

EDUCATION COMMITTEE

Wednesday 11 January 2006

Session 2

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EDUCATION COMMITTEE

1st Meeting 2006, 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:

Peter Peacock (Minister for Education and Young People)

Colin Reeves (Scottish Executive Education Department)

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Mark Roberts

ASSISTANT CLERK

Ian Cowan

LOCATION

Committee Room 4

Scottish Parliament

Education Committee

Wednesday 11 January 2006

[THE CONVENER *opened the meeting at 11:31*]

Item in Private

The Convener (Iain Smith): Good morning, colleagues, and happy new year to you all. Welcome to the first meeting of the Education Committee in 2006.

The first item on the agenda is to consider whether to take item 3 in private. My reason for proposing that we take the item in private is that the committee has established a precedent of handling its draft reports in private. I believe that that allows for a more open and frank—and clearer—discussion of the key issues. As we will be discussing our approach to our draft report on the Scottish Schools (Parental Involvement) Bill, I suggest that we take item 3 in private.

Fiona Hyslop (Lothians) (SNP): I think that we should take the item in public. Although we have a general precedent, in the Parliament, the Procedures Committee and others have suggested that committees reflect on whether they genuinely need to have sessions in private. Our principles of openness and transparency must lead us to examine each time whether we really need to discuss an item in private. The Education Committee has conducted several discussions of draft reports in public, and that has caused no difficulty whatever in either members' contributions or in the response to them. We have a responsible committee, and I have not seen evidence of grandstanding by anybody in the discussion of draft reports. In this case, I think that it would be very helpful to the political life of Scotland if we decided again—as we have decided previously—to discuss the draft report in public.

The Convener: Do other members have views on the matter?

Mr Frank McAveety (Glasgow Shettleston) (Lab): I disagree profoundly with what Fiona Hyslop has just said. I do not think that anybody in Scotland is desperately concerned about whether we hold the discussion in public or in private; what they are interested in is the quality of the report at the end of the process. That would benefit from our having the chance to express our views candidly before the report is agreed. In that context, I support your suggestion, convener.

Lord James Douglas-Hamilton (Lothians) (Con): I support the convener on this matter. I

think that drafting should be dealt with in private. The Procedures Committee has come to the view that committees should be able to deal with such matters in private. The conclusions will be public—the committee's recommendations, the report and everything will, eventually, be public. It makes for efficiency if minor drafting matters are dealt with quickly and effectively in private.

Dr Elaine Murray (Dumfries) (Lab): I agree with Frank McAveety and Lord James Douglas-Hamilton and not with Fiona Hyslop on this issue. When we are discussing evidence that has been given to us on which there may be differences of opinion and on which we may aspire to achieve consensus, that may be done more effectively if we hold the discussion in private. Like Frank McAveety, I am sure that the people of Scotland are not waiting just outside the door to hear the pearls of wisdom that fall from the lips of the members of the Education Committee as they discuss their reports to Parliament.

Fiona Hyslop: I would like to respond to what Frank McAveety and Elaine Murray have said. The evidence that the Procedures Committee received when it examined the issue showed that a considerable number of people are interested in such sessions being held in public, not least several trade unions. Given the unions' affiliation to the Labour Party, Labour members might want to reflect on that. As has happened before, I recognise that I am in the minority, but I hope that, at some point in the future, the Parliament might break out of its conservatism and consider routinely holding such discussions in public.

Mr McAveety: I look forward to the private discussions of the trade unions being made public and smoke-filled rooms being aired all over Scotland.

The Convener: I take it that we note Fiona Hyslop's opposition to the proposal but that the committee agrees that we take the item in private.

Members indicated agreement.

Scottish Schools (Parental Involvement) Bill: Stage 1

11:35

The Convener: This is our final day of evidence on the general principles of the Scottish Schools (Parental Involvement) Bill. Our panel today consists of the Minister for Education and Young People, Peter Peacock MSP; Colin Reeves, the head of the schools division of the Education Department; Deirdre Watt, from the bill team in the Education Department; and Stephanie Walsh, a team leader in the teachers division of the Education Department. I ask the minister to make a few opening remarks, after which I will ask whether members have any questions.

The Minister for Education and Young People (Peter Peacock): I add my good wishes for the new year to members of the committee, and I look forward to our continuing robust discussion over the coming months. You have had the opportunity to hear a lot of evidence on the bill, so I will keep my opening remarks comparatively brief—for me—to allow time for proper questioning and discussion of the issues.

All the evidence points to the fact that, when parents are successfully involved in their children's education, schools are stronger institutions and children's learning is stronger as a consequence. That is why the Government committed itself, in the partnership agreement, to improving, widening and strengthening parental involvement in our schools. It is an integral part of the wider agenda of improvements that we are seeking to make to our education system. The existing system is a strong one, but we know that we can make further improvements to it.

In the past, central Government and local government had a very one-dimensional view of parental involvement, which was driven by the particular parameters of previous legislation. That view was limited to representation of parents in the school system in a highly regulated form because of the legislation. My intention has always been that the bill will have a broader focus than the School Boards (Scotland) Act 1988 allows in order to set the national context for both parental involvement in the wider sense and parental representation in the school system. The bill places a duty on education authorities to recognise the importance of parental involvement in the widest sense and to prepare strategies for that involvement. That is a new requirement that we are bringing to bear.

Our wider parental involvement agenda is about enabling parents to do what they can in their specific circumstances to support their children.

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

Having said all that, the bill is not about ignoring all the good work that school boards have done over the past 16 years or the good work that was done, prior to school boards, by the former school councils. It is about building on the best experiences of both those systems while allowing local choice and local flexibility to tailor arrangements to suit the different local circumstances that exist throughout Scotland. That approach of providing flexibility and more choice locally is consistent with our wider approach of offering more flexibility and choice within the system as a whole.

We consulted on the draft bill last spring. One of the strong features of the Parliament's work is the helpful responses that we invariably receive to consultations, which help us to refine and improve legislation as part of the process members of the committee are now also joining.

We listened carefully to the representations that were made to us about the draft bill and, as a consequence, we have made some significant changes to the original draft. For example, there is a new duty on Scottish ministers as well as on local authorities to promote parental involvement. The head teacher of a school will now have the right and the duty to attend meetings of the parent council. There is provision for ministers to issue guidance on any aspect of the bill. There is a new requirement on head teachers to provide an annual report to the parent council not only evaluating the past performance of the school—which is something that has been done before—but setting out the ambitions for the school. That is designed to allow parents to enter into a dialogue about the direction in which the school is travelling and influence that vision of the school's future. We have introduced a change to allow the appointment of a clerk to the parent council and for them to be paid for carrying out that duty. Following firm representations, denominational schools will have a church representative on their parent council. Parent councils will also be able to raise unresolved—I stress the word “unresolved”—issues about the performance of their school with Her Majesty's Inspectorate of Education, if they believe that they need to do that.

The bill will provide a strong national framework for the development of new and wider forms of parental involvement than we have seen in the past. I also believe that it will reduce bureaucracy, create some choice in the system and empower parents to address the issues that concern them locally. As I said, with stronger parental involvement, we can strengthen further the learning of our pupils, which is what this is all about.

I am happy to take any questions that committee members might have.

Lord James Douglas-Hamilton: I thank the minister for his statement.

Will the minister consider amending the bill to ensure that there is adequate opportunity for parliamentary scrutiny of any guidance to parents?

Peter Peacock: We have discussed this issue with the committee and others in relation to other pieces of legislation and wider policy matters. We have tried to find the right balance between proper parliamentary scrutiny and oversight of what we are proposing while trying to keep the flexibility that will enable us to respond to changing circumstances quickly without getting tied up in long parliamentary procedures. I think that we have struck that balance in relation to this bill.

I am more than happy to say that we will give the committee drafts of any of the guidance that we are thinking of issuing and seek your feedback in a spirit of co-operation, which is the spirit that has enabled us to improve previous pieces of work. I am less inclined to subject all guidance to affirmative or negative procedures. However, I give you an undertaking that I will ensure that we will come to the committee with any significant changes to the guidance or new pieces of guidance.

Lord James Douglas-Hamilton: Will the minister consider piloting the bill in some local authority areas, as has been done with the Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Bill, so that the effectiveness of the bill can be observed in practice?

Peter Peacock: We are not thinking of doing that because we are pretty confident that the arrangements will work. At one level, the bill implements a big change to the system but, at another level, the system is accustomed to administering the existing school boards system. As there is already a level of parental involvement through school boards, parent-teacher associations and so on, we do not think that we need to pilot the changes. We think that we have thought the provisions through quite well and can make them work from the word go.

Lord James Douglas-Hamilton: Under the provisions of the bill, it appears that parent councils would have the right to call themselves school boards. Section 6(8) suggests that a parent council can give itself any name it chooses. Am I correct in this assumption?

Peter Peacock: You are essentially correct. However, before we embarked on our early consultation on the bill, I underestimated the extent to which the current school boards find value in feeling part of a national movement—there are school boards in most schools. We would like parent councils to call themselves parent councils with the name of the school at the front of that title. That is a change to my original position. The reason for that change is to enable people to have a sense of belonging to the parent council movement.

However, in the spirit in which all the proposals are intended, if a certain school wants to call its parent council something else I do not have a problem with that. That is a matter to be decided locally, but I think that there is some merit in adopting the name "parent council" for ease of communication and understanding of the system as a whole.

11:45

Lord James Douglas-Hamilton: With regard to the right of parents to ask for an HMIE inspection, is there a risk that that could disrupt the inspectorate's forward planning? How does the minister intend that the inspectorate should cope with that?

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

We have discussed the matter with HMIE, which is perfectly comfortable with the provisions in the bill. HMIE would have to respond to any such request in the normal way. I have to say, however, that if parents were sufficiently concerned that they wanted to trigger the mechanism to refer a

matter to HMIE, things would probably be pretty difficult in the school, so there would be just cause for HMIE to give it quite a lot of attention. I do not think that the provision is unnecessarily disruptive, but it is obviously something that we shall keep under close review with HMIE.

Lord James Douglas-Hamilton: Can the minister clarify whether parents who participate in parent forum or parent council activities will be adequately covered by public liability insurance?

Peter Peacock: I must look to one of my colleagues to help me with that question. I am aware that, under existing statutory provisions, when a school board is acting under the aegis of the local authority there are certain privileges and protections that go with that. We have sought to provide the same kind of protection within the framework of the bill, so that parents who act reasonably do not find subsequently that their actions are challenged in some way. However, there are other insurance arrangements that are currently facilitated through the Scottish Parent Teacher Council, for example, and there are some issues that we still have to work through with that organisation. I have had assurances from my officials that we can resolve those matters one way or another, but we have yet to decide how we shall resolve them. I ask Colin Reeves to comment, in case I have not fully covered the point or have accidentally misled you in any way.

Colin Reeves (Scottish Executive Education Department): That is the correct explanation. The bill is drafted as it is so that it does not oblige the insurance arrangements to be made through the local authorities, as is the situation under the School Boards (Scotland) Act 1988. The bill allows for other options.

Lord James Douglas-Hamilton: What is the minister's opinion of the view of the Association of Directors of Education Scotland and of the Convention of Scottish Local Authorities that consideration should be given to allowing education authorities flexibility in how they deploy their senior staff across their authorities?

Peter Peacock: Let me be clear—are you talking about head teachers when you refer to senior staff? Is your point about moving head teachers?

Lord James Douglas-Hamilton: Yes.

Peter Peacock: I am conscious of the arguments that have been made about that, and I want to make clear to the committee the reason why we are doing what we are doing. In one sense, there is no statutory change to the position that we are promoting in the bill in relation to the deployment of head teachers, and the intention of the bill is not in any way to seek to change current

practice or to promote a change in current practice.

The bill does not seek to set out some new way of licensing the automatic transfer or movement of head teachers between schools. However, I have heard of—and can certainly think of—circumstances in which it would be entirely proper and legitimate for a local authority to seek to move a head teacher from one school to another. Such a situation could arise for a variety of circumstances, and the bill will not fetter an authority's discretion in that respect. To adapt a classic remark, I am neither ruling this in as a new practice that the bill sets out nor ruling out the need for teachers to be moved occasionally.

That said, any transfer should be carried out with the usual sensitivity after discussion with the head teacher and the school's parent council. Moreover, in certain circumstances, it should trigger procedures that apply to newly recruited head teachers, which give the parent council in the receiving school some locus in the matter. As I have said, the bill is not designed to increase the incidence of such a practice, although I acknowledge that, in some cases, the practice is conducted for proper reasons.

Lord James Douglas-Hamilton: What progress has been made on the Scottish Consumer Council's proposals for a national parents body? What support would be required from the Executive to implement such proposals?

Peter Peacock: We have received proposals from the Scottish Consumer Council, which has taken a particular interest in this matter. However, before we reach any conclusion, I want to hear the views of the existing national bodies and other organisations on the proposals.

There is everything to be said for having a strong national parent body that can comment on and influence national policy and thinking on education and can support parent councils throughout Scotland by, for example, providing training and support services, facilitating conferences and discussions and exchanging good practice. Establishing such a strong national organisation would have a range of benefits, and I am more than happy to play a part in its creation. Indeed, I am prepared, if necessary, to provide some cash to set it up.

I believe that, over time, any such body would want a degree of independence from Government—and indeed from local government—and thought would have to be given to its long-term funding. However, there is something to be said for having that kind of strong body and ensuring that it has adequate resources to work consistently and effectively.

Dr Murray: I think that Lord James Douglas-Hamilton has touched on most of the issues that have arisen in our evidence taking.

Peter Peacock: I am surprised that there are any questions left to ask.

Dr Murray: As Lord James Douglas-Hamilton pointed out, concerns have been expressed about the level of consultation on the proposals that involve HMIE. You have answered some of the points about what might be called vexatious complaints. However, I wonder whether the guidance on the bill will make clear the circumstances under which HMIE can refuse to return to a school. After all, HMIE must have the option of saying, "No, we don't think that it's appropriate to get involved in this case," but local authorities and parent councils will need to know their rights in that respect.

Peter Peacock: The provision that you refer to was inserted late into the revised bill by the Executive. I have found that examining policy issues, proposed legislation, consultation responses and so on triggers other thoughts about how a particular policy might develop and strengthen. The change in question arose not as a response to any specific representations but as a result of our thinking on the policy and the responses to the consultation. If we are serious about empowering parents in a much stronger and more effective way—and we are—why would we not seek to make it clear that they should be able to refer their concerns to HMIE? That is the origin of the proposal. You are right that it was not consulted on specifically, but stage 1 of the parliamentary process affords plenty of opportunity to give it adequate scrutiny.

I had not thought about the Executive issuing guidance on the matter because I think that HMIE would make clear in its procedures and protocols how it would tackle things. I will reflect on that in the light of your question. My instinct is still that it would be better for HMIE to be in control of the process. If we had got to a point at which a parent council wanted to refer a concern about a school to HMIE, I would expect HMIE to take that extremely seriously. If, once it had taken an initial look at the concern, HMIE found that, in its professional judgment, there was no substance to it, it would say so. Similarly, if it found that there was substance to the concern, it would investigate further. The way in which HMIE operates is sufficiently professional and can be made sufficiently clear by HMIE that I do not think that it is necessary for us to issue guidance.

Dr Murray: One reason why there might be some difficulty is that a parent council might feel that the local authority or the school had not paid sufficient regard to its representations. Concerns have been raised with us that the phrasing of the

bill is not precise enough and that it might be difficult for a body to prove that it had had regard to representations that had been made when it did not agree with them.

Peter Peacock: I take your point. The best that I can say is that, in the light of Elaine Murray's question, I will reflect on the issue in an effort to identify whether it might be appropriate to tighten up the wording of the bill.

Dr Murray: In the past, I have raised the possibility of a local authority being referred to HMIE because, if the issue involved the provision of support to children with additional support needs, the local authority rather than the head teacher might have responsibility for the level of support available. If a parent council wished to take up such an issue, it might be more appropriate for HMIE to examine the local authority's provision rather than the head teacher's actions. Will the bill make that possible?

Peter Peacock: Your explanation of your motivation will come as a considerable relief to local authorities, which might have been worried about a proposal to allow much wider concern to be expressed about an authority's performance in the round.

I will deal with both points. The advice that I have is that the bill's provisions will allow a parent council to make representations to HMIE on precisely the kind of issue that you have suggested. In relation to the second point—which you did not make, but which I imputed to you—a parent council would also be able to make representations on a more general concern about an authority's performance. My advice is that the bill will permit such referrals. If further scrutiny leads us to believe that we can tighten up the language of the bill on that to make matters clear, I would be happy to consider doing so.

Fiona Hyslop: The bill has obviously changed considerably since the draft bill was published. There has been movement—the draft bill sought to sweep away school boards, but we now understand that boards could reinvent themselves and call themselves parent councils.

Given that the bill is described as a bill for parental involvement, I want to ask about its general principles. There is a big difference between parental involvement in the education of individual children and parental representation in the management of schools—we have received a great deal of evidence on that point. What are the minister's perceptions on the main drivers for the bill's general principles? Is the bill about the replacement of school boards with parent councils or is it about achieving greater parental involvement in the education of individual

children? That is the key prize, but the bill is really about the management of schools.

Peter Peacock: My motivation is clear. As I set out at the beginning of my remarks, we know that when there is successful parental involvement in a child's school education, their learning improves. The school as an institution is made stronger and feels better supported, and it acts and is motivated in different ways. A variety of descriptions can be applied to the effects of parental involvement; it can be said to make a school more colourful and vibrant, for example. That strengthens learning, which is ultimately what the bill is about. My prime motivation is to get more parents actively involved in the school in ways that suit them. I want them to become involved in supporting their child's learning more effectively as a key way of improving that child's performance and, as a result, their life chances. Equally, we recognise that parents can act corporately and collectively and think of the school as a collective institution rather than simply considering their child. That is why the bill deals with representation and wider involvement.

12:00

I have always been clear that we need to modernise the position in relation to representation. We have a highly regulated representational structure that is hide-bound in statute. That was done for specific policy reasons at the time that were to do with creating a structure for the policy option of having schools become self-governing. We think that it is time to move on from that position, to give more flexibility to the representational structures, to modernise the situation, and to give much more local choice about the structures, the nature of elections, how business is conducted and so on.

We also want to say to local authorities and ministers in statute that they have a duty in law to think about wider forms of involvement of parents in their child's education and in supporting the school in a variety of informal ways.

Both those pillars—trying to ensure that representation is stronger and that people are also focused on thinking about the strategies that need to be deployed to support wider parental involvement—are important. We think that we have got that balance right in the bill.

Fiona Hyslop: Parental involvement in a child's education can be assisted by policy. However, do we need to have that in law in order for it to happen? Surely the best practice for ministers and local authorities would be to promote parental involvement in any case. Are we now moving to the position where, because of financial constraints on local authorities in particular, unless

something is in statute, it is not done or is not given priority? Is that why the bill contains a statement that is fairly obvious to most parents?

Peter Peacock: I understand the point that you are making. If best practice were everywhere, we would not need to make any changes. However, best practice is not everywhere, as we know.

I was a councillor during the time of the changes from the old school council system to the school board system and I used to sit on a school council and to attend school board meetings in my ward. I saw that, in a sense, there was a narrowing of the focus because statute said that the local authority's duty in relation to parents was just about representation—and only the form of representation that was school boards, with all the constraints that were built round that. I would have to check that, but I think that that was what was driving the policy in relation to parents.

Legislation drives behaviour in that sense, which is why we want to say to local authorities and ministers that a clear part of their duty is to think actively about and plan strategies to ensure the involvement of parents in the life of the school and the learning of their children because we know that that has beneficial impacts. We are using the legislation to give focus, purpose and drive to the approach and to widen the focus. The narrowness of the focus in relation to parental involvement is why we thought that it was necessary to sweep that away and create a new structure. We think that we need to legislate to do that.

Fiona Hyslop: Do you appreciate the anxiety that is felt by parents who think that they might spend the next few years tied up in administrative bureaucracy relating to the creation of new bodies that might not be too different from the ones that currently exist? They are worried that they will waste several years of valuable time and effort. Most parents have great difficulty juggling work and life already and would prefer to spend their time more constructively. How can you convince them that this will be worth the candle?

Peter Peacock: I understand that any legislative change of this sort creates some short-term disruption. To be honest, however—looking at this issue in a pragmatic way and thinking about how parents behave in relation to such things—I am confident that parents will deal with the changes in a sensible and logical way. The proposals do not need to interrupt their lives for too long.

A team of people in the office has been established and is beginning to work out the practical details of moving from one situation to another. I do not want huge disruption or people to spend many hours, days and weeks on constitutional matters and so on. There is a practical way of dealing with matters. My officials

are beginning to work with local authorities, parent groups and others to plan thoroughly. Things can be done comparatively painlessly and quickly.

Parents will have huge opportunities as a result of the proposals. They will have a chance to pause and think about how their relationship with the school has worked and how they can use the flexibility that we will create to make improvements and bring new dynamism into the process. There are opportunities to have much closer links and more effective communication between the central parent council and the wider body of parents in the school; to create more opportunities for involvement; and to enter into dialogue with the local authority on making its strategy for broader parental involvement in supporting kids' learning and in supporting the school as an institution to work more effectively. Great opportunities to freshen up what we are doing and to give new purpose, focus and impetus will arise. Such opportunities rather than the bureaucracy that will be involved will dominate the discussions, although it is inevitable that a bit of bureaucracy must be gone through.

Fiona Hyslop: I want to move on to senior staff appointments, which are not a major part of the bill but which clearly represent one of the most controversial parts of the bill's overall perspective. Obviously, the Executive is consulting on regulations. Will you confirm that we will have the response to that consultation in time for the final drafting of our stage 1 report?

Lord James Douglas-Hamilton and Elaine Murray mentioned a number of issues. There is concern that if leadership is so important in ensuring that we improve standards in schools—the minister has repeatedly said that it is important—the deployment as well as the appointment of senior staff is critical. I am talking not only about head teachers but about other senior staff too. We have heard evidence that there must be bonds of trust and the involvement of the person who is appointed so that relationships are built between parents and schools. How can we be convinced that parent councils will have teeth and that they will be genuinely involved? Will the minister reassure us that the initial appointment of senior members of staff is not the only issue and that redeployment can be just as important to schools that regularly lose or gain staff? The Subordinate Legislation Committee recognised that as a key issue. Will the minister think about allowing the regulations on that matter to be subject to the affirmative procedure so that they come back to the committee? From the evidence that we have received, it is clear that that is a crucial issue relating to parents' powers and perceived powers in their relationship with schools.

Peter Peacock: Fiona Hyslop has made several points, which I will try to tease out. First, I want to pick up on an assumption she made that I do not think will happen. She talked about schools regularly losing or gaining head teachers. I do not envisage that happening at all. My motivation for agreeing to the bill and the procedures for more parental involvement in the selection of key staff in schools is not to lose or gain more head teachers although, as I said earlier, I accept that losing or gaining head teachers will occasionally be necessary. I start from that premise.

I cannot guarantee that the outcome of our consultation will be available before the committee's stage 1 report because the consultation concludes on 28 February. Things will depend on the time that is available to the committee. Although we consider responses as we receive them, we will take a short time after that date to reflect on the full details of the responses that have been received. However, it is my firm intention to make clear our position on the use of regulations prior to the completion of stage 2 so that the committee will have a chance to be clear about what we want to do. In fact, the consultation has been held in parallel with stage 1 and stage 2 consideration of the bill precisely because we knew that there would be controversy, and we wanted to be absolutely up front and open about what we are thinking. As we are subject to the timing of the committee's stage 1 report, I am not clear that we can give you that guarantee, but I certainly intend to have indicated to the committee what our response to the consultation is in the week in which stage 2 is due to begin. I will ask my officials to confirm that with the committee clerks.

Fiona Hyslop is absolutely right to say that a head teacher appointment is crucial. It is the most fundamentally important factor in how a school operates. We know very clearly that, where the right head teacher is in place, driving the school, being responsible for standards and setting high standards and high expectations, we will have a very good school. Equally, we know that if we do not have that in place, we will not have a very good school. It is a crucial appointment for the life of any school and one whose effect could endure for 20 or 25 years. Many head teachers are now appointed in their mid to late 30s and so could be in place for a long part of their life and for a long part of the school's life, covering several generations of young people. The appointment of a head teacher is also critical because, over time, substantial sums of money will be invested in that individual. Making the right decision about that individual is vital to how the school works and, more generally, to how our school system works.

That is why, in consulting on the proposals, we are trying to find the right balance. We want to

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

However, the appointment of a head teacher is something that happens in a school only once every 20 or 25 years—sometimes less, sometimes a bit longer—so there might be only three parents who are involved in that process in a 20-year span. A lot has to be invested in those parents to ensure that they are up to speed and are able to participate effectively in the process, so that is why we are spending so much time getting the proposals right. In the consultation exercise, we have asked for people's thoughts on whether, in addition to ensuring that there is a professional process that involves parents from the local school in the final interview, there is a case for having a panel of parents drawn from parent councils in a local authority area who will sit on appointment panels not just for their own school but for a number of schools, so that they can build their expertise, experience and capacity to help to make the best possible decisions. I am genuinely interested in people's views on that, because it is a way of extending parental involvement in the most professional way while ensuring that parents are also involved in appointments to their local school in an appropriate way.

There are other issues on which I know members are receiving representations and I am sure that the Executive will also receive representations on such matters as the right balance on the panel and who has the final decision. We will consider the consultation responses seriously, because we must ensure that we have the strongest and most professional system and that we have maximum participation by parents in that process. We are aware that there are some tensions that we still have to resolve.

Fiona Hyslop: The convener will reflect on the timescale, but I have concerns about whether it will meet our requirements. I have other questions,

but I am conscious that other members want to come in.

12:15

Mr McAveety: One purpose of the bill is to develop effective parent councils. The bill proposes that parents should decide the composition of those councils and whether there should be co-opted members. Some of the evidence that we have received has shown concerns about ensuring that those who would be seen as good partners in that process are represented reasonably. Will you expand on how you see that developing? As there is probably good practice in the system already, what will the strategy be? Should a parent council take a sectional or narrow perspective about who could be involved in a school board?

Peter Peacock: I understand your point. There have been some tensions and difficulties and we have adapted the position that we took originally in the draft bill. All that we specified then was that parents would make up the parent council and that they would then decide whether the head teacher, a church representative, a pupil, a teacher, or a representative of the local business community or voluntary sector would be added. As a result of the convincing representations that we received, we have changed the bill to ensure that the head teacher will always be with the parents on the council because of the particular relationship between the head teacher and the wider parent body. Equally, we received strong representations, which could not have been clearer, about church representatives for denominational schools. Again, we thought that it was right to respect that view.

We have changed the bill to ensure that councils comprise parents plus head teacher, and, in the case of denominational schools, a denominational representative. However, beyond that, views have differed. We know that pupils in one form or another and teachers are members of many parent organisations, and businesspeople have been brought into parental bodies. However, decisions on whether to include representatives of those groups should be made locally, as parents are perfectly able to make those decisions. My view is that although parents will want to discuss certain matters on their own from time to time, there is everything to be said for involving pupils in discussions about their schools and potentially involving businesspeople and teachers. Those are local decisions for particular schools at particular points and should not necessarily be prescribed in legislation.

The danger is that once we get beyond a certain point and try to list everybody who could possibly be mentioned in the bill, we are bound to miss somebody, which might wrongly imply that we do

not want them to be involved. I would rather leave that decision to local discretion. We should capture the best practice from across the country and share it with others, so that they can learn what happens elsewhere and change their practice if they see fit.

Ms Rosemary Byrne (South of Scotland) (SSP): As you said, we have all seen that there is a lot of good practice and involvement in primary schools. However, secondary schools are a different matter altogether. We know that at least 20 per cent of parents are very hard to reach. Will the bill make a difference? What kind of support and advice will be provided to local authorities alongside the legislation to reach that group of parents, who do not get involved in school life at all. That becomes a bigger problem when the children move into secondary school.

Peter Peacock: I understand and sympathise with that point. You are right that the transition between primary and secondary school can be difficult enough, especially for particular groups of young people. I was recently in a primary school where there is a fantastically supportive relationship between the school and parents and kids who face challenges in their lives. When those children move to secondary schools, their parents find that the situation is different. For a start, the institution is much bigger and there are other factors such as the different structure of the curriculum. It is an important issue. Rosemary Byrne is also right in identifying the group of parents who will almost always find it difficult to become involved in school life. Of itself, the legislation will not change that overnight. We are now saying to local authorities, "You have got to think hard about and develop strategies to facilitate parental involvement in the school." They have never had to do that before; we are now requiring them to do it, although many have sought to do it in a variety of ways. The legislation will therefore make a difference on that level.

We have to do a lot in the coming period of time to draw out the best practice that exists to help the hard-to-reach parents and to share it much more widely. One of the reasons why I would like there to be a strong national organisation for parents is that it could do that better than central or local government could, although we all have a role.

I visit a lot of schools during the course of a year and have visited many in the past two or three years. I have seen some amazingly good practice in primary and secondary schools that have gone out of their way to make it possible for hard-to-reach parents to come into the school. I met a parent in Dundee who told me vividly how she had approached a school with trepidation. Her experience of school had been pretty awful; she did not relate to education in any positive way; and

she found it physically and emotionally impossible to go through a school gate. For a variety of reasons, she managed to do it and it began to transform her life and that of her child. That happened because there was an organised programme in the school that went out to capture such parents. We know that it can be done. A lot of good work is being done with home-school link workers that did not use to happen, and we know about the difference that they can make. Part of my motivation is to focus better on that group of hard-to-reach parents. Rosemary Byrne has identified some of the strands where we need to do more to help.

Colin Reeves: We have already had preliminary discussions with HMIE on this very point. We discussed the preparation by HMIE of another section of the self-evaluation tool "How good is our school?" that would cover parental involvement. We also want to start preliminary discussions with HMIE about how, under the new arrangements, inspections of schools and of education authorities will focus on how the school and the education authority are fulfilling the new responsibilities to involve all parents, particularly those who are hard to reach. HMIE inspections will therefore have a new emphasis on looking at the very point that Rosemary Byrne raised.

Ms Byrne: That is very helpful. I agree with the minister that some very good things are going on and home-school links are certainly one of the best things that could have happened to many schools. However, the resourcing of such projects is probably one of the bigger problems. Not all schools can afford to have home-school links teachers and not all local authorities see them as a priority. Projects cost money, as does bringing in people to work with parents. If we are going to meet the target of involving the 20 per cent of parents who are hard to reach, we are going to have to spend money. When the legislation goes through, will resources be available to schools to enable them to meet that need when it arises?

Peter Peacock: Specific funds are allocated and they have been picked up in the financial memorandum to the bill. However, those funds are more for making sure that the administrative changes happen. Apart from that, we are putting substantial extra cash into the system specifically for work with that hard-to-reach group. For example, about this time last year, I authorised £35 million for extra support staff in our schools. Much of that was specifically to fund things such as home-school link workers, work on better behaviour and better learning through our inclusion programmes, and the work on restorative practices. The things that are happening in the schools are very much targeted at hard-to-reach parents. Part of my motivation is that we know that when we can successfully involve parents in

school life, behaviour can improve remarkably. That is something that we are striving for. It is not the only motivation, but it is one of my motivations.

Mr Kenneth Macintosh (Eastwood) (Lab): I have a specific question, although it touches on the broader issue of how the bill will affect the relationship between parents and pupils and the teaching staff, who have professional expertise. The concern, which has been raised in the committee and by one of my constituents, is to do with what would happen if a parent council wished to discuss an inappropriate, sensitive or confidential matter. Is that a matter for the parent council itself, is it a matter for guidance or should the bill describe the circumstances in which it would be wrong to break professional and personal privacy?

Peter Peacock: We are not thinking of putting that in the bill, as it would be difficult to capture. We plan to include it in the guidance. We want to make clear the times at which and the way in which it may or may not be appropriate to discuss these issues. Our experience of the system in the past tells us that, on occasion, parents want to talk about the performance of a teacher. Given the implications of such a discussion, the matter has to be handled very carefully. That does not mean that there should be no discussion of the issues, but the way in which they are undertaken requires to be regulated properly to protect the interests of all the parties involved.

Equally, we know that, on occasion, there can be a desire to discuss the behaviour of an individual pupil and the effect that that is having on the rest of the school. Again, there is a particular way in which such issues have to be handled and it is appropriate to use guidance to help with any question that may arise.

Mr McAveety: I have a question on one of the issues that the Scottish Consumer Council raised. The SCC believes that the provision in the bill for the education complaints system is too complex. The SCC suggests that there should be "one entry point" for parents from which they

"can be guided through the complex system".

What are your comments on that concern?

Peter Peacock: I have looked at what the SCC said in its submission. I sense that it has taken the opportunity that the bill presents to make a much broader point about complaints procedures in education more generally. We are not inclined to use the bill to do that. That said, the reason why we have included provisions in the bill on complaints is to help to make it explicit that parents can make complaints about the performance of the local authority.

Local authorities now have much more sophisticated complaints procedures than they had in the past—the procedures are explicit. Under existing statute, complaints mechanisms are also provided that allow complaints on matters of performance in education to go direct to ministers. We are not seeking to widen the provisions. We expect the local authorities to make explicit within their existing procedures the way in which people can make complaints on these matters.

Mr McAveety: I hope that I have not given the minister the idea of setting up a new body called the Scottish complaints commission—we have the Scottish press for that.

Peter Peacock: I will not be drawn on that. It is not within my responsibility.

Fiona Hyslop: I have a question on lettings. There is concern that we are removing from the parent councils the role in lettings that the school boards had. We heard evidence that lettings were not used much in the past. However, if schools are to be at the heart of the community, surely parents and the community should be involved in them, as that helps with antisocial behaviour, learning and so on. Should we reconsider the provision?

Yesterday, we heard the news that the three public-private partnership bidders in Aberdeen are not prepared to have pupils in schools after 4 o'clock, for reasons to do with insurance and so on. Although the issue may not be contentious at the moment, I wonder whether the rationale for removing the provision is that the management of schools will become less and less reflective of the role of schools in the wider community, including out of school hours.

Peter Peacock: Absolutely not. I thought that the question was about to reveal that Fiona Hyslop subscribed to the conspiracy theory that this is all to do with public-private partnerships. That is probably the issue that lies behind the question.

In practice, school boards almost never use the provisions, which were put in place because the policy of the time was for schools to be free-standing, independent institutions. It was thought that boards would have to make those decisions as no one else could. However, that was not the situation that emerged and the powers have almost never been used.

As a Government, we are very clear that we want to see our schools being used by the community much more widely than they are at present. That is particularly the case for our secondary schools, which often contain sizeable art, sport, music and other facilities. Secondary schools represent major public investments and they should be made as available to the public as we can make them. Parents have a role to play in

that by talking to head teachers, through the parent councils, about their views. Ultimately, the day-to-day decisions about particular letting arrangements are professional, administrative decisions. We do not need to change the provisions of the bill.

12:30

The bill will provide the flexibility that we could not provide through the school boards legislation. The secondary school that was in my ward when I was a councillor was built as a community school 25 years ago. It has been open 15 hours a day, seven days a week for the past 25 years or thereabouts. The school board did not deal with the running of the school as a community institution; a separate group of parents was constituted for that, partly because of the strictures in the school boards legislation and partly because other forms of expertise were needed that would not necessarily be needed in a normal school board meeting.

Under the bill, we will be able to create much more dynamic bodies that can consider a range of things. There will be discussions about how they fit into the wider picture of the school operating as a community institution. The day-by-day administrative and practical decisions about lets are professional matters.

Fiona Hyslop: That is helpful. I want to ask about the functions of parent councils. The bill provides that educational authorities and head teachers should

“have regard to the representations (in so far as it is reasonable and practicable to do so)”

of parent councils. Concern was expressed by the Scottish School Board Association that that provision lacks clarity and the Scottish Consumer Council raised concerns about what it would mean in practice. Are you sure that the provision is sufficiently strong to ensure that we do not just have lip service being paid to parent councils?

Peter Peacock: We are all now experienced legislators, so you know that common to many pieces of legislation are particular forms of words that seek to capture the obligations on people. It is not an uncommon expression in statute that people must “have regard to” certain matters if representations are made to them. Equally, if people thought that head teachers, for example, had not had regard to matters that they raised, had not taken their points seriously or were being flippant, they could use the local authority complaints mechanisms to have the matter investigated. Ultimately, there is the mechanism of referring the matter to HMIE and statutory failures can be referred to ministers, so there are safeguards. I suspect that if it was felt that

someone had not had regard to what was said, that could be challenged in the courts. In any statute we have to find the right form of words to say that people have to have regard to something. In this case, educational authorities and head teachers cannot ignore what parents are saying; they must consider it. What they decide is a matter for their professional judgment about the issue raised. The fact that they have to have regard to what parents say is not in question, because that is what the bill says.

Fiona Hyslop: We have heard from your colleague Mr McCabe that we might want to consider the structure of local authorities; ideas were floated about having combined senior staff for several local authorities, whether finance directors or education directors. Would anything in the bill counter or support that?

Peter Peacock: I heard the thunder rumbling; I suspect your conspiracy was rumbled. Either that or you are very hungry. Nothing in the bill would either encourage or inhibit that move.

The Convener: We have exhausted our questions, minister. I thank you and your team for your attendance. You have given us a number of points on which to reflect. I am sure that the committee will wish particularly to reflect on the issue of timing of senior staff appointments.

Before we move into private session, I want to make a couple of quick announcements. First, I remind members that next week we will be resuming the early years inquiry. The committee meeting will be at 10.30 next Wednesday, but at 9.45 there will be a presentation from DTZ Pinda on parental attitudes to early years provision. Stage 3 of the Joint Inspection of Children's Services and Inspection of Social Work Services (Scotland) Bill is next week. The deadline for amendments is 16:30 on Friday.

12:35

Meeting continued in private until 13:04.

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