



SCOTTISH EXECUTIVE

Education Department

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Dear Director

COMMENCEMENT OF THE SCOTTISH SCHOOLS (PARENTAL INVOLVEMENT) ACT 2006

I am writing to set out our plans for commencing the provisions of the Scottish Schools (Parental Involvement) Act 2006 (“the Act”), which received Royal Assent on 14 June. This letter will constitute guidance, to which regard must be had, under section 19 of the Act. It indicates when different sections of the Act will be commenced and offers indicative timescales for transitional work to implement the Act, which will need to be carried out over the next twelve months.

Background

The purpose of the Act is to improve both the quality and extent of parents’ involvement in their own child’s learning and in education and schools more generally. It modernises and strengthens the framework for supporting such parental involvement. It places duties on Scottish Ministers and education authorities to promote parental involvement, and a duty on each education authority to prepare a strategy for parental involvement. It also introduces a new system of Parent Councils to replace the current School Boards.

Copies of the Act are available from the Stationery Office Bookshop or may be found on the Office of Public Sector Information website at www.opsi.gov.uk. The Explanatory Notes which accompany the Act are also available at the same website. Scottish Executive guidance on the Act and a toolkit with practical materials to support the Act’s implementation will be available from 12 September, the date of the National Conference in Dundee to ‘launch’ the year of transition. I very much welcome the fact that all authorities are sending representatives to the conference, whose places are already oversubscribed.

Commencement

You may recall the indicative signals regarding the commencement of various parts of the new Act which were included in the Bill Bulletin for Directors No. 5 which John Bissett issued back in May. With only minor changes, which I explain below (and which arise out of various discussions, including with some Directors), what we propose is broadly as set out in May. The Act's provisions will therefore be commenced in three stages, as follows:

Commencement Date	Provisions within the Act
12 September 2006	General duty on Scottish Ministers and education authorities to promote parental involvement; provisions necessary to enable the work of preparing for the establishment of Parent Councils to begin and be carried through; duties of an education authority to parents generally; and the general / housekeeping provisions at the end of the Act.
1 January 2007	Repeal of sections 87A & B of the Education (Scotland) Act 1980 and section 50 of the Local Government in Scotland Act 2003 (which currently suspends section 87A – the requirement nationally to advertise principal teacher posts – until February 2007).
1 August 2007	All other sections of the Act, including those relating to the education authority strategy for parental involvement; complaints procedure; and provisions relating to the actual establishment and operation of Parent Councils, and the abolition of School Boards.

Full details are set out in **Annex A** to this Circular, but it may be helpful if I take the opportunity to share the rationale behind the thinking. In the May Bulletin we had signalled the intention to commence section 1 of the Act – the main duty placed on both Ministers and education authorities to promote parental involvement in education – in the first phase. There was no disagreement with that. We have now decided also to include in this first phase of commencement, section 12 – the new education authority duties to parents generally (to provide advice and information to parents when they reasonably request it, regarding the education of their own children). These duties address fundamental rights and responsibilities and I have no doubt are something which you will all, in one form or another, already be doing. It is important that this should be commenced right at the outset, sending the right signal to parents and the wider world.

In addition to the above, we need to commence those provisions in the Act which enable and underpin the preparatory work to be undertaken over the next 12 months in the lead up to the actual creation of new Parent Councils (on/after 1 August 2007). These are contained in section 5 of the Act, parts of sections 6 and 16, covering parents' wishes to prepare for the creation of a single Parent Council, or a Combined Parent Council respectively, and in section 7. All the other sections relating to the actual coming into being of the new Parent Councils (and School Boards ceasing to be), their operation and functions etc, will not be commenced until 1 August 2007.

The remaining sections of the Act which need to be commenced now, are the general and ‘standard’ sections towards the end ie sections 19-22, dealing with guidance, interpretation, transitional provisions and the like.

There are four other sections of the Act (2, 3, 4 & 15) where we have taken specific decisions that they should not be commenced now, but in August 2007. In the case of section 2 this represents a change from the signal in the May Bulletin – where we indicated commencement this September – but I hope it is a change that you will endorse. Section 2 deals with the preparation of authorities’ new “strategies for parental involvement” & section 15 with the preparation of complaints procedures relating to the exercise of authorities’ new functions under the Act. Both sections expressly require consultation with the new Parent Councils (which will not come into being until August 2007), which suggests August 2007 as the more appropriate commencement date. That though would not preclude, indeed I would encourage all authorities to give thought now and over the intervening period as to what proposals might form the basis for consultations with the new Parent Councils in autumn 2007. Sections 3 & 4 of the Act amend sections 6 & 7 of the 2000 Act as regards school development plans (to include ‘ambitions’ for the school and objectives around parental involvement) and authorities’ reviews of school performance (extending the definition of ‘quality of education’ to include extent of parental involvement). Both changes will require planning and preparation, and in the latter case there is a specific requirement to consult bodies representative of parents. Again, a commencement date of August 2007 seems the more appropriate for these sections.

Transitional Arrangements

The diagram at **Annex B** summarises the key tasks and ‘timeline’ which we think will be integral to providing for smooth implementation of the provisions of the Act, starting now and working through the transitional year 2006-07, towards the creation of new Parent Councils ready for the start of the 2007-08 academic year. I imagine that each of you will wish to ensure that you have an appropriate team in place to take forward this work, one which reflects your authority’s new duty to promote parental involvement in education, taking account of both parents’ and pupils’ interests and in the context of the wider learning communities within the authority’s area, both pre- and post-school.

I entirely recognise that the preparatory work to improve parental involvement, to promote and establish Parent Councils and to prepare for implementation of the Act’s wider provisions will not proceed at the same pace everywhere. The timescales in Annex B for suggested tasks during the year of transition are therefore indicative only, around the fixed ‘waypoints’ of the 3 commencement dates for various sections of the Act. It will be for you and your authorities, taking account of the views of parents in your schools, to agree suitable arrangements for your schools, including appropriate authority support for headteachers and school staff who will be working with parents to ensure effective preparation for implementation of the Act’s provisions. The guidance and toolkit materials which will be available on 12 September will assist and support these processes. The year of transition will also allow you to plan and prepare to consult and work with the new Parent Councils, when they come into being, on implementing the later phase of provisions in the Act such as finalising your authority’s “strategy for parental involvement” and complaints procedure.

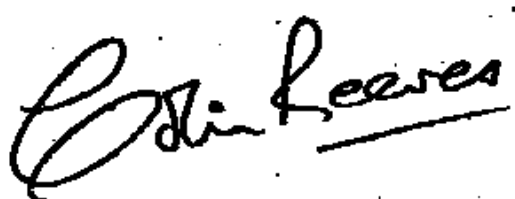
Procedures for the appointment of headteachers and deputies

Section 14 of the Act provides for the involvement of the new Parent Councils in the appointments process for headteachers and deputy headteachers. There was a signal in the May Bulletin that we might contemplate introducing certain transitional arrangements to apply during the summer term 2007 (ie between Easter and June of next year) in respect of the new section 14 appointment procedures. After discussion and reflection, we are now of the view that, in order to allow proper time to plan for the introduction of new senior appointment procedures, and in recognition of the need for appropriate training for Parent Council representatives' participation in the new procedures, it would be inappropriate to commence section 14 prior to August 2007. This means that any appointment procedures carried out prior to August 2007 will be under the existing arrangements prescribed in the School Boards (Scotland) Act 1988.

As Ministers made clear during the Parliamentary passage of the Act, and in their response to earlier consultations on this aspect of the Act's provisions, the Executive will be consulting shortly on the detail of draft regulations to be made under section 14(5), the intention being that they would also come into force in August of next year.

General queries about this letter and the Act should be directed to John Bissett, Tel: 0131 244 0790, email: john.bissett@scotland.gsi.gov.uk. Queries specifically on appointment procedures should be directed to Stephanie Walsh, Tel: 0131 244 0230, email: stephanie.walsh@scotland.gsi.gov.uk

Yours sincerely

A handwritten signature in black ink that reads "Colin Reeves". The signature is written in a cursive style and is underlined with a single horizontal line.

COLIN M REEVES

**SCOTTISH SCHOOL (PARENTAL INVOLVEMENT) ACT 2006:
COMMENCEMENT STAGES**

12 September 2006

- Section 1 Ministerial and education authority duties to promote parental involvement in school education
- Section 5 Parents of pupils at a school formally become the Parent Forum. Education authority to promote establishment of new Parent Councils
- Section 6 (1)-(6) Scheme for establishment of a Parent Council – requires an education authority to notify Parent Forum of intention to prepare a scheme for the establishment of a Parent Council. Depending on wishes of parents, a scheme is then prepared, including a constitution for the Parent Council.
- Section 7 Restrictions as to the composition of a Parent Council – requires that members to be from the Parent Forum, unless the Council’s constitution allows co-option of other members; and, where appropriate, a denominational representative.
- Section 12 Duties of education authority to parents generally - requires an education authority to respond to reasonable requests for advice and information from parents in relation to their child’s education.
- Section 16 (1)-(7) & (13)-(14) Allows Parent Forums in two or more schools to agree to establish a Combined Parent Council
- Section 19 Guidance – Scottish Ministers' powers to issue guidance to which education authorities (and in time, the new Parent Councils) must have regard
- Section 20 Interpretation – expressions used in the Act and in the 1980 Act have the same meaning, 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).
- Section 21 Transitional provisions etc. – allows Ministers to make orders of a transitional, transitory or saving nature as they consider necessary.
- Section 22 Orders and regulations - are made by way of statutory instrument.
- [Section 24 Short title and commencement, was commenced on Royal Assent on 14 June 2006]

1 January 2007

- Section 23 (To the extent necessary to repeal sections 87A & B of the Education (Scotland) Act 1980 and section 50 of the Local Government in Scotland Act 2003)

1 August 2007

Section 2	New education authority duty to prepare a "strategy for parental involvement" in consultation with Parent Councils and others
Section 3	Ambitions and objectives for a school – school development plans to take account of the strategy for parental involvement and to include objectives for the school which include parental involvement, and ambitions.
Section 4	Review of school performance – authorities, when reviewing the quality of education schools provide, to include the extent of parental involvement.
Section 6(7)-(10)	Allows new Parent Councils to come into being
Section 8	Functions and powers of a Parent Council, etc.
Section 9	Attendance of headteacher at Parent Council meetings
Section 10	Financial powers of a Parent Council
Section 11	Duties of education authority to a Parent Council etc.
Section 13	Headteacher's report to a Parent Council, Combined Parent Council or Parent Forum
Section 14	Procedures for appointment of headteacher or deputy and participation of a Parent Council
Section 15	Complaints procedure
Section 16 (8)-(12) & (15-16)	Allows Combined Parent Council to come into being
Section 17	Allows members of a Parent Forum in a school involved in a Combined Parent Council to withdraw and establish a Parent Council for their own school
Section 18	Abolition of School Boards
Section 23	Repeal of references in other Acts to School Boards and to the School Board (Scotland) Act 1988.

SCOTTISH SCHOOL (PARENTAL INVOLVEMENT) ACT 2006: POSSIBLE IMPLEMENTATION TIMESCALE

