

EDUCATION COMMITTEE

Wednesday 14 December 2005

Session 2

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EDUCATION COMMITTEE

24th 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:

Jack Barnett (Educational Institute of Scotland)
Bill McGregor (Headteachers Association of Scotland)
Lindsay Roy (Headteachers Association of Scotland)
Gordon Smith (Association of Head Teachers in Scotland)
Ken Wimbor (Educational Institute of Scotland)

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Mark Roberts

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 2

Scottish Parliament

Education Committee

Wednesday 14 December 2005

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

Petition

Rural Schools (Closure) (PE872)

The Convener: (Iain Smith): Good morning colleagues and welcome to the 24th meeting of the Education Committee in 2005.

Item 1 is petition PE872, which was referred to us by the Public Petitions Committee on 9 November. I remind members that the committee considered school closures, which are the subject matter of the petition, at our meeting on 26 October, when we had a lengthy exchange with the Minister for Education and Young People on the current guidance. A number of the points that the petition raises were raised by members during that exchange, in particular the issue of presumption against closure, which Lord James Douglas-Hamilton asked about. We agreed at that meeting that the committee would be kept up to date on progress on the reviews of the guidance, which the minister indicated were under way in discussion with the Convention of Scottish Local Authorities. We agreed that the committee would consider the issue of school closures when the revised guidance came out and that we would continue to consider it on at least an annual basis. We hope that the guidance will be produced before our next annual review.

The petition does not raise any substantial issue that was not discussed on 26 October, so I suggest that we leave it on the table at the moment and consider it in the context of the revised guidance when that is published. We will consider both the revised guidance and the contents of the petition at that stage. Do members have any comments on that?

Mr Kenneth Macintosh (Eastwood) (Lab): That is a welcome suggestion. We had an excellent discussion on the guidance with the Minister for Education and Young People. I am conscious that we have to steer a difficult course, because these matters will be decided by local authorities. There is on-going negotiation between local authorities and the Executive on how local authorities should follow the guidance. We have a role, but it is clear that we must not mislead any of the parents who are interested in proceedings. However, my colleague Richard Baker and many other local MSPs have brought to our attention—it

has also been highlighted to me—the importance to parents of making their views known to the committee and to the Parliament. If we are keeping the petition open, I would welcome the opportunity to invite parents to give us their views in writing so that we can bear them in mind when we are considering the response from COSLA and the Executive.

Dr Elaine Murray (Dumfries) (Lab): I apologise for being slightly late. I echo what Ken Macintosh has said. It is important that we will return to the issue and that we are only parking it for the time being. Yesterday, Dumfries and Galloway Council's education committee revisited school rationalisation, along with a load of other cuts, in order to try to meet its equal pay bills. We may see that issue arising in a number of authorities as they try to come to terms with the cost of single status. It is an important issue for us to return to.

Lord James Douglas-Hamilton (Lothians) (Con): I support the convener's recommendation that the matter be continued. On 26 October, the minister said:

"There are areas of the guidance that we could make firmer. However, if it is taken as it is intended, the guidance sets out clear, quite high, hurdles. ... It is important to reflect on that and to ensure that we have included in the guidance all the issues that should be included. I have an open mind about that."—[*Official Report, Education Committee, 26 October 2005; c 2699.*]

On 7 September, Mr Peacock said in response to Murdo Fraser that there were still concerns regarding the consistency with which the Scottish Executive guidance on the closure of rural schools is being applied and on how the application of the guidance is monitored, particularly in relation to consultation. Mr Peacock said that discussions with COSLA were on-going. For those reasons, I support the convener's recommendation that we continue this matter.

Fiona Hyslop (Lothians) (SNP): I am glad that the discussion is going the way it is, because I was a bit concerned when I saw the meeting papers. It would be sensible to listen to the views of parents, particularly given that we are in the middle of the Scottish Schools (Parental Involvement) Bill. This committee of all committees should ensure that it hears parents' views—Ken Macintosh suggested that we are given those views in writing. Once we receive the revised guidance—hopefully from COSLA, although the minister has said that if COSLA is not prepared to produce something, he will—it would be helpful to get feedback from the petitioners on it.

I was a bit alarmed by what Elaine Murray said about school closures being the price to be paid for staff cuts; that adds a whole different dimension to the debate. We might want to reflect on that in the finance debate next week. I would

be pleased if we said to the petitioners that we would consider the petition as part of our analysis of what the minister comes back to us with. That is a sensible suggestion.

Ms Rosemary Byrne (South of Scotland) (SSP): I endorse that—that would be helpful.

The Convener: Are we agreed that the petition will be considered in the context of the revised guidance from COSLA or the minister?

Members *indicated agreement.*

Scottish Schools (Parental Involvement) Bill: Stage 1

10:09

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

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

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

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

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

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

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

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

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

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

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

10:15

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10:30

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

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

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

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

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

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

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

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

In its submission, the Headteachers Association of Scotland stated:

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

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

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

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

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

Fiona Hyslop: But you want us to do it.

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

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

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

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

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

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

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

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

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

Mr Frank McAveety (Glasgow Shettleston) (Lab): The bill seeks to update the selection process for senior staff. I have read your written submissions on that point, but what are your views on the overall process? In particular, I wonder whether the AHTS will expand on its comment that

"At key decision points in the process (long leet, short leet, selection) the education professional should have a casting vote."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10:45

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

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

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

Bill McGregor: Yes.

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

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

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

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

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

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

Lord James Douglas-Hamilton: Do Mr Jack Barnett and Ken Wimbor think that the bill will substantially increase participation by the parents of children who might have become somewhat inattentive or be insufficiently motivated?

Jack Barnett: I wish that I had a crystal ball that would enable me to answer. As I said in my opening statement, we certainly hope that the bill will lead to increased parental involvement in schools and their communities, in the interests of their children's education. We will have to judge what the future holds by the outcome.

Lord James Douglas-Hamilton: What are the main amendments that Mr Bill McGregor would like to be made to increase parental participation and involvement with teaching staff to support children's learning?

Bill McGregor: What I am about to say may be fairly fundamental. I would like a parent council really to be a school council. I would like to be represented on it parents, who should always be in the majority; the head teacher; teachers; co-opted members, when relevant; and students from the school. If we could get that grouping together, the parent council would be fundamentally more able to approach the rest of the parent body—the parent forum—and would, I hope, be able to move matters forward. I am not sure whether the approach would be successful; I share the view of Jack Barnett. However, it would be a more positive way forward than the current proposals in the bill.

Lord James Douglas-Hamilton: Last week we heard that local authorities may wish to deploy head teachers among a group of schools in their area. What might your members' views be on that suggestion?

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

Lord James Douglas-Hamilton: I will ask a technical question, which may be for the committee rather than for witnesses, although you have already answered a question from the convener on the subject. Should there be further

provision in the bill for appointments procedures for senior staff, or should that be left to regulations, which are currently being considered in a consultation?

Bill McGregor: If you had asked me that question three weeks ago I would have said that there is definitely a need for further provision in the bill, but I am now aware of the quality of the consultative document on the issue, which may well address the problem.

Lord James Douglas-Hamilton: We received evidence last week about insurance. School boards are insured, but the same provisions are not likely to be forthcoming in exactly the same way for parent councils. I ask all the panel members: Do you have strong views on insurance? How should insurance considerations be taken forward? Have you given much thought to the matter?

Gordon Smith: To be honest, no.

Jack Barnett: We have not expressed a view on the matter, so I am not in a position to comment.

Mr Macintosh: Almost all my questions have been asked, although I will make one small point. I would like clarification of a comment in the AHTS submission on representation of local authorities on parent councils. Last week, we heard from the Association of Directors of Education that they should have the right to attend meetings. Should that right and duty be placed on local authorities rather than on head teachers? Should they attend as well as or instead of head teachers?

Gordon Smith: What we mean is that the head teacher should have the right and duty to attend and that he or she will also represent the local authority; however, by local authority representation we are thinking of the local councillor.

Mr Macintosh: So you think that that should not be a matter for guidance, but that elected officials should have a right and duty to attend meetings.

Gordon Smith: I do not think that there should be a duty to attend, but I think that they should have the right to attend. The influence and responsibility of local councillors is very important.

Mr Macintosh: Community representation is definitely important.

What about the attendance of the director of education? That is probably worth considering.

Gordon Smith: No—such representation would be achieved through the head teacher.

Mr Macintosh: Do other witnesses have a view on that suggestion?

Bill McGregor: It would be very good for directors of education to attend parent councils,

but I suspect that it is fairly impractical. Therefore, a representative from somewhere down the line would be attached to the parent council. That could be a good thing, but it could equally be construed as not being a good thing because parents would be talking, if you like, to the monkey rather than to the organ grinder. It would have to be approached carefully.

Mr Macintosh: So we should take out the duty. What about the right for the director of education to attend?

Bill McGregor: There should always be a right to attend.

Fiona Hyslop: I have a question on deployment. The directors of education felt strongly that they should be able to deploy senior staff across authority areas. The current consultation is on selection and appointment to new positions. We have heard that there are pressures on recruitment generally—there is a difficulty with small leets in head teacher appointments. How do you feel about movement of staff and a potential role for the parent council when senior staff move? There are as many issues about the movement of staff as there are about initial appointment and selection. Should staff movement be given as much status in the discussions as initial appointment and selection?

Frequently, secondments become permanent, but the decisions on them barely touch school boards, although they can bring significant changes to schools. Should that issue be included?

Lindsay Roy: Secondments could be discussed at parent councils. A number of things should be considered; for example, how long the proposed secondment is, the potential impact on the school, and whether appropriate replacement staff can provide the same quality of teaching and support.

Fiona Hyslop: The current consultation does not appear to go anywhere on that. I would be interested if you could submit your views.

Gordon Smith: You could not include the matter in the bill, but obviously if a parent forum was unhappy for a senior member of staff to be seconded for 18 months but not replaced—as is often the case—it would have a legitimate case to take to the education authority. Alternatively, if the forum was unhappy that there was no specialist physical education teacher and never had been, it could take that concern forward. However, I cannot see how that could be included in the legislation.

Fiona Hyslop: It could be done under section 14 and the supporting guidance.

Gordon Smith: I see your point.

Ken Wimbor: It is important to point out in respect of school closures that the existing legislation requires that all posts be nationally advertised, which restricts the ability of a council to redeploy staff from a closure. In such circumstances we would welcome the deregulatory approach that is taken in section 14.

Bill McGregor: There is also an issue with employment law, because at the end of the day the local authority is the employer. The parent council can make forceful representations on movement of staff, but at present the decision belongs to the local authority.

The Convener: Thank you for your helpful evidence this morning. I look forward to seeing your comments on the head teacher appointment process in due course.

That completes today's business. I remind members that the next evidence session on the bill will be on 11 January, when the Minister for Education and Young People will be before us. Next week's business is stage 2 of the Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Bill, amendments to which must be lodged by noon on Friday.

Meeting closed at 10:58.

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