

# scottish schools (parental involvement) act 2006

guidance



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scottish schools  
(parental involvement) act 2006  
guidance

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# ministerial foreword



Parental involvement is about supporting pupils and their learning. It is about parents and teachers working together in partnership to help children become more confident learners. All the evidence shows when parents, carers and other family members are effectively involved in their children's education, the outcome for their children is better.

Schools need the support of parents to be truly ambitious and excellent. The Scottish Schools (Parental Involvement) Act 2006, as part of our wider system of education reform and improvement, will give more children a better start and greater opportunities in life.

The Act is about improving parents' involvement in their own child's education and in schools more generally. Many schools are already working hard to involve parents and I commend the good work done by School Boards, PTAs and other groups. The Act offers the opportunity to build on the best of this work and to develop and extend parental involvement even further.

Headteachers have a clear role in leading this agenda through developing the partnership with their parent body and in ensuring their school offers a warm welcome to all parents, takes account of their differing needs and circumstances and involves them in all decisions affecting their child's education. The Act provides a framework giving all parents the opportunity to get the information they need to support their child and enabling them to express their views. It introduces a more flexible and inclusive system so that parents and schools can decide what works best locally.

Parents are the first and ongoing educators of their own children and know them best. This Act means that, more than ever before, parents and schools working together will benefit from their shared knowledge and be able to support our children towards reaching their full potential.

A handwritten signature in cursive script that reads "Peter Peacock".

**Peter Peacock**

Minister for Education and Young People





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# section a – introduction

## Purpose of the Act

1. The Act modernises and strengthens the framework for supporting parental involvement in school education. It aims to help schools, education authorities and others to engage parents meaningfully in the education of their children and in the wider school community. It requires Scottish Ministers and education authorities to promote the involvement of parents<sup>1</sup> in children's education at publicly funded schools. It aims to help all parents to be:
  - involved with their child's education and learning
  - welcomed as active participants in the life of the school, and
  - encouraged to express their views on school education generally and work in partnership with the school.

## Who should read the guidance?

2. This guidance is provided in accordance with the duty upon Scottish Ministers under the Act to issue guidance to:
  - a) education authorities on their duties to prepare a strategy for parental involvement and a scheme for establishing Parent Councils; and
  - b) to Parent Councils on how they can carry out their functions. There are two main sections aimed at covering the duties and functions of education authorities and Parent Councils, but a reading of both sections will assist both parties with their understanding of the Act.
3. The guidance is of relevance to parents and professionals with an interest in extending parental involvement in children's education. This includes headteachers, teachers, quality improvement officers, home-school link workers, family support staff, community learning development staff, neighbourhood workers, parents' and children's voluntary organisations, health and social workers.
4. The duties in the Act that apply to education authorities relate to their responsibilities towards parents who have a child attending one of their schools. However, the guidance may also be of interest to parents and providers outwith the education authority sector as it reflects the broad principles and benefits of parental involvement in a child's education and learning that apply to all parents.

<sup>1</sup> See Section B, Paragraph 4 for the definition of parent used in the Act.





### Status of guidance

5. Both education authorities and Parent Councils must have regard to the guidance in carrying out their functions under the Act. Specific references to the Act are placed in the page margins throughout the document.
6. The guidance aims to help authorities and parents to decide on arrangements that are appropriate for their local circumstances. It is designed to help education authorities and schools ensure that their policies, practices and arrangements for parental involvement reflect the requirements of the Act. It also aims to help Parent Councils to carry out their functions effectively. However, the guidance is not a definitive interpretation of the Act as ultimately, this is a matter for the courts. The guidance is supported by a range of practical materials and activities in the *Parents as partners in their children's learning toolkit* (referred to in this document as 'the toolkit'). The toolkit has been developed by the Scottish Executive to support authorities, schools and Parent Councils with implementation of the Act. The guidance cross refers to the toolkit where appropriate. The guidance should also be read alongside the Act itself, a copy of which is in the appendix to this document and the Explanatory Notes for the Act.<sup>1</sup>

### Links with other legislation

7. In implementing their duties under the Act, education authorities should also consider their duties under other relevant legislation. In particular, the Act builds on the:
  - Education (Scotland) Act 1980 (referred to throughout this guidance as the "1980 Act");
  - Standards in Scotland's Schools etc. (Scotland) Act 2000 (the "2000 Act");
  - Education (Additional Support for Learning) (Scotland) Act 2004 (the "2004 Act"); and the
  - Children (Scotland) Act 1995 (the "1995 Act").
8. These pieces of legislation involve, to varying degrees, issues of parental rights and responsibilities and a requirement to act in the best interest of a child. Authorities should also take into account duties placed on them in other legislation, whether relating to children, equalities or otherwise. The guidance should also be read alongside the regulations on the appointment process for senior staff and relevant guidance. Annex A provides a summary of main relevant legislation and policy initiatives and how they relate to the Act. The resources section of the guidance also highlights other sources of advice and information.

<sup>1</sup> See Resources section for links to legislation.

## Definitions

9. In general, expressions used in the Act and in this guidance have the same meaning as that given to them by section 135 of the 1980 Act, as amended. The one exception relates to 'pupil' which includes a child who is under school age if that child is in attendance at a local authority primary school, whether or not the child is in a nursery class in the school. Some other expressions used in the guidance are explained in the glossary.

## Transitional arrangements

10. Some preparatory work on the part of both education authorities and parents will be appropriate before Parent Councils can come into being. In particular, education authorities and parents may wish to work together to consider whether to establish Parent Councils and what form these may take. The Act's provisions, therefore, take effect in three main stages, in September 2006, January 2007, and August 2007. Full details of commencement dates for each section of the Act and an overview of the work required during the transition year are contained in *Guidance Circular: Commencement of the Scottish Schools (Parental Involvement) Act 2006*, sent to Directors of Education in August 2006.<sup>2</sup>

**Note:** section 8(12) of the Act, does not come into effect until August 2007. This section provides that members of a Parent Council do not incur personal liability for anything done, or purportedly done, in the exercise of the Parent Council's functions, if it was done in good faith. The benefit of this provision will not apply to members of any 'interim' or 'shadow' body set up before the new Parent Councils come into being after August 2007. Accordingly if such an 'interim' or 'shadow' body wish to engage in any activity which might give rise to public liabilities, they should consider carefully the need to obtain appropriate public liability insurance.

## Further information

11. Further information on this guidance is available from:

Scottish Executive Education Department  
 Parental Involvement Team  
 Area 2B (North)  
 Victoria Quay  
 Edinburgh  
 EH6 6QQ  
 Tel: 0131 244 0956/0970

<sup>2</sup> Available from <http://www.scotland.gov.uk/publications>





# section b – parental involvement

## Why involve parents?

1. Parents, carers and families are by far the most important influences on children's lives. Parents who take on a supportive role in their children's learning make a difference in improving achievement and behaviour. Their support can play a vital role at all stages of education. For example, where parents are actively involved in reading with their children at home, their children's reading scores improve, on average, by between 12-18 months. In the secondary sector, parents' active support for their child's learning can make a difference into adolescence. Evidence shows that most differences in achievement by 14 year olds in English, Maths and Science are due to home influences.<sup>3</sup>
2. When parents and schools work together, children do better. The active involvement of parents in the life of the school can help promote a learning community in which pupils can engage positively with school staff and their peers. Schools can benefit from developing positive partnerships with parents by involving them in all decisions affecting their children's education and learning. A relationship of mutual trust and respect can enable effective communication that supports both parents and teachers. The better the information that schools provide to parents, the more parents can support their children's learning and the school. Information that parents share with the school can assist teachers in adapting their teaching to suit the learning styles of pupils and take account of any particular issues that may exist.
3. Parents have their own perspectives on school education and what can be done to improve standards and quality. Schools should foster a positive and open ethos which encourages parents to share these perspectives. Their voice can make a positive contribution to how education authorities and schools determine their ambitions for schools and how they plan for improvement to meet these.

## Who do we mean by parents?

4. The Act uses the broadly framed definition of 'parent' set out in the 1980 Act. This is as follows:
  - "parent" includes guardian and any person who is liable to maintain **or** has parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to, **or** has care of a child or young person;

<sup>3</sup> See resources section for more information on research findings into parental involvement.



5. This is a wide definition which might, by way of example, include:
- non-resident parents who are liable to maintain or have parental responsibilities in respect of a child
  - carers who can be parents
  - others with parental responsibilities, e.g. foster carers, relatives and friends who are caring for children and young people under supervision arrangements
  - close relatives, such as siblings or grandparents caring for children who are not looked after or are under home supervision arrangements.
6. Everyone who is a parent, as defined in terms of the 1980 Act, has rights under the Act. This includes the right to receive advice and information about their child's education, general information about the school, to be told about meetings involving their child, and to participate in activities, such as taking part in decisions relating to a Parent Council. Education authorities and schools should treat parents equally, the exception to this general requirement being where there is a court order limiting an individual's exercise of parental rights and responsibilities. It is for education authorities to advise schools on the application of these rights in individual cases.

### What do we mean by involvement?

7. The Act's provisions cover three broad levels of engagement with parents. These are:

a) **Learning at home**

The Act recognises the vital role that parents and other carers play in children's learning and development. Parents are the first and ongoing educators of their own children and, as such, should receive information and support to help develop their child's learning at home and in the community.

b) **Home/School Partnership**

The Act reflects the shared role and responsibility that schools, parents and the community have in working together to educate children. Effective home/school partnerships are essential to ensure that children get the most out of their school and their education. Working in co-operation will allow potential difficulties and opportunities to be identified at an early stage. Schools must be open to the involvement of parents in the work they do and they should consider ways of providing information that helps parents engage with the school and their children's education.

c) **Parental representation**

The Act provides a framework for ensuring that parents have the opportunity to express their views and have these taken into account on matters affecting the education of their children, the school's arrangements for promoting parental involvement and other matters or issues of interest to parents. It makes provision for parents to be members of the Parent Forum at a school, and to have their views represented to the school, education authority and others, through a representative Parent Council for the school.





# section c – guidance for education authorities

## Strategy for parental involvement

1. The Act requires each education authority to prepare a strategy document setting out their policies for parental involvement. The strategy must cover the authority's duties to:
  - involve parents in their own child's education, and that provided by a school to its pupils generally
  - give advice and information to parents in respect of their own child.
  - promote the establishment of Parent Councils in schools and support their operation
  - establish a complaints procedure for their duties under the Act.

S2(1)

## Developing the strategy

2. The education authority must seek and take account of the views of all those with an interest in the authority's implementation of its duties, or its complaints procedures, when developing or reviewing its strategy. This includes parents, Parent Councils, pupils and any other person the authority considers appropriate.
3. The education authority should involve parents with differing experiences in the drafting of the strategy to ensure that it reflects the broad parental perspective. The authority should consider a variety of methods that are effective, proportionate and meet the needs of parents in their area. This may include involving parents as part of a working, planning or reference group; use of focus groups, open forum/open space events for parents to discuss issues in small groups; surveys, workshops, consultation documents, etc. Staff with skills in working with groups and facilitating discussion e.g. Home Link/Family Link teams and Community Learning and Development staff can contribute to planning and running events authority wide or in local areas to ensure that as wide a range of parents'/community views as possible are obtained.
4. The views of early years providers and parents should be considered when developing or reviewing the strategy. Childcare Partnerships within local authorities provide a good channel for communication with parents of pre-school and nursery children and with service providers. The views of pupils can be obtained through existing systems e.g. Pupil or School Councils and any authority-wide mechanism for consulting children and young people. The education authority should also have arrangements in place which allow parents to access its strategy through the school or its Parent Council. The education authority should also involve Parent Councils and others when reviewing or revising its strategy.

S2(4)





5. Schools do not exist in isolation. They are based in communities and some larger schools may serve more than one identifiable community. Schools are also part of a network of statutory and voluntary organisations that provide services and support to communities. Therefore, there will be a range of groups which may be able to offer input to the authority's draft strategy for parental involvement. The strategy will need to take account of any differences in approach that are necessary for each community. The principles established in the National Standards for Community Engagement<sup>4</sup> provide a useful framework when planning effective ways of seeking the views of groups and the wider community.

### Issues for the strategy

6. The table in Annex B provides a checklist, also available in the Scottish Executive toolkit, that education authorities should have regard to in developing their strategy for parental involvement. Some of the key issues which the strategy should cover include:

### Equal opportunities

s2(2)

7. In meeting their duties under the Act, education authorities must take account of issues of equality and the requirements of equalities legislation. They must have regard to how their strategy for parental involvement will promote equal opportunities. This should include issues of diversity and equality so that children and their families are not discriminated against on grounds of race, disability, gender, sexual orientation, language, faith or belief, and age. In the Act, "equal opportunities" and "equal opportunity requirements" have the same meanings as in Section L2 of Part II of Schedule 5 to the Scotland Act 1998.<sup>5</sup> Annex A provides a brief summary of the main equalities legislation to which education authorities should have regard.

### Barriers to parental involvement

8. In the particular context of the Act, education authorities should take into account factors that may act as barriers, discourage or inhibit parents' involvement in their children's education or contact with the school. There is a variety of reasons why some parents have little or limited contact with the school, or who have difficulties in supporting their child's education and learning. For example, some parents' own experience of school education may have been negative and this may have undermined their confidence to engage with the school. Education authorities and schools need to ensure that their home-school communication arrangements are appropriate for all parents, including mobile families, absent parents and those whose first language is not English, and those who have difficulties with written communication. They should

<sup>4</sup> See resources section for full reference.

<sup>5</sup> See the glossary section for a definition of 'equal opportunities' and 'equal opportunity requirements'.

also be alert to situations where families experience practical difficulties in terms of challenging family circumstances, domestic or care arrangements which may make it difficult for parents to come into the school. Education authorities and schools should also consider what effect their current structures and ways of working have in encouraging parental involvement. For example, how often and when are staff available to give advice and information to parents, are parents offered a choice of times and dates for parents' evenings, do parents have sufficient information to become involved in ways that are suitable for them?

9. Education authorities should also consider how their strategy links with the authority's policies for meeting the additional support needs of children who require extra help with their learning so that they can benefit from education. In particular, the authority should consider carefully how their strategy for parental involvement can support families whose children's education is disrupted or affected by family circumstances, or by disadvantage or inequality. Their strategy should recognise the needs of different groups of parents, such as those in mobile families, or whose home language is not English, foster parents or grandparents or other relatives who may be looking after the child. Education authority and school staff may need to work closely with colleagues from other services, such as home school link services, community learning, health, and social work, or other organisations who can support the work of the strategy, or who are working with families.
10. Over time, consideration should be given by authorities and schools to the differing needs and circumstances of fathers, some of whom, research suggests,<sup>6</sup> perceive barriers to their inclusion in schools. Mothers are often the primary carer so their impact on the child's development may be more obvious. The positive involvement of fathers in children's learning is associated with better exam results, better school attendance and behaviour, and better relationships in adult life. Some fathers perceive barriers to their involvement and so authorities and schools must work hard to help break down these barriers in providing a warm welcome to all parents and ensuring that they receive the information they need in order to be able to support their child.

<sup>6</sup> See resources section for more information on research into parental involvement, including the role of fathers.



### Looked after children

11. The education authority strategy for parental involvement must include specific reference to the authority's arrangements for children who are looked after. The Act uses the same definition of 'looked after' as that in section 17(6) of the 1995 Act. This refers to children or young people who are accommodated by the local authority; or are subject to one of the specified orders made under the 1995 Act, including a child protection order; a parental responsibilities order; or who are subject to a supervision requirement.
12. Guidance on the 1995<sup>7</sup> Act emphasises that children who are looked after should have the same education and development opportunities as all other children. The education authority strategy for parental involvement should demonstrate a commitment to providing help, encouragement and support to address additional support needs or to compensate for previous deprivation or disadvantage. Local authorities should, in most cases, and where this is in the best interests of the child, act jointly with parents in relation to the education of children who are looked after on a full-time basis away from home. Their strategy should also complement their arrangements for integrated working with other professionals and agencies working with the children and their families.
13. It is important that local authorities and schools take account of the views and feelings of the child or young person when seeking to involve parents. Some will find involving parents in their school life can be a positive step in maintaining contact and developing their relationship. Others may find involvement of the parents creates difficulties.
14. Most parents of looked after children retain their parental rights and responsibilities. Many parents who do not live with their children still wish to be involved in their education. In effect, unless parental rights and responsibilities have been removed, parental involvement in a child's education should not be affected by the looked after status of the child or young person. Local authorities and schools should work in partnership with foster parents, and where possible, the natural parents to encourage them to support the child or young person to maximise their educational potential. Some parents and carers have shared care arrangements which may involve the child having some overnight stays in their own home during the week. It is important that schools hold the details about fostering and other care arrangements so that parents can be kept fully informed about their child's education.

<sup>7</sup> Guidance on Children (Scotland) Act 1995, Volume 2, page 14.

15. Where a child or young person is accommodated by the local authority, the educational establishments must ensure that all relevant information in relation to the child or young person is provided to both carer and parent.
16. The above guidance does not apply when a looked after child or young person's care plan specifically states that there should be no involvement with the parent, even if they retain parental rights and responsibilities. The most likely reason behind this decision is that it is in the best interest of the child or young person, e.g. for child protection reasons. Where parents are unavailable, or their contact has been minimised, other relatives, such as grandparents, may be able to play a useful role in offering support and motivation.
17. In developing their strategy for parental involvement the education authority should take account of HMIE's quality indicators outlined in *How good is our partnership with parents?*, which forms part of their *How good is our school?* self-evaluation guidance for schools and local authorities. Further information on involving parents in the education of looked after children can be found in the joint HMIE and Social Work Services Inspectorate report, *Learning with Care*.<sup>8</sup>

#### Non-resident parents and other parents/carers

18. As described in paragraph 4 of Section B, the definition of 'parent' in the Act is the broad one used in the Children (Scotland) Act 1995. The education authority strategy should take account of the varying family circumstances to which the definition of parent gives rise. For example, the Act's provisions can extend to parents who may not live with the child. It also includes parents who are liable to maintain the child. It can also include a person who has been allocated parental rights or responsibilities to be exercised on behalf of a natural parent. The education authority strategy, therefore, should include the arrangements they have in place to assist parents who do not live with their children, or others who have parental or caring responsibilities towards children, to be involved in their education. This should include how they provide parents with advice and information on any matter relating to their child's education, on meetings involving the child, and on school activities. The circumstances of each individual case will differ so it will be necessary for education authorities to provide their schools with clear guidance on the matter. In doing so, authorities should ensure their guidance reflects the different circumstances covered by the above definition of parent.

<sup>8</sup> Learning with Care – see resources section for full reference.



19. Children's education and development can suffer if they are upset over their parents' separation. But adverse effects on children can be greatly reduced if parents are able to maintain a positive interest in their child's education and welfare. Schools and authorities, therefore, should do what they can to help non-resident parents maintain the relationship with their child's education. Schools may find it helpful to refer parents to *A Parenting Agreement for Scotland*,<sup>9</sup> which provides advice to help separating parents agree on future arrangements for their children. It is not a legal contract and it is not intended to be enforced by a court. It is intended to help separated parents stay out of court by encouraging them to make practical and workable arrangements for their children by themselves.
20. Some parents and carers have shared care arrangements and it is important that schools know the details of these arrangements so that they can properly communicate with the home and keep parents fully informed. The more information available to the school, the easier it will be for them to accommodate individual family circumstances. Schools should consider how they can routinely keep parents informed in relation to: parents' evenings, attendance, exclusion, sports days and other school events, general information about the school and attainment information etc. regarding their child. In addition, parents should be fully involved in the planning processes in relation to meeting the child or young person's educational needs. It is important that education authorities and schools do as much as they can to support the continued involvement of parents who don't live with their children. In doing so, authorities and schools must be sensitive to the needs and wishes of both parents, who may not always agree. It is also important that education authorities and schools pay particular regard to the views of the child or young person in such circumstances.

#### Placements outwith local authority

21. The duty on an education authority to promote parental involvement extends to the parents of pupils in attendance at any of its schools. This means that where a child or young person attends a public school outwith their home area, whether or not by virtue of a placing request, then it falls to the host education authority to take steps to promote the involvement of the parents in the child's education. Where an education authority places a child in an independent special or grant-aided special school, the authority retains responsibility for their education. This is most likely to arise in the case of children or young people who have a particular requirement for additional support for learning.<sup>9</sup> Where an authority funds the placement of a pupil at an independent special or grant-aided special school, they should ensure that there

<sup>9</sup> See resources section for full reference.

are appropriate arrangements in place for the pupil's parents and carers to receive the advice and information they need to be involved with and to support the child's education. The authority's strategy for parental involvement should demonstrate a commitment to ensuring such arrangements are in place.

### Pre-school services

22. The education authority, when preparing its strategy, will wish to take account of the authority's policies for early years services and pre-school education and how these involve parents in their child's education and learning. Effective involvement at these early stages can help parents and children prepare for the transition to school and make involvement of parents in school education easier. The authority may wish to seek the views of providers of pre-school education when developing and reviewing their strategy. The authority's strategy may also consider how it can engage effectively with parents of children coming into primary education. It may have regard to the kind of support which the authority can offer to a Parent Council to help it carry out its functions of promoting contact with parents of prospective pupils of the school and with the providers of any nursery education to such pupils. This could include the provision of information on where most prospective pupils of the school receive pre-school education. The early years sector is diverse and the pre-school education of prospective pupils will vary in different areas. Some schools will have pupils coming from a range of nurseries and pre-school settings, across a wide area. Other schools will receive pupils from a limited number of settings. It will be for schools to decide what is reasonable effort in promoting parental involvement but the expectation is that schools will work with their Parent Council to promote contact with parents of prospective pupils where at all practicable.
23. The main provisions of the Act apply to pupils in primary or secondary schools run by the local authority. The definition of pupil includes a child who is under school age if that child is in attendance at a local authority primary school, whether or not the child is in a nursery class in the school. The parents of such children will be members of the Parent Forum for that primary school and will have the same rights under this Act as parents of school age children in attendance at the school.



### Integrated children's services

24. The Scottish Executive report, *For Scotland's Children*,<sup>10</sup> highlighted the importance of all agencies working together to provide high quality health, education and other services to all children and their families and communities. Local authorities, NHS Boards and other appropriate agencies are expected to work together to ensure effective integrated children's services. In doing so, they are required to draw together core statutory and other planning requirements into a single statutory plan. These include Children's Services Plans, child health elements of Local Health Plans, Joint Health Improvement Plans and Child Health Strategies, Youth Justice Strategies, Children's Social Work and, in the context of this guidance, Statements of Education Improvement Objectives and progress reports as required under section 5 of the 2000 Act.
25. This Act amends the 2000 Act so that the account of the ways in which education authorities seek to involve parents in promoting the education of their children should be updated to reflect their strategies for parental involvement. In particular, education authorities should ensure that their contribution to integrated children's services planning takes account of the duty on authorities to promote the involvement of parents in the education provided generally by their schools, and how their strategy for parental involvement promotes equal opportunities. In developing their strategy, authorities should consider their schools' links with other organisations providing advice to parents and seeking to engage with them, e.g. Careers Scotland, health and social services, etc. Rather than concentrating solely on school staff, it is beneficial for the strategy to cover the wider context of providing advice and information to parents.

### School standards and performance

26. Under the 2000 Act, education authorities are required, from time to time, to define and publish measures and standards of performance in respect of the quality of education provided by their schools. In doing so, they must consult with representatives of teachers and parents within their area and give them, and any other persons as appropriate, the opportunity to comment on these measures and standards. This Act amends the 2000 Act such that education authorities are required, when assessing the quality of education provided by their schools, to consider the extent to which a pupil's parents are involved in the education provided to the pupil.

S4

<sup>10</sup> See resources section for full reference.

### Ambitions and objectives for schools

27. Each school must ensure that their school development plan takes account of the authority's strategy for parental involvement. In doing so, they must also ensure that the objectives set for the school includes objectives as to the involvement of a pupil's parents in the education provided to the pupil and to the school's pupils generally. The school development plan must also include a statement of the education authority's ambitions for the school.

S3

### Complaints procedure

28. The education authority's strategy must set out the authority's arrangements for handling any complaints from a person, or someone acting on their behalf, in connection with how the authority carries out its functions under the Act, or fails to carry these out, in respect of that person. In doing so the authority must:
- ensure their proposed procedure covers the authority's duties to provide advice and information to parents about their own child; what they do in relation to promoting parental involvement, and their duty to promote and support the operation of Parent Councils
  - consult with parents, Parent Councils, and anyone else who has an interest (e.g. staff who deal with other complaints), when setting up the procedure
  - make sure the procedure is reviewed and updated when necessary
  - give a copy of the procedure free of charge to anyone who requests it.
29. An authority's complaints procedure should enable issues to be resolved at as early, and as local, a stage as possible. Many issues can be dealt with adequately at school level. Therefore, the headteacher and school staff should have effective arrangements in place to deal with parental concerns or complaints. These arrangements should be:
- easy to access and well publicised
  - simple to understand and use
  - clear about time scales for action and keeping people informed
  - confidential
  - effective in providing suitable solutions
  - provide information on next steps, if parents still unsatisfied
30. The education authority should consider how complaints about parental involvement might link with their duties in relation to other pieces of legislation. This includes arrangements for handling representations made under the 2004 Act. In the case of complaints relating to an individual child's education, the education authority should consider whether the complaint requires to be addressed under their duties within the

S15





legislation on additional support for learning, including their duty to provide information about mediation and dispute resolution. Every effort should be made to prevent parents being passed from person to person. A 'one stop shop approach' is helpful to both parents and staff. The authority's arrangements for dealing with complaints should be set out in its strategy for parental involvement. The diagram at Annex C outlines how complaints under the Act might sit alongside other formal and informal appeal routes.

31. Given Parent Councils' role in representing the collective view of parents, the education authority must consult them on their arrangements for a complaints procedure. Parent Councils can also make general representations on matters arising from individual complaints where these raise issues of a wider policy or strategic concern.
32. Further information on resolving disagreements is available in section 4 of the Toolkit. A checklist on features of an effective complaints procedure is at section 6 of the Toolkit.

#### Key points:

- Education authorities are required to prepare a strategy setting out their policies on parental involvement which must cover their duties under the Act. (para 1)
- Views of all those with an interest must be taken account of when developing or reviewing a strategy. (para 2)
- Important to involve parents with differing experiences to ensure the strategy reflects the broad parental view. (para 3)
- Views of early years providers and parents as well as the wider community should be taken into consideration. (para 4)
- Equal opportunities must be taken into account when developing strategy. (para 7)
- Consider the different barriers that some parents face in getting involved and ways of supporting them to overcome these barriers through joint working with other services. (paras 8-10)
- Needs of looked after children and their parents or carers must be included in the strategy. (paras 11-17)
- Strategy should set out the authority's arrangements for involving parents who do not live with their children and authority should provide guidance to their schools on this issue. (paras 18-20)
- Education authorities should consider how their strategies link with wider policies for supporting children and families (paras 24-25)
- Schools must ensure their school development plan takes account of the authority's strategy and includes objectives relating to parental involvement. (para 27)
- Education authorities must establish a complaints procedure covering how they carry out their functions under the Act (paras 28-32)

## Promoting parental involvement

33. Education authorities are required to promote the involvement of parents in their own child's education as well as the education provided by their child's school to pupils generally.<sup>11</sup> School education includes an authority's duty to secure the provision of adequate facilities for social, cultural and recreative activities and for physical education and training.

s1(2)

## Involvement in own child's learning

34. Education authorities must respond to any reasonable request for advice and information from the parent of any child attending one of their schools on the education their child is receiving. They must also take steps to ensure that the headteacher and staff of the school are available to give advice and information to the parent, in a manner consistent with the authority's duties under the Act.

s12

35. Schools should have a clear policy in place for supporting parents with their own child's education and learning. Schools and parents often find that having a variety of methods for sharing information and communicating with parents makes two way communication more effective and makes it easier for parents to know what's going on and to keep in touch, e.g.:

- phone calls and text messaging
- letters and newsletters
- face to face informal contact
- e-mails and websites
- parent information evenings and parent workshops.

36. Parents already have the right to access their child's school records,<sup>12</sup> except in certain circumstances, such as situations where allowing access to the record might put another person at risk. Parents should also be involved in the personal learning planning process for their children which promotes dialogue between pupils, parents and teachers. To include parents in this, schools may:

- Invite parents to be part of the early planning stages, when parents and their child will get the opportunity to discuss suitable learning goals with the teacher
- Provide parents with the opportunity to discuss their child's learning goals at parents' evenings
- Arrange additional opportunities for parents to meet the teacher to discuss their child's achievements and next steps for learning.

<sup>11</sup> The Act's provisions apply to education authorities and their responsibilities towards parents who have a child attending a school run by an authority itself.

<sup>12</sup> Pupils' Educational Records (Scotland) Regulations 2003 (SSI 2003/581).



37. Under the 2004 Act, parents of a child with additional support needs have additional rights to request assessment of and information about their child's needs and how these are to be met. Such requests may involve specific timescales for reply. Therefore, schools and the authority should be clear about the need to respond within an appropriate timescale to parents' requests for advice and information.<sup>13</sup>
38. Schools should also consider how non-resident or absent parents can be kept informed of their child's progress and have policies in place to ensure this happens whilst also taking account of any child protection considerations. Where it acts as the corporate parent of a 'looked after' child, the local authority should ensure that it has effective arrangements in place to liaise effectively with the child's school and to provide encouragement and support for the child's learning outwith school. As mentioned above when discussing strategies for parental involvement, the authority should consider how parents and families can continue to support the child's education and learning in a positive way.

### Home-school links

39. Education authorities must promote the involvement of parents in the education provided generally by their child's school. Schools should have a clear policy in place which recognises that parents and staff are partners in education and which welcomes and encourages the involvement of parents in the work of the school. Parents should be encouraged to share their perceptions about their child's learning and their views, opinions and concerns should be taken seriously. Under the 2000 Act, the education authority is required to ensure that a development plan is prepared for their schools aimed at improving the quality of education provided by the school. The plan should take account of the authority's policy on parental involvement. It should also take account of the views of pupils, parent representatives and staff. The authority should have arrangements in place to provide access to the plan and progress reports on it for parents of children at the school to receive summaries of the plan. The school policy should demonstrate a commitment to equality and diversity and welcome parents from a wide range of backgrounds and cultures as part of the school community.

### Parent Forum

40. All parents who have a child attending a public school are automatically members of the Parent Forum for that school. Membership of the forum allows parents to have a say in the local arrangements to enable their collective view to be represented on matters such as the quality and standards of education at the school and other

<sup>13</sup> Further advice about the 2004 Act is set out in the code of practice on the Act – see resources section for details.

matters of interest to parents. These views can be represented, as appropriate, to the headteacher of the school, the local authority and HMIE. The Parent Forum may choose to be represented by a Parent Council established by them. For most schools, this will be what normally happens. In some schools, where there are only a small number of pupils, parents may choose to have the Forum itself represent their views.

41. Each education authority should ensure that all parents with children attending, or about to start, at their schools are aware of what membership of the Parent Forum means. This might be done by way of an introductory letter from the authority or the headteacher of the school outlining what parents might expect in terms of partnership and involvement in their child's school education. Membership of the Parent Forum should be a way of including all parents in the school community. It acknowledges the importance of parents in their children's learning and promotes a climate of partnership. As a member of the Parent Forum the parent can expect to receive information about the school and its activities; be invited to be involved in ways and times that suit them; be asked their opinion by the Parent Council on issues relating to the school and the education it provides; be able to participate in deciding how the Parent Council is constituted and operates.
  
42. Schools should consider what methods are most effective for communicating with members of the Parent Forum. There is a general need to give parents information on school life and events, information on the curriculum and information on their child and it is important to identify and develop effective systems in each school. School reports and parents' evenings are the most obvious formal ways in which schools can pass on information to parents about their child. However, schools that successfully manage to stay in touch with the views of their parents employ a wide range of formal and informal approaches that are reviewed and updated regularly. Successful parent partnership is often due to informal face to face contact and this should be encouraged. Other forms of contact may include telephone calls, letters, e-mails, text messaging, newsletters, school websites, parent information evenings, parent workshops and drop-in surgeries. Workshops led by parents, supported by school staff, can help to engage with other parents. As part of its communication strategy the school should work with parents' representatives to explore ways of allowing parents to share ideas with the school on improving practice. More information on good practice in communicating with parents is available from the Parentzone website<sup>14</sup> and sections 3-5 of the toolkit.<sup>15</sup>

<sup>14</sup> Parentzone website: [www.parentzonescotland.gov.uk](http://www.parentzonescotland.gov.uk)

<sup>15</sup> Parents as Partners in their Children's Learning Toolkit – see resources section for full reference.



### Promoting establishment of Parent Councils

S5(3)

43. The Act requires education authorities to promote the establishment, and provide support for the operation, of Parent Councils. In general, this will entail the creation of a Parent Council for each school. The Act also allows for the establishment of a Combined Parent Council in certain circumstances. (See *Section D of this document*.)
44. While the education authority must prepare a “scheme” for establishing a Parent Council at each school, the decision on whether to establish a council is one for the members of the Parent Forum at that school. Preparing the “scheme” should be an authority-initiated process which has the flexibility to enable parents to reach decisions on arrangements that meet individual school circumstances. School and education authority staff with the necessary facilitating skills should assist parents to identify and consider options for the kind of Parent Council they wish to see in their school and support them to make these arrangements.

### Guidance on preparing a scheme for a Parent Council

S6(1)-(6)

45. The authority must notify all parents in the Parent Forum in writing of their intention to prepare a scheme for the establishment of a Parent Council for the school. In setting out the process to be followed, the authority should suggest alternatives for how the Council may be constituted and what its constitution may be. Alternatives should only be offered by way of examples and should be framed in accordance with this guidance. In particular, the authority should refer parents to the Scottish Executive toolkit that includes practical materials to assist them in setting up a Parent Council. The toolkit is designed to help parents, and those local authority and school staff who are supporting parents through the process, reach decisions which are right for their school. The toolkit also includes material highlighting the importance of involving Pupil Councils and pupils generally in arrangements for parental involvement.

46. It is expected that the process will allow parents the opportunity to discuss arrangements for their Parent Council. One way to do this is to establish a school working party to assist the process as set out below:
- education authority to notify members of the Parent Forum of its intention to establish a scheme for the establishment of a Parent Council and the process to be followed
  - school to convene open meeting of parents to set up a school working group. (Ideas for engaging parents in different ways are provided throughout the toolkit)
  - working party, supported by local authority, to use toolkit materials to explore options for Parent Council and its constitution
  - working party to engage Parent Forum in discussion of options and ascertain parents views
  - working party to report back to education authority with suggested scheme for Parent Council arrangements and constitution
  - education authority to submit scheme to all members of the Parent Forum inviting them to express their preference from options outlined by the school working party
  - education authority to implement arrangements agreed by majority of parents voting.
47. The authority, in notifying parents, must also include an invitation for parents to indicate if they wish someone other than the authority to prepare the scheme, or that no scheme is prepared. In most, if not all circumstances, it is expected that parents, with support from the school and the authority, will be able to agree arrangements with which they are happy. In the case of a very small school, parents may choose not to set up a Parent Council, but to agree arrangements between themselves for working with the school and making their views known.
48. Parents must have reasonable time to consider their preferred option for their school. Therefore, the overall process is likely to vary from school to school depending on the number of pupils in attendance. The authority must provide all members of the Parent Forum with a copy of the Parent Council arrangements agreed for their school. Where parents choose to have someone other than the authority prepare the scheme and run the process for establishing a Parent Council, that person must send a copy of the scheme, including a copy of its constitution, to all members of the Parent Forum inviting them to indicate, within a reasonable timescale, whether the scheme should be implemented. Where the majority of members responding within the timescale agree, the person who prepared the scheme may make appropriate arrangements to implement it.

S6(3)



### Advising and informing Parent Councils

S11  
(1) & (2)

49. It is the intention of the Act and guidance to promote the active involvement of parents and their representatives in the work of the education authority and its schools. Effective involvement and participation of parents depends on positive engagement by staff at all levels. The Act makes provision for an education authority to provide advice and information on any matter in response to reasonable requests from Parent Councils. They must also take appropriate steps to ensure that the headteacher and staff of each school in their area are available to give advice and information to Parent Councils, on what is being done to promote parental involvement in education at the school in line with the authority's duties under the Act.

### Supporting Parent Councils

S11  
(4)

50. An education authority must provide support to Parent Councils to enable them to operate and to carry out their functions effectively. The authority must consult with the Parent Council and allocate reasonable funding to enable the Council to meet:

- its administrative expenses, including any expenses incurred in the appointment of a clerk to the council
- expenses for training of its members, and
- other costs incurred in carrying out its functions under the Act.

S11(5)

51. The education authority may also provide a Parent Council with services or accommodation. This might include administrative support from the school secretary, or the school web manager, email access, use of photocopying services, distribution of council materials to parents, provision of rooms or other suitable accommodation.

### Representations from Parent Councils

S11(6) and  
S11(7)

52. The education authority must inform the Parent Council of the school's arrangements for consultation between parents and teachers. The Parent Council can make representations on these arrangements and other matters of interest to parents to the authority or to the headteacher. The authority and the headteacher must take account of these representations and consider how far they can incorporate them into how they carry out their functions, or, in the case of the headteacher, the duties of the post. The authority and, if appropriate, the headteacher, must reply to all representations received from the Parent Council.

### Parent Councils and appointment of senior staff

53. The appointment of a headteacher or deputy headteacher is of crucial importance to a school and its community. Parents have a particular role to play in the process. The education authority must involve the Parent Council, if any, of the school to which a permanent appointment is to be made. This involvement should extend throughout the appointment process. It could involve the initial drawing up of the job specification, the sifting arrangements and sitting on the interview panel. The education authority should offer training to members of the Parent Council, or anyone assisting the council, with their functions in relation to the appointments process.
54. The authority must inform the Parent Council of their arrangements for filling senior posts and also immediately, about any changes they make to the process. Education authorities must comply with any regulations drawn up by Scottish Ministers relating to the senior appointments process and pay due regard to any supporting guidance.

S14

#### Key points:

- Authorities must promote the involvement of parents in their own child's learning and in their child's school more generally. (para 33)
- Reasonable requests from parents for advice or information must receive a response from the authority, headteacher or school staff. (para 34)
- Schools should have a policy setting out how non-resident or absent parents can be kept informed of their child's progress. (para 38)
- Schools should have a clear policy welcoming and encouraging partnership with parents. (para 39)
- All parents are automatically a member of the Parent Forum for their child's school, and may be represented by a Parent Council. (para 40)
- Authorities should ensure that parents are aware what membership of the Parent Forum means. (para 41)
- Authorities are required to promote and support Parent Councils. (paras 43-44 and 50-51) and provide advice and information on any matter in response to reasonable requests from Parent Councils. (para 49)
- All parents in a Parent Forum must be notified by the authority of their intention to prepare a scheme for establishing a Parent Council. (para 45-48)
- Parent Councils should be involved in the appointment of a headteacher or deputy headteacher. (para 53)







# section d – guidance for parent councils

## Role of Parent Council

1. The Act makes provision for Parent Councils to play an active role in supporting parental involvement in the work and the life of the school, while also providing opportunities for parents to express their views on children's education and learning. The Parent Council, as a statutory body, has the right to information and advice on matters which affect children's education. In all cases, parents and the Parent Council can expect to influence decisions, to be listened to and be taken seriously. For example, it has an important role to play in the recruitment process for appointing the head and deputy head teacher of the school.
2. The Parent Council is entitled to support from the education authority in fulfilling its role. See Section C for more information.

## Setting up a Parent Council

3. The Act is designed to allow parents to decide on Parent Councils that reflect local circumstances. It is for members of a school's Parent Forum to decide on what kind of Parent Council they want for their school, how it works and what it is called. However, parents can call on the support of education authority staff and the headteacher to help them decide on arrangements that will ensure an effective partnership with the school. This guidance and the resource materials provided in the toolkit should be used to help parents reach a decision on what kind of representation is right for their school and to review this as necessary. Some of the key issues that parents should consider are:
  - how will the Parent Council represent the views of all parents?
  - how will it be open and accountable to members of the Parent Forum?
  - what kind of partnership should the Parent Council have with the school and the wider community?
  - what will be its main areas of interest or activity?
  - how can it involve more parents in what it does?
4. The toolkit resource materials can help parents and the school through the process of establishing a Parent Council and a constitution that reflects the nature of the school and the wishes of parents. In particular, they can help parents consider what number of parent members they wish to have on the council, how they are selected, who they wish to co-opt from the school and the wider community, how often they may wish to meet, and what kind of resources they will require.



S6(7)

5. Once established, the Parent Council must inform the headteacher of the school, members of the Parent Forum, pupils and other parties as they consider appropriate that it has been established. The Parent Council must also inform them of who the members are and how they can be contacted. It must also provide a copy of its constitution to the headteacher and inform members of the Parent Forum and other parties as they consider appropriate of what its functions will be. The Parent Council should be supported by the authority to develop effective communication arrangements with all those that they need to keep informed of and involved with its functions.

### Membership of Parent Council

S7

6. The Act requires that members of the Parent Council must be members of the school's Parent Forum. That is, they must have a child attending the school. It also provides that only a member of the Parent Forum may chair a Parent Council for that school. Beyond this, the Act allows considerable flexibility for parents to decide the composition of the Parent Council for their school. Parents may choose to frame their Parent Council constitution to allow others to be co-opted if they wish to draw on wider experience, such as that offered by school staff, local councillors or the school's community. Where a Parent Council is established in respect of a denominational school, (see glossary for meaning of denominational school), its constitution must allow for at least one of its members to be co-opted. The Parent Council must invite the relevant church or denominational body to nominate a representative to be part of its membership.
7. Members of the Parent Council will bring to discussions of the Council knowledge from their own experience and personal views. However, as parent representatives, they must also consider how they can ensure that the Parent Council presents a co-ordinated, collective voice through consultation with other members of the Parent Forum. The Council should consider how they can ensure that the views of all parents can be taken into account and what they can do to remove any barriers to wider parental involvement. The Headteacher can advise on this in terms of the education authority strategy to promote parental involvement. There are also activities and practical advice aimed at involving all parents in Section 2 of the toolkit which accompanies this guidance.

## Functions of the Parent Council

8. The Act sets out a range of functions for Parent Councils which fall broadly within the following four areas:
- supporting the school in its work with pupils
  - representing the views of parents
  - promoting contact between the school, parents, pupils, providers of nursery education and the community
  - reporting to the Parent Forum.

S8

## Supporting the school

9. Parents have a key supportive role to play in assisting the headteacher and school staff in their aims to raise standards of education and to secure improvements in the quality of education provided by the school. The education provided must take account of the whole needs of the child in respect of developing a child's personality, talents and mental and physical abilities to their fullest potential. School education is about more than the curriculum and includes the school's provision for social, cultural and recreative activities and for physical education and training.
10. The Parent Council can support the work of the school in a variety of ways. It can:
- be involved in drawing up the school development plan and consider how parents might support its implementation
  - consider ways parents can be involved in children's learning to improve achievement
  - build positive relationships between parents and school staff
  - support the school in consulting with the wider parent forum on school policy decisions and other matters
  - use its own formal and informal channels for communicating about school events and how parents can become involved
  - fundraise to provide additional equipment and resources for the school
  - facilitate school events and work with the head teacher and staff to devise events which are enjoyable, encourage parental participation and that suit the needs of parents and fit into their schedules.



### Representing the views of parents

11. The Act gives Parent Councils the right to represent the views of parents on a wide variety of educational matters. A Parent Council can make representations to a school's headteacher, and the education authority, about the arrangements the school has to involve parents in their own child's education and that provided by the school generally. It also can make representations to the education authority about its own arrangements for promoting the involvement of parents of pupils attending public schools in its area.
12. The Parent Council should have arrangements in place for ascertaining the views of members of the forum on the standards and quality of education provided by the school, or on other matters that appear to the Council to be of interest or concern to members of the forum. The Parent Council may want to work with the school to look at trends to see whether standards are improving across the school or if there are areas where further development might be needed. They could ask the head teacher what specific plans might be in place for improvement and consider how parents can be involved in supporting improvement in standards across the school. While it is good practice for the Parent Council to ascertain the views of the wider parent membership, it is not precluded from making representations on issues where these have been fully discussed at one of its meetings.
13. A report from the Parent Council might give feedback to the Parent Forum on the issues that they have identified in relation to standards and quality of education, what actions have been taken already and what further options there might be. This can be used to ascertain parents' views and involve them in activities that will help to raise standards.
14. The Parent Council may also be involved in consulting the Parent Forum about the full range of school policies, e.g. in relation to uniform, drugs, school ethos, etc. It can collate the views of parents and report them to the headteacher of the school and to the education authority as appropriate. It can also make representations on such matters to other persons, including HMIE. However, generally the Parent Council can only take a matter to HMIE if they have raised the issue with the headteacher and the education authority and have received a reply from both. This is in line with the expectation that most issues can be addressed fully at either the school or authority level. In exceptional cases, where the Parent Council consider it inappropriate to take an issue to the headteacher, they can raise the matter with the education authority, and if not resolved at that level, make representations to HMIE. [See Section E, paragraphs 7-9 for information about the role of HMIE.]

## Promoting contact

15. The Parent Council can play a key role in supporting the work of the school within the wider community. The Act provides that one of its functions is to promote contact between all those with an interest in the work of the school. This includes parents of pupils at the school, parents of prospective pupils, the pupils themselves, providers of nursery education and community representatives. S8(1)(c)
  
16. Promoting contact can involve a variety of approaches. The Parent Council may identify and foster links with others whose work relates directly to children's education and learning e.g. local early years groups, childcare and nurseries; adult and continuing education, libraries etc. Individual members may do this through their employment in local services, shops etc where they may be able to publicise events, or through their membership of other local community or recreational groups and organisations. The Parent Council may wish to draw on the experience and expertise of local elected councillors and other community representatives and promote their involvement in its work and that of the school. The Parent Council can seek advice and information from the education authority on how they can promote contact with the wider community. In particular, it will wish to discuss with the education authority what providers of nursery education they should make contact with to ensure that parents of prospective pupils at the school are aware of what is done to promote parental involvement at the school.
  
17. The issues discussed by the Parent Council will necessarily focus on the interests of children and young people who may, themselves, have views on what is being discussed. The Parent Council should be open to ways of engaging with children and young people at the school. This may involve inviting representatives from the school's Pupil Council, or other representative pupil bodies, to meet with the Parent Council or to forward pupils' views on matters of interest to them. Pupils can also play a valuable role in helping promote the interest and involvement of their parents in school education. Examples of how this can be done are available in section 4 of the Toolkit.

## Accountability

18. The Parent Council is accountable to members of the Parent Forum. It should operate in an open manner and seek to ensure that all parents know how to communicate with members of the council if they need to do so. Discussions at Parent Council meetings should be open to the public, unless the matters to be discussed relate to issues which may impact upon the confidentiality of individuals or that of the school. In such cases, only members of the Parent Council and the headteacher and his or her representative are entitled to be present. S9(2) and S9(3)



19. The Parent Council should have appropriate arrangements in place for reporting to the Parent Forum on the work that it does to carry out its functions. Its constitution should set out arrangements in respect of such issues as annual and general meetings, frequency of meetings, notes of meetings, handling of confidential issues, and financial arrangements. Section 8 of the toolkit sets out a number of issues and suggested wording for a Parent Council constitution.
- S8 (1) (h)
20. The Parent Council may, with the requisite consent of members of the Parent Forum, amend or replace its constitution whenever this is required by changing circumstances. Requisite consent requires the Parent Council to send each member of the Parent Forum a copy of the proposed amendment or replacement and give them reasonable time to indicate whether they agree with that amendment or replacement. Any change must reflect the majority view of those responding within the appropriate timescale. The Parent Council must provide a copy of the amended or new constitution to the education authority and the school's headteacher.

### Carrying out functions

- S8 (10) & (11)
21. Parent Councils have considerable flexibility under the Act to decide on how they carry out their functions. It is for parents to decide how their Parent Council is organised and to decide on how to take forward those issues that matter most to parents. The Parent Council may appoint a person to be a clerk and may pay the clerk, unless the person appointed is a member of the Parent Council itself. It must comply with any reasonable request from the headteacher, or the education authority, for information relating to its exercise of its functions.

### Financial arrangements

22. As described at Section C, paragraph 50, the education authority must allocate, after consultation with the Parent Council, reasonable funding to enable it to meet the administrative costs incurred in carrying out its functions. This includes training costs and the cost of appointing a clerk. The Parent Council and the education authority should discuss what support the authority can provide to assist it with its financial arrangements. In particular, the authority should seek to agree arrangements whereby they can minimize, as far as possible, the administrative burden on the Parent Council of appointing a clerk.

23. The Parent Council can raise funds by any means, other than by borrowing, and can receive gifts. In addition, it can also enter into contracts and agreements. It cannot, however, purchase or own land or buildings. While the Parent Council can decide on how it expends any sums received by way of fund-raising or gifts, it should consider both the general view of members of the Parent Forum, as well as any advice offered by the school's headteacher. It should keep proper accounts of all monies received and expended and should as a matter of good practice produce an annual statement of accounts. Where a Parent Council ceases to exist, any property it holds passes to the education authority which, so long as the school continues, shall use it for the benefit of that school.
24. It is not anticipated that Parent Councils will, in normal circumstances, require to pay tax on any fundraising activities in which they are likely to engage, since activities such as school fetes, dances, coffee mornings, etc. are generally not considered to be trading activities. As an unincorporated association, similar to a Parent Teacher Association, the Parent Council might be liable to pay corporation tax on any profits they made from engaging in trading activities, or from investment income or capital gains. In the main, any tax liabilities which a Parent Council might incur would be likely to arise from interest on banked funds, of which Parent Councils are likely to have only very small amounts. HM Revenue and Customs (HMRC) has not, for many years, sought corporation tax returns from clubs and unincorporated associations that have very small tax liabilities. In practice therefore, it is considered unlikely that Parent Councils will be liable to any corporation tax. However, if in any doubt, they should check the position with their local HMRC office,<sup>16</sup> which can offer general advice on tax issues. The Parent Council should also take account of any guidance that HMRC may issue from time to time on these matters. It can also ask the education authority for general advice and information on how it should handle its budget and finances.
25. The Act states that the members of the Parent Council do not incur personal liability for anything done, or purportedly done, in the exercise of the functions of the Parent Council if it was done in good faith. However, the Parent Council itself should consider the need for appropriate insurance in respect of activities which it may undertake and in relation to which issues of liability might arise. Where a Parent Council undertakes an activity on behalf of the education authority or a school, it will wish to establish whether the members involved are covered by the authority's own insurance arrangements for public liability. Otherwise, as for activities undertaken by the Parent Council itself, or by anyone on its behalf, it should secure its own public liability insurance. The Parent Council could take out an individual policy with a recognised broker. Alternatively, it may wish to explore the possibility of buying into a group policy held by a national organisation or into local authority insurance arrangements.

S10

S8  
(12)

<sup>16</sup> <http://www.hmrc.gov.uk/enq/index.htm>





### Combined Parent Council

26. The Act makes provision for the establishment of a Combined Parent Council, covering two or more schools, where this has the requisite consent of the majority of parents in each of the schools. Requisite consent means the expressed wish of the majority of parents, in each school, responding to a written notice of the proposal that a Combined Parent Council be set up. Where parents choose to set up a Combined Parent Council, the education authority should prepare a scheme using a similar process to that followed in the case of a single council (see Section C, paragraphs 45-48). The authority must send a copy of the scheme to all members of the respective Parent Forums and make the necessary arrangements to implement it, including an appropriate constitution for the Combined Parent Council. It will be for the Combined Parent Council to agree a name by which it will be known and to let the headteachers of the represented schools, members of the Parent Forums, pupils and others, as appropriate, know when it has been established.
27. In general, provisions in the Act which apply to the operation and support of a single Parent Council apply in the required modified form to a Combined Parent Council. These cover:
- developing or reviewing the strategy for parental involvement
  - composition and chair of the council
  - functions of Parent Council
  - headteacher's right and duty to attend council meetings and meetings being open
  - financial powers
  - education authority provision of advice, information and support
  - appointments procedure for senior staff.
28. If a Combined Parent Council includes a denominational school its constitution must provide for at least one person from the church or denominational body to be a co-opted member of the council. Where there is more than one such church or denomination, each church or body must be able to nominate at least one co-optee.

29. Where the members of the Parent Forum of one of the represented schools within the combined arrangements decide to withdraw, or one of the schools is discontinued or amalgamated with another school, then the Combined Parent Council will cease to exist if the 'represented schools' no longer comprise more than one school. Withdrawal from a Combined Parent Council is subject to the majority of parents at the school responding, within a reasonable timescale, to a written proposal that the school withdraw from the combined arrangements. If members of a Parent Forum do decide to withdraw, then the general duty on the education authority to promote and support the establishment of a Parent Council at the school re-applies.

#### Key Points:

- Parent Councils should play an active role in supporting parental involvement in the school and provide an opportunity for parents to express their views. (para 1)
- It is for the members of the Parent Forum to decide what kind of Parent Council they want. (para 3)
- Parent Council made up of members of the Parent Forum, but may co-opt others if they wish. (para 6)
- A range of functions for Parent Councils are set out in the Act (para 8) and councils can support the school in a variety of ways. (para 10)
- The Act gives Parent Councils the right to represent the views of parents. (para 11)
- The Parent Council is accountable to members of the Parent Forum and should have arrangements in place for reporting to the forum on their work. (paras 18 and 19)
- Authorities must allocate Parent Councils reasonable funding to enable the council to carry out its functions. (para 22)
- A Combined Parent Council may be established to cover two or more schools. (paras 26-29)





# section e – guidance for others

## Role of headteacher

1. Headteachers have a vital role to play in how an education authority implements its strategy for promoting parental involvement in education and learning. The headteacher must ensure that the school takes account of the authority's strategy and that objectives for the school include the involvement of a pupil's parents in the education provided to the pupil and the school's pupils generally. Factors which can help promote successful involvement of parents include positive leadership and an open message that the school welcomes partnership with parents. Headteachers and their staff should make every effort to reach out to parents who are not usually involved.
2. The headteacher and school staff must be available to give advice and information to parents in respect of their own children at the school. Schools are already required to produce a brochure for parents giving basic information about the school. This could be reviewed regularly with the Parent Council to ensure that it provides information that is useful to parents in a form that they find accessible and readable. S12 (2)
3. Parents often value face to face discussion with their child's teacher and this can be provided formally at a parents evening but also in more informal ways. Some teachers and primary schools make time available at the beginning or end of the day to be available to discuss any particular issues of concern to parents or staff. Social and cultural events can provide opportunities for parents and staff to develop good relationships that often make subsequent discussions more fruitful.
4. The headteacher has both a right and a duty to attend, or to be represented at, meetings of the Parent Council. The presumption is that the headteacher will normally attend. On occasion, another member of the school staff may attend if the headteacher is unavailable, or if they have more knowledge of, or expertise in, the subject being discussed. The headteacher will be expected to take part in council discussions and offer advice to the council on what is being done within the school to promote parental involvement. The headteacher, if requested to do so, must give advice and information to the Parent Council on any matter falling within the headteacher's area of responsibility. This can cover all aspects of the work of the school, such as matters relating to the school curriculum, policies on uniform or discipline, etc. S9



S11  
(7)(b)

5. The headteacher must have regard to any representations received from the Parent Council (in so far as it is reasonable and practical to do so) in carrying out the duties of the headteacher post and must reply to the council. In some circumstances, the extent to which a headteacher can offer advice and information may be restricted. For example, issues such as the education of an individual child, or the performance of an individual teacher, are not regarded as matters which would be discussed at the Parent Council. Matters pertaining to individuals should be taken through the school's usual arrangements for dealing with complaints or grievances. Where an issue falls outwith the headteacher's remit, for example, school closures, re-design of catchment areas etc, the Parent Council can make representations to the education authority.

S13

6. The headteacher must report at least once per year to the Parent Council, or the Parent Forum, if no council exists. The report must cover the performance of the school and the headteacher's objectives and ambitions for the school as set out in the school development plan. It must have regard to the most recent 12 month report on the school development plan, and the authority's measures and standards of performance for its schools as defined and published under s7(1) of the 2000 Act. It must also have regard to equal opportunity requirements and how the school meets these. The report can be in a format agreed with the Parent Council or Forum and the headteacher must prepare a summary of the report to be sent to every member of the Parent Forum.

### Role of HMIE

7. The Act's intention is that there should be a strong working partnership between schools and parents. It reinforces parents' voices in the standards and quality of education provided by the school. HMIE provides a guide on *How good is our partnership with parents?* designed for use by teachers, managers and parents. This is part of the *How good is our school?* series of guides to self-evaluation which assist schools to evaluate their own performance in providing education. The guides include self-evaluation indicators covering themes such as reporting pupils' progress, pastoral care, partnership with parents, and links with local authority or other managing body, other schools, agencies and employers.
8. The guidance on partnership with parents highlights effective ways in which schools and parents and carers can work together to support children's learning and identify strengths and areas for improvement. For example, it helps them explore how effective the advice is that is given to parents on how they can support their children's learning, including homework. It looks at how well the school takes account of the wishes and expectations of all parents. And it asks how effectively the school and the authority works in partnership with the Parent Forum or Parent Council that represents parents views.

9. As indicated at Section D, paragraph 14, the Act allows a Parent Council to make representations to HMIE on matters of interest or concern to members of the Parent Forum. The Council must, in the first instance, have made such representations to the headteacher, where appropriate, and the education authority. Most issues will be able to be resolved at a local level and representations to HMIE are expected to be the exception, rather than the norm. HMIE must take account of representations received and may use it to inform future education authority and school inspections, where it is reasonable and practical to do so. In all cases, HMIE must reply to the Parent Council.

S8(5)&amp;(6)





# annex a

## Links with other legislation and policy

The Act should be seen within the broad context of legislation and policy which supports children and families. In particular, it reflects the vision of Scottish Ministers' that Scotland's children and young people will become successful learners, confident individuals, responsible citizens and effective contributors by being safe, nurtured, active, healthy, achieving, included, respected and responsible.

Some of the main themes of the Act and how these complement other legislation and policies are set out below.

Themes	Link to other Legislation/Policy
<p>Involving parents in school education</p> <p>The Act requires education authorities to promote the involvement of parents in their children's school education. School education includes the provision of facilities for social, cultural and recreative activities and for physical education and training.</p> <p>The effective involvement of parents in their children's education and learning is a crucial element in Ministers' overall programme for Ambitious Excellent Schools.</p>	<p>Under the <b>Education (Scotland) Act 1980</b> (the "1980 Act"), parents must ensure that their children of school age receive efficient education suitable for their age, ability and aptitude. (s30(1)) Education authorities must provide adequate and efficient school education within their area. (s1(1))</p> <p>The <b>Standards in Scotland's Schools etc. (Scotland) Act 2000</b> (the "2000 Act") places education authorities under a duty to secure that the education provided by them is directed towards the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential. (s2)</p> <p><b>Ambitious Excellent Schools</b> was launched in November 2004. This framework for improving schools includes giving more choice to parents for their children and encouraging schools to engage fully with parents in the education they provide.</p>





Themes	Link to other Legislation/Policy
<p>Successful involvement of parents can help education authorities to deliver on their priorities for education.</p>	<p>The 2000 Act requires that Scottish Ministers set out the long term strategic direction for improvement in Scotland's schools by way of national priorities in education. (s4) Five <b>National Priorities in Education</b> underpin the Scottish Executive's education policies. These are:</p> <p>Achievement and Attainment: Framework for Learning: Inclusion and Equality: Values and Citizenship: and Learning for Life.</p> <p>More information and examples of practice for authorities and schools is available from the National Priorities web-site <a href="http://www.nationalpriorities.org.uk">www.nationalpriorities.org.uk</a></p>
<p><b>Children's views</b></p> <p>The Act requires the authority to seek the views of pupils when developing or reviewing its strategy for promoting parental involvement.</p>	<p>The 2000 Act requires education authorities to take account of the views of children where expressed. (s2(2))</p> <p>The <b>Children (Scotland) Act 1995</b> (the "1995 Act") also makes provision for seeking and taking account of the views of children in key decisions that affect them. (s6)</p> <p>The <b>Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002</b> makes provision for improving communication with pupils with a disability in ways that take account of their disabilities and any preferences expressed by their parents.</p>

## annex a

Themes	Link to other Legislation/Policy
<p><b>Strategy for parental involvement</b></p> <p>The Act requires education authorities to prepare a strategy to promote parental involvement in school education.</p> <p>The education authority strategy must take account of:</p> <p><b>(a) Equal opportunities</b></p> <p>The Act requires education authorities to have regard to how their policies for promoting parental involvement in school education will promote equal opportunities.</p> <p>References to “equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 of Part II of Schedule 5 to the Scotland Act 1998. “Equal opportunities” means the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.</p>	<p>There is a range of legislation covering equality issues which may have an impact on an education authority’s policies in respect of pupils and parents.</p> <p><b>Disability</b></p> <p>The main pieces of legislation covering disability are:</p> <ul style="list-style-type: none"> <li>• <b>Disability Discrimination Act 1995,</b> (as amended)</li> <li>• <b>Education (Disability Strategies and Pupils’ Educational Records) (Scotland) Act 2002</b></li> <li>• <b>Disability Discrimination Act 2005</b></li> </ul>



Themes	Link to other Legislation/Policy
<p>“Equal opportunity requirements” means the requirements of the law for the time being relating to equal opportunities.</p> <p>The focus on “equal opportunities” builds on the 2000 Act which requires education authorities to prepare an annual statement of education improvement objectives which includes an account of the ways in which they encourage equal opportunities in the school education provided by them.</p>	<p>The above range of legislation includes the requirement on local authorities and schools not to treat disabled pupils less favourably and to make reasonable adjustments to avoid putting them at a substantial disadvantage; to have a strategy for improving accessibility to schools and the curriculum and improving communication with pupils with disabilities, especially in relation to the provision of school information; and to publish a disability equality scheme.</p> <p><b>Race</b></p> <p>The main pieces of legislation in respect of race are:</p> <ul style="list-style-type: none"> <li>• <b>Race Relations Act 1976</b></li> <li>• <b>Race Relations (Amendment) Act 2000</b></li> </ul> <p>These include the requirement on service providers, including local authorities and schools, not to discriminate on grounds of race; a general duty on public bodies to eliminate discrimination on grounds of race and promote race equality; and under regulations under the Act a requirement to publish a race equality policy. Education authorities and grant aided schools must make arrangements to monitor and assess the impact of their policies on pupils, staff and parents from different racial groups, including in relation to pupil attainment.</p>

## annex a

Themes	Link to other Legislation/Policy
<p data-bbox="213 1055 655 1122"><b>(b) Children looked after by the authority</b></p> <p data-bbox="213 1155 687 1294">The education authority strategy must make reference to the needs of children who are looked after by the authority.</p>	<p data-bbox="710 461 1198 490">Other key pieces of legislation include:</p> <ul data-bbox="710 517 1134 707" style="list-style-type: none"> <li data-bbox="710 517 1134 546">• <b>Sex Discrimination Act 1975</b></li> <li data-bbox="710 674 983 703">• <b>Equality Act 2006</b></li> </ul> <p data-bbox="710 580 1326 647">This requires local authorities and schools not to discriminate on grounds of sex.</p> <p data-bbox="710 736 1353 1028">This places a general duty on public bodies in carrying out their functions to have regard to the need to eliminate discrimination on grounds of sex and promote equality between men and women. Act also includes a power to allow an Order to be made which will require local authorities and schools not to discriminate on grounds of sexual orientation.</p> <p data-bbox="710 1155 1342 1408">The <b>Children (Scotland) Act 1995</b> (the “1995 Act”), establishes the responsibilities of services, providers and parents in matters affecting children’s care and welfare. Local authorities must provide services designed to minimise the impact of disabilities on children and to allow them to lead lives which are as fulfilling as possible. (s20)</p> <p data-bbox="710 1442 1353 1767">The 1995 Act also sets out the legislative framework for cases where a child is looked after by a local authority. The authority is required to safeguard and promote the child’s welfare, making use of services available from their own parents, where possible; and take steps to promote personal relations and direct contact between the child and any person with parental responsibilities for him or her, where this is practicable and appropriate.</p> <p data-bbox="710 1800 1353 1973">Where a person takes a major decision in fulfilling a parental responsibility or right under the 1995 Act they must have regard to the views of the child, taking account of the child’s age and maturity and whether the child wishes to express a view.</p>



Themes	Link to other Legislation/Policy
<p>In addition to (a) and (b) above, the authority strategy <b>should</b> take account of issues relating to:</p> <p><b>(c) Non-resident parents</b></p> <p>The definition of parent used in the Act covers all those who have parental rights and responsibilities for a child, including parents who no longer live with the child.</p> <p><b>(d) Family support</b></p> <p>The authority's strategy should take account of all factors which inhibit or prevent families from supporting their children's education and development.</p>	<p>Under the 1995 Act, parents must, where it is in the interests of the child and is practicable, safeguard and promote their child's health, development and welfare. This also applies to anyone over 16 who has care or control of a child under the age of 16. In addition, parents have a responsibility to provide their children who are under 18 years of age, with appropriate direction and guidance. They should maintain personal relations and direct contact with their son or daughter on a regular basis, if they do not live with their child. Parents also have a responsibility to act as their child's legal representative.</p> <p>There are a wide range of national and local policies being developed to promote social inclusion and raise educational standards. Increasingly, schools in Scotland are being encouraged to develop an <b>integrated community schools approach</b>. Such an approach requires teachers, social workers, family workers and health personnel to work together to develop common objectives and goals centred on the needs of children at school and on their families. This approach is essential to secure good outcomes, not only for children's education, but also for their social welfare, their health and the well being of the community where they live. The education authority strategy for parental involvement should take account of the full range of policy interests involved in supporting children and families.</p>

## annex a

Themes	Link to other Legislation/Policy
<p data-bbox="213 456 416 488"><b>(e) Early years</b></p> <p data-bbox="213 533 667 674">The Act makes provision for Parent Councils to promote contact with providers of early years nursery education.</p> <p data-bbox="213 1055 576 1122"><b>(f) Children’s learning and development</b></p> <p data-bbox="213 1167 676 1308">The authority’s strategy for parental involvement should link with their policies for additional support needs where necessary.</p>	<p data-bbox="715 533 1353 748">The Scottish Executive’s policy for <b>integrated early years services</b> offers a framework for the effective provision of universal and targeted services for children and their families and provides a vision of integrated early years services based on partnerships at all levels.</p> <p data-bbox="715 792 1353 1008">The <b>National Standards for Early Education and Childcare</b> contain a number of standards relating to working with parents. These include provision for parents and carers to be encouraged to take part in the service and to establish an effective partnership with staff.</p> <p data-bbox="715 1167 1353 1458">The <b>Education (Additional Support for Learning) (Scotland) Act 2004</b> gives parents rights to be involved in aspects of their child’s education and services and places duties on local authorities to involve them. The range of factors which may give rise to additional support needs is broad and includes issues which may arise from particular family circumstances.</p>



Themes	Link to other Legislation/Policy
<p><b>(g) Integrated Children's Services</b></p> <p>The Act requires education authorities to update their Statements of Education Improvement objectives as required by the 2000 Act.</p>	<p>Local authorities are required to have integrated planning arrangements in place with NHS Boards, police services, children's reports, the voluntary sector and community groups to ensure effective planning and delivery of integrated children's services. This includes education authority statements of education improvement objectives.</p> <p>Integrated Children's Services Plans are designed to ensure that local agencies work together to help deliver improved outcomes for all children and young people in line with the Ministerial vision. Plans must include reference to services for vulnerable children and children in need, including arrangements for early intervention and support within universal services and targeted additional support where required.</p>
<p><b>Parent Councils and the wider community</b></p> <p>The Act makes provision for Parent Councils to promote contact between the school, parents and the local community.</p>	<p>The <b>Local Government in Scotland Act 2003</b> requires local authorities to engage with community bodies in the community planning process. (s15) The National Standards for Community Engagement, produced by Communities Scotland, are aimed at making participation easier and more inclusive for individual people and community groups, which may include Parent Councils, and more effective for all of the people and bodies involved. This includes the promotion of the roles of parents in their children's education.</p> <p>The <b>National Health Service Reform (Scotland) Act 2004</b> also lays strong emphasis on partnership and public involvement in the planning and development of health services. (s2) Parent Councils may have views on school health services, provision of therapy services, etc.</p>

# annex b

## Strategy for parental involvement checklist

The checklist presented here takes account of the requirements in the Scottish Schools (Parental Involvement) Act 2006. It is also included in a tick box format in the Parents as Partners in their Children's Learning Toolkit.

Effective parental involvement is the joint responsibility of professionals and parents. The questions are designed to help education authorities develop an appropriate strategy for parental involvement in their area and to support parents' involvement in the development and review of that strategy. The checklist is consistent with HMIE's guide on partnership with parents, but does not replace that guidance which is available at [www.hmie.gov.uk](http://www.hmie.gov.uk).

The Act requires that the strategy cover the education authority's duties to:

- promote the involvement of parents in the education provided by the school to their child and to pupils generally at their child's school
- promote the establishment of Parent Councils
- give advice and information to Parent Councils and support their operation
- give advice and information to parents generally, and
- establish a complaints procedure for representations under the Act.

Themes	Act	Guidance
<b>Developing a strategy</b>		
What arrangements do you have in place to develop, or review, a strategy for parental involvement?	S2 of the Act requires strategy for parental involvement	See Section C, paras 1-5 of guidance
How do you involve parents in the process of developing or reviewing your strategy?		See Section 6 of the toolkit, Preparing the education authority strategy
How do you consult pupils about the Strategy?		
What other parties do you include in developing or reviewing your strategy?		





Themes	Act	Guidance
<b>Promoting parental involvement</b>		
<p>Does your strategy cover the three levels of engagement with parents:</p> <ul style="list-style-type: none"> <li>– <i>Learning at home</i></li> <li>– <i>Home/School Partnership</i></li> <li>– <i>Parental representation</i></li> </ul> <p>Does your strategy address the range of factors which may discourage parental involvement?</p> <p>Does it outline how your authority and schools work with parents who find it difficult to support their children's education due to family circumstances?</p> <p>Does it take account of the needs of Looked after children?</p> <p>How does the strategy promote equal opportunities and take account of the needs of particular minority groups in your local area?</p> <p>Does your strategy make links with the authority's duties under other relevant legislation, e.g. Additional Support for Learning Act?</p> <p>Does your strategy make appropriate links with other relevant policy areas, e.g. curriculum, support to pupils, pre-school, additional support needs, customer care, and other agencies and businesses?</p> <p>How does your strategy take account of the training and development needs of school staff and others working with children and their families?</p>	<p>S1 of the Act covers duty to promote parental involvement</p> <p>S2 requires strategies to include reference to equal opportunities and looked after children</p>	<p>See Section B, para 7 and Section C, paras 33-39 for promoting parental involvement</p> <p>Section C, paras 6-27 for issues for strategy</p>

## annex b

Themes	Act	Guidance
<b>Establishing and supporting Parent Councils</b>		
<p>What does your authority do to make parents aware of their membership of the Parent Forum and what this means?</p> <p>How does your authority promote and support Parent Councils in your area?</p> <p>Do parents representatives have a general knowledge of the education authority duties to promote parental involvement?</p> <p>Are parent representatives able to identify what they need to carry out their functions and access appropriate resources?</p> <p>What does your authority do to assist parent representatives to ascertain the views of the wider Parent Forum?</p> <p>What training and information does your authority offer for parent representatives, in particular, those involved in the appointments process for senior staff?</p>	<p>S5 and S6 of Act covers Parent Forum and Parent Councils</p>	<p>See Section C, paras 40-52 of guidance</p> <p>See Section 7 of the toolkit</p>
<b>Advice, information and handling complaints</b>		
<p>Does the strategy set out the arrangements your authority and schools have in place for giving advice and information to parents?</p> <p>How do these arrangements apply in the case of parents who do not live with their children?</p> <p>What arrangements do your authority and schools have in place for dealing with concerns/complaints from parents, or someone acting on their behalf?</p> <p>How does your authority involve parents and others in the establishment and review of its complaints procedure?</p> <p>How are parents in general made aware of your authority's complaints procedure?</p>	<p>S15 of Act covers complaints procedure</p>	<p>See Section C, paras 28-32 of guidance</p>



Themes	Act	Guidance
<b>Communicating the strategy</b>		
<p>Do local authority staff have a general knowledge of the parental involvement legislation and the authority's duties to promote this?</p> <p>Do appropriate local authority, school staff and support staff have sound knowledge of the provisions of the Scottish Schools (Parental Involvement) Act 2006 and Scottish Executive guidance and toolkit supporting the Act?</p> <p>Is the strategy document included in your authority's Statement of Improvement Objectives?</p> <p>Do all school development plans include parental involvement?</p> <p>How are parents made aware of the strategy and how do they access it?</p> <p>How are parents in the pre-school sector made aware of the benefits of parental involvement in children's education?</p>	<p>S3 and S4 of Act requires strategy to inform education authority's improvement plans and school development plans</p>	<p>Section C of guidance</p>
<b>Monitoring and reviewing strategy</b>		
<p>How does your strategy link to HMIE's self-evaluation guidance on partnership with parents?</p> <p>Does the strategy include arrangements to monitor and evaluate the impact of your authority's policies on parental involvement?</p> <p>What do you do to consider and respond to parents' expectations and views on how they are involved in school education?</p>	<p>S2(3) of Act requires an education authority to review its strategy from time to time</p>	<p>Issues in Section C relevant to review as well as development of strategy</p>

## annex c

### Handling complaints

A person, or someone acting on their behalf, may make a complaint, in connection with how the authority carries out, or fails to carry out, its functions under the Act (s15). This could include their duties to:

- provide advice and information to parents about their own child
- promote parental involvement
- promote and support the operation of Parent Councils.

In practice, almost all issues will be able to be resolved at school or education authority level.

#### Handling Complaints at Local Level

**School-based staff**, e.g. class teacher; senior school staff/head teacher consider complaints relating to an individual child. Discuss with parents and pupils to resolve matters. May take a team approach to meetings (including other agencies) where helpful. Headteacher to consider complaints in respect of the school and its wider parental involvement.

**Education authority level** – authority to have clear arrangements for handling complaints. Should include single entry point for all complaints and consider whether the complaint falls within more formal appeal routes (see below). Where issues persist, consider whether independent mediation might allow both parties to reach a mutually acceptable solution.

Section 4 of the toolkit provides a range of ideas for helping parents to communicate concerns or complaints and help resolve disagreements at a local level. There may be cases which require to be taken through more formal procedures. The main ones are described below.



## Formal Appeal or Resolution Routes

### Parental Involvement Act

(i) in case of complaint in respect of individual child's education, parents to be offered advice/options, including referral to statutory appeal routes where appropriate (see opposite)

(ii) named officer to consider complaints in respect of authority's wider duties.

### Education Authority Appeal Committees

Committees hear placing request (where no co-ordinated support plan) and exclusion appeals.

### Sheriff Court

(appeal against education authority appeal committee decisions).

### Additional Support for Learning Act

Provides for various appeal routes in respect of an individual child who has additional support needs. Includes mediation, dispute resolution and, the Additional support Needs Tribunal (in the case of co-ordinated support plans and associated placing requests).

### Exceptionally, a few cases may go to:

- **Scottish Ministers** (failure of education authority to carry out duties under education law – Section 70 of the Education (Scotland) Act 1980)
- **Scottish Public Services Ombudsman** (for issues of service failure or maladministration)
- **Civil Courts** (Judicial Review).

### Court of Session

Additional Support Needs Tribunal case can be taken to appeal on point of law.

Section 6 of the toolkit includes general advice and information on effective complaints procedures which can also be used with more formal appeals routes.

## glossary

**Childcare Partnerships** – There are 32 Childcare Partnerships – one in each local authority in Scotland. Childcare Partnerships aim to expand childcare in a certain area in line with parental demand.

**Combined Parent Council** – In certain circumstances the Parent Forum of two or more schools may establish a Combined Parent Council.

**Denominational school** – A school transferred to local authority control under Section 16 of the Education (Scotland) Act 1980 (or earlier statutory provisions), or established under Section 17 of the 1980 Act. Generally denominational schools will have close links to a specific faith community, and may have an ethos based on a particular faith.

**Education Authority** – The Education Department in local Councils, responsible for publicly funded schools in their area. The Act's provisions covers pupils attending an education authority school

**Equal opportunities** – Defined in Section L2 of Part II of Schedule 5 of the Scotland Act 1998 as the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions.

**Equal opportunity requirements** – Defined in Section L2 of Part II of Schedule 5 of the Scotland Act 1998 as the requirements of the law for the time being relating to equal opportunities.

**HMIE** – Her Majesty's Inspectorate of Education, often known as HMIE, is the Executive Agency responsible for school and education authority inspection and review.

**Home school link worker** – Home school link workers provide a service working with pupils and their families which often addresses specific issues, such as physical/mental health, attendance and family circumstances that may hinder or disrupt a pupil's learning.

**Integrated Children's Services** – Local authorities in Scotland work with relevant agencies and organisations to plan services and support for children and families in each area.

**Non-resident parent** – The parent who is not the main day-to-day carer of the children. If the children stay with both parents, the non-resident parent is the one who spends fewer nights with the children.



**Parent** – Defined in the Education (Scotland) Act 1980 as amended. Includes guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to, or has care of a child or young person.

**Parent Council** – The statutory body responsible for representing parents' views. Parent Councils replace the system of School Boards.

**Parent Forum** – All parents who have a child attending a public school are automatically a member of the Parent Forum for that school. The Parent Forum may choose to be represented by a Parent Council.

**Placing request** – Where the parent of a qualifying child makes a written request to an education authority to place his child in the school (other than a nursery school or a nursery class in a school) specified in the request, being a school under their management.

**Pupil** – Defined in the 1980 Act but for the purposes of this Act includes a child who is under school age if that child is in attendance at a primary school, whether in a nursery class in such a school, or not.

**School Development Plan** – All schools are required to produce a development plan under the Standards in Scotland's Schools etc. (Scotland) Act 2000. Development plans must now include a reference to the education authority's strategy for parental involvement.

# resources

## Legislation

The main pieces of legislation mentioned in this guidance, including the Act and its Explanatory Notes, can be downloaded free from [www.hmsso.gov.uk](http://www.hmsso.gov.uk). Hard copies of legislation can be purchased from The Stationery Office Bookshop, 71 Lothian Road, Edinburgh, EH3 9AZ, tel: 0870 606 55 66, Website: [www.tsoshop.co.uk](http://www.tsoshop.co.uk).

## Resources

For more information on practical ways to involve parents, see

- **Parents as Partners in their Children's Learning Toolkit** – available on Parentzone website at [www.parentzonescotland.gov.uk](http://www.parentzonescotland.gov.uk)
- **Involving Parents: examples of good practice CD-rom** – Available by emailing: [parentzone@scotland.gov.gsi.uk](mailto:parentzone@scotland.gov.gsi.uk) or telephone 0131 244 0956.
- **Making the Difference** – a series of leaflets giving parents advice on supporting their child's learning. Available from the Parentzone website ([www.parentzonescotland.gov.uk](http://www.parentzonescotland.gov.uk)), email: [parentzone@scotland.gov.gsi.uk](mailto:parentzone@scotland.gov.gsi.uk) or telephone 0131 244 0956.

For more information on research into parental involvement, see

- **Parents' views on improving parental involvement in children's education**, George Street Research © Crown Copyright, 2005  
[www.scotland.gov.uk/Publications/2005/03/20759/53608](http://www.scotland.gov.uk/Publications/2005/03/20759/53608)
- **The Impact of Parental Involvement on Children's Education**, Department of Education and Skills, 2003. Available from DfES Publications, PO Box 5050, Sherwood Park, Annesley, Nottingham, NG15 0DJ, Tel: 0845 6022260.
- **Engaging fathers: involving parents, raising achievement**, Department of Education and Skills, 2004. Available from DfES Publications, PO Box 5050, Sherwood Park, Annesley, Nottingham, NG15 0DJ, Tel: 0845 6022260.
- **Career Goals and Educational Attainment: What is the link? A study of school pupils' perceptions**, Careers Scotland research report,  
[www.careers-scotland.org.uk/careersscotland/Web/Site/LearningandGuidance/Research/ResearchIntro.asp](http://www.careers-scotland.org.uk/careersscotland/Web/Site/LearningandGuidance/Research/ResearchIntro.asp)





For additional policies schools and authorities may wish to consider see

- **Supporting children's learning: code of practice**, – offers guidance on the Education (Additional Support for Learning) (Scotland) Act 2004. © Crown Copyright, August 2005, ISBN 0755946243, [www.scotland.gov.uk/Publications/2005/08/15105817/58187](http://www.scotland.gov.uk/Publications/2005/08/15105817/58187)
- **Safe and well: Good practice in schools and education authorities for keeping children safe and well** ©Crown Copyright, August 2005, ISBN 0755947401. [www.scotland.gov.uk/Publications/2005/08/0191408/14093](http://www.scotland.gov.uk/Publications/2005/08/0191408/14093)
- **For Scotland's Children** © Crown Copyright, 2001, ISBN 0-7559-0306-4 [www.scotland.gov.uk/library3/education/fcsr-00.asp](http://www.scotland.gov.uk/library3/education/fcsr-00.asp)
- **Gender Stereotyping and Career Choice**. Research conducted by Napier University and led by Careers Scotland. [www.napier.ac.uk/depts/eri/research/genderstereo.htm](http://www.napier.ac.uk/depts/eri/research/genderstereo.htm)
- **Review of Strategies to Address Gender Inequalities in Scottish Schools, Insight Report no. 31** [www.scotland.gov.uk/Publications/2006/05/02135116/0](http://www.scotland.gov.uk/Publications/2006/05/02135116/0)

For further information on supporting looked after children's learning see

- **Learning with Care** © Crown Copyright. May 2003 ISBN 1900743477  
Published by University of Strathclyde, Faculty of Education, 76 Southbrae Drive, Glasgow G13 1PP.

For more about how schools and authorities evaluate how they are doing, see

- **How Good is Our School?** – self evaluation tool available from HMIE website [www.hmie.gov.uk](http://www.hmie.gov.uk), HM Inspectorate of Education, Denholm House, Almondvale Business Park, Almondvale Way, Livingston, EH54 6GA, Tel: 01506 600 200, Fax: 01506 600 337, Email: [enquiries@hmie.gsi.gov.uk](mailto:enquiries@hmie.gsi.gov.uk)
- **How Good is Our Partnership with Parents?** – self evaluation tool available from HMIE website [www.hmie.gov.uk](http://www.hmie.gov.uk) and the address above.

## resources

For further information on separated parents see

- **A Parenting Agreement for Scotland – Guide** © Crown Copyright April 2006, ISBN 0755950674, [www.scotland.gov.uk/Publications/2006/04/19140046/0](http://www.scotland.gov.uk/Publications/2006/04/19140046/0)
- **A Parenting Agreement for Scotland – Plan** © Crown Copyright April 2006, ISBN 0755950674 – [www.scotland.gov.uk/Publications/2006/04/19135817/7](http://www.scotland.gov.uk/Publications/2006/04/19135817/7)

For information on engaging with the wider community see

- **National Standards for Community Engagement** – available from Communities Scotland – [www.communitiesscotland.gov.uk](http://www.communitiesscotland.gov.uk)

### Websites

The following websites are sources of advice on a range of aspects relating to parental involvement in children's education and learning.

**Parentzone** – information on education in Scotland and advice for parents on supporting their child's learning – [www.parentzonescotland.gov.uk](http://www.parentzonescotland.gov.uk)

**Scottish Parent Teacher Council (SPTC)** – the national organisation for PTAs and PAs – [www.sptc.info](http://www.sptc.info)

**Scottish School Board Association (SSBA)** – represents the interests of School Boards – [www.schoolboard-scotland.com](http://www.schoolboard-scotland.com)

**Careers Scotland** – services, information and support on career planning – [www.careers-scotland.org.uk](http://www.careers-scotland.org.uk)

**Children in Scotland** – for voluntary, statutory and professional organisations and individuals working with children and their families – [www.childreninScotland.org.uk](http://www.childreninScotland.org.uk)

**Enquire** – the Scottish advice service for additional support for learning - [www.enquire.org.uk](http://www.enquire.org.uk), helpline: 0845 123 2303; textphone: 0131 222 2439.

**Fathers Direct** – advice on role of fathers in education – [www.fathersdirect.com](http://www.fathersdirect.com)

**HM Inspectorate of Education (HMIE)** – school inspection reports, good practice and other publications – [www.hmie.gov.uk](http://www.hmie.gov.uk)

**HM Revenue and Customs (HMRC)** – advice on tax issues – [www.hmrc.gov.uk](http://www.hmrc.gov.uk)





# appendix – scottish schools (parental involvement) act 2006

*Scottish Schools (Parental Involvement) Act 2006 (asp 8)*



## Scottish Schools (Parental Involvement) Act 2006 2006 asp 8

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# Scottish Schools (Parental Involvement) Act 2006 2006 asp 8

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 10th May 2006 and received Royal Assent on 14th June 2006**

An Act of the Scottish Parliament to make further provision for the involvement of parents in their children's education and in school education generally; to provide for the establishment of councils to represent the parents of pupils attending public schools; to abolish School Boards; to make further provision as regards the appointment of teachers; to make further provision as regards the content of the development plan for a school; and for connected purposes.

## *Involvement, ambitions, objectives and performance*

### **1 Duty of Scottish Ministers and of education authorities to promote involvement of parents in school education etc.**

- (1) It is the duty of the Scottish Ministers to promote the involvement of the parents of pupils in attendance at public schools in the education provided to those pupils by the schools.
- (2) It is the duty of an education authority to promote the involvement of the parents of a pupil in attendance at a public school in the authority's area in the education provided by the school—
  - (a) to that pupil, and
  - (b) to its pupils generally.
- (3) Except where the context otherwise requires, in this Act "education" means school education and includes such provision as is made by an education authority in fulfilment of their duty under section 1(3)(b) of the Education (Scotland) Act 1980 (c.44) (duty to secure the provision of adequate facilities for social, cultural and recreative activities and for physical education and training).

### **2 Strategies for parental involvement**

- (1) Each education authority must prepare a document, to be known as their "strategy for parental involvement", containing their general policies for implementing their duties under sections 1, 5, 11 and 12 (including, without prejudice to that generality, such implementation in the case of any pupil who is a child looked after by a local authority); and the complaints procedure established by the authority under section 15 must be set out in the document.



- (2) In preparing their strategy for parental involvement, an education authority are to have regard to how that strategy will promote equal opportunities.
- (3) An education authority—
  - (a) are from time to time to review their strategy for parental involvement, and
  - (b) are to revise that strategy whenever they conclude that it is appropriate to do so.
- (4) In developing or reviewing their strategy for parental involvement an education authority must seek and have regard to the views of—
  - (a) the parents to whom those duties relate,
  - (b) pupils in attendance at public schools in the authority’s area,
  - (c) any Parent Council established for a school in their area, and
  - (d) any other person who appears to the authority to have an interest in their implementation of those duties or of the duty under section 15(1).
- (5) The document is to be included (whether or not it has been revised since last so included) in the authority’s annual statement of improvement objectives.
- (6) In section 5(2) of the Standards in Scotland’s Schools etc. Act 2000 (asp 6) (requirement for annual statement of education improvement objectives to include an account of the ways in which the authority will seek to involve a pupil’s parents in promoting the education of the pupil), at the beginning of paragraph (a) there is inserted “(prepared under section 2(1) of the Scottish Schools (Parental Involvement) Act 2006 (asp 8) as part of the authority’s strategy for parental involvement)”.
- (7) The reference in subsection (1) to a child who is looked after by a local authority is to be construed in accordance with section 17(6) of the Children (Scotland) Act 1995 (c.36) (duty of local authority to child looked after by them).

### **3 Ambitions and objectives for a school**

In section 6(1)(a) of the Standards in Scotland’s Schools etc. Act 2000 (asp 6) (which, for the purpose of securing improvement in the quality of education which a school provides, requires the preparation of a development plan for the school)—

- (a) after the words “the objectives” there is inserted “and strategy for parental involvement”, and
- (b) for the words “and sets objectives for the school” there is substituted “, sets objectives for the school (including objectives as to the involvement of a pupil’s parents in the education provided to the pupil and to the school’s pupils generally) and contains a statement of the education authority’s ambitions for the school”.

### **4 Review of school performance**

In section 7 of the Standards in Scotland’s Schools etc. Act 2000 (asp 6) (which provides for the defining of measures and standards of performance as respects the quality of education provided by schools and for the quality of education provided by a school to be reviewed from time to time having regard to those measures and standards), at the end there is added—

- “(3) Without prejudice to the generality of subsections (1) and (2) above, in those subsections “quality of education” includes the extent to which a pupil’s parents are involved in the education provided to the pupil.”.

*Parent Forums and Parent Councils***5 Parent Forum and Parent Council**

- (1) The parents of the pupils in attendance at a public school constitute (and are collectively to be known as) the “Parent Forum” of the school.
- (2) A Parent Forum may be represented by a body (to be known as a “Parent Council”) established by them under section 6 for the school.
- (3) The education authority are—
  - (a) to promote the establishment of, and
  - (b) to support the operation of,
 a Parent Council.
- (4) Subsection (3) is subject to section 16(15).

**6 Scheme for establishment of a Parent Council**

- (1) For the purposes of section 5(2) and (3)(a) the education authority are to notify in writing the members of the Parent Forum of a public school in their area of the authority’s intention to prepare a scheme for the establishment of a Parent Council for the school, inviting them to indicate, within such reasonable period as they are to specify in the notice, a preference as to how the council is to be constituted and what its constitution is to be; and the notice is to suggest alternatives in that regard framed in accordance with such guidance as may be issued by the Scottish Ministers but to state that those alternatives are offered only by way of example.
- (2) But notification under subsection (1) is to include an invitation to indicate, instead of any such preference as is mentioned in that subsection, a preference either—
  - (a) that no such scheme should be prepared, or
  - (b) that any such scheme prepared should be prepared by a person other than the education authority.
- (3) Having regard to such preferences as are indicated by virtue of subsection (1) and in so far as practicable giving effect to the preference of the greatest number of the members responding, the authority are, when the period specified under that subsection has expired, to prepare the scheme, to send a copy of it to each member and to make such arrangements as are necessary to implement it.
- (4) But if the preference of the greatest number of the members responding before the period so specified has expired is as mentioned in—
  - (a) paragraph (a) of subsection (2), subsection (3) is to be disregarded,
  - (b) paragraph (b) of subsection (2), subsection (3) is to be disregarded and provided that the majority of the members so responding and indicating that preference can agree as to which person other than the authority is to prepare such a scheme, that person may proceed to do so and to send a copy of it to each of the members of the Parent Forum, inviting the member in question to indicate, within such reasonable period as the person may specify in the invitation, whether the member agrees that the scheme should be implemented.
- (5) If the majority of the members who respond timeously to an invitation under subsection (4)(b) indicate agreement, the person who prepared the scheme may make such arrangements as are necessary to implement the scheme.





- (6) The arrangements mentioned in subsections (3) and (5) must include the preparation of a constitution for the Parent Council.
- (7) A Parent Council is established when first constituted by virtue of arrangements made under subsection (3) or (5); and is, as soon as practicable thereafter—
  - (a) to intimate to—
    - (i) the headteacher,
    - (ii) the members of the Parent Forum,
    - (iii) pupils in attendance at the school, and
    - (iv) such other persons as it appears to the council appropriate to include for the purposes of this subsection,
 that it has been established,
  - (b) to provide them and the education authority with information as to who the members of the council are and as to how to communicate with it,
  - (c) if the education authority did not prepare the constitution of the council, to provide the education authority with a copy of that constitution, and
  - (d) to provide the headteacher with a copy of that constitution.
- (8) A Parent Council is to be known as “the [*name of school*] Parent Council” unless the Parent Forum otherwise determines, in which case it is to be known by whatever name the Parent Forum may specify.
- (9) Intimation under subsection (7)(a)(ii) or (iv) is to include a note of the functions of the Parent Council under subsection (1) of section 8 and, where applicable, under subsection (2) of that section.
- (10) The preceding provisions of this section are subject to sections 7 and 16(15).

## **7 Restrictions as to composition and chairing of a Parent Council**

- (1) Subject to subsection (2), the members of the Parent Council established for a school must be members of the school’s Parent Forum or (but only if and in so far as the constitution of the council so admits) persons who are co-opted to the council by the persons who for the time being are its members.
- (2) In the case of a denominational school, the constitution of the council must provide for at least one of the council’s members to be so co-opted and to be a person nominated by the church or denominational body in whose interest the school is conducted.
- (3) In subsection (2), “denominational school” means a school—
  - (a) transferred to an education authority under section 16(1) of the Education (Scotland) Act 1980 (c.44) (transference of denominational schools to education authorities), or
  - (b) provided by an education authority under section 17(2) of that Act (provision by education authority of denominational schools etc.).
- (4) Only a person who is a member of a school’s Parent Forum may chair a Parent Council established for that school.

**8 Functions of a Parent Council**

- (1) The functions of the Parent Council established for a school are—
- (a) to support the endeavours of those managing the school—
    - (i) to raise standards of education in the school,
    - (ii) to secure improvements in the quality of education which the school provides, and
    - (iii) to develop to their fullest potential the personality, talents and mental and physical abilities of the pupils attending the school,
  - (b) to make representations—
    - (i) to the school's headteacher and to the education authority about the arrangements in the school for promoting the involvement of parents in the education of such of those parents' own children (of whatever age) as attend the school and of its pupils generally,
    - (ii) to the education authority about the arrangements in their area for promoting the involvement of parents of pupils attending schools in that area in the education of such of those parents' own children (of whatever age) as so attend and of those pupils generally,
  - (c) to promote contact between—
    - (i) the school,
    - (ii) the Parent Forum,
    - (iii) parents of prospective pupils of the school,
    - (iv) pupils in attendance at the school,
    - (v) the community, and
    - (vi) such other persons as it appears to the council appropriate to include for the purposes of this paragraph,
  - (d) to report on the council's activities to the members of the Parent Forum, as often as appears to the council to be appropriate but in any event—
    - (i) not more than 12 months after the council is established, and
    - (ii) after that first report, at intervals of not more than 12 months,
  - (e) to ascertain the views of the members of the Parent Forum as regards—
    - (i) the standards of education in the school,
    - (ii) the quality of education which the school provides,
    - (iii) the exercise by the council of its functions, and
    - (iv) such other matters as appear to the council to be of interest or concern to the Parent Forum,
  - (f) to collate those views and report them to—
    - (i) the headteacher of the school,
    - (ii) the education authority, and
    - (iii) such other persons as it appears to the council appropriate to include for the purposes of this paragraph,



- (g) to review from time to time its constitution, and
  - (h) with the requisite consent, to amend (or replace) the council's constitution whenever it appears to the council to be necessary or expedient to do so.
- (2) In addition to the functions specified in subsection (1), the Parent Council established for a primary school is to promote contact between—
- (a) the Parent Forum of the school, and
  - (b) such providers of nursery education to prospective pupils of the school as appear to the council appropriate.
- (3) For the purposes of subsection (2)(b), a person is a provider of nursery education if providing education to pre-school children (within the meaning of section 1(4B) of the Education (Scotland) Act 1980 (c.44)).
- (4) The Parent Council may, whether or not it has ascertained and collated the views of the members of the Parent Forum as regards a matter mentioned in paragraph (e) of subsection (1), make representations to—
- (a) the headteacher of the school,
  - (b) the education authority, or
  - (c) such other person as it appears to the council appropriate to include for the purposes of this subsection,
- as regards that matter.
- (5) But before making representations under paragraph (c) of subsection (4) to Her Majesty's inspectors the Parent Council—
- (a) must have made those representations under paragraph (b) of that subsection and received a reply under section 11(7)(a), and
  - (b) except in a case where it considers it inappropriate to do so, must have made those representations under paragraph (a) of that subsection and received a reply under section 11(7)(b).
- (6) Where by virtue of subsection (5) Her Majesty's inspectors receive representations from a Parent Council they are to have regard to those representations (in so far as it is reasonable and practicable to do so) in carrying out their functions and are to reply to the council.
- (7) In subsection (1)(h), "requisite consent"—
- (a) is consent obtained after each member of the Parent Forum has been sent a copy of the proposed amendment or replacement with an invitation to the member in question to indicate, within such reasonable time as the council may specify in the invitation, whether the member agrees to that amendment or replacement, and
  - (b) is the consent of the majority of such members of the parent forum as respond timeously to that invitation.
- (8) If, by virtue of subsection (1)(h), the Parent Council amends (or replaces) its constitution it must as soon as reasonably practicable provide—
- (a) the education authority, and
  - (b) the headteacher,
- with a copy of the constitution as amended (or of the new constitution).

- (9) The Scottish Ministers may by order amend any of subsections (1) to (3) so as (either or both)—
  - (a) to add to the functions for the time being described,
  - (b) to alter any of those functions.
- (10) Subject to any other provision made by this Act, the Parent Council may do anything which is calculated to facilitate the exercise of those functions including, without prejudice to that generality—
  - (a) entering into contracts and agreements (other than in relation to land), and
  - (b) appointing a person to be clerk to the council.
- (11) A person (other than a member of the Parent Council) who is appointed by virtue of subsection (10)(b) may be paid by the council.
- (12) The members of the Parent Council do not incur personal liability for anything done, or purportedly done, in the exercise of those functions if it was done in good faith.
- (13) In the exercise of those functions the Parent Council is to have regard to any guidance issued to it, for the purpose mentioned in subsection (14), by the education authority.
- (14) The purpose is of ensuring that any duty which the authority has—
  - (a) under statute, or
  - (b) by virtue of any rule of law,
 is duly complied with.
- (15) The Parent Council is to comply with any reasonable request made to it by the headteacher of the school or by the education authority for information relating to its exercise of those functions.
- (16) A Parent Council ceases to exist when the school for which it is established is discontinued or amalgamated with another school.

## **9 Meetings of a Parent Council**

- (1) Except in so far as the headteacher of, and the Parent Council established for, a school otherwise agree, the headteacher has both the duty and the right either—
  - (a) to attend, or
  - (b) if the headteacher so elects, to be represented at,
 any meeting of that council.
- (2) Subject to subsection (3), meetings of a Parent Council are to be open to the public.
- (3) During consideration of any matter which a Parent Council is satisfied should be dealt with on a confidential basis, the only persons entitled to attend are—
  - (a) members of the council, and
  - (b) a person attending the meeting in accordance with subsection (1).

## **10 Financial powers of a Parent Council**

- (1) A Parent Council may—
  - (a) raise funds by any means other than by borrowing,



- (b) receive gifts,  
and may expend any sums so received at its discretion.
- (2) A Parent Council is to keep proper accounts in relation to any sums received by it under subsection (1).
- (3) A Parent Council is not to acquire any interest in heritable property, whether by inheritance, gift or otherwise.
- (4) Where a Parent Council ceases to exist, any property belonging to it passes to the education authority; but (except where the council has ceased to exist by virtue of section 8(16)) the authority is to use any such property for the benefit of the school.
- (5) Subsection (4) is subject to section 16(5).

*Duties, reports, appointments and complaints***11 Duties of education authority and headteacher to a Parent Council etc.**

- (1) An education authority are to give advice and information to a Parent Council established for a school in their area when the council reasonably requests it from them on any matter.
- (2) An education authority are to take such steps as appear to them to be appropriate to ensure that the headteacher and staff of each school in their area—
  - (a) are available to give advice and information to a Parent Council established for the school on what is being done by those managing the school to promote parental involvement in education there, and
  - (b) in giving such advice and information act in a manner consistent with the authority's duties under this Act.
- (3) In addition to giving advice and information in terms of subsection (2)(a), the headteacher of a school must, if requested to do so by a Parent Council established for that school, give advice to the council on any matter falling within the headteacher's area of responsibility.
- (4) An education authority are, in respect of each financial year, to determine for a Parent Council established for a school in their area, an allocation of such money within the authority's budget as appears to the authority, after consultation with the council, reasonably to be required by the council for meeting—
  - (a) its administrative expenses (including, without prejudice to that generality, any expenses incurred by virtue of section 8(10)(b)),
  - (b) the expenses of training its members, and
  - (c) its other outgoings in carrying out the functions assigned it by or by virtue of this Act.
- (5) An education authority may provide a Parent Council established for a school in their area with services or accommodation.
- (6) An education authority are to inform a Parent Council established for a school in their area about the school's arrangements for consultation between parents and teachers; and without prejudice to the generality of paragraph (b) of section 8(1), the council may make representations under that paragraph, concerning those arrangements, to the authority or to the headteacher.

- (7) Where (whether or not under that paragraph)—
- (a) an education authority receive representations from a Parent Council established for a school in their area, the authority are to have regard to the representations (in so far as it is reasonable and practicable to do so) in carrying out their functions and are to reply to the council, or
  - (b) a school's headteacher receives representations from the Parent Council of the school, the headteacher is to have regard to the representations (in so far as it is reasonable and practicable to do so) in carrying out the duties of that post and is to reply to the council.

## **12 Duties of education authority to parents generally**

- (1) An education authority are to give advice and information to any parent of a pupil in attendance at a public school in their area when that parent reasonably requests it from them on any matter relating to the education provided to that pupil.
- (2) An education authority are to take such steps as appear to them to be appropriate to ensure that the headteacher and staff of the school—
  - (a) are available to give such advice and information to the parent in question, and
  - (b) in giving it act in a manner consistent with the authority's duties under this Act.

## **13 Headteacher's report to Parent Council, Combined Parent Council or Parent Forum**

- (1) The headteacher of a public school must at least once a year report—
  - (a) to any Parent Council established for the school,
  - (b) if a Combined Parent Council has been established for schools which comprise the school, to the Combined Parent Council, or
  - (c) if no Parent Council or Combined Parent Council has been so established, to the Parent Forum,
 evaluating the performance of the school and stating what the headteacher's objectives and ambitions for the school are.
- (2) Without prejudice to the generality of subsection (1), the headteacher is, in making the report, to have regard to—
  - (a) the school's development plan and in particular the objectives for the school which the plan sets and the statement of ambitions for the school which it contains,
  - (b) the report most recently prepared under section 6(4) of the Standards in Scotland's Schools etc. Act 2000 (asp 6) (report as to what has been done, over a period of twelve months, in implementation of that plan),
  - (c) the measures and standards of performance defined and published most recently under section 7(1) of that Act (review of school performance), and
  - (d) the equal opportunity requirements.
- (3) The report under subsection (1) is to be made in whatever way the council or forum reported to may reasonably request and a summary of it is to be prepared by the headteacher.



- (4) The headteacher is to secure that each member of the Parent Forum receives a copy of that summary.

**14 Procedures for appointment of headteacher or deputy and participation of a Parent Council**

- (1) An education authority are to inform—
  - (a) the Scottish Ministers, and
  - (b) any Parent Council established for a school in their area,
 about the authority’s procedures (in this section referred to as their “appointment process”) for filling any post, other than on an acting basis, of headteacher or deputy headteacher of a school and also (forthwith) about any change they make, whether or not by virtue of subsection (5)(b), to their appointment process.
- (2) The appointment process must entail involvement in it of any Parent Council established for the school to which an appointment is to be made.
- (3) A person who is not a member of a Parent Council may, at the request of the council, assist it in discharging its functions in connection with the appointment process.
- (4) An education authority are to make such arrangements as appear to them to be appropriate to ensure that training which will be of assistance in the discharge of functions in connection with the appointment process is made available to—
  - (a) members of any Parent Council,
  - (b) any person assisting a council under subsection (3).
- (5) The Scottish Ministers may (either or both)—
  - (a) by regulations, impose requirements which an appointment process must satisfy,
  - (b) by notice, require an education authority to make such changes to their appointment process as may be specified in the notice.

**15 Complaints procedure**

- (1) An education authority are to establish a procedure by which a person, or someone acting on a person’s behalf, may make complaints (or other representations) in relation to the exercise by the authority of, or failure by them to exercise, any of their functions under this Act in respect of the person.
- (2) Before establishing a procedure under subsection (1), the authority must consult—
  - (a) the parents to whom their duties under sections 1, 5 and 12 relate,
  - (b) any Parent Council established for a school in their area,
  - (c) any Combined Parent Council established for schools in their area, and
  - (d) any other person who appears to the authority to have an interest in their implementation of those duties,
 on the authority’s proposals in that regard.
- (3) The authority are to keep the procedure so established by them under review and must vary that procedure whenever they consider it appropriate to do so.

- (4) The authority are to give such publicity to that procedure, including that procedure as varied under subsection (3), as they consider appropriate and must give a copy of the procedure to any person who requests it (at no cost to that person).

*Combined Parent Councils*

**16 Establishment etc. of Combined Parent Council**

- (1) With the requisite consent, the members of the Parent Forums of two or more schools in the area of an education authority may decide that a body (to be known as a “Combined Parent Council”) should be established for both, or as the case may be all, of the schools (in this section and in section 17 referred to as the “represented schools”).
- (2) In subsection (1), “requisite consent”—
- (a) is consent obtained after each member of the Parent Forum in each of the represented schools has been given written notice of the proposed decision with an invitation to the member in question to indicate, within such reasonable time as the proposer may specify in the invitation, whether the member agrees that the decision be taken, and
- (b) is the consent of, in each of those schools, the majority of such members of the parent forum as respond timeously to that invitation.
- (3) It is immaterial, for the purposes of this section, whether as respects any of the represented schools a scheme for the establishment of a Parent Council is being, or has been, prepared or a Parent Council has been established.
- (4) Except that any such Parent Council ceases to exist when the Combined Parent Council is established.
- (5) Where by virtue of subsection (4) a Parent Council ceases to exist, any property belonging to it passes to the Combined Parent Council.
- (6) If a decision is made under subsection (1), the education authority are—
- (a) to prepare a scheme for the establishment, by the Parent Forums, of the Combined Parent Council,
- (b) to send a copy of that scheme to each of the members of the Parent Forums, and
- (c) to make such arrangements as are necessary to implement the scheme.
- (7) The arrangements mentioned in subsection (6)(c) must include the preparation of a constitution for the Combined Parent Council.
- (8) A Combined Parent Council is established when first constituted by virtue of arrangements made under subsection (6); and is, as soon as practicable thereafter—
- (a) to intimate to—
- (i) the headteachers of the represented schools,
- (ii) the members of the Parent Forums,
- (iii) pupils in attendance at the represented schools, and
- (iv) such other persons as it appears to the council appropriate to include for the purposes of this subsection,
- that it has been established,





- (b) to provide them and the education authority with information as to who the members of the council are and as to how to communicate with it, and
  - (c) to provide each of the headteachers of the represented schools with a copy of that constitution.
- (9) The Combined Parent Council is itself to determine the name by which it is to be known.
- (10) Intimation under subsection (8)(a)(ii) or (iv) is to include a note of the functions of a Combined Parent Council as set out in section 8(1) and applied by subsection (12) (of this section).
- (11) Where one or more of the represented schools is a primary school, intimation under subsection (8)(a)(ii) or (iv) is also to include a note of the functions of a Combined Parent Council as set out in section 8(2) and applied by subsection (12) (of this section).
- (12) Sections 2(4)(c), 7(1) and (4), 8(1) to (15), 9 to 11 and 14 apply, with the necessary modifications, in relation to a Combined Parent Council and the represented schools, as they apply in relation to a Parent Council and the school for which the Parent Council is established.
- (13) Subsection (14) applies where a Combined Parent Council is being established and one or more of the represented schools is a denominational school (within the meaning given by section 7(3)).
- (14) The constitution of the Combined Parent Council must provide for—
- (a) the church or denominational body in whose interest a represented school is conducted, or
  - (b) where there is more than one such church or denominational body, each church or body,
- to nominate at least one person to be a co-opted member of the council.
- (15) Sections 5(3) and 6(1) to (9) cease to apply in relation to any school on the making of a decision under subsection (1) by the members of Parent Forums which include the Parent Forum of the school but apply again to the school (either or both)—
- (a) on its withdrawing from the represented schools,
  - (b) on the Combined Parent Council established by virtue of that decision ceasing to exist.
- (16) A Combined Parent Council ceases to exist when, by virtue of a school—
- (a) being discontinued or amalgamated with another school, or
  - (b) withdrawing from the represented schools,
- the “represented schools” no longer comprise more than one school.

## **17 Withdrawal from represented schools**

- (1) With the requisite consent, the members of the Parent Forum of a school for which a Combined Parent Council is established may decide that the school withdraws from the represented schools.
- (2) The reference in subsection (1) to “requisite consent”—

- (a) is to consent obtained after each member of the Parent Forum of the school has been given written notice of the proposed decision with an invitation to the member in question to indicate, within such reasonable time as the proposer may specify in the invitation, whether the member agrees that the decision be taken, and
- (b) is the consent of the majority of such members of the Parent Forum as respond timeously to that invitation.

*Miscellaneous and general***18 Abolition of School Boards**

- (1) The School Boards (Scotland) Act 1988 (c.47) is repealed.
- (2) A School Board appointed under section 1 of that Act ceases to exist when that section is repealed; and any property belonging to the Board then passes to the education authority.
- (3) An appointment under section 6(10) of that Act (appointment to be Clerk to a Board) terminates when section 1 of that Act is repealed.
- (4) In paragraph 7 of Schedule A1 to the Education (Scotland) Act 1980 (persons who are not to be members of appeal committees for consideration of any reference involving a question whether a child is to be placed in a specific school or excluded from a school), for the words “School Board” substitute “Parent Council or Combined Parent Council”.
- (5) In section 6(2)(a) of the Standards in Scotland’s Schools etc. Act 2000 (persons to be consulted as regards preparation of school development plan), for the words “School Board” substitute “Parent Council or Combined Parent Council”.

**19 Guidance**

- (1) The Scottish Ministers must issue guidance—
  - (a) to education authorities, as respects the discharge by those authorities of their functions under sections 2 and 6, and
  - (b) to Parent Councils and Combined Parent Councils, as respects the discharge by those councils of their functions under section 8 (or as the case may be under that section as applied by section 16(12)).
- (2) The Scottish Ministers may issue guidance to education authorities, Parent Councils and Combined Parent Councils as respects the discharge by those authorities and councils of their respective functions under any section not mentioned in subsection (1).
- (3) Any such authority or council must have regard to any guidance issued to them or it under this section.

**20 Interpretation**

- (1) Unless the context otherwise requires, expressions used in this Act and in the Education (Scotland) Act 1980 (c.44) have the same meaning in this Act as is given to them by section 135 of that Act except that “pupil” includes a child who is under school age only if that child is in attendance at a primary school (whether or not in a nursery class in such a school).



- (2) In this Act, “equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 of Part II of Schedule 5 to the Scotland Act 1998 (c.46).

**21 Transitional provisions etc.**

- (1) The Scottish Ministers may by order make such incidental, supplemental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes, or in consequence, of this Act.
- (2) An order under subsection (1) may amend or repeal any enactment (other than any provision of this Act).

**22 Orders and regulations**

- (1) Any power of the Scottish Ministers to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) Subject to subsection (3), a statutory instrument containing any such order or regulations, other than an order under section 24(2), is subject to annulment in pursuance of a resolution of the Parliament.
- (3) A statutory instrument containing an order under—
- (a) section 8(9), or
  - (b) subsection (1) of section 21 if the order is by virtue of subsection (2) of that section,
- is not made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.
- (4) Without prejudice to section 24(2), an order or regulations under this Act may make different provision for different cases or classes of case and for different purposes.

**23 Repeals**

There are repealed, to the extent specified in the second column of the schedule to this Act, the enactments mentioned in that schedule.

**24 Short title and commencement**

- (1) This Act may be cited as the Scottish Schools (Parental Involvement) Act 2006.
- (2) This Act, except this section, comes into force on such day as the Scottish Ministers may by order appoint; but different days may be appointed for different provisions, for different areas, for different purposes or for different cases or classes of case.

SCHEDULE  
*(introduced by section 23)*

## REPEALS

<i>Enactment</i>	<i>Extent of repeal</i>
Education (Scotland) Act 1980 (c.44)	In section 70(1), the words “a School Board,” in both places they occur. Section 87A. Section 87B. In section 135(1), the definition of “school board”.
Self-Governing Schools (Scotland) Act 1989 (c.39) etc.	Section 74. In section 80(1), the definition of “the 1988 Act”. In Schedule 10, paragraph 10.
Children (Scotland) Act 1995 (c.36)	In Schedule 4, paragraph 46.
Education (Scotland) Act 1996 (c.43)	Sections 28 to 31. Schedule 4.
Standards in Scotland’s Schools etc. Act 2000 (asp 6)	Sections 26 to 31. In section 58(1), the definition of “the 1988 Act”. Schedule 1. In schedule 2, paragraph 4.
School Education (Amendment) (Scotland) Act 2002 (asp 2)	Section 2.
Local Government in Scotland Act 2003 (asp 1)	Section 50.







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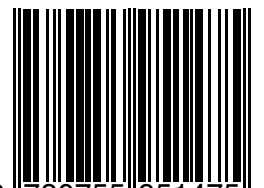
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