Education Committee
24th Meeting, 2005

Wednesday 14 December 2005

The Committee will meet at 10.00 am in Committee Room 2

1. **Petition PE 872:** The Committee will consider PE 872 on school closure policy.

2. **Scottish Schools (Parental Involvement) Bill:** The Committee will take evidence at Stage 1 from—

   - Gordon Smith, President, Association of Head Teachers in Scotland
   - Lindsay Roy, Immediate Past President, Headteachers’ Association of Scotland
   - Bill McGregor, General Secretary, Headteachers’ Association of Scotland
   - Jack Barnett, President, Educational Institute of Scotland
   - Ken Wimbor, Assistant Secretary, Educational Institute of Scotland

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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 and copy of PE 872  ED/S2/05/24/1

**Agenda item 2**
Submission from AHTS  ED/S2/05/24/2
Submission from HAS  ED/S2/05/24/3
Submission from EIS  ED/S2/05/24/4
EDUCATION COMMITTEE

Public Petition PE 872

Introduction

1. PE 872 was lodged in the Parliament on 21 May 2005 by Alexander Longmuir, on behalf of the Arbilot Parents Group, and called for the Parliament to urge the Scottish Executive to introduce a legislative presumption against the closure of rural schools unless there is an undeniable educational and social benefit to the children and communities affected. The petition was supported by 1629 signatories.

2. The Public Petitions Committee considered the petition at its meeting of 28 June 2005 and agreed to write to the Minister for Education and Young People. The Public Petitions Committee has received a response from the Minister and agreed at its meeting of 9 November to refer the petition to the Education Committee. (The correspondence is attached)

3. The Education Committee’s role is to scrutinise and monitor the Scottish Executive’s guidance to local authorities on school closures and its implementation. The Committee has adopted an approach of reviewing this policy annually. Peter Peacock, the Minister for Education and Young People, and Colin Reeves, Head of the Scottish Executive’s Schools Division, attended Committee on 26 October 2005 to give oral evidence and brief the Committee on recent developments in the Scottish Executive’s school closure policy.

4. The Committee welcomed the Minister’s evidence and noted the ongoing discussions between the Scottish Executive and COSLA and continuing policy development in this area. The Committee requested to be kept up to date on the progress of any reviews of the Scottish Executive’s guidance and the discussions with COSLA. The Committee agreed to consider this issue at least annually and to consider any further guidance if it is produced before then.

Action

5. In light of the Committee’s ongoing scrutiny of this policy the Committee is invited to NOTE the petition and AGREE that the petition be closed by sending the petitioner copies of the correspondence with the Minister for Education and Young People and copies of the Official Reports of the Education Committee meetings of 26 October 2005 and 14 December 2005 which detail the Committee’s and the Minister’s current position on this issue.

Iain Smith
Convener
Education Committee
MEMORANDUM

To: Eugene Windsor, Clerk to the Education Committee

From: Dr James Johnston, Clerk to the Public Petitions Committee

CC: 

Date: 14 November 2005

PE872

The Public Petitions Committee (PPC) considered the following petition at its meeting on Wednesday 9 November 2005:

PE872 by Alexander Longmuir, on behalf of the Arbirlot Parents Group, calling for the Scottish Parliament to urge the Scottish Executive to introduce a legislative presumption against closure of rural schools unless there is an undeniable educational and social benefit to the children and communities affected.

The PPC agreed to refer this petition to the Education Committee.

I attach a copy of the Petition.

Dr James Johnston
Clerk to the Public Petitions Committee
Scottish Parliament Public Petitions Committee – Consideration PE872

At its meeting on 22 June 2005, the Public Petitions Committee considered petition PE872 by Alexander Longmuir, on behalf of the Arbirlot Parents Group, calling for the Scottish Parliament to urge the Scottish Executive to introduce a legislative presumption against closure of rural schools unless there is an undeniable educational and social benefit to the children and communities affected.

The Committee agreed to seek your comments on the issues raised in the petition, a copy of which is enclosed. The Official Report of the Committee’s meeting is now available on the Scottish Parliament’s website and the Committee would welcome your comments on the issues raised during the discussion.

The Committee would in particular welcome your views on the consistency with which the Scottish Executive guidance on the closure of rural schools is being applied and on how the application of the guidance is monitored, particularly in relation to consultation. In addition, can you also indicate whether there exists an appeal mechanism for local communities when a rural school closure has been agreed.

Written submissions to the Committee should be provided both in hard copy and in electronic form by 23 September 2005. Should you be unable to meet this deadline, please let me know in order that I may keep the Committee informed of progress. Written submissions are normally published in electronic or paper form as a public
paper at the meeting at which they are considered. You are requested to limit your response to no more than 4 sides of A4. If you do not wish any written submission to be made public please state this clearly.

Yours sincerely

Michael McMahon
Convener of the Public Petitions Committee

enc copy of petition PE872
Thank you for your letter of 10 August about the Committee's consideration at its meeting on 28 June 2005 of Petition PE872 submitted by Mr Alexander Longmuir of the Arbirlot Parents Group. The Petition calls on the Scottish Parliament to urge the Scottish Executive to introduce a legislative presumption against closure of rural schools unless there is an undeniable educational and social benefit to the children and communities affected. I would add that I understand that, while Angus Council have raised informally with the local community the possibility that the primary school at Arbirlot might be considered for closure, they have not moved to the point of formally consulting on a closure proposal.

The Committee has invited me to comment on the issues raised in the Petition and, in particular, to give my views on the consistency with which the Scottish Executive guidance on the closure of rural schools is being applied and on how the application of the guidance is monitored. The Committee has also asked whether there exists an appeal mechanism for local communities when a rural school closure has been agreed.

The question of a presumption against the closure of rural schools is an issue to which we have given careful consideration on a number of occasions since such a presumption was introduced in relation to schools in England in 1998. Most recently, it was considered during preparation of the guidance which the Scottish Executive issued to local authorities on 30 September 2004 entitled Additional Guidance on Local Authority Proposals for the School Estate, including School Closures. That
consideration included exchanges on this subject at a meeting of the Parliament’s Education Committee on 26 May 2004 which I appeared before.

In my letter of 30 September 2004 to local authority Education Conveners, which is attached as an Annex to the school estate guidance, I noted that I had been asked by the Education Committee whether I would introduce a presumption against the closure of rural schools. What I said in that letter was that I was not attracted to a presumption in respect of any category of school. I went on to stress, however, that the need in every case under consideration is for the Council to identify and make clear, especially to parents, all the circumstances and factors to be weighed in the balance and then for decisions to be taken openly and transparently on proposals which have been fully consulted on. I recognise that there needs to be a tough test and a clear case for proceeding with closure if that is the final decision.

This remains my position, as I made clear in the Chamber as recently as 7 September in answer to a question from Murdo Fraser.

The Petition mentions the presumption against the closure of rural schools in England. This is not in itself a legislative provision; rather, it is included in guidance to those in England who take decisions on school provision and organisation. Schools in England operate against a quite different legislative framework and school management structure compared with that which applies in Scotland. The English guidance makes clear that the presumption does not mean that no rural school should ever close, but the case for closure should be strong and the proposals clearly in the best interests of educational provision in their area, a point which the Scottish guidance makes abundantly clear. A presumption against the closure of rural schools does not apply in Wales.

The guidance which I issued in September 2004 is extensive. I would re-emphasise what it says about the responsibility for stewardship of education being at the local level. The guidance draws attention to the many responsibilities placed on authorities and the need for them to look at school provision from a wider perspective than parents and local communities whose focus is, quite understandably, more likely to be on their local school at a particular point in time. It is right for the Scottish Executive to provide guidance to authorities on the kind of factors to consider when reviewing school estate issues.

Turning to your question about how our guidance on school estate matters, including school closures is being applied, this is an issue in which the Parliament’s Education Committee is also interested. I wrote to Iain Smith on 9 September and I attach a copy of my letter. You will note that, while I have indicated to the Education Committee that I think that the guidance has a beneficial impact on the way in which Councils handle these matters, I have also signalled my concern at some of the consultations which have been conducted in recent months. As I said in my letter to Iain, I am in discussion with COSLA about how best to improve them and how to ensure that parents are better informed.

You have asked if there exists an appeal mechanism for local communities when a rural school closure has been agreed. The guidance which issued to local authorities last September sets out the respective roles and statutory responsibilities of the education authorities (paragraphs 16 to 19) and Scottish Ministers (paragraphs 20 to 24) in relation to school reorganisation proposals. The position is essentially that it is the local authorities who have statutory responsibility for school provision; if they propose to change that in one of various ways, including closing a school, they have to consult (principally parents and School Boards of the affected schools) and take account of representations

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received within the consultation period before reaching a decision. There are certain circumstances (summarised in paragraph 21 of the guidance) in which an authority cannot implement its decision without obtaining the consent of Ministers. However, that is not a right of appeal for communities. Rather, it is a statutory requirement on authorities to obtain such consent in certain specific circumstances. Paragraph 20 of our guidance makes clear that it is not the role of Ministers to act as some sort of "appeal court."

Although there is no formal appeal mechanism involved in the procedures under which decisions on school closure proposals are taken, this is no different from the situation which obtains in respect of local authority decisions generally. Under the system of local government which we have in Scotland, local authorities are regularly, democratically, and locally elected to take such decisions which they must justify publicly and for which they are rightly held accountable by their electorates.

I hope this is helpful to the Committee.

PETER J PEACOCK
Public Petitions Committee - a template for e-petitions

Should you wish to submit an e-petition allowing signatures to be gathered on-line on the Public Petitions Committee e-petitioner web pages please complete the template below. Before submitting your e-petition please consult the Guidance on submission of public petitions for advice on what is and is not admissible. You may also seek advice from the Clerk to the Committee whose contact details can be found at the end of this form.

Details of principal petitioner:
Please enter the name of person and organisation raising the petition, including a contact address where correspondence should be sent to.

Alexander Longmuir
Arbirlot Parents Group
Palace Green, Arbirlot
Arbath
Angus
*11 2NY

Text of petition:
The petition should clearly state what action the petitioner wishes the Parliament to take in no more than 5 lines of text, e.g. The petitioner requests that the Scottish Parliament considers and debates the implications of the proposed Agenda for Change legislation for Speech and Language Therapy Services and service users within the NHS

Petition by Alexander Longmuir, on behalf of the Arbirlot Parents Group, calling for the Scottish Parliament to urge the Scottish Executive to introduce a legislative presumption against closure of rural schools unless there is an undeniable educational and social benefit to the children and communities effected.

Period for gathering signatures:
Please enter the closing date for gathering signatures on your petition, which we would usually recommend is a period of: between 4-6 weeks
Closing date: 15 June 2005

Additional information:
Please enter any other information relating to the issues raised in your e-petition, including the reasons why the action requested is necessary. The text entered in this field should not exceed 2 pages. However, you may wish to provide further sources/link to background information.

The current requirement for the introduction of a presumption against closure has come to prominence by means of a large and sudden increase in the number of proposed closures of rural schools by some of Scotland's LEAs. In approximate terms there have been some 16 closures in Scotland between the beginning of 2001 and the end of 2003. Since then there have been proposals to close 5 in Midlothian, 11 in Scottish Borders, 1 in Fife, 5 in Angus and 16 in Aberdeenshire. Our information from the Convener of Education in Angus is that there is a considerable number still to come.

It should be noted that some LEAs (such as Highland and Perth and Kinross) are already voluntarily operating the English presumption system. However, many others are using the Executive's "School for the 21st Century" as an excuse to close many small schools with outstanding educational records on the basis that the buildings are not fit for the 21st century education system.

We have written confirmation from the Scottish Executive that no changes have been made to the minimum building standards regulations in recent times. This means that LEAs are using erroneous statements about matters such as the lack of a gymnasium or too small gymnasium as a reason to close a school. Most parents in a rural community accept a lower level of structural facilities as a balance to the many other benefits that a small school can bring to both the pupils and the
community it serves. Being educated in a peaceful rural setting away from traffic, distractions and in their own community easily makes up for a weekly walk to the local hall or the lack of a dedicated first aid room.

On a political note it can be observed that the presumption is party policy of the Conservative Party and the SNP. It was New Labour which introduced the system to England and senior members of the Liberal Democrats are currently attempting to have it introduced to Wales. Surely on this basis the presumption against closure cannot be a contentious issue in the Scottish Parliament. Hopefully a large response to this petition will be the impetus required to see it adopted in Scotland.
Action taken to resolve issues of concern before submitting an e-petition:
Before submitting a petition to the Parliament, petitioners are expected to have made an attempt to resolve their issues of concern, by for example, making representations to the Scottish Executive or seeking the assistance of locally elected representatives, such as councillors, MSPs and MPs. Details of those approached should be entered.

Our group has contacted all local councillors in Angus, holding an open day for them to see the benefits of a small rural school. We have also contacted all MPs, MSPs and MEPs for our area. We made special representation to all 46 MSPs who have signed parliamentary motions calling for a presumption to be introduced in the last year. The minister for education Mr Peacock has replied to our letters through the school estates office and Alex Johnstone MSP has raised a parliamentary motion on the subject after a meeting with our group. Mike Weir MP has aided our campaign with information and by arranging a meeting with Alex Salmond MP. Shiona Baird MSP has intervened with letters to our local council and the local press. John Denning, chairman of our local branch of Scottish Labour, organised meetings with Richard Baker MSP and senior members of Scottish Labour. Mr Baker has assisted by writing to Mr Peacock on our behalf.

Comments to stimulate on-line discussion:
Please provide at least one comment to set the scene for an on-line discussion on the petition, not exceeding 10 lines of text.

A statutory presumption against closure of rural schools was introduced to England by the Labour administration in 1998. This was in response to the damage done to the English countryside by a decade of closing some 30 schools per annum. The threat of closure has a destructive social and economic effect on rural communities contributing to rural depopulation and the discouragement of families from moving into rural areas.

The current system in England has been so successful that closures have fallen to an average of 3 per annum and the presumption was strengthened in 2004. This begs the question as to why the current government places a higher value on some 2000 English rural schools and communities than that of those in Scotland?

Request to speak:
Petitioners may request to appear before the Public Petitions Committee in support of their petition, although it should be noted that requests to speak will only be granted if the Convener considers that a brief statement from the petitioner would be useful in facilitating the Committee's consideration of the petition. Due to the large volume of petitions being considered the Committee will usually only hear presentations on up to 4 new petitions at each meeting.

Please indicate below whether you wish to request to make a brief statement before the Committee when it comes to consider your petition.

Yes / No

*Delete as appropriate

Signature of principal petitioner:
When satisfied that your petition meets all the criteria outlined in the Guidance on submission of public petitions, the principal petitioner should sign and date the form in the box below. Other signatures gathered should be appended to this form.

Signature

Date 14-6-05

For advice on the content and wording of your e-petition please contact:
Your assistant clerk asked the Education Department on 8 July for an update for the Committee on how last September's additional guidance on local authority proposals for the school estate, including school closures, is being interpreted and applied. I thought it more appropriate for me to respond direct to you with my own views of the impact which the guidance has had, given my appearance before the Committee on 26 May 2004 on this matter, and the helpful comments offered by the Committee before the guidance issued.

In addition to the guidance itself, my covering letter to Education Conveners of 30 September last, set out my expectations of how Councils should handle proposals which, as you know, can arouse the strongest feelings within local communities. Every case for a school closure needs to be considered on its individual merits. Councils must make a clear case and set out openly for parents and the wider community the arguments for the proposals and be seen to be weighing up the advantages and disadvantages of any proposal. This has to be done by engaging in proper consultation.

I have followed through the media a significant number of consultations on closure proposals where the final decision is again of course for the Council but where there is no requirement for referral to Ministers. What has been apparent over the last year is a very full spectrum of final decisions taken by Councils following the public consultations - right from confirming the original proposal to close, to withdrawing it, and a large range of alternatives in between, such as deciding to explore some different configuration of merger or closure proposals or even deciding to look at entirely new options which may have emerged during the consultations, and which may actually require the formal process to be gone through again. In other words I think the guidance has a beneficial impact on the way Councils handle these matters. I welcome their flexibility, demonstrated through their willingness to look at different options and to change tack or timescale. They are well aware of the need to be seen to be open-minded, to engage in genuine consultations, and to show that the final decision is not a foregone conclusion.
In the cases involving closure proposals which have been referred for Ministerial consent, I have seen over the last year a focus on consultation, openness and transparency. Councils then weigh all the results of the consultations, in the context of all the other relevant factors bearing on the case, and then have to justify and stand accountable for the final decision.

Having said all of that, I must at the same time signal my concern at some of the ‘consultations’ which have been conducted in recent months, in a way which has seemed to raise unnecessary alarm in local communities - because there has been real confusion about the status of the proposals offered for consideration. There has in some cases been an insufficient distinction made between what might better be described as informal, preliminary soundings and the more formal, statutory consultations involving proposals which have emerged from a thorough appraisal of possible options, which are well developed and for which the resources for implementation have been clearly identified. It is sometimes appropriate, perhaps for purposes of informing the formulation of future strategic plans or even the identification of possible options, for Councils to seek to take such preliminary soundings of public or community views. But the principles of clarity, openness and transparency must apply equally to such actions. If the proposal in question is just one of a range of future ‘possibles’ and not necessarily in early prospect, then it would seem to me important that that should be made abundantly clear. To do otherwise runs a serious risk of impacting adversely on the Council’s, and perhaps also on other Councils’, scope for future consultations and decisions. I also believe the quality of some consultation papers could improve. I am considering what I can do further to address this and to ensure Councils improve in this very important area. I am also concerned that parents sometimes appear to be less than clear about the role of Ministers and Councils in the process, exactly what their statutory rights are and what they, and indeed we, expect of Councils. I am considering ways in which to ensure that parents are better informed.

I am in discussion with CoSLA about exactly the matters which the Committee has signalled its specific interest in - the way the guidance has been received and used by Councils, and the impact which it has had. CoSLA and the education authorities’ role in all of this cannot be overstated. It is on the education authorities that Parliament has placed the overarching statutory duty to provide adequate and efficient school education, the context within which all the proposals for changes to the configuration of the school estate have to be considered. This of course is against a background of a declining school population which means an obligation on all to think about the implications for the long-term planning of the school estate.

Finally, we should keep in mind that it is only a year since the guidance was issued and so recognise that some bedding-in time is required. Nevertheless, I am very clear about the need to take steps now to bring the practises of all Councils up to the standards of the best, in consultation and the information available to parents.

PETER J PEACOCK
Making the difference – improving parents’ involvement in schools

I attach our response to the above consultation and a completed ‘respondee information form’.

As you will see from our response we agree with most of the proposals as set out. We very much welcome the intention of this Bill – to encourage parents in all parts of Scotland to take a greater interest in the education of their children and to get more involved with their local school.

AHTS believes that the flexibility outlined for parent forums will allow parents a greater opportunity to get involved in schools in a way that is meaningful to them and positive for education in Scotland.

If anything in our response is unclear please do not hesitate to get in touch.

Yours sincerely,

Greg Dempster
General Secretary

The Association of Head Teachers in Scotland represents Head Teachers and Deputies from nursery, primary and special schools in Scotland.

Tel. 07910 291918 e-mail: ahts@btconnect.com website: www.ahts.org.uk
Respondee information form

Please complete the details below and attach it with your response. This will help ensure we handle your response appropriately:

Name: Association of Head Teachers in Scotland
Address: Gardyne Road, Dundee, DD5 1NY

Title of consultation: MAKING THE DIFFERENCE – INVOLVING PARENTS BETTER IN SCHOOLS

1. Are you responding as:

   an individual?
   
   on behalf of a group or organisation? X

2c ON BEHALF OF GROUPS OR ORGANISATIONS:

   Your name and address as respondees will be made available to the public (in the SE library and/or on SE website). Are you content for your response to be made available also?

   Yes X
   No

3. SHARING RESPONSES/FUTURE ENGAGEMENT

   We will share your response internally with other SE policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future in relation to this consultation response?

   Yes X
   No
MAKING THE DIFFERENCE – improving parents’ involvement in schools

Question 1: Do you agree with the placing of a new duty on education authorities to promote parental involvement?

Yes.

Question 2: Do you agree that education authorities should be required to prepare new Strategies for Parental Involvement (SPIs)?

Yes.

Question 3: Do you agree that incorporating these Strategies in existing Annual Statements of Education Improvement Objectives and School Development Plans (as set out in the 2000 Act) is the right way for education authorities to set out their intentions? Or should this be done in some other way?

Yes.

Question 4: Do you agree that the current system of parental representation i.e. School Boards should be replaced by a more flexible system of parent forum, as decided locally by the parents, in a way which best suits them and their school best?

Yes.
Question 5: The Bill does not prescribe the means of appointment to the new forums (elections to Boards are mandatory) but provides for parents to decide this locally. Do you agree?

Yes but, as is catered for in the draft bill, it will be important for Local Authorities to have at the ready a baseline/starter model in case there is no agreement locally on how to move forward.

Question 6: Do you agree that education authorities should have a new duty to promote the establishment of a parent forum in each school and to support their operation?

Yes.

Question 7: Should the Bill provide for ‘composite’ parent forums where this is the preferred option of parents in each school in a combined school or cluster of schools?

Yes but it will be important to make absolutely clear that this must be a unanimous decision by parent forums from all the schools concerned.

Question 8: Do you agree with the proposal for the involvement of education authorities to get the initial parent forum off the ground? If not, what alternative would you suggest?

Yes, education authorities must be involved to explain to parents what a forum is, what it might do and how it might be organised. In cases where there is already strong parental involvement, through whatever mechanism, education authorities may simply want to make the parents aware of the changes in legislation and some possible models for parent forums. To keep to the spirit of the draft bill education authorities must not seek to impose new models where there is already a mechanism in place which is working for the parents and for the school.
Question 9: The draft Bill leaves the forum’s ‘constitution’ to be determined locally, either by the parents or initially under the education authority scheme. Do you agree with this approach? If not, what alternative would you suggest and why?

Yes.

Question 10: Do you agree that membership of a parent forum should be confined to parents (the broad definition) of children attending the school or individuals co-opted by the parent forum? Should parents always be in the majority?

Yes.

Question 11: Do you have a view as to how the needs of looked-after children should be addressed and catered for in the Bill?

It is important that there is some mechanism for recognition of these children in parent forums otherwise it is possible that their interests could be marginalised. Examples of representatives might include foster carers, representatives from foster homes, lead social worker

Question 12: Do you agree that the Bill should not result in parent forum members being subject to automatic disclosure checks but that members, like any other parent, should only be checked when engaging in activities defined under the Protection of Children (Scotland) Act 2003?

Yes.
Question 13: On balance, do you agree that ‘rights of attendance’ for certain non-members of a parent forum should not be a part of the new arrangements? In other words do you agree that non-members of the parent forum should attend only by invitation or do you believe the headteacher should have the right to attend, with the councillor or other individual by invitation?

It is clear from debate of this point in the media that most contributors consider that the head teacher should have a right of attendance at parent forums. This has been taken as the starting point for our response.

AHTS believes that the Local Authority, rather than the Head Teacher, should have a right of attendance. This should not be confined to the Head Teacher (although under normal circumstances we expect that Head Teachers would perform this role) as in cases of staff absence or other commitments a nominated representative should be able to attend in place of the Head Teacher. This may be another representative of the school or an official from the local authority.

Councillors and other individuals should attend by invitation only.

Question 14: Do you consider these functions appropriate to parent forums? Would you suggest removing or adding any, or making some obligatory and others optional?

These functions are appropriate. AHTS welcomes the approach taken in this draft Bill which allows parent forums the flexibility to decide which issues to address. To maintain the spirit of the proposals – local definition of what form forums should take and what they do – no functions should be obligatory.
Question 15: The Bill has been drafted to allow the parent forum to find out and report the views of parents in the school on any matters which are of interest or concern to them. Do you agree with this open-ended provision or would you suggest defining the areas of interest more restrictively?

Agree.

Question 16: Do you agree that the Bill should designate parent forums as ‘agents’ of the education authority for the purpose of their dealings with third parties, and that the issue of insurance should be looked into further? Or do you take an alternative view?

Yes.

Question 17: Are these the appropriate obligations to place on education authorities in relation to their working with parent forums?

Yes.

Question 18: Do you agree with the provisions requiring education authorities to provide financial support or support in kind to parent forums or would you suggest alternative arrangements?

AHTS agrees with these provisions but it should be made clear that the funding of parent forums must not have a negative impact on school budgets.
Question 19: Do you agree with the proposed duty on education authorities to provide advice and information to individual parents on request, on matters relating to the education of their children?

Yes.

Question 20: Do you agree that education authorities should be enabled to replace the current system of appointing head teachers and deputy head teachers with more modern, flexible processes and procedures?

AHTS agrees that there is a need for some flexibility in relation to head teacher/depute appointment processes to allow local authorities to tailor detailed procedures to local circumstances. However AHTS is firmly of the opinion that the appointment processes across Scotland should be governed by clear principles. We recommend that these are as follows:

- Parental involvement at all stages
- The process should be led at all stages by an education professional
- At key decision points in the process (long leet, short leet, selection) the education professional should have a casting vote.

Question 21: If you do not agree that the principle of parental involvement should be retained by the involvement of parent forums in the new senior appointments processes, please give your reasons.

See answer to Q. 20.

Question 22: Do you agree with the proposal to require education authorities to establish complaints procedures in relation to the way they exercise their functions under the Bill?

AHTS agrees that an appropriate complaints procedure should be put in place. However it may be that complaints regarding a failure to exercise obligations under the Bill would be dealt with under an authority wide complaints procedure. This would mean that it would be part of a recognised and existing procedure rather than it being a separate procedure which would probably be used infrequently and as a result may not be well understood or implemented.
24 November 2005

Dear Member of the Scottish Parliament

**Scottish Schools (Parental Involvement) Bill 2005**

I attach for your consideration a position statement prepared by the Headteachers’ Association of Scotland in relation to the above bill.

As you will observe, HAS supports the underpinning principles outlined in the bill as we firmly believe in enhancing the participation of parents in matters relating to their children’s education and in school education in general.

The Headteachers’ Association of Scotland wishes any new legislation to deliver real improvements in parental participation and representation. However, as it stands, we do not believe that the bill will achieve the desired outcomes, in part because it may bring about an unhelpful cultural change, breaking the successful partnerships that have existed between parents, staff and community representatives.

As a result, we have put forward in the attached paper a number of constructive proposals which we believe will ensure that the aims of the bill will be met more effectively.

I would ask that you consider each of the points carefully when the bill is being considered in the Scottish Parliament

Yours sincerely

Bill McGregor
General Secretary
HAS welcomes the intention, as implied in the preamble of the Bill, to enhance the participation of parents in matters relating to their children's education and in school education in general. HAS also recognises fully that, after 17 years of operation, it is time to review the original legislation - and indeed HAS is not opposed to the repeal of the current legislation provided that it will facilitate the achievement of key objectives.

Within the new legislative framework, it is appreciated that the model currently in place can still be retained and that the constitutional arrangements currently in place within School Boards can continue - if the Parent Forum so wishes.

HAS also recognises and appreciates that, in comparison to the draft bill, one key proposal made by HAS during the consultation has been taken on board in that the headteacher will now have a right and a duty to attend meetings of the Parent Council.

However, HAS believes that there are fundamental flaws in the proposed legislation which run counter to the ethos and culture within Scottish Education - and that the proposed changes, in themselves, will do little or nothing to bring about the desired participation of that section of the parent body who have been disengaged, disaffected or who have felt disenfranchised under the current scheme.

In particular, we consider that the following key points must be addressed during the committee stage of the bill within the Scottish Parliament -

- In the spirit of partnership working there should be an entitlement to teacher representation on the Parent Council, so long as the number of parent representatives outnumbers the collective number of staff and co-opted
members

- There must be **clarity** regarding the statutory powers of the Parent Council and the **role of the headteacher** within the Council. Is the headteacher role advisory as was the case with School Boards?

- There needs to be a clear distinction between **parental representation** and **parental participation**. Experience would indicate that only a small minority is interested in the former, but the overwhelming majority is interested in the latter - and we would welcome genuine moves to increase parental participation with teaching staff in respect of the educational experience and progress of their sons/daughters.

- The headteacher and staff of a school have a responsibility to **ascertain parental views and perceptions** on a range of matters as part of their professional obligation to engage in rigorous self-evaluation and in the preparation of improvement plans. The proposed legislation would appear to duplicate key aspects of that process - or is it the intention to substitute staff consultation on such matters by Parent Council consultation?

- The **level of bureaucracy** associated with implementation of the bill, especially the scheme for establishing a Parent Council.

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

- A recognition that there may be matters which are of interest to the Parent Council or Parent Forum, but which are **inappropriate agenda items** on a Parent council agenda. For example the specific circumstances of a teacher, pupil or family.

- Further detail is required on the role of Parent Council members in the **appointment of senior staff** and the employment rights of staff appointed to senior management posts in schools.
In summary, HAS believes that the aims of the bill are laudable and we would welcome moves to enhance meaningful parental participation regarding the education of young people. However, HAS does not consider that the aims of the bill will be met without the clarification and level of detail sought, as stated above.

A representative(s) of HAS would welcome the opportunity to give evidence to the Education Committee when this bill is being considered in the Scottish Parliament.
The Educational Institute of Scotland

WRITTEN EVIDENCE TO THE SCOTTISH PARLIAMENT’S EDUCATION COMMITTEE REGARDING THE TERMS OF THE SCOTTISH SCHOOLS (PARENTAL INVOLVEMENT) BILL 2005

1. General Principles of the Bill

1.1 The Educational Institute of Scotland strongly welcomes the broad thrust of the Scottish Schools (Parental Involvement) Bill as we welcomed the terms of the initial consultation exercise. The move away from the sterile quasi-managerial role given to School Boards in the 1988 Act and its replacement with a genuine attempt to improve parental involvement in all aspects of school life is entirely welcome. Although a very small minority of parents became involved in the work of their School Boards (less than 1%), the devolution of certain management functions from the local authority to boards appears to have discouraged many parents from becoming involved in the work of the School Boards.

1.2 The School Boards Act 1988 was introduced for overtly political (rather than educational) reasons and was, indeed, a stepping stone to the “opting out” legislation which hit the statute book a year later. It is probably the case that the vast majority of parents would rather have the opportunity of becoming more engaged in the general life of the school rather than ceding powers to a small minority of parents to take a limited number of quasi-executive decisions on their behalf.

1.3 In many cases the relationship between the School Board and the parent body more generally was not as effective as it could have been with the Board, in some cases, almost acting as a self-perpetuating elite which would only consult with the parent body as election time grew closer. In this respect it is important that the new Parent Councils should not become some sort of executive for the Parent Forum but must act as a truly representative voice for the parent body more generally.

1.4 It is also important that the nature of the structure to be developed at school level properly reflects the views and wishes of the parent body at that particular school. The Bill, as formulated, does attempt to ensure that parents are as fully involved and consulted as possible on the structure and constitution of the Parent Council and the move away from the top down “centralist” direction is also very welcome. In short, it is no longer acceptable
to attempt to dictate from the centre the precise powers and functions of a tiny minority of parents acting as agents of the local authority while ignoring the views, wishes and aspirations of the majority.

1.5 In short, therefore, the EIS welcomes the terms of the Bill for the following reasons.

(a) It represents a significant move away from sterile bureaucratic powers granted to a minority and replaces this with proper partnership, engagement and participation for the many.

(b) The Bill does not attempt to dictate, from on high, what is to be the most appropriate structure but allows a considerable amount of local discretion. Of course the Scottish Executive and each local authority will play a key role in providing the Parent Forums and the Parent Councils with essential advice and guidance, particularly in the early stages of their creation.

(c) The Bill is a genuine attempt to improve the partnership (particularly between teachers and parents) and this partnership, if properly established, can only enhance efforts to improve attainment, standards and pupil behaviour. However, further work should be undertaken with a view to enhancing the level of parental involvement in communities which, thus far, have been reluctant to become so involved.

2. **Scottish Executive Consultation**

The Institute accepts that the Scottish Executive has consulted effectively and appropriately on the Bill before its introduction to the Parliament and welcomes the fact that some of the suggestions proposed by the EIS during the initial consultation period have been incorporated into the Bill.

3. **Suggested Improvements to the Bill**

Despite the Institute’s strong support for the proposals contained within the Bill, the EIS would wish to suggest the following amendments to the Bill as currently formulated. These amendments deal with the following issues and are explained in detail below: the Preparation of the Strategy for Parental Involvement, the Functions of a Parent Council, Making Representations, the Attendance of Headteachers at Meeting of Parent Council, Guidance and Repeals.

3.1 **Scheme for Establishment of a Parent Council**

Section 6(2) – amend to read:
“But notification under sub-section (1) is to include an invitation to indicate, instead of any such preference as is mentioned in that sub-section, that no such scheme should be prepared.”

Section 6(4)(b) – to be deleted.

Section 6(5) – to be deleted.

Commentary.- It is the education authority which has the duty, inter alia, to promote: the involvement of parents (section 1(2)), to develop a “strategy for parental involvement” (section 2(1)), to provide advice and information to a Parent Council (section 11(1)), to provide an allocation of money to the Parent Council (section 11(2)), to inform a Parent Council about a school’s arrangements for consultation between parents and teachers (section 11(5)), to establish a complaints procedure (section 15(1)) and to establish a combined Parent Council with requisite consent (section 16(1)). It appears, therefore, a little incongruous that a person other than the education authority be charged with preparing a scheme for the establishment of a Parent Council (and its constitution) bearing in mind the range of duties placed on the education authority by the Bill. In short it should be the education authority which consults with parents in the first instance and which prepares the scheme (and constitution) for approval under section 6(3).

3.2 Functions of a Parent Council

Section 8(1)(e)(iv) – amend to read:

“Such other matters which are of interest or concern to the Parent Forum.”

Commentary.- The deletion of the words “as appear to the Council to be of” reinforces the close relationship which must exist between the Parent Forum and the Parent Council and ensures that the Council reflects the views of the Parent Forum and does not act in some “executive” or “arms length” capacity.

3.3 Functions of a Parent Council

Section 8(3) – amend to read:

“But before making formal representations under paragraph (c) of sub-section (2) the Parent Council must have made those representations under paragraph (a) or (b) of the sub-section and received a reply under section 11(6). This, however, should not be construed as depriving a Parent Council from having the right to take independent advice at any time.”

Commentary.- As currently constructed the Parent Council need only make representations to the headteacher and the education authority prior to making
representations to HMIE and not to “any other such person as it appears to the council appropriate”. In order to foster good relationships between the council, the headteacher and the education authority and to maintain “good faith” the Parent Council should be required to make formal representations both to the headteacher and to the education authority before making representations to anyone else.

3.4 Attendance of Headteacher at Meeting of Parent Council

Section 9 – amend to read:

Except in so far as the Headteacher of, and the Parent Council established for, a school otherwise agree, the Headteacher has the right either -

(a) to attend, or

(b) if the Headteacher so elects, to be represented at, any meeting of that Council.

Commentary

This amendment mirrors more accurately the current role of the Headteacher with regard to existing School Boards with the obligation to attend and give advice etc being a professional obligation rather than a statutory duty. The amendment is also more in line with the contractual provisions relating to the post of Headteacher as outlined in national SNCT agreements and in the 2001 Teachers’ (McCrone) agreement.

3.5 Guidance

Section 19 – add new sub-section 3:

(3) Guidance shall be issued with regard to Section 8(e)(iv) and shall include reference to those matters which it would not be appropriate for a Parent Council to discuss.

Commentary

There are sensitive and confidential matters which often arise in a school context which should not be the subject of discussion within the Parent Council. Among these issues include:

- individual matters regarding specific pupils
- human relations matters affecting individual members of staff.

It would, for example, be inappropriate and, potentially, the subject of litigation, if a Parent Council were to consider the position of individual or
named pupils or members of staff. Guidance should, therefore, be provided to Parent Councils to outline the range of matters which the Parent Council should avoid including on formal agendas, minutes etc.

3.6 Repeals

It is proposed that, in line with the complete repeal of the School Boards (Scotland) Act 1988 (particularly Schedule 2) that sections 87A and 87B of the Education (Scotland) Act 1980 (which was introduced by section 74 of the Self Governing Schools etc (Scotland) Act 1989) should also be repealed.

Commentary.- New procedures for the appointment of headteachers and deputy headteachers are envisaged in section 14 of the Bill. The existing statutory framework (which also includes the appointment of principal teachers) is to be found in Schedule 2 of the School Boards (Scotland) Act 1988 and section 74 of the Self Governing Schools (Scotland) Act 1989 which amended section 87 of the 1980 Act. It is suggested that in order to start with a clean legislative slate, both of the above sections should also be repealed.

4. General Observations

As indicated earlier, the Institute fully supports the main aims and objectives of the Bill and welcomes the repeal of the 1988 School Boards legislation. However, for the new parental involvement regime to work, the following issues must also be fully addressed:

- The level and quality of consultation with parents by the local authority.
- The standard of advice and guidance provided by the local authority.
- The involvement of parents in communities which, in the past, have not been so engaged.