would have a legitimate case to take to the education authority. Alternatively, if the forum was unhappy that there was no specialist physical education teacher and never had been, it could take that concern forward. However, I cannot see how that could be included in the legislation.

Fiona Hyslop: It could be done under section 14 and the supporting guidance.

Gordon Smith: I see your point.

Ken Wimbor: It is important to point out in respect of school closures that the existing legislation requires that all posts be nationally advertised, which restricts the ability of a council to redeploy staff from a closure. In such circumstances we would welcome the deregulatory approach that is taken in section 14.

Bill McGregor: There is also an issue with employment law, because at the end of the day the local authority is the employer. The parent council can make forceful representations on movement of staff, but at present the decision belongs to the local authority.

The Convener: Thank you for your helpful evidence this morning. I look forward to seeing your comments on the head teacher appointment process in due course.

That completes today's business. I remind members that the next evidence session on the bill will be on 11 January, when the Minister for Education and Young People will be before us. Next week's business is stage 2 of the Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Bill, amendments to which must be lodged by noon on Friday.

Meeting closed at 10:58.

EDUCATION COMMITTEE

EXTRACT FROM MINUTES

1st Meeting (2006) Session 2

Wednesday 11 January 2006

Present:

Ms Rosemary Byrne

Fiona Hyslop

Mr Frank McAveety

Iain Smith (Convener)

Lord James Douglas-Hamilton (Deputy Convener)

Mr Kenneth Macintosh

Dr Elaine Murray

Apologies: Ms Wendy Alexander and Adam Ingram

The meeting opened at 11.31am.

Scottish Schools (Parental Involvement) Bill: The Committee took evidence at Stage 1 from—

Peter Peacock MSP, Minister for Education and Young People

Colin Reeves, Head of Schools Division, Education Department, Scottish Executive

Deirdre Watt, Bill Team Leader, Education Department, Scottish Executive

Stephanie Walsh, Team Leader, Teachers' Division, Education Department, Scottish Executive

1. **Scottish Schools (Parental Involvement) Bill (in private):** The Committee considered its Stage 1 report.

The meeting continued closed at 1.04pm.

Scottish Schools (Parental Involvement) Bill: Stage 1

11:35

The Convener: This is our final day of evidence on the general principles of the Scottish Schools (Parental Involvement) Bill. Our panel today consists of the Minister for Education and Young People, Peter Peacock MSP; Colin Reeves, the head of the schools division of the Education Department; Deirdre Watt, from the bill team in the Education Department; and Stephanie Walsh, a team leader in the teachers division of the Education Department. I ask the minister to make a few opening remarks, after which I will ask whether members have any questions.

The Minister for Education and Young People (Peter Peacock): I add my good wishes for the new year to members of the committee, and I look forward to our continuing robust discussion over the coming months. You have had the opportunity to hear a lot of evidence on the bill, so I will keep my opening remarks comparatively brief—for me—to allow time for proper questioning and discussion of the issues.

All the evidence points to the fact that, when parents are successfully involved in their children's education, schools are stronger institutions and children's learning is stronger as a consequence. That is why the Government committed itself, in the partnership agreement, to improving, widening and strengthening parental involvement in our schools. It is an integral part of the wider agenda of improvements that we are seeking to make to our education system. The existing system is a strong one, but we know that we can make further improvements to it.

In the past, central Government and local government had a very one-dimensional view of parental involvement, which was driven by the particular parameters of previous legislation. That view was limited to representation of parents in the school system in a highly regulated form because of the legislation. My intention has always been that the bill will have a broader focus than the School Boards (Scotland) Act 1988 allows in order to set the national context for both parental involvement in the wider sense and parental representation in the school system. The bill places a duty on education authorities to recognise the importance of parental involvement in the widest sense and to prepare strategies for that involvement. That is a new requirement that we are bringing to bear.

Our wider parental involvement agenda is about enabling parents to do what they can in their specific circumstances to support their children.

We want to extend the opportunity for parental involvement not just to those who are comfortable with sitting on committees and representative structures, but to parents who have found involvement in their schools not easy in the past. I recognise that some parents face significant challenges in getting involved in their children's education, which is why the flexibility that we seek in the bill is essential. The emphasis in the bill is on empowering parents, giving local choice and flexibility in the arrangements that are put in place and allowing parents to make decisions without having unnecessary detail in legislation.

Having said all that, the bill is not about ignoring all the good work that school boards have done over the past 16 years or the good work that was done, prior to school boards, by the former school councils. It is about building on the best experiences of both those systems while allowing local choice and local flexibility to tailor arrangements to suit the different local circumstances that exist throughout Scotland. That approach of providing flexibility and more choice locally is consistent with our wider approach of offering more flexibility and choice within the system as a whole.

We consulted on the draft bill last spring. One of the strong features of the Parliament's work is the helpful responses that we invariably receive to consultations, which help us to refine and improve legislation as part of the process members of the committee are now also joining.

We listened carefully to the representations that were made to us about the draft bill and, as a consequence, we have made some significant changes to the original draft. For example, there is a new duty on Scottish ministers as well as on local authorities to promote parental involvement. The head teacher of a school will now have the right and the duty to attend meetings of the parent council. There is provision for ministers to issue guidance on any aspect of the bill. There is a new requirement on head teachers to provide an annual report to the parent council not only evaluating the past performance of the school—which is something that has been done before—but setting out the ambitions for the school. That is designed to allow parents to enter into a dialogue about the direction in which the school is travelling and influence that vision of the school's future. We have introduced a change to allow the appointment of a clerk to the parent council and for them to be paid for carrying out that duty. Following firm representations, denominational schools will have a church representative on their parent council. Parent councils will also be able to raise unresolved—I stress the word "unresolved"—issues about the performance of their school with Her Majesty's Inspectorate of Education, if they believe that they need to do that.

The bill will provide a strong national framework for the development of new and wider forms of parental involvement than we have seen in the past. I also believe that it will reduce bureaucracy, create some choice in the system and empower parents to address the issues that concern them locally. As I said, with stronger parental involvement, we can strengthen further the learning of our pupils, which is what this is all about.

I am happy to take any questions that committee members might have.

Lord James Douglas-Hamilton: I thank the minister for his statement.

Will the minister consider amending the bill to ensure that there is adequate opportunity for parliamentary scrutiny of any guidance to parents?

Peter Peacock: We have discussed this issue with the committee and others in relation to other pieces of legislation and wider policy matters. We have tried to find the right balance between proper parliamentary scrutiny and oversight of what we are proposing while trying to keep the flexibility that will enable us to respond to changing circumstances quickly without getting tied up in long parliamentary procedures. I think that we have struck that balance in relation to this bill.

I am more than happy to say that we will give the committee drafts of any of the guidance that we are thinking of issuing and seek your feedback in a spirit of co-operation, which is the spirit that has enabled us to improve previous pieces of work. I am less inclined to subject all guidance to affirmative or negative procedures. However, I give you an undertaking that I will ensure that we will come to the committee with any significant changes to the guidance or new pieces of guidance.

Lord James Douglas-Hamilton: Will the minister consider piloting the bill in some local authority areas, as has been done with the Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Bill, so that the effectiveness of the bill can be observed in practice?

Peter Peacock: We are not thinking of doing that because we are pretty confident that the arrangements will work. At one level, the bill implements a big change to the system but, at another level, the system is accustomed to administering the existing school boards system. As there is already a level of parental involvement through school boards, parent-teacher associations and so on, we do not think that we need to pilot the changes. We think that we have thought the provisions through quite well and can make them work from the word go.

Lord James Douglas-Hamilton: Under the provisions of the bill, it appears that parent councils would have the right to call themselves school boards. Section 6(8) suggests that a parent council can give itself any name it chooses. Am I correct in this assumption?

Peter Peacock: You are essentially correct. However, before we embarked on our early consultation on the bill, I underestimated the extent to which the current school boards find value in feeling part of a national movement—there are school boards in most schools. We would like parent councils to call themselves parent councils with the name of the school at the front of that title. That is a change to my original position. The reason for that change is to enable people to have a sense of belonging to the parent council movement.

However, in the spirit in which all the proposals are intended, if a certain school wants to call its parent council something else I do not have a problem with that. That is a matter to be decided locally, but I think that there is some merit in adopting the name "parent council" for ease of communication and understanding of the system as a whole.

11:45

Lord James Douglas-Hamilton: With regard to the right of parents to ask for an HMIE inspection, is there a risk that that could disrupt the inspectorate's forward planning? How does the minister intend that the inspectorate should cope with that?

Peter Peacock: I want to make it clear that we do not see that provision as one that would be triggered on an everyday basis—far from it. It is a measure that exists to be used in extremis, when a group of parents who have concerns about the performance of their school that would be of interest to HMIE have come to the end of the normal procedures available to them through the parent council, and when the school itself has failed to address the issue adequately through its normal procedures and the local authority has subsequently failed to address the issue adequately. I believe that, in the overwhelming majority of circumstances, parents' concerns will be readily and adequately addressed at that level. That said, we do not want to prevent parents from referring a matter to HMIE if their concerns have not been adequately addressed.

We have discussed the matter with HMIE, which is perfectly comfortable with the provisions in the bill. HMIE would have to respond to any such request in the normal way. I have to say, however, that if parents were sufficiently concerned that they wanted to trigger the mechanism to refer a

matter to HMIE, things would probably be pretty difficult in the school, so there would be just cause for HMIE to give it quite a lot of attention. I do not think that the provision is unnecessarily disruptive, but it is obviously something that we shall keep under close review with HMIE.

Lord James Douglas-Hamilton: Can the minister clarify whether parents who participate in parent forum or parent council activities will be adequately covered by public liability insurance?

Peter Peacock: I must look to one of my colleagues to help me with that question. I am aware that, under existing statutory provisions, when a school board is acting under the aegis of the local authority there are certain privileges and protections that go with that. We have sought to provide the same kind of protection within the framework of the bill, so that parents who act reasonably do not find subsequently that their actions are challenged in some way. However, there are other insurance arrangements that are currently facilitated through the Scottish Parent Teacher Council, for example, and there are some issues that we still have to work through with that organisation. I have had assurances from my officials that we can resolve those matters one way or another, but we have yet to decide how we shall resolve them. I ask Colin Reeves to comment, in case I have not fully covered the point or have accidentally misled you in any way.

Colin Reeves (Scottish Executive Education Department): That is the correct explanation. The bill is drafted as it is so that it does not oblige the insurance arrangements to be made through the local authorities, as is the situation under the School Boards (Scotland) Act 1988. The bill allows for other options.

Lord James Douglas-Hamilton: What is the minister's opinion of the view of the Association of Directors of Education Scotland and of the Convention of Scottish Local Authorities that consideration should be given to allowing education authorities flexibility in how they deploy their senior staff across their authorities?

Peter Peacock: Let me be clear—are you talking about head teachers when you refer to senior staff? Is your point about moving head teachers?

Lord James Douglas-Hamilton: Yes.

Peter Peacock: I am conscious of the arguments that have been made about that, and I want to make clear to the committee the reason why we are doing what we are doing. In one sense, there is no statutory change to the position that we are promoting in the bill in relation to the deployment of head teachers, and the intention of the bill is not in any way to seek to change current

practice or to promote a change in current practice.

The bill does not seek to set out some new way of licensing the automatic transfer or movement of head teachers between schools. However, I have heard of—and can certainly think of—circumstances in which it would be entirely proper and legitimate for a local authority to seek to move a head teacher from one school to another. Such a situation could arise for a variety of circumstances, and the bill will not fetter an authority's discretion in that respect. To adapt a classic remark, I am neither ruling this in as a new practice that the bill sets out nor ruling out the need for teachers to be moved occasionally.

That said, any transfer should be carried out with the usual sensitivity after discussion with the head teacher and the school's parent council. Moreover, in certain circumstances, it should trigger procedures that apply to newly recruited head teachers, which give the parent council in the receiving school some locus in the matter. As I have said, the bill is not designed to increase the incidence of such a practice, although I acknowledge that, in some cases, the practice is conducted for proper reasons.

Lord James Douglas-Hamilton: What progress has been made on the Scottish Consumer Council's proposals for a national parents body? What support would be required from the Executive to implement such proposals?

Peter Peacock: We have received proposals from the Scottish Consumer Council, which has taken a particular interest in this matter. However, before we reach any conclusion, I want to hear the views of the existing national bodies and other organisations on the proposals.

There is everything to be said for having a strong national parent body that can comment on and influence national policy and thinking on education and can support parent councils throughout Scotland by, for example, providing training and support services, facilitating conferences and discussions and exchanging good practice. Establishing such a strong national organisation would have a range of benefits, and I am more than happy to play a part in its creation. Indeed, I am prepared, if necessary, to provide some cash to set it up.

I believe that, over time, any such body would want a degree of independence from Government—and indeed from local government—and thought would have to be given to its long-term funding. However, there is something to be said for having that kind of strong body and ensuring that it has adequate resources to work consistently and effectively.

Dr Murray: I think that Lord James Douglas-Hamilton has touched on most of the issues that have arisen in our evidence taking.

Peter Peacock: I am surprised that there are any questions left to ask.

Dr Murray: As Lord James Douglas-Hamilton pointed out, concerns have been expressed about the level of consultation on the proposals that involve HMIE. You have answered some of the points about what might be called vexatious complaints. However, I wonder whether the guidance on the bill will make clear the circumstances under which HMIE can refuse to return to a school. After all, HMIE must have the option of saying, "No, we don't think that it's appropriate to get involved in this case," but local authorities and parent councils will need to know their rights in that respect.

Peter Peacock: The provision that you refer to was inserted late into the revised bill by the Executive. I have found that examining policy issues, proposed legislation, consultation responses and so on triggers other thoughts about how a particular policy might develop and strengthen. The change in question arose not as a response to any specific representations but as a result of our thinking on the policy and the responses to the consultation. If we are serious about empowering parents in a much stronger and more effective way—and we are—why would we not seek to make it clear that they should be able to refer their concerns to HMIE? That is the origin of the proposal. You are right that it was not consulted on specifically, but stage 1 of the parliamentary process affords plenty of opportunity to give it adequate scrutiny.

I had not thought about the Executive issuing guidance on the matter because I think that HMIE would make clear in its procedures and protocols how it would tackle things. I will reflect on that in the light of your question. My instinct is still that it would be better for HMIE to be in control of the process. If we had got to a point at which a parent council wanted to refer a concern about a school to HMIE, I would expect HMIE to take that extremely seriously. If, once it had taken an initial look at the concern, HMIE found that, in its professional judgment, there was no substance to it, it would say so. Similarly, if it found that there was substance to the concern, it would investigate further. The way in which HMIE operates is sufficiently professional and can be made sufficiently clear by HMIE that I do not think that it is necessary for us to issue guidance.

Dr Murray: One reason why there might be some difficulty is that a parent council might feel that the local authority or the school had not paid sufficient regard to its representations. Concerns have been raised with us that the phrasing of the

bill is not precise enough and that it might be difficult for a body to prove that it had had regard to representations that had been made when it did not agree with them.

Peter Peacock: I take your point. The best that I can say is that, in the light of Elaine Murray's question, I will reflect on the issue in an effort to identify whether it might be appropriate to tighten up the wording of the bill.

Dr Murray: In the past, I have raised the possibility of a local authority being referred to HMIE because, if the issue involved the provision of support to children with additional support needs, the local authority rather than the head teacher might have responsibility for the level of support available. If a parent council wished to take up such an issue, it might be more appropriate for HMIE to examine the local authority's provision rather than the head teacher's actions. Will the bill make that possible?

Peter Peacock: Your explanation of your motivation will come as a considerable relief to local authorities, which might have been worried about a proposal to allow much wider concern to be expressed about an authority's performance in the round.

I will deal with both points. The advice that I have is that the bill's provisions will allow a parent council to make representations to HMIE on precisely the kind of issue that you have suggested. In relation to the second point—which you did not make, but which I imputed to you—a parent council would also be able to make representations on a more general concern about an authority's performance. My advice is that the bill will permit such referrals. If further scrutiny leads us to believe that we can tighten up the language of the bill on that to make matters clear, I would be happy to consider doing so.

Fiona Hyslop: The bill has obviously changed considerably since the draft bill was published. There has been movement—the draft bill sought to sweep away school boards, but we now understand that boards could reinvent themselves and call themselves parent councils.

Given that the bill is described as a bill for parental involvement, I want to ask about its general principles. There is a big difference between parental involvement in the education of individual children and parental representation in the management of schools—we have received a great deal of evidence on that point. What are the minister's perceptions on the main drivers for the bill's general principles? Is the bill about the replacement of school boards with parent councils or is it about achieving greater parental involvement in the education of individual

children? That is the key prize, but the bill is really about the management of schools.

Peter Peacock: My motivation is clear. As I set out at the beginning of my remarks, we know that when there is successful parental involvement in a child's school education, their learning improves. The school as an institution is made stronger and feels better supported, and it acts and is motivated in different ways. A variety of descriptions can be applied to the effects of parental involvement; it can be said to make a school more colourful and vibrant, for example. That strengthens learning, which is ultimately what the bill is about. My prime motivation is to get more parents actively involved in the school in ways that suit them. I want them to become involved in supporting their child's learning more effectively as a key way of improving that child's performance and, as a result, their life chances. Equally, we recognise that parents can act corporately and collectively and think of the school as a collective institution rather than simply considering their child. That is why the bill deals with representation and wider involvement.

12:00

I have always been clear that we need to modernise the position in relation to representation. We have a highly regulated representational structure that is hide-bound in statute. That was done for specific policy reasons at the time that were to do with creating a structure for the policy option of having schools become self-governing. We think that it is time to move on from that position, to give more flexibility to the representational structures, to modernise the situation, and to give much more local choice about the structures, the nature of elections, how business is conducted and so on.

We also want to say to local authorities and ministers in statute that they have a duty in law to think about wider forms of involvement of parents in their child's education and in supporting the school in a variety of informal ways.

Both those pillars—trying to ensure that representation is stronger and that people are also focused on thinking about the strategies that need to be deployed to support wider parental involvement—are important. We think that we have got that balance right in the bill.

Fiona Hyslop: Parental involvement in a child's education can be assisted by policy. However, do we need to have that in law in order for it to happen? Surely the best practice for ministers and local authorities would be to promote parental involvement in any case. Are we now moving to the position where, because of financial constraints on local authorities in particular, unless

something is in statute, it is not done or is not given priority? Is that why the bill contains a statement that is fairly obvious to most parents?

Peter Peacock: I understand the point that you are making. If best practice were everywhere, we would not need to make any changes. However, best practice is not everywhere, as we know.

I was a councillor during the time of the changes from the old school council system to the school board system and I used to sit on a school council and to attend school board meetings in my ward. I saw that, in a sense, there was a narrowing of the focus because statute said that the local authority's duty in relation to parents was just about representation—and only the form of representation that was school boards, with all the constraints that were built round that. I would have to check that, but I think that that was what was driving the policy in relation to parents.

Legislation drives behaviour in that sense, which is why we want to say to local authorities and ministers that a clear part of their duty is to think actively about and plan strategies to ensure the involvement of parents in the life of the school and the learning of their children because we know that that has beneficial impacts. We are using the legislation to give focus, purpose and drive to the approach and to widen the focus. The narrowness of the focus in relation to parental involvement is why we thought that it was necessary to sweep that away and create a new structure. We think that we need to legislate to do that.

Fiona Hyslop: Do you appreciate the anxiety that is felt by parents who think that they might spend the next few years tied up in administrative bureaucracy relating to the creation of new bodies that might not be too different from the ones that currently exist? They are worried that they will waste several years of valuable time and effort. Most parents have great difficulty juggling work and life already and would prefer to spend their time more constructively. How can you convince them that this will be worth the candle?

Peter Peacock: I understand that any legislative change of this sort creates some short-term disruption. To be honest, however—looking at this issue in a pragmatic way and thinking about how parents behave in relation to such things—I am confident that parents will deal with the changes in a sensible and logical way. The proposals do not need to interrupt their lives for too long.

A team of people in the office has been established and is beginning to work out the practical details of moving from one situation to another. I do not want huge disruption or people to spend many hours, days and weeks on constitutional matters and so on. There is a practical way of dealing with matters. My officials

are beginning to work with local authorities, parent groups and others to plan thoroughly. Things can be done comparatively painlessly and quickly.

Parents will have huge opportunities as a result of the proposals. They will have a chance to pause and think about how their relationship with the school has worked and how they can use the flexibility that we will create to make improvements and bring new dynamism into the process. There are opportunities to have much closer links and more effective communication between the central parent council and the wider body of parents in the school; to create more opportunities for involvement; and to enter into dialogue with the local authority on making its strategy for broader parental involvement in supporting kids' learning and in supporting the school as an institution to work more effectively. Great opportunities to freshen up what we are doing and to give new purpose, focus and impetus will arise. Such opportunities rather than the bureaucracy that will be involved will dominate the discussions, although it is inevitable that a bit of bureaucracy must be gone through.

Fiona Hyslop: I want to move on to senior staff appointments, which are not a major part of the bill but which clearly represent one of the most controversial parts of the bill's overall perspective. Obviously, the Executive is consulting on regulations. Will you confirm that we will have the response to that consultation in time for the final drafting of our stage 1 report?

Lord James Douglas-Hamilton and Elaine Murray mentioned a number of issues. There is concern that if leadership is so important in ensuring that we improve standards in schools—the minister has repeatedly said that it is important—the deployment as well as the appointment of senior staff is critical. I am talking not only about head teachers but about other senior staff too. We have heard evidence that there must be bonds of trust and the involvement of the person who is appointed so that relationships are built between parents and schools. How can we be convinced that parent councils will have teeth and that they will be genuinely involved? Will the minister reassure us that the initial appointment of senior members of staff is not the only issue and that redeployment can be just as important to schools that regularly lose or gain staff? The Subordinate Legislation Committee recognised that as a key issue. Will the minister think about allowing the regulations on that matter to be subject to the affirmative procedure so that they come back to the committee? From the evidence that we have received, it is clear that that is a crucial issue relating to parents' powers and perceived powers in their relationship with schools.

Peter Peacock: Fiona Hyslop has made several points, which I will try to tease out. First, I want to pick up on an assumption she made that I do not think will happen. She talked about schools regularly losing or gaining head teachers. I do not envisage that happening at all. My motivation for agreeing to the bill and the procedures for more parental involvement in the selection of key staff in schools is not to lose or gain more head teachers although, as I said earlier, I accept that losing or gaining head teachers will occasionally be necessary. I start from that premise.

I cannot guarantee that the outcome of our consultation will be available before the committee's stage 1 report because the consultation concludes on 28 February. Things will depend on the time that is available to the committee. Although we consider responses as we receive them, we will take a short time after that date to reflect on the full details of the responses that have been received. However, it is my firm intention to make clear our position on the use of regulations prior to the completion of stage 2 so that the committee will have a chance to be clear about what we want to do. In fact, the consultation has been held in parallel with stage 1 and stage 2 consideration of the bill precisely because we knew that there would be controversy, and we wanted to be absolutely up front and open about what we are thinking. As we are subject to the timing of the committee's stage 1 report, I am not clear that we can give you that guarantee, but I certainly intend to have indicated to the committee what our response to the consultation is in the week in which stage 2 is due to begin. I will ask my officials to confirm that with the committee clerks.

Fiona Hyslop is absolutely right to say that a head teacher appointment is crucial. It is the most fundamentally important factor in how a school operates. We know very clearly that, where the right head teacher is in place, driving the school, being responsible for standards and setting high standards and high expectations, we will have a very good school. Equally, we know that if we do not have that in place, we will not have a very good school. It is a crucial appointment for the life of any school and one whose effect could endure for 20 or 25 years. Many head teachers are now appointed in their mid to late 30s and so could be in place for a long part of their life and for a long part of the school's life, covering several generations of young people. The appointment of a head teacher is also critical because, over time, substantial sums of money will be invested in that individual. Making the right decision about that individual is vital to how the school works and, more generally, to how our school system works.

That is why, in consulting on the proposals, we are trying to find the right balance. We want to

allow a wider involvement of parents than there has been in the past. We want to involve parents in the advertising strategy for head teacher posts and in discussions about the job spec and person spec for the post, so that parents can say what kind of person they are looking for. We want them to be involved in the leeting process and in the final interview. Because of the critical nature of the job, and because of the modern legal requirements to do with appointments, the appointment of a head teacher must also be a highly professional exercise and must be conducted in a professional manner. That is why we are more than happy to commit ourselves to ensuring, with local authorities, that parents are properly trained for that task. We take the matter seriously and we want to gear up the system to allow appointments to be made in a thorough and proper way.

However, the appointment of a head teacher is something that happens in a school only once every 20 or 25 years—sometimes less, sometimes a bit longer—so there might be only three parents who are involved in that process in a 20-year span. A lot has to be invested in those parents to ensure that they are up to speed and are able to participate effectively in the process, so that is why we are spending so much time getting the proposals right. In the consultation exercise, we have asked for people's thoughts on whether, in addition to ensuring that there is a professional process that involves parents from the local school in the final interview, there is a case for having a panel of parents drawn from parent councils in a local authority area who will sit on appointment panels not just for their own school but for a number of schools, so that they can build their expertise, experience and capacity to help to make the best possible decisions. I am genuinely interested in people's views on that, because it is a way of extending parental involvement in the most professional way while ensuring that parents are also involved in appointments to their local school in an appropriate way.

There are other issues on which I know members are receiving representations and I am sure that the Executive will also receive representations on such matters as the right balance on the panel and who has the final decision. We will consider the consultation responses seriously, because we must ensure that we have the strongest and most professional system and that we have maximum participation by parents in that process. We are aware that there are some tensions that we still have to resolve.

Fiona Hyslop: The convener will reflect on the timescale, but I have concerns about whether it will meet our requirements. I have other questions,

but I am conscious that other members want to come in.

12:15

Mr McAveety: One purpose of the bill is to develop effective parent councils. The bill proposes that parents should decide the composition of those councils and whether there should be co-opted members. Some of the evidence that we have received has shown concerns about ensuring that those who would be seen as good partners in that process are represented reasonably. Will you expand on how you see that developing? As there is probably good practice in the system already, what will the strategy be? Should a parent council take a sectional or narrow perspective about who could be involved in a school board?

Peter Peacock: I understand your point. There have been some tensions and difficulties and we have adapted the position that we took originally in the draft bill. All that we specified then was that parents would make up the parent council and that they would then decide whether the head teacher, a church representative, a pupil, a teacher, or a representative of the local business community or voluntary sector would be added. As a result of the convincing representations that we received, we have changed the bill to ensure that the head teacher will always be with the parents on the council because of the particular relationship between the head teacher and the wider parent body. Equally, we received strong representations, which could not have been clearer, about church representatives for denominational schools. Again, we thought that it was right to respect that view.

We have changed the bill to ensure that councils comprise parents plus head teacher, and, in the case of denominational schools, a denominational representative. However, beyond that, views have differed. We know that pupils in one form or another and teachers are members of many parent organisations, and businesspeople have been brought into parental bodies. However, decisions on whether to include representatives of those groups should be made locally, as parents are perfectly able to make those decisions. My view is that although parents will want to discuss certain matters on their own from time to time, there is everything to be said for involving pupils in discussions about their schools and potentially involving businesspeople and teachers. Those are local decisions for particular schools at particular points and should not necessarily be prescribed in legislation.

The danger is that once we get beyond a certain point and try to list everybody who could possibly be mentioned in the bill, we are bound to miss somebody, which might wrongly imply that we do

not want them to be involved. I would rather leave that decision to local discretion. We should capture the best practice from across the country and share it with others, so that they can learn what happens elsewhere and change their practice if they see fit.

Ms Rosemary Byrne (South of Scotland) (SSP): As you said, we have all seen that there is a lot of good practice and involvement in primary schools. However, secondary schools are a different matter altogether. We know that at least 20 per cent of parents are very hard to reach. Will the bill make a difference? What kind of support and advice will be provided to local authorities alongside the legislation to reach that group of parents, who do not get involved in school life at all. That becomes a bigger problem when the children move into secondary school.

Peter Peacock: I understand and sympathise with that point. You are right that the transition between primary and secondary school can be difficult enough, especially for particular groups of young people. I was recently in a primary school where there is a fantastically supportive relationship between the school and parents and kids who face challenges in their lives. When those children move to secondary schools, their parents find that the situation is different. For a start, the institution is much bigger and there are other factors such as the different structure of the curriculum. It is an important issue. Rosemary Byrne is also right in identifying the group of parents who will almost always find it difficult to become involved in school life. Of itself, the legislation will not change that overnight. We are now saying to local authorities, "You have got to think hard about and develop strategies to facilitate parental involvement in the school." They have never had to do that before; we are now requiring them to do it, although many have sought to do it in a variety of ways. The legislation will therefore make a difference on that level.

We have to do a lot in the coming period of time to draw out the best practice that exists to help the hard-to-reach parents and to share it much more widely. One of the reasons why I would like there to be a strong national organisation for parents is that it could do that better than central or local government could, although we all have a role.

I visit a lot of schools during the course of a year and have visited many in the past two or three years. I have seen some amazingly good practice in primary and secondary schools that have gone out of their way to make it possible for hard-to-reach parents to come into the school. I met a parent in Dundee who told me vividly how she had approached a school with trepidation. Her experience of school had been pretty awful; she did not relate to education in any positive way; and

she found it physically and emotionally impossible to go through a school gate. For a variety of reasons, she managed to do it and it began to transform her life and that of her child. That happened because there was an organised programme in the school that went out to capture such parents. We know that it can be done. A lot of good work is being done with home-school link workers that did not use to happen, and we know about the difference that they can make. Part of my motivation is to focus better on that group of hard-to-reach parents. Rosemary Byrne has identified some of the strands where we need to do more to help.

Colin Reeves: We have already had preliminary discussions with HMIE on this very point. We discussed the preparation by HMIE of another section of the self-evaluation tool "How good is our school?" that would cover parental involvement. We also want to start preliminary discussions with HMIE about how, under the new arrangements, inspections of schools and of education authorities will focus on how the school and the education authority are fulfilling the new responsibilities to involve all parents, particularly those who are hard to reach. HMIE inspections will therefore have a new emphasis on looking at the very point that Rosemary Byrne raised.

Ms Byrne: That is very helpful. I agree with the minister that some very good things are going on and home-school links are certainly one of the best things that could have happened to many schools. However, the resourcing of such projects is probably one of the bigger problems. Not all schools can afford to have home-school links teachers and not all local authorities see them as a priority. Projects cost money, as does bringing in people to work with parents. If we are going to meet the target of involving the 20 per cent of parents who are hard to reach, we are going to have to spend money. When the legislation goes through, will resources be available to schools to enable them to meet that need when it arises?

Peter Peacock: Specific funds are allocated and they have been picked up in the financial memorandum to the bill. However, those funds are more for making sure that the administrative changes happen. Apart from that, we are putting substantial extra cash into the system specifically for work with that hard-to-reach group. For example, about this time last year, I authorised £35 million for extra support staff in our schools. Much of that was specifically to fund things such as home-school link workers, work on better behaviour and better learning through our inclusion programmes, and the work on restorative practices. The things that are happening in the schools are very much targeted at hard-to-reach parents. Part of my motivation is that we know that when we can successfully involve parents in

school life, behaviour can improve remarkably. That is something that we are striving for. It is not the only motivation, but it is one of my motivations.

Mr Kenneth Macintosh (Eastwood) (Lab): I have a specific question, although it touches on the broader issue of how the bill will affect the relationship between parents and pupils and the teaching staff, who have professional expertise. The concern, which has been raised in the committee and by one of my constituents, is to do with what would happen if a parent council wished to discuss an inappropriate, sensitive or confidential matter. Is that a matter for the parent council itself, is it a matter for guidance or should the bill describe the circumstances in which it would be wrong to break professional and personal privacy?

Peter Peacock: We are not thinking of putting that in the bill, as it would be difficult to capture. We plan to include it in the guidance. We want to make clear the times at which and the way in which it may or may not be appropriate to discuss these issues. Our experience of the system in the past tells us that, on occasion, parents want to talk about the performance of a teacher. Given the implications of such a discussion, the matter has to be handled very carefully. That does not mean that there should be no discussion of the issues, but the way in which they are undertaken requires to be regulated properly to protect the interests of all the parties involved.

Equally, we know that, on occasion, there can be a desire to discuss the behaviour of an individual pupil and the effect that that is having on the rest of the school. Again, there is a particular way in which such issues have to be handled and it is appropriate to use guidance to help with any question that may arise.

Mr McAveety: I have a question on one of the issues that the Scottish Consumer Council raised. The SCC believes that the provision in the bill for the education complaints system is too complex. The SCC suggests that there should be "one entry point" for parents from which they

"can be guided through the complex system".

What are your comments on that concern?

Peter Peacock: I have looked at what the SCC said in its submission. I sense that it has taken the opportunity that the bill presents to make a much broader point about complaints procedures in education more generally. We are not inclined to use the bill to do that. That said, the reason why we have included provisions in the bill on complaints is to help to make it explicit that parents can make complaints about the performance of the local authority.

Local authorities now have much more sophisticated complaints procedures than they had in the past—the procedures are explicit. Under existing statute, complaints mechanisms are also provided that allow complaints on matters of performance in education to go direct to ministers. We are not seeking to widen the provisions. We expect the local authorities to make explicit within their existing procedures the way in which people can make complaints on these matters.

Mr McAveety: I hope that I have not given the minister the idea of setting up a new body called the Scottish complaints commission—we have the Scottish press for that.

Peter Peacock: I will not be drawn on that. It is not within my responsibility.

Fiona Hyslop: I have a question on lettings. There is concern that we are removing from the parent councils the role in lettings that the school boards had. We heard evidence that lettings were not used much in the past. However, if schools are to be at the heart of the community, surely parents and the community should be involved in them, as that helps with antisocial behaviour, learning and so on. Should we reconsider the provision?

Yesterday, we heard the news that the three public-private partnership bidders in Aberdeen are not prepared to have pupils in schools after 4 o'clock, for reasons to do with insurance and so on. Although the issue may not be contentious at the moment, I wonder whether the rationale for removing the provision is that the management of schools will become less and less reflective of the role of schools in the wider community, including out of school hours.

Peter Peacock: Absolutely not. I thought that the question was about to reveal that Fiona Hyslop subscribed to the conspiracy theory that this is all to do with public-private partnerships. That is probably the issue that lies behind the question.

In practice, school boards almost never use the provisions, which were put in place because the policy of the time was for schools to be free-standing, independent institutions. It was thought that boards would have to make those decisions as no one else could. However, that was not the situation that emerged and the powers have almost never been used.

As a Government, we are very clear that we want to see our schools being used by the community much more widely than they are at present. That is particularly the case for our secondary schools, which often contain sizeable art, sport, music and other facilities. Secondary schools represent major public investments and they should be made as available to the public as we can make them. Parents have a role to play in

that by talking to head teachers, through the parent councils, about their views. Ultimately, the day-to-day decisions about particular letting arrangements are professional, administrative decisions. We do not need to change the provisions of the bill.

12:30

The bill will provide the flexibility that we could not provide through the school boards legislation. The secondary school that was in my ward when I was a councillor was built as a community school 25 years ago. It has been open 15 hours a day, seven days a week for the past 25 years or thereabouts. The school board did not deal with the running of the school as a community institution; a separate group of parents was constituted for that, partly because of the strictures in the school boards legislation and partly because other forms of expertise were needed that would not necessarily be needed in a normal school board meeting.

Under the bill, we will be able to create much more dynamic bodies that can consider a range of things. There will be discussions about how they fit into the wider picture of the school operating as a community institution. The day-by-day administrative and practical decisions about lets are professional matters.

Fiona Hyslop: That is helpful. I want to ask about the functions of parent councils. The bill provides that educational authorities and head teachers should

“have regard to the representations (in so far as it is reasonable and practicable to do so)”

of parent councils. Concern was expressed by the Scottish School Board Association that that provision lacks clarity and the Scottish Consumer Council raised concerns about what it would mean in practice. Are you sure that the provision is sufficiently strong to ensure that we do not just have lip service being paid to parent councils?

Peter Peacock: We are all now experienced legislators, so you know that common to many pieces of legislation are particular forms of words that seek to capture the obligations on people. It is not an uncommon expression in statute that people must “have regard to” certain matters if representations are made to them. Equally, if people thought that head teachers, for example, had not had regard to matters that they raised, had not taken their points seriously or were being flippant, they could use the local authority complaints mechanisms to have the matter investigated. Ultimately, there is the mechanism of referring the matter to HMIE and statutory failures can be referred to ministers, so there are safeguards. I suspect that if it was felt that

someone had not had regard to what was said, that could be challenged in the courts. In any statute we have to find the right form of words to say that people have to have regard to something. In this case, educational authorities and head teachers cannot ignore what parents are saying; they must consider it. What they decide is a matter for their professional judgment about the issue raised. The fact that they have to have regard to what parents say is not in question, because that is what the bill says.

Fiona Hyslop: We have heard from your colleague Mr McCabe that we might want to consider the structure of local authorities; ideas were floated about having combined senior staff for several local authorities, whether finance directors or education directors. Would anything in the bill counter or support that?

Peter Peacock: I heard the thunder rumbling; I suspect your conspiracy was rumbled. Either that or you are very hungry. Nothing in the bill would either encourage or inhibit that move.

The Convener: We have exhausted our questions, minister. I thank you and your team for your attendance. You have given us a number of points on which to reflect. I am sure that the committee will wish particularly to reflect on the issue of timing of senior staff appointments.

Before we move into private session, I want to make a couple of quick announcements. First, I remind members that next week we will be resuming the early years inquiry. The committee meeting will be at 10.30 next Wednesday, but at 9.45 there will be a presentation from DTZ Pieda on parental attitudes to early years provision. Stage 3 of the Joint Inspection of Children’s Services and Inspection of Social Work Services (Scotland) Bill is next week. The deadline for amendments is 16:30 on Friday.

12:35

Meeting continued in private until 13:04.

EDUCATION COMMITTEE

EXTRACT FROM MINUTES

3rd Meeting, 2006 (Session 2)

Wednesday 25 January 2006

Present:

Ms Rosemary Byrne

Fiona Hyslop

Mr Kenneth Macintosh

Dr Elaine Murray

Lord James Douglas-Hamilton (Deputy Convener)

Adam Ingram

Mr Frank McAveety

Iain Smith (Convener)

Apologies: Ms Wendy Alexander

The meeting opened at 10.03 am.

Scottish Schools (Parental Involvement) Bill (in private): The Committee considered a draft report. The Committee agreed by division (For 4, Against 1, Abstentions 2) to recommend to the Parliament that the general principles of the Scottish Schools (Parental Involvement) Bill be approved

The meeting closed at 12.25 pm.

EDUCATION COMMITTEE

EXTRACT FROM MINUTES

4th Meeting, 2006 (Session 2)

Wednesday 1 February 2006

Present:

Ms Rosemary Byrne

Fiona Hyslop

Mr Kenneth Macintosh

Dr Elaine Murray

Lord James Douglas-Hamilton (Deputy Convener)

Adam Ingram

Mr Frank McAveety

Iain Smith (Convener)

Apologies: Ms Wendy Alexander

The meeting opened at 10.36 am.

Scottish Schools (Parental Involvement) Bill (in private): The Committee agreed the contents of its stage 1 report.

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