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The Educational
Institute of Scotland

Parental Involvement Bill Consultation
Scottish Executive Education Department
Area 2-B North
Victoria Quay
EDINBURGH EH6 6QQ

Ref: KW/MS
17 May 2005

Dear Sir/Madam

EIS RESPONSE TO THE CONSULTATION ON THE PARENTAL INVOLVEMENT BILL

Please find attached the Institute's response to the above consultation exercise and a copy of the completed Respondee Information Form.

I also wish to inform you, as a matter of courtesy, that our response will be the subject of a press release and will be copied to a number of interested parties.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Ken Wimbor', written over the typed name.

Ken Wimbor
Assistant Secretary

Enc

respondee information form

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

Name: KEN WIMBOR

Postal Address: EIS

46 MORAY PLACE

EDINBURGH EH3 6BH

Consultation title: **Making the difference – Improving parents' involvement in schools**

1. Are you responding as: (please tick one box)

(a) an individual? (go to 2a/b)

(b) **on behalf of** a group or organisation? (go to 2c)

2a. INDIVIDUALS:

Do you agree to your response being made available to the public (in SE library and/or on SE website)?

Yes (go to 2b below)

No, not at all

2b. Where confidentiality is not requested, we will make your response available to the public on the following basis (**please tick one** of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

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

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 SE to contact you again in the future in relation to this consultation response?

Yes

No

The Educational Institute of Scotland

THE SCOTTISH SCHOOLS (PARENTAL INVOLVEMENT) BILL 2005

EIS Response

1. Introduction

- 1.1 The Educational Institute of Scotland welcomes the opportunity to comment on “Making the Difference – Improving Parents’ Involvement in Schools” and on the draft Scottish Schools (Parental Involvement) Bill 2005. The Institute, along with a number of other bodies, was heavily involved in the “National Debate on Education” and, as a matter of principle, would support any moves which intended to improve communication and partnership between schools and parents. Indeed it is also accepted that the success of the “Ambitious and Excellent Schools” initiative depends, to a large extent, on the active support and involvement of parents. In one particular aspect, namely school discipline, improvements in the communication, partnership and involvement of parents can only enhance moves to deliver higher standards of behaviour amongst our pupils.
- 1.2 In relation to the main objectives of the Bill, the EIS would support all of them in principle and offers specific comment on more detailed aspects of the Bill later on in this submission. Suffice to say, at this stage, however, that the Institute agrees that the following objectives do form a reasonable basis for the construction of the Bill, and takes us away from the sterile, bureaucratic governance debate and into a genuine attempt to improve and enhance parental involvement in school life generally:

- **support more and better parental involvement in their children’s learning**
- **create more flexible, locally agreed means of parental involvement in their children’s school**
- **build on existing rights to parental information, like report cards, for example**
- **allow input to shape new arrangements for parental involvement in school life**
- **strengthen the partnership between parents and schools**
- **ensure education authorities listen to and engage with parents more proactively**
- **extend the principle of devolving school decision making to decisions on parental involvement itself**
- **ensure continued parental involvement in new, modern appointment processes for headteachers and deputy headteachers.**

2. **Background**

2.1 In its response to the Public Consultation on the School Boards (Scotland) Act 1988, the Institute argued very strongly that the proposals to introduce School Boards to Scotland were driven, first and foremost, by political rather than educational considerations. The EIS argued that the School Boards, as envisaged, would have a deleterious impact on professionalism and should not have included both executive as well as consultative functions. This resulted in reduced levels of accountability and participation as only a tiny fraction of the parent force could become included in the actual work of the Board.

2.2 Essentially the EIS was highly critical of the proposals because the establishment of School Boards was perceived as being merely a staging post to the “opting out” proposals which became law through the Self Governing Schools (Scotland) Act 1989, only a year later. The proposals were also regarded as establishing a sterile, bureaucratic system which could only involve a minority of parents and the reality of the intervening seventeen years would suggest that many of the concerns expressed by the Institute at that time were both justified and prescient.

2.3 This was not to say, however, that the pre-existing system of Schools Councils was not overdue for reform. At the time (1987) the EIS argued for the establishment of a “school council” for every school regardless of size, be broadly based and would have the following functions:

- to receive reports from the headteacher
- to be consulted on curriculum, assessment and school resources
- to be consulted on and to be involved in school policies on discipline and rules
- to be involved in matters affecting truancy and indiscipline, including proposals for the exclusion of pupils, subject to satisfactory arrangements for the preservation of confidentiality
- to appoint a representative or representatives to the appointments committee of the education authority when it is dealing with an appointment to the particular school
- to be consulted on arrangements for parent/teacher meetings and the format of reports on pupils
- to be consulted on the arrangements for home/school liaison and extra-curricular activities
- to consider and report on draft educational policies produced by the education authority
- to deal with such other matters as may be delegated to school councils by the education authority.

2.4 It is also worth bearing in mind that, in early 1988, the Institute commissioned Hansard Research to examine the responses received by the government to the School Boards proposals and this research indicated the following pattern, based on a random sample of 4,483 of the 7,600 responses received:

- 1.11% of respondents were in favour of the proposals
- 3.76% were in favour but with reservations
- 95.13% were against.

3. **The EIS Response in General**

3.1 As indicated earlier, the Institute opposed the introduction of School Boards (in line with ~95% of all other respondents) in 1987/88 and now welcomes, wholeheartedly, the repeal of that legislation. The overly bureaucratic “one size fits all” approach introduced by the legislation has not been of benefit to the Scottish education system and its demise is both overdue and welcome.

3.2 It is important to bear in mind that, the very nature of the School Boards Act meant that only a very small minority of parents (less than 1%) became involved in the actual business of the school board. Indeed Section 3 of the 1988 Act indicated that specific regulations would specify the numbers of parent, staff and co-opted members. Further, Section 12 of the 1988 Act required every school board to report to parents of pupils at the school and to ascertain the views of parents on matters which are the responsibility of the Board. It may be the case that, in many instances, it is this aspect of the boards’ functions which have been, too often, neglected leaving the rest of the parent body feeling excluded and isolated from the generality of board decisions.

3.3 At the present time 1,911 schools out of a possible 2,177 have a school board (this represents 87.8% of all eligible schools). Notwithstanding the relatively high proportion of schools with an established board, it should be noted that 67% of eligible schools (2177) had a Board which was (at least in part) elected by the wider parent body. It remains the case that the quasi-executive functions have not sat easily with the consultative/reporting role required as part of the School Boards Act 1988.

4. **Specific Responses to the Questions Contained in the Consultation Paper**

4.1 **Do you agree with the placing of a new duty on education authorities to promote parental involvement?**

The Institute supports fully the new duty on education authorities to consult with parents, in particular, the requirement to consult with any of the new parent forums if any are established before the “strategy for parental involvement” document is agreed.

4.2 **Do you agree that education authorities should be required to prepare new strategies for parental involvement (SPIs)?**

The EIS would agree that education authorities should be required to prepare (SPIs) and should be required to consult widely before they are agreed. However, we would want to include specific exclusions which would define particular

functions which would not be part of the functions of the new parent forums (see later sections of this submission).

- 4.3 **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?**

This should be an option open to authorities. However, in the spirit of moving away from the “one size fits all” approach of the existing legislation, there may be more appropriate ways for an authority to set out its intentions to comply with this new statutory duty. Other options may arise following the initial consultation with parents and some flexibility should be maintained at least at the initial stages. The EIS would also argue strongly that consultation with other interested parties eg recognised trades unions should also be part of the initial establishment of SPIs.

- 4.4 **Do you agree that the current system of parental representation, ie School Boards, should be replaced by a more flexible system of parent forum, as decided locally by parents, in a way which suits them and their school best?**

YES. The Institute would fully support these proposals to replace the current School Boards with a more flexible system which reflects the many different possible types of parental involvement but which best suit that particular school or community. It is perhaps worth remembering that the highly prescribed, high centralised School Boards system was introduced for overtly political rather than educational reasons. It is also worth remembering that the existing boards were established as a stepping stone to “opting out” and not as a genuine attempt to increase parental involvement, participation and consultation.

- 4.5 **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.**

The EIS is of the view that this inbuilt flexibility, allowing important decisions, eg the nature and membership of the forum to be determined locally is crucial to the success of this new initiative. In fact almost every school will have different priorities, expectations and structures and to attempt to impose a model from “on high” would almost be doomed to failure from the start. That is not to say that both the Scottish Executive and the individual local authorities will have to provide parents with some detailed guidance about the options which are possible and about the different appointment mechanisms which may be worthy of consideration. In addition, both the Scottish Executive and the local authorities will have to ensure that the fullest possible representation is encouraged and facilitated through the new appointment procedures.

- 4.6 **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?**

In line with our response in paragraph 4.1, along with the duty to promote parental involvement, it is essential, especially in the early stages of the establishment of the

new forums, that the local authorities play a key role in promoting the establishment of and supporting the work of the new parent bodies.

4.7 Should the Bill provide for 'composite' parent forums when this is the preferred option of parents in each school in a combined school or cluster of schools?

It should be, almost the default position, that there should be established a parent forum for each school. Consideration should also be given to establishing a parent forum in each school even in situations where the local authority has appointed a headteacher with responsibility for more than one school.

The EIS would also be of the view that consideration should also be given to the establishment of an umbrella forum at either "area" or "whole council" level which would allow for easier and more efficient communication and consultation between the local authority and representatives of parents in the wider council area (see response at paragraph 4.20 and 4.21).

4.8 Do you agree with the proposal for the involvement of education authorities to get the initial parent forum off the ground?

As indicated in our response in paragraph 4.6, the role of the education authorities will be crucial, both in relation to ensuring the widest consultation amongst the parent body on the range of matters defined earlier in the Bill and in relation to providing the initial impetus to ensure the widest participation in the new parents fora.

4.9 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?

It would be preferable if the constitution of each forum were both constructed and agreed by the parent body representing each particular school. However, the Scottish Executive and the local authorities, working together, should provide as much support as possible, eg the production of model constitutions etc to guide parents, particularly in the early stages. Clear guidance will also be required on those matters which are under the control of the Scottish Executive and those which are the responsibility of the local authority.

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

In order that the new forums are seen to be as inclusive and participative as possible this is a matter which should be determined by the parent body in the first instance and by the parent forum thereafter. Nevertheless the forum should have the power, if it so wishes, to co-opt individuals to membership of the forum or to invite other individuals to particular meetings or events organised by the forum. The headteacher of the school, staff representatives, the local councillor would, perhaps, be obvious candidates for co-option and/or invitation.

4.11 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 the term “parent”, used throughout this consultation exercise, refers to the broadest definition possible and that the provisions of the Bill will apply to all who have a caring role for children. However, where there exist specific provisions for, eg “advocates” for looked after children, it is important to ensure that their views are also taken into account both at the initial consultation stages and the subsequent establishment of the parent forum.

4.12 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 engaged in activities defined under the Protection of Children (Scotland) Act 2003?

The Institute would support such an interpretation of the 2003 Act in that only those engaged in activities defined in that Act should be subject to the automatic disclosure checks.

4.13 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 difficult to reconcile the desire to allow the most open consultation about the structure of the new forums on one hand with the need to require that the forum does (or does not) invite or co-opt certain key non-parents to its meetings. However, in reality it would be difficult to imagine any useful function of a parent forum if it did not, on a regular basis, communicate and consult with certain key individuals. Among these crucial contacts would be: the headteacher, other staff and staff representatives from the school, the local councillor and/or the area education officer whose responsibility covers that school. In essence, therefore, while it would be unnecessary to include rights of attendance within the new legislation, it is hoped that future guidance documents etc would give the new forums a pretty strong steer in relation to co-option and invitation etc.

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

The following list of functions is contained within the Bill at Section 7.

Functions of a parent forum

- (1) The functions of the parent forum established for a school are –
- (a) to seek to raise standards of education in the school,

- (b) to seek improvements in the quality of the education which the school provides,
- (c) to support the endeavours of those managing the school to develop to their fullest potential the personality, talents and mental and physical abilities of the pupils attending it,
- (d) 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,
- (e) to promote contact between –
 - (i) the school,
 - (ii) parents whether of pupils in attendance at the school or of prospective such pupils,
 - (iii) the community, and
 - (iv) such other persons as it appears to the forum appropriate to include for the purposes of this paragraph,
- (f) to report on the forum’s activities to the parents of pupils in attendance at the school, as often as appears to the forum to be appropriate but in any event –
 - (i) not more than 12 months after it is established, and
 - (ii) after that first report, at intervals of not more than 12 months,
- (g) to ascertain the views of the parents of the pupils in attendance at the school as regards –
 - (i) the standards of education in the school,
 - (ii) the quality of the education which the school provides,
 - (iii) the exercise by the forum of its functions, and
 - (iv) such other matters as appear to the forum to be of interest or concern to those parents,

- (h) 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 forum appropriate to include for the purposes of this paragraph,
- (i) to review from time to time its constitution, and
- (j) to amend (or replace) its constitution whenever it appears to the forum to be necessary or expedient to do so.

As indicated earlier in this submission, there is an important distinction to be made between “governance” issues and improved “parental involvement” through proper consultation. This Bill, in the view of the Institute, is concerned, quite properly, with improved involvement and consultation. The wording and placement, particularly of functions 1(a) and 1(b), therefore, are out of place in the Bill and suggest that the parent forum will have an executive role not envisaged elsewhere in the consultation. The Institute would, however, wish to have included a list of excluded functions which would enhance and support the protections to forum members outlined in Section 7(5) of the Bill.

We would, therefore, propose that the following functions and powers should be expressly excluded from the functions of the new parents forums:

- consideration of individual matters concerning pupil discipline
- all human relations matters affecting all staff (including any powers of giving employment to and dismissing staff)
- the selection of senior staff
- the regulation of the school curriculum
- the assessment of pupils
- powers of changing the size of, or amalgamating with another school
- setting up or discontinuing any stage of education in a school
- determining admissions policy for a school.

It may be helpful to ensure that matters which are specifically excluded from the functions of the new forums are consistent with those matters covered by Schedule 4 of the Scottish Public Services Ombudsman Act 2002.

4.15 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?

While it is important to allow the new forums to be as involved in the work of the school as possible, it is important to ensure that forum members do not stray into areas of activity which, quite properly, should remain confidential (eg data protection issues) or into areas which should remain the preserve of the employer. In this regard, the types of matter which should not come within the compass of the new forums are outlined in paragraph 4.14 of this submission.

4.16 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?

The emphasis of this new legislation is quite clearly and correctly to move away from the quasi-governance role given to the former School Boards (which has actually had the effect of discouraging wider parental participation) towards a more participative and active role for the parent body. The removal of some of the “executive” functions given to the School Boards will, hopefully, lead to a wider involvement in the work of the new forums and, on this basis, the Institute is not persuaded that the new parent forum should be regarded as an agent of the education authority. Notwithstanding the effect on the (perhaps perceived) independence of the forum we hope that other arrangements (eg the current SPTC model) could be considered to provide insurance cover for the forums collectively.

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

The education authorities are charged with new statutory duties with regard to the new parent forums and the principal obligations of the education authorities are as follows:

- comply with any reasonable request for information from a parent forum (which would also be expected to comply with similar requests from the education authority or headteacher)
- ensure that the headteacher and staff are available to give advice and information to the parent forum on what is being done to promote parental involvement in education in the school
- make available a reasonable level of funding for the parent forum to meet expenses for administration, training and other activities, and have the option of offering services or accommodation
- inform the parent forum about the school’s arrangements for consultation between parents and teachers
- ensure that parent forums receive replies to any representations made to the authority or headteacher.

The EIS regards the obligations outlined in the Bill as reasonable but would suggest that this section of the Bill is strengthened to emphasise the wider statutory duty on authorities both to promote parental involvement and to promote the establishment of a parent forum in each school. In addition, this section of the Bill could be augmented to require the education authority to provide general advice and guidance (perhaps in the form of a handbook) for forum members and to make clear to the parent body generally how the authority intends to conduct its consultations with parents, particularly in the early stages of the formation of the new forums.

4.18 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?

The Institute would agree with these provisions wholeheartedly. It should be remembered that the current school board arrangements have devoted to them considerable sums of local authority money, both to support the work of the individual boards and to fund the national association. The Institute would welcome the diversion of the totality of this funding to the new forums.

4.19 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. The EIS would support such a duty being placed on the education authority and assumes that, as a result of the enactment of the freedom of information legislation, such a duty, to all intents and purposes, already exists. However, care should be taken to ensure that such a duty applies in situations where reasonable requests are made so as to discourage any vexatious or over enthusiastic misuse of this right.

4.20 Do you agree that education authorities should be enabled to replace the current system of appointing headteachers and deputy headteachers with more modern, flexible processes and procedures?

Yes. The Institute would support the replacement of the current appointment system for headteachers and deputy headteachers with more modern, flexible processes and procedures and regards as imperative that the teacher trade unions (at all levels) will be fully involved in the development of these new procedures.

In addition, however, it should be remembered that Section 74 of the Self Governing Schools etc (Scotland) Act 1989 amended Section 87 of the Education (Scotland) Act 1980 by adding the post of Principal Teacher to those which require to be advertised nationally. In addition Section 74 of the 1989 Act also contained the following provisions:

“74. After section 87 of the 1980 Act there shall be inserted the following sections –

Appointment of Principal Teachers.

87A Where an education authority intend to fill a post, other than on an acting basis, of a principal teacher in a school, they shall advertise the post in such publications circulating throughout Scotland as they consider appropriate.

Selection of Teachers

87B Without prejudice to section 7 of the Local Government and Housing Act 1989 (which provides for the appointment of staff of local authorities to be made on merit) and to any requirement in any other enactment as to the considerations to which they may or may not have regard in making appointments, an education authority who are considering an appointment of a teacher shall not exclude any person from consideration for such an appointment on the ground that –

- (a) he is not employed by that education authority; of
- (b) he is or is not employed by a particular employer or class of employer; or
- (c) he is not currently employed as a teacher.”

Section 87A of the Act is currently under suspension to allow for the implementation of the 2001 Agreement “A Teaching Profession for the 21st Century”. It is the hope of the Institute that these provisions also will be considered as part of the wider review of appointments procedures.

4.21 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.

The Institute stands by its long standing commitment to the involvement of parents in the appointment of senior staff of the school (headteacher and depute headteacher). In some situations, however, parents from a particular school may be reluctant to become involved in the actual process of selection of senior posts within that school, but may, nevertheless, be willing to make a contribution to the process. On this basis, therefore, consideration should also be given to the establishment of a “pool” of parent representatives, perhaps through the “umbrella” proposals outlined in paragraph 4.7 of this submission, which could be called upon to sit on appointment committees as appropriate. Special provisions will also be required to deal with appointments to combined or amalgamating schools and full training on employment issues, equal opportunities etc must be provided to all parent representatives involved in appointment processes.

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4.22 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?

Yes. The EIS does support the requirement on education authorities to establish a complaints procedure but would ask that consideration is given to the establishment of a national arbitration or conciliation mechanism which would allow any unresolved complaint between a parent forum and an education authority to be resolved speedily. Such complaints should be dealt with separately from other complaints procedures operated by the council.

5. Summary

- 5.1 As a matter of principle the Institute fully supports the repeal of the School Boards (Scotland) Act 1988 and its replacement with a more flexible system of parental involvement at school level, the precise nature of that involvement to be determined locally.
 - 5.2 The Institute welcomes the emphasis, in the proposals, on parental involvement and participation rather than sterile bureaucratic governance.
 - 5.3 There are elements contained within the Bill which the Institute believes will require the fullest possible consultation with teachers and teacher unions as well as with parents (eg senior staff appointments). It is hoped that all education authorities will be able to rise to the challenge and consult fully on the range of important matters covered by the Bill.
 - 5.4 While the EIS has some reservations with regard to the detail of the parental involvement proposals (eg the functions which should be expressly excluded) overall, the Bill and its provisions are both welcome and timely.
-