

RESPONDENT INFORMATION FORM: 362

Please complete the details below and return it with your response. This will help ensure we handle your response appropriately. Thank you for your help.

Name: JIM ANDERSON, DIRECTOR OF EDUCATION,

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- 1. Are you responding: (please tick one box)
 - (a) as an individual go to Q2a/b and then Q4
 - (b) **on behalf of a group/organisation** go to Q3 and then Q4

INDIVIDUALS

2a. Do you agree to your response being made available to the public (in Scottish Executive library and/or on the Scottish Executive website)?

- Yes (go to 2b below)
- No, not at all We will treat your response as confidential

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

ON BEHALF OF GROUPS OR ORGANISATIONS:

3. The name and address of your organisation **will be** made available to the public (in the Scottish Executive library and/or on the Scottish Executive website). Are you also content for your response to be made available?

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SHARING RESPONSES/FUTURE ENGAGEMENT

4. We will share your response internally with other Scottish Executive 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
- No

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JAA/RB6779

27 May 2005

Parental Involvement Bill Consultation
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Dear Sirs

MAKING THE DIFFERENCE – IMPROVING PARENTS’ INVOLVEMENT IN SCHOOLS

Please find enclosed a response to the above consultation paper on behalf of Angus Council. I am happy for this response to be available to members of the public

Yours sincerely

Jim Anderson
Director of Education

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**ANGUS COUNCIL
SCOTTISH SCHOOLS (PARENTAL INVOLVEMENT BILL):
CONSULTATION RESPONSE FROM ANGUS COUNCIL**

INTRODUCTION

We are pleased to offer support to the main objectives of the draft Bill, as set out in the consultation paper prepared by the Scottish Executive.

Considerable work has been undertaken within Angus in recent months to prepare a Parental Involvement policy statement and guidelines. The thrust of this Angus policy is entirely consistent with the thrust of the draft Bill.

Whilst recognising the excellent work which has been undertaken by School Boards, the opportunity for individual Councils and individual schools to tailor the precise nature of parental involvement to their own local needs within an agreed Council-wide framework is endorsed wholeheartedly.

It is widely acknowledged that the present legislation would benefit from a degree of revision. In particular, the election procedures are considered to be overly formal, unnecessarily bureaucratic, costly in operation and limiting in the way in which they operate. The prospect of broadening the range and number of parents involved is particularly welcomed. Some School Board members have asked that the size of Board is increased in order to more accurately reflect the parental community and have also indicated a strong wish that staff representatives should continue to be full members of the Board (or Forum).

Whilst there is a high level of agreement amongst parents in certain areas there are also clear divisions of opinion which might be difficult to reconcile within the terms of an overly-prescriptive legislative document.

RESPONSES TO CONSULTATION QUESTIONS

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

Work already undertaken in Angus means that the proposed "Strategy for Parental Involvement" is now available. There are, however, some concerns about the increasing burden of primary legislation, secondary legislation and guidance emanating from the Scottish Executive – the cumulative effect of which is to disempower education authorities generally. With that in mind, it is suggested that the final version of the Bill should be as non-prescriptive as possible; it is therefore suggested that Clause 2 of the draft Bill should be considerably thinned down – possibly by excising all of sub-clauses 2(2) to (5). This comment is not intended to be a criticism in any way of the contents of the sub-clauses which are proposed for excision but rather a general plea for legislation on matters such as this to be as broad-brush as possible. The School Boards (Scotland) Act 1988 provides a good example of legislation which is excessively detailed, overly prescriptive, and which, it is understood, this present Bill is intended to replace.

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

Yes, provided the statutory requirement is stated in sufficiently broad terms.

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?

As already noted under the response to Question 1, the Bill should be as non-prescriptive as possible. At a time when Head Teachers are being empowered to take more decisions for themselves, the requirement as currently stated in Clause 2(5) for inclusion of reference to parental involvement in School Development Plans would appear to be excessively bureaucratic and will almost certainly lead eventually to what will become meaningless repetitions on an annual basis. Similar reservations apply to the excessively prescriptive requirement relating to annual Statements of Education Improvement Objectives. It follows, therefore, that the alternative to the current proposals should simply be to place a requirement on education authorities and on schools to promote parental involvement, without any further prescription.

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 forums, as decided locally by the parents, in a way which suits them and their school best?

Yes, up to a point. Here in Angus for example, we have a number of very small one-teacher schools as well as relatively large pupil secondary schools. It is absolutely right that the method of parental representation in these two extreme examples should be different. It is also correct that parents (and staff) in each individual school should be empowered, within a broad-brush whole-Council framework, to decide how best the parental body should be represented.

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, again only partially. It is generally felt that the present election system for School Boards is too formal, but a framework of some sort is seen as desirable, possibly by way of a national template adapted to suit the circumstances of each local Council and each school.

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. The education authority has a key role to play in developing, with parents and staff (and possibly with pupils), an appropriate framework within which each school can establish its own parent forum. If a group of schools were to wish to establish some sort of combined parent forum, once again the education authority is well placed to advise on how best such a forum could be established and to offer support to it.

In acknowledging that education authorities have a key role in promoting the establishment of parent forums it is generally recognised that Head Teachers also have a significant role, and that some attention should be given to this aspect of developing parent forums.

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?

No. Such an arrangement can be effected informally without the requirement of legislation.

Question 8: Do you agree with the proposal for the involvement of education authorities to get the initial parent forum off the ground?

Yes. There is a view that "experts" in facilitation may be useful in this context, but there would be resource implications for an education authority if this approach were adopted universally.

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?

This approach is in keeping with the desire to empower individual groups of parents and also to take account of local circumstances. However, there is a general feeling that an exemplar template constitution would be enormously helpful. There are also some parental and staff concerns that the potential for widespread variation across 32 individual Council areas, and across schools within each Council area, may be confusing.

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?

In keeping with the spirit of the draft Bill, each school should have maximum flexibility in defining who should or who should not be a member of the parent forum. The only essential condition would be that any parent (in the broad sense) of a pupil enrolled in the school should be eligible to be a member of the parent forum in that school.

In acknowledging the central importance of parents in their children's learning a number of parents have suggested that the title *Parent Forum* might be changed to *School Forum* to strengthen the concept of partnership working and to promote a more inclusive approach by placing school staff in a close working relationship with parents.

Many parents (and staff) have expressed the view that any new representative body must be firmly based within the context of partnership working. It is considered to be a significant omission that the Head Teacher and staff are given very little mention in the draft Bill. The clear consensus amongst parents is that, without such involvement, the work of the forum would be limited to the point of being meaningless.

There is also a strong argument for seeking ways in which the pupils of a school (especially a secondary school) can be involved in a meaningful "School Forum".

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 would be appropriate for each education authority to work up guidelines in this area. The guidelines ought to ensure that the constitution of the parent forum in any given school recognises that looked-after children and their parents/carers are likely to merit special consideration. To go any further than this by, for example, setting out excessively prescriptive rules to be followed by each parent forum would be counter-productive.

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?

This is an area in which specialist legal advice will almost certainly be necessary. It would be helpful if that advice could be obtained in advance of the legislation being enacted, and if the advice itself could be reflected in the details of the eventual Act.

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 head teacher should have the right to attend, with the councillor or other individual by invitation?

There are arguments on both sides of this question. On the one hand, as has been argued elsewhere in this response, each parent forum should be empowered, as far as possible, to reach its own decisions about all aspects of its work. On the other hand, if a parent forum in any given school does not function in partnership with the head teacher and other staff of that school, its ability to function effectively will be non-existent. On balance, an inclusive approach should be adopted with each parent forum expected to undertake all its meetings (with a small number of exceptions for possible confidential matters) in public so that all parents of pupils at the school, and all staff (and indeed all interested members of the local community) at the school, are aware whenever a meeting of the forum is taking place and are made welcome at any such meeting.

This open approach is wholly consistent with the general trend to make the decision-making process as open, transparent and inclusive as possible.

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?

In general, every effort should be made not to prescribe or proscribe any particular functions for the Parent Forum. The list of functions set out in the draft Bill is sufficiently broad to be acceptable. Some minor amendments, however, are proposed:

- Clause 7(1)(d) – Instead of using the words "to make representations", that phraseology should be replaced with "to work in partnership with".
- Clause 7(1)(d) – The word "headteacher" should be replaced by "headteacher and other staff".

- Clause 7(1)(f) – This paragraph should finish after the word “appropriate”. Annual reporting may well be seen as an unnecessary chore, replaceable by a more flexible timetable of reporting to the suit the local circumstances of the school and the education authority.
- Clause 7(1)(g) and (h) – These two sections should be combined into one, along the lines of:
 - *“to work in partnership with the head teacher and staff of the school and the education authority in order to ascertain the views of parents of pupils in attendance at the school regarding ...”*

The current wording has the capacity to be divisive.

- Clause 7(1)(i) and (j) – These two sections should be re-drafted to ensure that any review or amendment to the constitution should be undertaken in consultation with the head teacher and the education authority.

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?

On balance, an open-ended approach is preferred but appropriate safeguards will be required to ensure that there is no breach of confidentiality.

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?

For a number of reasons, this issue needs to be clarified before the legislation is eventually enacted. Whilst no difficulties have arisen as a result of School Boards being seen as “agents” of the education authority, the more flexible arrangements now being proposed for parent forums may present unforeseen difficulties.

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

As previously indicated in this response, there is a real danger that the burden of legislation on education authorities will become so great that they will find it very difficult to deliver their core functions, let alone have the capacity to provide the kind of leadership rightly expected of them. Nonetheless, it is also acknowledged that the consultation paper carries with it a promise to repeal existing legislation (namely the School Boards (Scotland) Act 1988) and this would reduce some of the existing statutory burdens which an education authority has to bear. All things considered, the duties set out in the draft Bill do appear to be reasonable and sufficiently general to avoid generating excessive red tape.

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?

The proposals in the draft Bill are acceptable.

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, although the need to state something so blindingly obvious in a piece of legislation should be questioned.

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

See response to Question 21 below.

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.

The comment in the consultation paper that "the appointments' system for head teachers and depute head teachers set out in Schedule 2 to the 1988 Act is outdated and needs to be changed" is wholly endorsed. It is not clear, however, how Clauses 11(1) and 11(3) can be reconciled. Either the education authority is being empowered to set up its own procedures (albeit after appropriate consultation with all key stakeholders) or it is not. It would be exceptionally unfortunate if education authorities were to bring forward new schemes only to find that subsequent Regulations made these schemes obsolete almost immediately. Clause 11(3) opens the way for yet another set of prescriptive procedures which will disempower education authorities. It should be deleted from any subsequent draft Bill.

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

Yes – although once again it is not clear quite why something so blindingly obvious should have to be stated in an Act of Parliament. Angus Council has a well-established complaints procedure in place and there should, therefore, be no reason to establish a separate complaints procedure under this particular piece of legislation. To do so would be simply to introduce another element of unnecessary bureaucracy.

CONCLUSIONS

The stated intentions behind the draft Bill are welcome, and it is acknowledged that these intentions have been generally well captured by the draft Bill as it currently stands.

It would appear as if the Executive has learned some lessons from previous legislation, but it is important to stress the disempowering effect which excessively prescriptive legislation can have on education authorities, on head teachers and staff, and on parent bodies. Any opportunity to amend the current draft Bill so that it is less prescriptive rather than more prescriptive would therefore be welcome.