Education Committee

22nd Meeting, 2005

Wednesday 30 November 2005

The Committee will meet at 10.00 am in Committee Room 6

1. **Joint Inspection of Children’s Services and Inspection of Social Work Services (Scotland) Bill (in private):** The Committee will consider a draft Stage 1 report.

2. **Subordinate Legislation:** The Committee will consider the following negative instrument—
   
   the Teachers Superannuation (Scotland) Amendment Regulations 2005 (SSI 2005/543)

3. **Scottish Schools (Parental Involvement) Bill:** The Committee will take evidence at Stage 1 from—
   
   Jennifer Wallace, Policy Manager, Education, Housing and Local Government, Scottish Consumer Council

4. **Joint Inspection of Children’s Services and Inspection of Social Work Services (Scotland) Bill (in private):** The Committee will further consider a draft Stage 1 report.

Eugene Windsor
Clerk to the Committee
Room T3.40, Committee Office
Ext. 0131 348 5204

The following papers are enclosed for the meeting:

**Agenda item 1**
Clerk’s paper (private paper)     ED/S2/05/21/1(P)
Draft Stage 1 report (private paper)     ED/S2/05/21/2(P)

**Agenda item 2**
Clerk’s note and copy of SSI 2005/543     ED/S2/05/21/3

**Agenda item 3**
Written evidence from Scottish Consumer Council     ED/S2/05/21/4
The following paper is enclosed for information:

Parental Involvement–Headteacher and Depute Headteacher Appointment Procedures consultation document
ED/S2/05/22/3

Agenda item 2

30 November 2005

EDUCATION COMMITTEE

Subordinate legislation

The Teachers’ Superannuation (Scotland) Regulations 2005
SSI 2005/543

1. These Regulations amend SSI 2005/393, SI 1996/2317 and SI 1995/2814 to reflect the introduction of the status of civil partner by the Civil Partnership Act 2004. The Regulations provide for civil partners to receive similar pension rights as are provided to married couples.

2. The Education Committee is the lead committee for this instrument and should report to the Parliament by 5 December 2005. The Minister responsible is George Lyon, Deputy Minister for Finance and Public Service Reform.

3. A copy of the SSI, an explanatory note which is not part of the Regulations, and the Executive Note are attached.

4. A note on procedure for considering SSIs is attached overleaf. This is a negative instrument.

5. The Subordinate Legislation Committee considered the SSI at its meeting on 15 November and raised no points of concern on the instrument on any grounds within its remit in its 41st report on 17 November.

6. The Committee is invited to consider whether it wishes to make any recommendation in relation to the instrument. The instrument is not subject to amendment.

Eugene Windsor
Clerk
Education Committee
Procedural Note

Standing Orders

1. The procedures for dealing with Scottish Statutory Instruments (SSIs) are covered by Chapter 10 of Standing Orders. SSIs are laid by being lodged with the chamber clerks, and are published in the Business Bulletin. They are referred to the Subordinate Legislation Committee, the appropriate subject committee (the ‘lead committee’), and, where relevant, any other committee.

SSIs subject to annulment: ‘negative instruments’

2. Where an SSI is subject to annulment, it comes into force on a specified date and then remains in force unless it annulled by the Parliament. Any MSP may by motion propose to the lead committee that the committee recommend that nothing further is to be done under the instrument. Such motions are lodged with the chamber clerks.

3. The lead committee debates such a motion for no more than 90 minutes.

4. The lead committee reports to the Parliament, setting out its recommendations. If it recommends annulment, the Bureau will propose to the Parliament a motion that nothing further is to be done under the instrument.

5. All the above must take place within 40 days of the instrument being laid, excluding recesses of more than 4 days.

6. To date, no motion to annul SSI 2004/542 has been lodged with the chamber clerks.
Scottish Schools (Parental Involvement) Bill

The Scottish Consumer Council’s evidence to Education Committee on the Scottish Schools (Parental Involvement) Bill
The SCC assesses the consumer perspective in any situation by analysing the position of consumers against a set of consumer principles.

These are:

ACCESS
Can consumers actually get the goods or services they need or want?

CHOICE
Can consumers affect the way the goods and services are provided through their own choice?

INFORMATION
Do consumers have the information they need, presented in the way they want, to make informed choices?

REDRESS
If something goes wrong, can it be put right?

SAFETY
Are standards as high as they can reasonably be?

FAIRNESS
Are consumers subject to arbitrary discrimination for reasons unconnected with their characteristics as consumers?

REPRESENTATION
If consumers cannot affect what is provided through their own choices, are there other effective means for their views to be represented?

Published by the Scottish Consumer Council
November 2005

We can often make our publications available in braille or large print, on audio tape or computer disk. Please contact us for details.
The purpose of the Scottish Consumer Council (SCC) is to make all consumers in Scotland matter. We do this by putting forward the consumer interest, particularly that of disadvantaged groups in society, and by working with those people who can make a difference to achieve beneficial change.

SCC welcomes the opportunity to provide written evidence to the Education Committee on the Scottish Schools (Parental Involvement) Bill.

Scottish Executive consultation process
SCC is aware that the current proposals have been developed over a number of years. The Banks Review (2002) stated that ‘school boards have been in place a long time and a revision of the style and approach of school boards is entirely appropriate for a new age and a new agenda’. The current legislative proposals have therefore been anticipated for a number of years and there is a considerable evidence base for the proposals, including the work carried out by George Street Research and research carried out by SCC during the national education debate.

Following the consultation period, it became apparent that the process had not adequately gathered the views of the 90% of parents who are not members of School Boards or PTAs. Due to this gap in the consultation process, SCC conducted research into parents’ views on behalf of the Scottish Executive. This research consisted of a MORI telephone survey of 1000 parents and 8 focus groups with parents who were not members of School Boards. The findings of this research are presented here as part of our evidence to the Education Committee, the full report is available from the SCC website (www.scotconsumer.org.uk).

General Principles
The Policy Memorandum accompanying the Bill states that its overall objective is to ‘modernise and strengthen the system for supporting parental involvement in school education’. SCC supports this objective however we would prefer to see the objective include an explicit reference to both parental involvement and parental representation. In a recent discussion paper, we drew the distinction between parental involvement and parental representation (see table 1).

Table 1: Parental involvement and parent representation

<table>
<thead>
<tr>
<th>Parental involvement</th>
<th>What</th>
<th>Why</th>
<th>How</th>
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<tbody>
<tr>
<td></td>
<td>Closer links between individual parents and their child's school.</td>
<td>To improve their child's attainment.</td>
<td>Home-school links Parents evenings Open days</td>
</tr>
<tr>
<td>Parental representation</td>
<td>The collective voice of the parent interest.</td>
<td>To develop a high quality responsive education system for all.</td>
<td>School Boards</td>
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</table>

The initial Scottish Executive consultation paper confused these two elements of parental participation in education. Arguments in support of greater parental involvement (for example, the impact on attainment) were used to justify changes to the system of parent representation. We would welcome a more detailed explanation of the term ‘parental involvement’ which underpins the Bill but is not clearly defined. We are concerned that without this definition local authorities will view the establishment of Parent Councils and Parent Forums as sufficient to fulfil their duties in relation to parental involvement rather than encouraging them to develop innovative schemes to create closer links between home and school.

1 Representing and Involving Parents: A discussion paper (SCC, May 2005)
SCC argues that both parental involvement and parental representation need to be strengthened due to:

- **Low levels of parental involvement** - only 31% of parents had been involved in activities at their child’s school while 45% of parents stated that they would like to become more involved in their child’s school.

- **Low level of membership of School Boards** - only 2% of parents reported being members of School Boards. The number of parents who can be members of a School Board at any one time is currently limited by legislation and there are also a number of practical barriers to parents involvement in School Boards such as childcare facilities and meeting times.

- **Lack of confidence in representative function of School Boards** – while the majority of parents reported satisfaction with how the School Board represented their views, 14% did not know what they said and only 18% reported any proactive contact with the School Board (aside from receiving newsletters). This suggests that School Boards do not engage with all parents in the school.

Given these findings, we support the aims of the Bill to improve parental involvement in general and to strengthen parental representation.

**Advantages of the Proposed System**

1. **Creating a more flexible and inclusive system for parental representation**
   The main advantage of the current proposals is the removal of the rigidities of the School Boards system. Our research found considerable support for these proposals:
   - 96% of parents agreed that there should be a body to represent parents’ views in their child’s school.
   - 83% agreed that parents should be allowed to decide how the Parent Forum in their school is organised.
   - 81% of parents felt that the parents who took part in the Parent Council should be elected.
   - 79% agreed that parents should decide what should be discussed at Parent Council meetings.

   Our evidence also suggests that a ‘one size fits all approach’ will not meet the needs or preferences of all parents. For example, parents whose children are attending primary school are significantly less likely to want elections than those whose children attend secondary schools.

2. **Creating a duty on Scottish Ministers and education authorities to support parental involvement**
   We welcome the creation of a duty on both Scottish Ministers and education authorities to support parental involvement in Scottish schools. We hope that by signalling the importance placed on parental involvement and representation, education authorities will work to ensure that the level and quality of participation improves.

3. **Strengthening representation by placing a clear duty to consult on Parent Councils**
   As highlighted above, one of the concerns about the current system is its ability to adequately represent the views of parents who are not members of School Boards: only 18% of parents had any pro-active contact with School Boards. In contrast, the proposals place a duty on Parent Councils to consult with members of the wider Parent Forum. In total, 97% of parents agreed that the Parent Council should consult other parents in the school about important issues and pass their views on to education authorities, head teachers and other relevant parties.
SCC welcomes the duty to be placed on Parent Councils to consult with the wider Parent Forum. However, we are aware of the high cost of carrying out robust consultations, both in terms of financial resources and the time required from Parent Council members to carry out such tasks. We would welcome a clear expectation on local authorities to fund this as part of their support to Parent Councils and parental involvement more widely. We are also aware of the complexities of carrying out consultations, particularly where there are diverse views, as is likely to be the case amongst parents. We would welcome Guidance and best practice for Parent Councils on consulting with parents, including how to analyse and report diverse views.

4. The two-tier system
The SCC welcomes the approach taken by the Scottish Executive in creating a ‘Parent Forum’. Providing a clear identity may reduce the feeling expressed in our focus groups that some parents are not welcome at events or meetings and that involvement in the school, whether through School Boards or PTAs is only an option for a certain type of parent, usually expressed in socio-economic terms.

We are also aware that by using the wide definition of parent, many non-resident parents will be formal members of the Parent Forum and welcome the greater inclusion of non-resident parents that may be encouraged by this proposal.

Strengthening the proposals
While we are generally in favour of the proposals, there are a number of places where SCC believes the Bill could be strengthened.

1. Functions of Parent Council
The Scottish Executive proposals have been criticised as reducing ‘parent power’. This argument tends to focus on the power of School Boards to fix occasional holidays, to approve spending on books and materials and to control out of hours use of the school. Our focus group research suggested that these issues were not of high importance to parents, though the MORI poll did suggest that control over the school budget would be viewed positively by just under half of parents.

However, we are not convinced that the balance of rights and responsibilities in the current draft of the Bill will provide Parent Councils with a strong enough voice to challenge service providers and professionals. At present the draft Bill allows Parent Councils to make representations to the head teacher and education authority on parental involvement and report the views of parents on any matters that appear to be of interest or concern to the Parent Forum. The rights of the Parent Council to make representations is wide-ranging and SCC welcomes this approach. Education authorities and head teachers are to ‘have regard to’ these representations, SCC would welcome Guidance on what this duty would mean in practice and in what circumstances head teachers and education authorities would have to act on representations made by the Parent Council.

We would welcome a commitment from the Scottish Executive to review how schools and education authorities are interpreting ‘having regard to’ parents’ views, following implementation of the Act, to ensure that Parent Councils are seen as equal partners in school-level decision-making. We would also welcome the inclusion of a provision for Scottish Ministers to extent the rights of the Parent Council by regulation (for example, including rights to veto school-level policies or the School Development Plan) should this review suggest that education authorities or head teachers are not responding adequately to concerns raised by Parent Councils.

2. School Governance
The debate on School Boards has focused almost exclusively on their role as a parent representative body, however this is a misrepresentation of the membership of School Boards. While a School Board cannot exist without parents, once constituted they bring parents, teachers, community groups and in some cases pupils around one table. Replacing these with parent only bodies, as Parent Councils will be, raises questions about school governance. If there is no collective decision-making body that brings together the stakeholders, we assume that decision-making will be the preserve of the education authority and Head Teacher alone. We would welcome wider discussion and debate over the balance of decision-making power within Scottish schools.

3. Complaints system
We welcome the inclusion of a specific right to make representations to HMie, though we are disappointed that there is no duty to be placed on HMie to act on these representations. The Policy Memorandum suggests that in most cases this information will be stored until the next inspection. As HMie is moving towards a generational cycle for school inspections, this could be as long as a 7-year delay in the case of a primary school that has just been inspected. Unless complaints to HMie lead to investigation or inspection in cases where there appears to be a legitimate complaint, the power to make recommendations to HMie does not represent a significant increase in parental rights.

The draft Bill would give parents with the right to complain to education authorities about how they carry out their duties on parental involvement. There is no such duty placed on education authorities in the Standards in Scotland’s Schools etc. Act. The inclusion of a statutory complaints mechanism for parental involvement but not for other educational issues is at odds with the general principle of improving the standards and quality of education. We see an effective complaints mechanism as a key component of a responsive education system and it would be entirely appropriate for this issue to be considered in detail during the passing through the Scottish Parliament of the Scottish Schools (Parental Involvement) Bill.

In our response to Making the Difference we argued strongly for a holistic view of complaints in education. The complaints route in education is highly complex, and about to be made more so by the introduction of several routes of redress in the Additional Support for Learning Act. SCC has recently begun work exploring the complaints system in education and hopes to report on this work in Spring 2006.

4. National Parent Forum
The consultation on the parental involvement has brought the lack of national representation for the majority of parents to the fore. The difficulty experienced by the Scottish Executive in accessing views on the proposals from parents who are not members of a School Board or Parent Teacher Association committee is just one example of the lack of proper representation for the majority of parents in the education system. SCC continues to argue that a new National Parent Forum would be a powerful mechanism for accessing the views of parents and supporting the development of parental involvement and representation. We have been holding discussions with stakeholder organisations and will publish a further discussion paper on this issue in December 2005.