

EDUCATION COMMITTEE

Wednesday 7 December 2005

Session 2

£5.00

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CONTENTS

Wednesday 7 December 2005

Col.

SUBORDINATE LEGISLATION	2857
Registration of Independent Schools (Scotland) Regulations 2005 (SSI 2005/571)	2857
SCOTTISH SCHOOLS (PARENTAL INVOLVEMENT) BILL: STAGE 1	2859

EDUCATION COMMITTEE

23th Meeting 2005, Session 2

CONVENER

*Iain Smith (North East Fife) (LD)

DEPUTY CONVENER

*Lord James Douglas-Hamilton (Lothians) (Con)

COMMITTEE MEMBERS

Ms Wendy Alexander (Paisley North) (Lab)

*Ms Rosemary Byrne (South of Scotland) (SSP)

*Fiona Hyslop (Lothians) (SNP)

*Mr Adam Ingram (South of Scotland) (SNP)

*Mr Kenneth Macintosh (Eastwood) (Lab)

*Mr Frank McAveety (Glasgow Shettleston) (Lab)

*Dr Elaine Murray (Dumfries) (Lab)

COMMITTEE SUBSTITUTES

Richard Baker (North East Scotland) (Lab)

Rosie Kane (Glasgow) (SSP)

Michael Matheson (Central Scotland) (SNP)

Mr Jamie McGrigor (Highlands and Islands) (Con)

Mr Jamie Stone (Caithness, Sutherland and Easter Ross) (LD)

*attended

THE FOLLOWING GAVE EVIDENCE:

Councillor the Rev Ewan Aitken (Convention of Scottish Local Authorities)

Alan Blackie (Association of Directors of Education Scotland)

Anna Fowlie (Convention of Scottish Local Authorities)

Judith Gillespie (Scottish Parent Teacher Council)

George Hammersley (Scottish School Board Association)

Caroline Vass (Scottish School Board Association)

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Mark Roberts

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 2

Scottish Parliament

Education Committee

Wednesday 7 December 2005

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

Subordinate Legislation

Registration of Independent Schools (Scotland) Regulations 2005 (SSI 2005/571)

The Convener (Iain Smith): Good morning, colleagues, and welcome to the 23rd meeting of the Education Committee in 2005. That seems like an awful lot of meetings, but there are only two this year to go after this one.

The first of today's two agenda items is the Registration of Independent Schools (Scotland) Regulations 2005 (SSI 2005/571). I draw members' attention to the letter that we have received from the Scottish Executive, which indicates that it intends to make amending regulations, either before the recess or early in the new year, to address the issue that was raised in the Subordinate Legislation Committee's report, which is attached to today's paper. Do any members wish to ask any questions or raise any issues?

Fiona Hyslop (Lothians) (SNP): I have two matters to raise. First, will the Executive withdraw the Scottish statutory instrument and re-present it as amended? I see heads shaking, so I think that the answer is that it will not.

The Convener: I think the Executive is going ahead with this SSI; it will then make amending regulations. Only one part of the regulations requires amendment.

Fiona Hyslop: I have a further question. The explanatory note accompanying the regulations refers to the School Education (Ministerial Powers and Independent Schools) (Scotland) Act 2004. One of the issues that arose during evidence taking on that bill was the question whether teachers in independent schools should be registered with the General Teaching Council for Scotland. That was not a central issue at the time, but it was touched on during evidence. Regulation 1(2)(c) states:

“‘the Council’ means the General Teaching Council for Scotland”.

I did not spot any reference to the GTC in the schedules, however—unless it will be covered in the forthcoming amendments. Ministers would have to have further discussions with independent schools were they to impose a requirement that,

for the purposes of registration, all teachers must be members of the GTC. I do not know whether we could seek clarification from ministers on that.

The Convener: The council is referred to in schedule 2, paragraph 2(d). It says:

“their qualifications, the subject or subjects for which they are employed to teach, and confirmation of whether or not they are registered with the Council.”

Fiona Hyslop: Where is that?

The Convener: That is in schedule 2, on page 6. I think that that is the only reference to the council.

Fiona Hyslop: The paragraph only says:

“confirmation of whether or not they are registered with the Council.”

It does not say that teachers are required to be registered with the council. We should bear it in mind that the matter was raised not just by us, but by independent schools, which recognised that it was an issue. We might want to ask the minister whether there have been further developments.

The Convener: We can raise the matter with the minister. It seems that there are no further comments on the instrument. Subject to the reference that has been made to the forthcoming amending regulations, do we agree that the committee has nothing to report on the regulations?

Members indicated agreement.

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 to 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 as 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.

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