

# **Scottish Schools (Parental Involvement) Act 2006**

**Updated Statutory Guidance consultation**

**January 2020**

## **INTRODUCTION TO THE CONSULTATION**

The attached draft statutory guidance for the Scottish Schools (Parental Involvement) Act 2006 (the Act) is provided for consultation. The Scottish Government invites views from parental organisations, head teachers, local authorities, third sector organisations, professional bodies, members of the public and any other organisation or individual with an interest.

### **Additional publications to have at hand as you consider this guidance**

The amended guidance contains a number of changes to the original (and current) statutory guidance which was issued in 2007. In responding to this consultation it may be helpful to refer to the current statutory guidance. A copy of the current statutory guidance is available at:

<https://education.gov.scot/parentzone/Documents/parental-involvement-act-guidance.pdf>

You may also wish to read the primary legislation – the Act – which the guidance seeks to explain and clarify. A copy of the Scottish Schools (Parental Involvement) Act 2006 is available at:

<http://www.legislation.gov.uk/asp/2006/8/contents>

### **Why is the guidance being updated?**

The guidance is being updated following an independent review of the Act by the National Parent Forum of Scotland. A commitment to modernise and strengthen the guidance was then included within the national “Learning Together” Action Plan on parental involvement and engagement, developed jointly by the Scottish Government and Convention of Scottish Local Authorities.

## **How was this draft guidance developed?**

The draft amended guidance takes account of various suggestions from a working group which involved officials and representatives from Scottish Government, Education Scotland, the National Parent Forum of Scotland (NPFSS), Connect (formerly the Scottish Parent Teacher Council), the Convention of Scottish Local Authorities (COSLA), the Scottish Parental Involvement Officers Network (SPION), the Association of Directors of Education (ADES), the Educational Institute of Scotland (EIS) and Families Need Fathers (FNF).

## **What are our aims in re-drafting the guidance?**

There are two key aims in re-drafting the guidance.

The first aim is to modernise the guidance, taking account of the changes in practice and wider legislation that have occurred since 2007.

The second aim is to strengthen the guidance in so far as possible whilst recognising that the duties and powers in primary statute – ie on the face of the Act itself – remain unchanged.

In updating the guidance we want to ensure that parental involvement and engagement – and the legal duties that underpin this important aspect in education – is given due prominence and recognition as part of wider aims to develop an empowered education system.

## **Responding to this Consultation**

We are inviting responses to this consultation by **Thursday 30 April 2020**.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at – <https://consult.gov.scot/learning-directorate/parental-involvement-act/>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of **Thursday 30 April 2020**.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form to:

Curriculum Development, Parental Engagement & Pupil Participation Team  
Scottish Government  
Area 2B-North  
Victoria Quay  
Edinburgh, EH6 6QQ

### **Handling your response**

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy: <https://beta.gov.scot/privacy/>

### **Next steps in the process**

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

## **Comments and complaints**

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at [Parental.Involvement@gov.scot](mailto:Parental.Involvement@gov.scot).

## **Scottish Government consultation process**

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



## Scottish Schools (Parental Involvement) Act 2006 Updated Statutory Guidance consultation

### RESPONDENT INFORMATION FORM

**Please Note** this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:  
<https://beta.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual  
 Organisation

**Full name or organisation's name**

**Phone number**

**Address**

**Postcode**

**Email**

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name  
 Publish response only (without name)  
 Do not publish response

**Information for organisations:**

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government 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 Scottish Government to contact you again in relation to this consultation exercise?

Yes       No

**Scottish Schools  
(Parental Involvement)  
Act 2006**

**Statutory Guidance  
(Revised 2020)**

# Foreword



Improving the education and life chances of our children and young people is the defining mission of the Scottish Government.

In achieving this it is vital that we recognise that it is parents who are the primary educators of their children. This is why we place a strong emphasis on engaging parents in their children's learning and involving parents in our education settings.

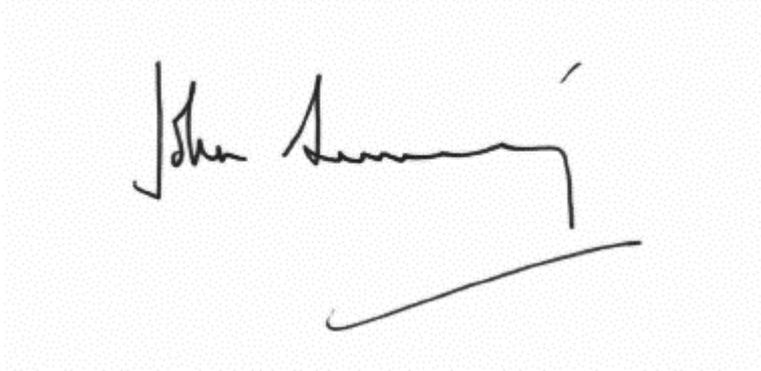
We have come a long way since the Scottish Schools (Parental Involvement) Act 2006 ("the Act") was passed; setting out the rights of parents to be involved and engaged with their children's education. We have worked together to improve practice and approach, developed additional guidance and support and introduced new policies and national strategies.

This revised statutory guidance builds on this work and the solid foundations provided by the Act. It explains the purpose of the legislation and the duties placed upon Education Authorities, schools and headteachers to involve and engage parents in their children's learning and the life and work of our schools.

The guidance provides the information and tools needed to ensure our schools offer a warm, welcoming environment to all parents, taking account of their differing needs and circumstances and involving them in all decisions affecting their child's education. It builds on an existing framework giving all parents the opportunity to get the information they need to support their child and enabling them to express their views. It describes how best to build a flexible, inclusive and empowered system so that parents and schools can decide what works best locally.

The theme that lies at the heart of this guidance is relationships - relationships based on trust, mutual respect and collaboration.

I am delighted to endorse this revised guidance, and the activity that will be taken forward at a national and local level to ensure that parents are recognised in our empowered education system.

A handwritten signature in black ink on a light grey background. The signature is written in a cursive style and appears to read 'John Swinney'. There is a long horizontal stroke below the main signature.

**John Swinney MSP**

Deputy First Minister and Cabinet Secretary for Education and Skills

# **Key principles** which underpin good practice in parental involvement and engagement

The day to day experience of parents, headteachers, teachers and children and young people depends as much on culture, values and principles as on legal duties and responsibilities. There are a number of key principles which have guided the work to update the following statutory guidance document. While the principles are not a formal part of the statutory guidance, they are provided in this preliminary section of the document by way of introduction.

## ● **Empowerment –**

Empowerment is about providing the necessary advice and support as well as the necessary space and time – i.e. stepping back and giving “permission” for people to make a positive contribution.

It means that parents are recognised as the primary educators of their children and that their knowledge and contribution is recognised and supported.

## ● **Partnership –**

Excellence and equity cannot be achieved by one part of the system alone. All partners need to work together in a collaborative, collegiate and respectful way, keeping the interests of children and young people front and centre.

We know that there have been important improvements in communication to and from parents, but we also know we need to make progress in supporting collaborative, two way relationships.

Partnership rests on strong relationships between parents and carers and school staff. It relies on trust, honesty, collaboration, expertise, good conversations, clear roles and, in some cases, emotional bonds.

## ● **Openness and Accessibility –**

Government, public bodies, schools and Parent Councils are accountable for the decisions that they make and the ways in which they work. This is why it is

important that key decisions should be taken in consultation with the wider Parent Forum, families and communities.

It also means that parents and school staff share information with each other in an open, honest and accessible way.

- **Flexibility –**

All families are different and all children and young people will have individual needs.

Flexibility means adapting approaches to take account of different family circumstances and to meet the individual needs of all of Scotland's children and young people.

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# Section A – Introduction

## The Purpose of the Act

1. The Scottish Schools (Parental Involvement) Act 2006 (“the Act”) modernised and strengthened the framework for supporting parental involvement in schooling, education and in children’s learning. It aims to help schools, Education Authorities and others to involve and engage parents meaningfully in the education of their children and in the wider school community. It requires Scottish Ministers and Education Authorities to promote the involvement of parents in children’s education at publicly funded schools. It aims to help all parents to be:
  - Involved with their child’s education and engaged with their child’s learning;
  - Involved and welcomed as active participants in the life of the school or early learning and childcare setting, and;
  - Supported to be involved from the beginning of key developments and improvements and in key decisions about the school or early learning and childcare setting.

## The purpose of this guidance

2. This guidance is provided in accordance with the duty upon Scottish Ministers under the Act to issue guidance to:
  - a) Education Authorities on their duties to prepare a strategy for parental involvement and a model or framework for establishing Parent Councils in schools where there is none, and;
  - b) Parent Councils on how they can carry out their functions.
3. The guidance contains four main sections:
  - Section B** - which explains what is meant by parental involvement and engagement;
  - Section C** - which explains the duties the Act places on Education Authorities and the responsibilities they have;
  - Section D** - which is focused on Parent Councils as a key feature of parental involvement and provides detailed guidance to Parent Councils on their rights, role and responsibilities as set out in the Act as well as detailing the role of head teachers in supporting Parent Councils, and;

**Section E** - which covers the role of head teachers and school leaders, Her Majesty's Inspectors of Education and other key organisations.

4. It is beneficial to read all four sections to gain a full understanding of the different roles and responsibilities of all the groups and people covered under the Act and how they are expected to work together.

#### **Who should read the guidance?**

5. This guidance is for anyone who has a part to play in educating our children and young people or in the life and work of our schools, education settings and wider communities. This may include parents, carers, headteachers, teachers, quality improvement officers, home-school link workers or those performing a similar role, family support staff, community learning and development staff, neighbourhood workers, parental and children's voluntary organisations, health staff and social workers.

## **Further Advice**

### **Who else may benefit from reading this guidance?**

The duties in the Act that apply to education authorities only cover those parents whose children attend a public school within those authorities. However, the guidance may also be of interest to parents of children in early learning and childcare settings, early learning and childcare providers and schools not covered by an education authority. The same principles of cooperation, collaboration and partnership as described within the guidance will apply to all parents and education settings but the duties placed upon education authorities under and Parent Councils will not.

### **Does this guidance cover early learning and childcare settings which are not part of public schools?**

The duties placed on education authorities and Parent Councils under the Act only extend to those early learning and childcare settings located within public schools. However the approaches set out in this document are recognised as being best practice for early learning and childcare settings and schools. As such it is **recommended** that the education authorities and all early learning and childcare providers (including voluntary and private providers) consider this guidance when making provisions for all early learning and childcare settings, even though they are **not mandated by any of the duties set out in the Act.**

## Status of guidance

s19(3)

6. Education Authorities and Parent Councils must have regard to the guidance in carrying out their functions under the Act. This means that they must consider the guidance before carrying out the duties placed upon them by the Act. While there is no specific duty placed on headteachers, they must also have regard to the guidance when exercising functions on behalf of the education authority, which is their employer. Specific references which link the guidance to the corresponding sections of the Act are placed in the page margins throughout the document.
7. The guidance aims to help Education Authorities and parents to understand what duties, rights and responsibilities they have under the Act and to decide how best to put arrangements in place that meet these and are appropriate for their local circumstances.
8. It is designed to help Education Authorities and schools ensure that their policies, practices and arrangements for parental involvement reflect the requirements of the Act. It also aims to help Parent Councils to carry out their functions effectively.
9. However, the guidance is not a definitive interpretation of the Act. Ultimately, this is a matter for the courts.
10. The guidance is supported by a range of practical materials, strategies and tools which may help parents, schools and education settings and Education Authorities to further develop their strategies and approach.
11. **These include:**

**Learning together: national action plan on parental involvement, engagement, family learning and learning at home 2018 – 2021**

<https://www.gov.scot/publications/learning-together-scotlands-national-action-plan-parental-involvement-parental-engagement/>

**Engaging parents and families - A toolkit for practitioners**

<https://education.gov.scot/improvement/learning-resources/engaging-parents-and-families-a-toolkit-for-practitioners>

**Parentzone Scotland - Ways of getting involved**

<https://education.gov.scot/parentzone/getting-involved/ways-of-getting-involved/>

## Definitions

12. Most of the terms used in the Act and in this guidance document have the same meaning as are stated in section 135 of the 1980 Act:  
<http://www.legislation.gov.uk/ukpga/1980/44/section/135>]
13. The one exception relates to the definition of a 'pupil' which includes a child who is under school age only if that child is in attendance at an education authority primary school, whether or not the child is in a nursery class in the school. Parents of children attending nursery classes at education authority primary schools are therefore also covered by the Act. This exception does not extend to children attending nursery classes that are located out with education authority primary schools, even if their place at the nursery is funded by the education authority.

## Further Advice

### ‘Jargon buster’ boxes and glossary

Through this document you will find boxes which explain some of the definitions, terminology or names used in the Act and as part of the guidance. We need to use some of these names and terms to be accurate but we recognise that not everyone reading this guidance will have come across these terms before and that some people may use different terms to those set out in the act or in this document. To help make things clearer for everyone we have included a number of Jargon buster boxes through the document which provide a short explanation of each of the key terms we have used.

| <b>Jargon buster</b> |  |
|----------------------|--|
| <b>Terms</b>         | <b>Meaning</b>   |
| Parent               | A “parent” includes a guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to, or has care of a child or young person;”   |
| Parent Councils      | A group responsible for representing parents’ views. The functions of Parent Councils are set out in the Scottish Schools (Parental Involvement) Act 2006  |
| Parent Forum         | All parents who have a child attending a public school, including a nursery class at such a school, are automatically members of the Parent Forum for that school. ‘Parent Forum’ is a term which describes the parents of all children and young people who attend a particular school. Membership of the forum allows parents to be involved in key decisions made by their children’s school and enables their collective view to be represented on all matters of interest to parents. |
| Act                  | A law passed by the Scottish or UK Parliament.   |
| Duties               | A legal obligation or responsibility placed on a person or group.  |
| Education authority  | The local authority ‘in the exercise of its education functions’, responsible for ‘public schools’ in their area. The Act’s provisions cover pupils attending an education authority school.   |
| Public schools       | A school managed by an education authority, including any nursery class provided within the school.  |
| Scottish Ministers   | The name used in the Scotland Act 1998 for ministers who make up the Scottish Government.  |

## Links with other legislation and policies –

14. In implementing their duties under the Act, Education Authorities should also consider their functions under other relevant legislation. In particular, the Act relates to the:
  - Education (Scotland) Act 1980 (referred to throughout this guidance as the “1980 Act”);
  - Standards in Scotland’s Schools etc. (Scotland) Act 2000 (the “2000 Act”);
  - Education (Additional Support for Learning) (Scotland) Act 2004 (the “2004 Act”), and the;
  - Children (Scotland) Act 1995 (the “1995 Act”).
15. These pieces of legislation involve, to different extents, issues of parental rights and responsibilities and requirements to listen to the view of and act in the best interest of a child. Education Authorities should also take into account duties placed on them in other legislation, whether relating to children, equality or otherwise.
16. This legislation is complemented by Getting it Right for Every Child (GIRFEC), the national approach in Scotland to improving outcomes for children, which puts the rights and wellbeing of children and young people at the heart of the policies and services that support them and their parents.
17. The Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007 were made under the Act and relate to duties placed on education authorities to involve parents in the appointment of school leaders (Head Teachers and Deputy Head Teachers). Separate guidance on the Appointments (Scotland) Regulations 2007 and the involvement of parents and Parent Councils in the appointments process for school leaders can be accessed at:

<https://www2.gov.scot/Resource/Doc/180583/0051311.pdf>
18. The Education (School and Placing Information) (Scotland) Regulations 2012 ("the 2012 Regulations") were introduced in order to support the provision of School Handbooks by schools – a key aspect of broader parental communication which is underpinned by the Act. Guidance in relation to the 2012 Regulations can be accessed at:

<https://www.gov.scot/publications/school-handbook-guidance/>

19. **Annex A** provides a full summary of relevant legislation and policies and how they relate to the Act. The resources section of the guidance also highlights other sources of advice and information.

**Where can I receive further information?**

20. Further information on this guidance is available from the Scottish Government’s Learning Directorate who can be contacted at:

**Office Address:** The Scottish Government, Learning Directorate,  
Curriculum Unit, Area 2B (North), Victoria Quay,  
Edinburgh, EH6 6QQ

**Email:** [Parental.involvement@gov.scot](mailto:Parental.involvement@gov.scot)

| <b>Jargon buster</b> |   |
|----------------------|---|
| <b>Terms</b>         | <b>Meaning</b>  |
| Legislation          | Laws which have been made by Parliament.  |
| Policy               | A set of actions or agreed work of an organisation or government body.  |
| Practitioners        | People who work in the education profession.  |
| Equality             | Equality is about ensuring that every individual has an equal opportunity to make the most of their lives and talents; and recognising that historically certain groups of people have experienced discrimination. The pursuit of equality therefore requires that measures and protections are put in place to ensure that people are treated equally; to protect people from discrimination, harassment and victimisation; and to foster good relations |
| Regulations          | Legislation made by Ministers under powers contained in an Act of Parliament, which is often used to bring the legislation in to force or make more detailed on an issue.   |

# **Section B – Involving and Engaging Parents: what does it mean and why is it important?**

## **Why involve and engage parents?**

1. Parents, carers and families have by far the biggest influence on the lives of their children. Parents who are involved and engaged with their children's learning can make a difference in improving attainment and behaviour. Their support can play a vital role at all stages of education.

## **Why is involvement in the life and work of school or early learning setting important?**

2. When parents and school leaders, educators and support staff work together children do better. The active involvement of parents in the life of the school can help promote a learning community in which pupils can engage positively with school staff and their peers. Educators and support staff can benefit from developing positive partnerships with parents by involving them in all decisions affecting their children's education and learning. A relationship of mutual trust and respect can enable effective two way communication that supports both parents and teachers. Good information sharing can assist parents to ask the right questions at home and support the learning; it can help teachers in adapting their teaching to suit the learning styles of pupils and take account of the needs of individual families and learners.
3. Consultation with parents is a crucial part of improving standards and quality in teaching and learning. Schools should foster a positive and open ethos which encourages parents to be involved in key decision making and improvement processes. 'Parent voice' is key to helping education authorities and schools determine the priorities for schools and can help them to plan improvement to meet these priorities.

## **Why is engagement with children's learning important?**

4. Evidence shows that when parents are engaged in their children's learning this leads to better outcomes for children and young people. Parental engagement is supported by co-operation between parents/practitioners and focuses on how families can build on what they already do to help their children's learning and provide a supportive home learning environment.

Parental engagement in and support for, their children's learning plays a crucial role in helping children to achieve and attain throughout their time in education.

### **The impact of involvement and engagement**

5. When parents are involved and engaged this helps to support a more empowered school or early learning setting, one where all interested parties are supported to play an active role in achieving the very best for children and young people.

### **Who do we mean by parents?**

6. The Act uses the broadly framed definition of 'parent' set out in the 1980 Act. This is as follows:

“parent” includes a guardian and any person who is liable to maintain **or** has parental responsibilities (within the meaning of section 1(3) of the Children (Scotland) Act 1995) in relation to, **or** has care of a child or young person;”

7. This is a wide definition which might, by way of example, include:
  - parents who may not live at the same address as the child or young person, including fathers named on the child's birth certificate or with a Section 11 order under the Children(Scotland) Act 1995;
  - carers;
  - others with parental responsibilities, for example foster carers, relatives and friends who are caring for children and young people under a Compulsory Supervision Order supervision arrangement under the Children's Hearings (Scotland) Act 2011 or permanence order under the Adoption and Children (Scotland) Act 2007, or have been placed by the local authority under s 25 of the Children (Scotland) Act 1995, and;
  - close relatives, such as siblings or grandparents caring for children by family arrangement. These children are not looked after under Section 17(6) of the Children (Scotland) Act 1995.
8. Everyone who is a parent, as defined in terms of the Education (Scotland) Act 1980, has rights under the Act. This includes the right to receive advice and information about their child's education, general information about the school, to be told about meetings involving their child, and to participate in activities, such as taking part in decisions relating to a Parent Council. Education authorities and schools should treat parents equally, the only exception to this general requirement being where there is a court order

limiting an individual's exercise of parental rights and responsibilities. It is for Education authorities to advise schools on the application of these rights in individual cases.

### **What do we mean by involvement?**

9. Although the wording used throughout the Act is 'Parental involvement' the provisions in the Act go beyond what would today describe as the 'involvement' of parents in their children's school. In fact the provisions in the Act cover quite a wide range of topics including i) topics of involvement of parents in the life and work of their children's school, ii) engagement with parents in their children's learning and iii) the learning which happens at home or in the community. In detail, the three broad areas covered by the Act and therefore the three aspects which should be central to practice and approach are:

#### **a) Parental engagement in children's learning and learning at home**

The Act recognises the vital role that parents and other carers play in children's learning and development. Parents are the first and ongoing educators of their own children and, as such, should receive information and support to build on the learning they already do at home and in the community, and about the school in their role as a member of the Parent Forum.

#### **b) Home/School Partnership**

The Act reflects the shared role and responsibility that schools, parents and the community have in working together to help children learn. Effective home/school partnerships are essential to ensure that children get the most out of their school and their education. Working in partnership will allow opportunities, improvements and emerging issues to be identified at an early stage. Schools must support parents to be as involved as they can be in the work they do and should consider different ways of providing information which helps parents engage with the school and their children's education.

#### **c) Parental representation**

The Act provides a framework for ensuring that parents are informed and involved in matters affecting the education of their children, the school's arrangements for promoting parental involvement and other matters or issues of interest to parents. It defines parents as automatic members of the Parent Forum at a school, and to have their views represented to the school,

education authority and others, including through a representative Parent Council for the school if they choose.

| <b>Jargon buster</b>                  |  |
|---------------------------------------|--|
| <b>Terms</b>                          | <b>Meaning</b>   |
| Parental Engagement – ‘in Learning’   | Parental engagement is about parents’ and families’ interaction with their child’s learning. It can take place in the home, at school or in the community. Where it takes place is not important. The important thing is the quality of the parent’s engagement with their child’s learning, the positive impact that it can have and the interaction and mutual development that can occur as a result of that interaction. |
| Parental Involvement – ‘in Schooling’ | Parental involvement describes the ways in which parents can get involved in the life and work of the school or the ways that parents can get involved in “schooling”. Parental involvement includes activities such as parental representation in the development of policies, improvement plans and key decisions as well as attending school events, parental consultations or parents evenings.                          |

### **Further advice**

More information on the differences between the terms ‘**parental involvement**’, ‘**parental engagement**’, ‘**family learning**’ and ‘**learning at home**’ can be found in the ‘Learning together: national action plan on parental involvement, engagement, family learning and learning at home 2018 – 2021’ which is available at:

<https://www.gov.scot/publications/learning-together-scotlands-national-action-plan-parental-involvement-parental-engagement/pages/5/>

# Section C – Guidance for Education authorities

## Involving and engaging parents

### Strategy for parental involvement

S2(1)

1. The Act requires each education authority to prepare, have in place and regularly update a strategy document setting out their policies for parental involvement and engagement. These 'parental involvement strategies' must cover the authority's 'duties' and what they will do to:
  - support the engagement of parents in their own child's learning, and in the life of the school;
  - give advice and information to parents in respect of their own child;
  - promote the establishment of Parent Councils in schools as an important aspect of parental representation, and support their operation, and;
  - establish a complaints procedure for their duties under the Act.

### Developing the strategy

S2(4)

2. When developing or reviewing its strategy the education authority must seek and listen to the views of all those who may be interested in how it will carry out its duties, or manage its complaints procedures. This includes taking account of the views of parents, Parent Councils, pupils across all of its schools and any other person the authority believes it is important to include.
3. The education authority should involve parents with differing experiences in the drafting of the strategy. This is to ensure that it reflects the broad range of parental perspectives. The authority should consider how they gather the views of parents using a variety of methods that are effective, proportionate and meet the needs of parents in their area. This may include involving parents in more formal settings such as in Parent Council meetings, as part of a working, planning, reference or focus group, or using less formal methods such as surveys, workshop style events, online consultations, polls or discussion events. Local authorities should consider the ways in which they can support these methods of consultation. The should draw on the expertise of their staff who work closely with schools and local communities. It is important to ensure that as wide a range of views from parents and the wider community are obtained in the development of the strategy.
4. The views of early years providers and parents of children who attend early learning and childcare settings should also be considered when developing

or reviewing the strategy. Pupils should also have the opportunity to have their say on the development of the strategies and this can be done through formal consultation with groups such as Pupil / School Councils or local authority youth forums, or through less formal methods of consultation such as surveys, online consultations or discussion events.

5. Once it is published education authorities should ensure their parental involvement and engagement strategy is easily accessible. The education authority should also have arrangements in place which allow parents to access its strategy through the school or its Parent Council.
6. Schools are an important part of our communities and some larger schools may serve more than one identifiable community. Schools are also closely linked to a number of statutory and voluntary organisations that provide services and support to communities. These important links to a wider group of expertise should be utilised and captured when authorities draft their strategy for parental involvement. The strategy must take account of the different make up, circumstances and needs of each community which it covers. The Community Empowerment (Scotland) Act 2015 sets out a framework which local authorities should consider when developing policies or strategies, ensuring appropriate arrangements are made to fully involve local people and communities. The aspirations of the Act can also be supported by approaches such as participatory budgeting which involves local communities in financial decisions about the design and delivery of services. More information is available at the <https://pbscotland.scot/>
7. In developing their strategy for parental involvement the education authority should take account of Education Scotland's quality indicators outlined in the How good is our school? self-evaluation guidance for schools and local authorities.

[https://education.gov.scot/nih/Documents/Frameworks\\_SelfEvaluation/FRWK2\\_NIHeditHGIOS/FRWK2\\_HGIOS4.pdf](https://education.gov.scot/nih/Documents/Frameworks_SelfEvaluation/FRWK2_NIHeditHGIOS/FRWK2_HGIOS4.pdf)

### **Early Learning and Childcare Settings**

8. The main provisions of the Act apply to pupils in primary or secondary schools run by the local authority. However the definition of 'pupil' includes a child who is under school age if that child is in attendance at an education authority primary school, including those children in the school who are of pre-school age and attend a nursery at the school. The parents of such children will be members of the Parent Forum for that primary school and will have the same rights under this Act as parents of school age children in attendance at the school.

9. Involvement and engagement with parents in their children’s learning from the early years can also help to make this involvement and engagement easier when children move into school. In line with the GIRFEC – Getting it Right for Every Child - approach, involving and engaging parents from the early years supports trusting relationships. This can make it easier for families to get help early to address any needs, risks or concerns, and prevent them from getting worse.

10. It is therefore best practice for authorities to engage with providers of early learning and childcare when developing and reviewing their strategy for parental involvement. The national standard for funded early learning and childcare providers includes a requirement that parents and carers are supported to engage in their child's learning and development. To attain funded status, early learning and childcare settings must meet the quality requirements set out in the national standard. Specifically:

Sub-criteria 5.1 – “There is open and regular communication with parents and carers about the work of the setting and families are meaningfully involved in influencing change”.

Sub-criteria 5.2 – “Parents and carers are supported to engage in their child’s learning and development”.

## Topics for Education authorities to consider when developing parental involvement strategies

11. Some of the key issues which the parental involvement strategy should cover include:

### Equality

12. In meeting their duties under the Equality Act 2010 Section 149 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, education authorities must take account of equality issues . They must have regard to how their strategy will promote equality, prevent discrimination, harassment and victimisation and foster good relations between people who have a protected characteristic and those who do not . This should include consideration of how to ensure that children and their families are not discriminated against on grounds of, age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation, as these are the protected characteristics listed in the Act. In the 2010 Act, “equal opportunities” and “equal opportunity

S2(2)

requirements” have the same meanings as in Section L2 of Part II of Schedule 5 to the Scotland Act 1998. As well as the categories noted above education authorities must also have regard to Part 1 of the Equality Act 2010, which sets out the duties placed on them when making decisions of a strategic nature to give due regard to the desirability of reducing the inequalities of outcome which result from socio-economic disadvantage. Annex A in this guidance provides a brief summary of the main equality legislation to which education authorities should have regard.

## **Involving all parents**

13. In the particular context of the Scottish Schools (Parental Involvement) Act 2006, education authorities should take into account factors that may act as barriers, discourage or inhibit parents’ involvement in their children’s learning, education or inhibit contact with the school. There are a variety of reasons why some parents are not fully included in the life and work of their children’s school or do not have access to the tools and support they need to be fully engaged in their children’s learning. For some parents their own experience of school education may have been a negative one. This may undermine their confidence to become involved in their children’s school and engage with their children’s learning. Education authorities and schools must adapt their communication and make appropriate arrangements to ensure that all parents have opportunities to be involved in the life and work of their children’s school and engaged in their child’s learning, recognising that a one fits all approach will not work for all parents and families. This includes considering what effect their current structures and working practices may be having on encouraging or excluding parents and families from being more involved in their children’s school.
14. Education authorities must recognise the needs of different groups of parents such as those in mobile families, those for whom English is an additional language, foster parents, grandparents or other carers. Education authorities must also consider how their strategy supports parents and families of children in the following categories:
  - **Families of children with additional support needs.**
15. The Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) (“2004 Act”) places duties on education authorities to identify, provide for and keep under review the needs of pupils for whom they are responsible. An additional support need can arise for any reason and be of short or long term duration. Additional support may be required to overcome needs arising from learning environment; health or disability; family circumstances or social and emotional factors.

16. The 2004 Act gives parents a number of rights, including the right to access independent mediation and adjudication. Parents can also appeal certain decisions to the Additional Support Needs jurisdiction of the Health and Education Chamber<sup>1</sup>. The Act also gives children (aged 12-15) and young people (aged 16+) a number of rights to be involved and supported in decisions that are made about their education and support.
17. Education authorities are therefore placed under a number of duties by the Act and the 2004 Act. As such, authorities should consider how they will support families of children with additional support needs when creating and reviewing their strategies for parental involvement and engagement. They should ensure that these strategies take account of the rights of parents of children with additional support needs and seek to address some the specific issues which may affect some parents of children with additional support needs. This should include decisions about inclusion of children with additional support needs in mainstream education, and the presumption of mainstreaming under the Standards in Scotland's Schools etc. Act 2000, fair treatment of children with additional support needs in schools as well as specific rights of complaint and appeal.
18. Further information on the duties placed on Education authorities with regard to parents of children with additional support needs can be found in the 'Supporting Children's Learning: Code of Practice', available at:  
  
<https://www.gov.scot/publications/supporting-childrens-learning-statutory-guidance-education-additional-support-learning-scotland/>
19. Parents can access advice and support from the Scottish advice service for additional support for learning, This service is funded by the Scottish Government and is provided by Enquire. Further information is available at:  
<https://enquire.org.uk/>
  - **Families impacted by poverty**
20. Section 3B of the Standards in Scotland's Schools etc. Act 2000 requires (in broad terms) that education authorities, when making a strategic decision or deciding to implement one, to have regard to the need to address inequalities in educational outcome that arise in consequence of socio-economic disadvantage. As such education authorities must consider how their plans for parental involvement and engagement support families affected by poverty or inequality.

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<sup>1</sup> <https://www.healthandeducationchamber.scot/additional-support-needs/12>

- **Looked after children**

21. The education authority strategy for parental involvement must include specific reference to the authority's arrangements for children who are looked after. The Act uses the same definition of 'looked after' as that in section 17(6) of the 1995 Act. This refers to children or young people who are accommodated by the local authority under section 25 or are subject to one of the specified orders made under the Adoption and Children (Scotland) Act 2007 including a permanence order; and any children who are subject to a Compulsory Supervision Order under the Children's Hearings (Scotland) Act 2011.
22. It is legally required that all looked after children should have the extra support they need to get the most out of their education and achieve their full potential, as set out in the Education (Additional Support for Learning) (Scotland) Act 2004 (as amended). The education authority strategy for parental involvement should demonstrate a commitment to providing help, encouragement and support to address any additional support needs of looked after children and to ensure that they have equal opportunities.
23. Local authorities should, in most cases, and where this is in the best interests of the child, act jointly with both parents and carers in relation to the education of children who are looked after on a full-time basis away from home. In order to take account of this, the authority's strategy for parental involvement should complement their arrangements for integrated working with other professionals, agencies and services, working with the children and their families.
24. It is important that local authorities and schools take account of the views and feelings of the child who is looked after when seeking to involve parents. Some will find involving parents in their school life can be a positive step in maintaining contact and developing their relationship. Others may find the involvement of parents difficult or distressing. In all circumstances, it is important for education authorities to consider the impact on children when gaining their views to ensure this does not put extra pressure on them.
25. Most parents of looked after children retain their parental rights and responsibilities regardless of their child's involvement with the care system. Many parents who do not live with their children still wish to be involved in their education. Unless parental rights and responsibilities have been removed, parental involvement in a child's education should not be affected by the looked after status of the child or young person. The local authority responsible for the child will be able to advise of the status of the parents.

Education authorities and schools should work in partnership with parents and carers to encourage them to support the child or young person to maximise their educational potential.

26. Some parents and carers have shared care arrangements with local authorities which may mean a child living in more than one household. Education authorities must recognise that some children and young people may live at different households at different times. It is important that schools hold the accurate details of foster carers and other care arrangements so that both parents (to include all the child's parents) and carers are kept fully informed about their child's schooling.
27. Where a child or young person is accommodated by the local authority, the educational establishments must ensure all relevant information in relation to the child or young person is provided to both carers and parents.
28. The above guidance does not apply when a looked after child or young person's personalised child's plan specifically states that there should be no involvement with the parent, even if they retain parental rights and responsibilities. Where contact with parents is not possible, or their contact has been minimised, educational establishments should seek to establish which other family members, such as grandparents, could support child or young person in their learner journey.
29. Further information on involving and engaging parents in the education of looked after children and young people can be found in the 'Getting it right for looked after children and young people strategy':  
<https://www.gov.scot/publications/getting-right-looked-children-young-people-strategy/>

| <b>Jargon buster</b>                |   |
|-------------------------------------|---|
| <b>Terms</b>                        | <b>Meaning</b>  |
| Care system                         | All of the services and care organisations, which support looked after children and young people, including children and young people in foster, kinship or residential care or who are looked after at home with support from the local authority. |
| Care arrangements                   | The arrangements in place to look after and care for individual children and young people.  |
| Accommodated by the local authority | Children and young people who are looked after by the local authority to some extent and who may live in local authority accommodation or are supported by the local authority.   |
| Educational establishments          | In this document this term is used as another word to describe the public schools covered by the Act. In other contexts this term can also include other education settings such as Early Learning and Childcare settings.                          |

- **Children with parents at other households and other parents/carers**

30. As described in paragraph 4 of Section B, the definition of ‘parent’ in the Act is the broad one used in the Education Children (Scotland) Act 1980. The education authority strategy should take account of the varying family circumstances to which the definition of parent applies. For example, the Act’s provisions extend to parents who may not live in the same household as the child, or where children live with different parents at different times. The definition of ‘Parent’ can also include a person who has been allocated parental rights or responsibilities to be exercised on behalf of a natural parent.
31. Children’s education and development can suffer if they are upset over their parents’ separation. But adverse effects on children can be greatly reduced if education establishments have accurate and up to date information which allows them to continue to support parents to be fully involved in the education of their child or young person. The education authority strategy, therefore, should include the arrangements they have in place to assist parents to be fully involved in their education, whatever the circumstances. This should include how they provide parents with advice and information on any matter relating to their child’s education, on meetings involving the child,

and on school activities. The circumstances of each individual case will differ so it will be necessary for education authorities to provide their schools with clear guidance on the matter. In doing so, authorities should ensure their guidance reflects the different circumstances covered by the above definition of parent.

32. Parents should be fully involved in the planning processes in relation to meeting the child or young person's educational needs education authorities and schools must do as much as they can to support the continued involvement of parents who may not live at the same address as their child in planning processes. Authorities and schools must be sensitive to the needs and wishes of both parents, who may not always agree. It is also important that education authorities and schools listen to the views of the child in such circumstances, recognising that in some circumstances children may feel stress and pressure if their parents do not agree.

### **Placements out-with local authority**

33. The duty on an education authority to promote parental involvement and engagement extends to the parents of pupils in attendance at any of its schools. This means that where a child or young person attends a public school out-with their home area, whether or not by virtue of a placing request, the host education authority becomes responsible for taking steps to promote the involvement of the parents in the child's education. Where an education authority places a child in an independent special or grant-aided special school, the authority which placed the child in that school retains responsibility for their education. This is most likely to arise in the case of children or young people who have a particular requirement for additional support for learning.<sup>2</sup>
34. Where an education authority funds the placement of a pupil at an independent special or grant-aided special school, they should ensure that there are appropriate arrangements in place for the pupil's parents and carers to receive the advice and information they need to be involved with and to support the child's education. The authority's strategy for parental involvement should demonstrate a commitment to ensuring such arrangements are in place.

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<sup>2</sup> <https://www.gov.scot/policies/schools/additional-support-for-learning/>

| <b>Jargon buster</b>            |  |
|---------------------------------|--|
| <b>Terms</b>                    | <b>Meaning</b>   |
| Home area                       | The local authority area in which the child or young person lives.   |
| Host education authority        | An education authority outside of a child or young person's 'home area' where they go to school.   |
| Special school                  | Schools (including classes and units within schools) that provide education wholly or mainly for children and young people with additional support needs.  |
| Placing request                 | A request made by a parent or carer to place their child or young person in a specific school which may be out with the normal school catchment area.  |
| Additional support for learning | Support given to children and young people who require more, or different support to that which is regularly provided in schools or early learning and childcare settings to children of the same age. |

### **Performance and Improvement: Delivering the priorities of the National Improvement Framework for education**

S4

35. The first "National Improvement Framework for Scottish Education (NIF) and Improvement Plan" was first published on 13 December 2016. The plan and framework, which is refreshed on an annual basis, sets out the Scottish Government's vision for Scotland's children and young people's progress in learning. The NIF includes a specific "driver" or section on parental engagement. More information relating to the NIF can be found at:

<https://www.gov.scot/policies/schools/national-improvement-framework/>

36. Section 3D of the Standards in Scotland's Schools etc. Act 2000 (as inserted by section 2 of the Education (Scotland) Act 2016) introduces a requirement on education authorities to carry out their duty to ensure the delivery of improvement in the quality of school education which is provided in the schools they manage, with a view to achieving the strategic priorities of the NIF. This means that education authorities will have to be able to demonstrate how they have sought, and continue to seek, to deliver against the strategic priorities of the NIF. This will be achieved, at least in part, through the preparation of annual plans and reports under section 3F, 3H and section 6; sub-section 3 of the 2000 Act. In preparing these annual reports local authorities must seek parents' views on the quality of their child's education and the support provided to parents to actively engage in their child's education and schooling. It is recommended that education

authorities consider how their strategy for parental involvement links and relates to their responsibilities under the NIF and associated legislation.

### **School improvement plans**

S3

37. Under the 2000 Act as amended, the education authority is required to ensure that a 'school improvement plan' is prepared for each of its schools aimed at improving the quality of education provided by the school. The authority should have arrangements in place to provide access to the plan and progress reports on it for parents of children at the school to receive summaries of the plan.
38. School improvement plans must be produced on an annual basis, with the task being delegated from education authorities to individual Headteachers and school leaders. The development of these plans must be underpinned by consultation with parents and carers among others. Schools must take account of the authority's strategy for parental involvement and engagement when developing their plans. In doing so, they must also ensure that the objectives set for the school includes objectives which cover the engagement and involvement of parents in the education provided to the pupil and to the school's pupils generally. The authority should have arrangements in place to provide access to the plan and progress reports on it, and for parents of children at the school to receive summaries of the plan.

### **Promoting parental involvement and engagement**

S1(2)

39. Under the Act education authorities are required to promote the engagement of parents in their own child's education as well as the involvement in education provided by their child's school to pupils generally. 'School education' includes an authority's duty to ensure there are adequate facilities for social, cultural and recreation activities and for physical education and training. The development of the authority's strategy for parental involvement is one way to promote parental involvement and engagement, but there will be a variety of other ways for an education authority to promote parental involvement and engagement.

### **Engagement in children's education and schooling, and keeping parents informed**

S12

40. Education authorities must respond to any reasonable request for advice and information from the parent of any child attending one of their schools in relation to the education provided to the child. They must also take steps to ensure that the headteacher and staff of the school are available to give

advice and information to the parent, in a manner consistent with the authority's duties under the Act.

41. Schools and parents often find that having a variety of methods for sharing information and communicating with parents makes two way communication more effective and makes it easier for parents to know what's going on and be fully involved. Schools should therefore use a range of methods when communicating with parents, recognising that different methods will work best for different parents. Some of the methods schools may use include:
- phone calls and text messaging
  - letters and newsletters
  - face to face informal contact
  - e-mails, websites and blogs
  - The use of social media
  - parent information evenings and parent workshops
42. Parents have the right to access their child's educational records except in certain circumstances such as situations where allowing access to the record would be, in the opinion of the education authority, likely to cause significant distress or harm to the pupil or any other person at risk. Parents should also be involved in the personal learning planning process for their children which promotes dialogue between pupils, parents and teachers. There are a range of ways that schools can – and do – promote dialogues. For example:
- By inviting parents to be part of the early planning stages, when parents and their child will get the opportunity to discuss suitable learning goals with the teacher
  - By providing parents with the opportunity to discuss their child's learning goals at parents' evenings or an alternative meeting opportunity
  - By arranging additional opportunities for parents to meet the teacher to discuss their child's achievements and next steps for learning.
43. Under the Education (Additional Support for Learning) (Scotland) Act 2004 certain children, young people and parents of a child with additional support needs have additional rights to request assessment of, and information about their child's needs and how these are to be met. Such requests may involve specific timescales for reply. Therefore, schools and the authority should be clear about the need to respond within an appropriate timescale to parents' requests for advice and information.<sup>3</sup>

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<sup>3</sup> Section 2(1) of the Act.

44. School leaders and school staff should also consider how parents who live in a different household from their child can be kept informed of their child's progress and have policies in place to ensure this happens. They should take account of any child protection considerations where these apply. Where it acts as the corporate parent of a 'looked after' child, the local authority should ensure it has effective arrangements in place to liaise effectively with the child's school and to provide encouragement and support for the child's learning out with school. As mentioned above, when discussing strategies for parental involvement the authority should consider how parents and families can continue to support the child's education and learning in a positive way.
45. The GIRFEC – Getting It Right for Every Child - approach underpins all policies and services for children, young people and parents to ensure that they get the right help, at the right time, from the right people. Schools can play a fundamental part in this approach through the provision of a named person who is known and easily identifiable to the child, young person and parents; and, who can provide initial support as well as early access to a wider network of support, assessment and planning. The wellbeing of each child is promoted, supported and safeguarded through building relationships and partnerships with children, young people and their parents, based on trust and mutual respect.

## Parental representation

### Parent Forum

46. All parents who have a child attending a public school are automatically members of the Parent Forum for that school. 'Parent Forum' is a term which describes the parents of all children and young people who attend a particular school, including those attending a nursery class at that school. Membership of the Parent Forum allows parents to be fully involved in key decisions made by their children's school and enables their collective view to be represented on all matters of interest to parents. Members of the Parent Forum may make their views known to the headteacher of the school, the local authority or Education Scotland. The Parent Forum may choose to be represented by a Parent Council which, if one does not already exist, they can choose to establish. In most schools, the Parent Forum will normally be represented by a Parent Council, though the existence of a Parent Council does not replace the broader responsibilities to support parental involvement and engagement. In some schools, where there are only a small number of pupils, parents may choose to have the Forum itself represent their views.

47. Schools should consider what types of communication are most effective for members of the Parent Forum, recognising that different approaches will work best for different parents. Schools must ensure parents receive information regarding the life and work of the school and of school events, information on the curriculum and subject choice and information on their own child or young person's education and learning. It is important to identify and develop effective systems of communication in each school, taking time to ask parents what method of communication work best for them. School reports and parents' evenings are two examples of ways in which schools can pass on information to parents about their child. However, schools which successfully build strong two way communication with parents employ a wide range of formal and informal approaches that are reviewed and updated regularly.
48. Successful partnerships between parents and schools are often built through less formal direct contact and this should be encouraged. Other forms of contact may include telephone calls, letters, e-mails, text messaging, newsletters, school websites, social media approaches, parent information evenings, parent workshops and drop-in surgeries, among others.
49. Engagement and events led by parents and often supported by school staff can prove very effective in engaging and involving parents. As part of their communication strategies schools should work with parents to explore the best ways of allowing them to share ideas with the school on improving practice. More information on good practice in communicating with parents is available from Education Scotland's Parentzone Scotland website at: <https://education.gov.scot/parentzone>

### **Supporting transitions to primary school and contacting prospective Parent Forum members**

50. Each education authority should consider how it can effectively engage with and involve parents whose children are moving into school education from early learning or childcare, or from primary into secondary school. This should include steps to ensure that all parents with children attending, or about to start, at their schools are aware of the arrangements for communicating with parents and the work of the Parent Council. This might be done by way of an introductory letter from the authority or the headteacher of the school outlining the information and support available to parents in terms of partnership and involvement in their child's school education.

51. The education authority should consider the support or advice that might it might be able to offer to Parent Councils in order to help the Parent Council to make contact with parents of prospective pupils of the school, or with providers of early learning and childcare.

### **Promoting the establishment of Parent Councils**

S5(3)

52. The Act requires education authorities to promote the establishment and provide support for, the operation of Parent Councils. In general, this will mean supporting the creation of a Parent Council in each school, if one does not already exist. The Act also allows for the establishment of a 'Combined Parent Council' in certain circumstances. (See Section D of this document.)
53. The education authority can indicate to a school's Parent Forum that they intend to prepare a "scheme" for establishing a Parent Council at schools within their authority, however the decision on whether or not to establish a Parent Council is a matter for the members of the Parent Forum at that school. While education authorities are responsible for promoting the establishment of a Parent Council in each of their schools they must have regard to the needs of individual Parent Forums and schools when doing so, allowing parents to reach decisions on arrangements that meet the individual needs and circumstances of the Parent Forum and school. School and education authority staff should assist parents to identify and consider options for the kind of Parent Council they wish to see in their school and support them to make these arrangements.

### **Guidance on preparing a scheme for the establishment of a Parent Council**

S6(1)-(6)

54. When they are preparing a scheme for the establishment of a Parent Council for the school the education authority must notify all parents in the Parent Forum in writing of their intention to do so. In setting out the process to be followed, the authority should suggest alternatives for how the Council may be constituted and what its constitution may be. Alternatives should only be offered by way of examples and should be framed in accordance with this guidance.
55. The arrangements to establish a Parent Council should allow parents the opportunity to discuss arrangements for their Parent Council and how it will operate and represent the wider Parent Forum. One way to do this is to establish a school working group to assist the process as set out below:
- Education authority notifies members of the Parent Forum of its intention to establish a scheme for the establishment of a Parent Council.

- School arranges an open meeting of parents to set up a school working group and seek to recruit members of the Parent Forum using a range of communication methods.
  - A working group, supported by local authority, explores options for establishing a Parent Council and its constitution.
  - The working groups discusses options with the Parent Forum and gathers parents' views using a range of communication methods.
  - The working group reports back to education authority with a suggested scheme for Parent Council arrangements and constitution.
  - The education authority submits a proposal to all members of the Parent Forum inviting them to express their preference from options outlined by the school working group, ensuring all Parent Forum members have the opportunity to participate in discussions.
  - The education authority implements the arrangements agreed by the majority of parents, in a ballot in which all parents have the opportunity to participate.
56. The above is simply an example. It is important that the education authority, school leader and Parent Forum find an approach which works in the context of their school.
57. The authority, in notifying parents of their intention to set up a scheme for the establishment of a Parent Council, must also invite parents to indicate if they wish someone other than the authority to prepare the scheme, or that no scheme is prepared. In most circumstances it is expected that parents, with support from the school and the authority, will be able to agree to arrangements for the establishment of a Parent Council. Parents may choose not to set up a Parent Council, but to agree arrangements between themselves for working with the school and making their views known. For example, this may be most appropriate in the case of a very small school.
58. Parents must have reasonable time to consider their preferred option for their school. Therefore, the length and shape of the overall process is likely to vary from school to school depending on the size of its Parent Forum. The authority must provide all members of the Parent Forum with a copy of the Parent Council arrangements agreed for their school. Where parents choose to have someone other than the education authority prepare the scheme and run the process for establishing a Parent Council, that person must send a copy of the scheme, including a copy of its constitution, to all members of the Parent Forum inviting them to indicate, within a reasonable timescale, whether the scheme should be implemented. Where the majority of members responding within the timescale agree, the person who prepared the scheme may make appropriate arrangements to implement it. Education

S6(3)

authorities and Schools should also consider how they ensure these documents remain available to members of the Parent Forum, by adding them to their school website or keeping copies at the school reception.

| <b>Jargon buster</b>                             |  |
|--|--|
| <b>Terms</b>                                     | <b>Meaning</b>   |
| Corporate parents and corporate parenting duties | <p>All organisations or individuals, listed in schedule 4 of the Children and Young People (Scotland) Act 2014, whose duties include:</p> <p>Being alert to matters which adversely affect the wellbeing of looked after children and care leavers;<br/>           Assessing the needs of those children and young people for the services and support they provide;<br/>           Promoting the interests of those children and young people;<br/>           Seeking to provide opportunities which will promote the wellbeing of looked after children and care leavers;<br/>           Taking action to help children and young people access such opportunities and make use of the services and support provided.</p> <p>All corporate parents must prepare, publish and review a 'corporate parenting plan', which details how they will exercise their 'corporate parenting responsibilities' and other Part 9 duties. The Act encourages collaborative working between corporate parents to develop, enact and monitor plans.</p> |
| Constitution                                     | A document which states the formal arrangements for a group or body, setting out how it operates and the rules it must follow.   |
| Working group                                    | A group established to consider an issue and come up with proposals, suggestions or recommendations for a specific course of action.   |
| Make representations                             | To formally present an agreed view to an official body. For example, for a Parent Council to present a view on behalf of parents to the education authority  |

### **Advising and informing Parent Councils**

S11(1)  
&(2)

59. Effective involvement and participation of parents depends on positive engagement by staff at all levels. The Act makes provision for an education authority to provide advice and information on any matter in response to reasonable requests from Parent Councils. Education authorities should

consider what processes they have in place to do this in a timely and effective manner. They must also take appropriate steps to ensure that the headteacher and staff of each school in their area are available to give advice and information to Parent Councils on what is being done to promote the involvement of parents in the school in line with the authority's duties under the Act.

### **Supporting Parent Councils**

S11(4)

60. An education authority must provide support to Parent Councils to enable them to operate and to carry out their functions effectively. The authority must consult with the Parent Council and allocate reasonable funding to enable the Council to meet:

- its administrative expenses, including any expenses incurred in the appointment of a clerk to the council
- expenses for training of its members, and
- other costs incurred in carrying out its functions under the Act.

61. The education authority may also provide a Parent Council with services or accommodation free of charge. This might include, but is not restricted to, administrative support, or digital support to use the school's website or social media channels, email access, use of photocopying services, distribution of council materials to parents, provision of rooms or other suitable accommodation.

S11(5)

### **Representations from Parent Councils**

S11(6)&  
S11(7)

62. The Headteacher must inform the Parent Council of the school's arrangements for consultation with parents. The Parent Council can make representations on these arrangements and other matters of interest to parents to the headteacher. The headteacher must take account of these representations and do as much as they can to incorporate them into their processes for carrying out their functions, and, in the case of the headteacher, the duties of the post. The headteacher, in the first instance, must reply to all representations received from the Parent Council and should do so in a timely, clear and efficient manner.

### **Parent Councils and appointment of senior staff**

S14

63. The appointment of a headteacher or deputy headteacher is very important to a school and its community. Parents have a particular role to play in the process. The Act places a duty on education authorities to involve the Parent

Council of a school, if any, where they intend to make a permanent appointment of a headteacher or deputy headteacher. This involvement should extend from the beginning to the end of the recruitment and appointment process, including in the initial drawing up of the job specification, the sifting arrangements and sitting on the interview panel. The education authority should offer training to members of the Parent Council, or anyone assisting with their functions in relation to the appointments process.

64. The education authority must inform the Parent Council of their arrangements for filling senior posts and immediately make them aware of any changes they make to the process. Education authorities must comply with any regulations drawn up by Scottish Ministers relating to the senior appointments process and they should pay due regard to any supporting guidance. Currently these regulations are: Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007.

## Resolving differences and handling complaints

### Further advice

The Scottish Schools (Parental Involvement) Act 2006 placed duties on education authorities to have clear complaints processes in place when dealing with matters of parental involvement. This section of the statutory guidance outlines what those duties are and how they must be managed.

The Act came into force at a time when authority-wide complaints processes may not have been in place in all areas. Most, if not all, education authorities will now follow their local authorities centralised complaints policy which deals with all complaints made about matters which the local authority has responsibility for.

These complaints policies are linked to a formal right of appeal through the office of The Scottish Public Services Ombudsman (SPSO) who has a wide remit, covering many public services in Scotland. The powers and duties of the SPSO come from the Scottish Public Services Ombudsman Act 2002 including distinct areas of statutory functions over: the final stage for complaints about most devolved public services in Scotland including councils, the health service, prisons, water and sewerage providers, Scottish Government, universities and colleges and specific powers and responsibilities to publish complaints handling procedures, and to monitor and support best practice in complaints handling.

Further details on the most up to date complaints procedure for your area will be available through your local authorities website and further details about appeals and the role of the SPSO can be found at: <https://www.spsso.org.uk/about-us>

65. Sometimes parents and schools or education authorities disagree about the education of children and young people. Some parents may be unhappy with an element of their children's schooling or education, or the practice or approach of a school or education authority. Often these differences can be minimised or resolved through strong communication between parents and schools and by working together and treating each other with mutual respect. Unfortunately, sometimes these differences cannot be resolved by working together and in these instances it is important that the education authority has a clear complaints procedure. Parents and carers must be able to use this complaints process to gain a formal resolution to ongoing issues which they have been unable to resolve informally. The education authority's strategy must set out the authority's arrangements for resolving any differences and handling complaints from a person, or someone acting on their behalf, in connection with how the authority carries out, or fails to carry out, its functions under the Act.
66. In doing so the authority must ensure their proposed procedure covers the authority's duties to provide advice and information to parents about their own child, what they do in relation to promoting parental involvement and engagement and their duty to promote and support the operation of Parent Council. The authority must consult with parents, Parent Councils, and anyone else who has an interest (e.g. staff who deal with other complaints), when setting up the procedure. They must review and update the complaints procedure regularly and they must give a copy of the procedure free of charge to anyone who requests it.
67. An authority's complaints procedure should enable issues to be resolved at as early, and as local, a stage as possible. Many issues can be dealt with adequately at school level. Therefore, the headteacher and school staff should have effective arrangements in place to deal with parental concerns or complaints. These arrangements should:
- be easy to access and well publicised;
  - be simple to understand and use;
  - be clear about time scales for action and keeping people informed;
  - be confidential;
  - provide suitable solutions, and;
  - provide information on next steps in the event that parents are unsatisfied with the result of the complaints process.

68. The education authority should consider how complaints connected to parental involvement might link with their duties in relation to other pieces of legislation. This includes arrangements for handling representations made under the 2004 Act. In the case of complaints relating to an individual child's education, the education authority should consider whether the complaint requires to be addressed under their duties within the legislation on additional support for learning, including their duty to provide information about mediation and dispute resolution. The education authority must ensure that its complaints processes are simple, efficient and parents are provided with a single point of contact. The authority's arrangements for dealing with complaints should be set out in its strategy for parental involvement.
69. Given Parent Councils' role in representing the collective view of parents, the education authority must consult the Parent Council on their arrangements for a complaints procedure. Parent Councils can also make general representations on matters arising from individual complaints where they feel that these complaints relate to issues which are of wider concern to the school's parent forum.

# Section D – Guidance for Parent Councils

## The Act and Parent Councils

1. The Act provides duties and powers in relation to parental involvement in the life and work of the school and in relation to parental engagement in children's learning. One aspect – but not the only aspect - of parental involvement is the Parent Council. This section of the guidance clarifies and explains the relevant duties and powers relating to Parent Councils.

## Role of Parent Council

2. The Act gives members of a school's Parent Forum the choice to set up a school Parent Council to represent them if they feel they wish to do so. It also sets out the role of Parent Councils in supporting parental involvement in the work and the life of the school, while also providing opportunities for parents to express their views on children's education and learning. The Act gives a Parent Council functions to gather views from the Parent Forum and provide information and views to schools and education authorities on matters which affect children's education and the life and work of the school. In all cases, parents and the Parent Council can expect to influence decisions, to be listened to and be engaged in ongoing effective two way communication with schools and school leaders, be fully involved in key decision making processes and receive useful feedback as to how their views are being taken forward or addressed. An example of a key decision making process where Parent Councils must be fully involved by the education authority is in the recruitment of a headteacher or deputy headteacher for the school.
3. The Parent Council is entitled to support from the education authority in fulfilling its role. The role and duties of an education authority and ways in which the authority must support parents and Parent Councils are detailed in Section C of this guidance.

## Setting up a Parent Council

4. The Act is designed to allow parents to set up a Parent Council which will work best for their school, the Parent Forum and the school community. It is for members of a school's Parent Forum to decide on what kind of Parent Council they want for their school, how it works and what it is called. However, parents can call on the support of education authority staff and the

headteacher to help them decide on what arrangements will work best in their school. Some of the key issues that parents should consider are:

- How will the Parent Council represent the views of all parents?
  - How will the Parent Council engage with the diverse range of parents and carers whose children attend the school?
  - How will the Parent Council be open and accountable to members of the Parent Forum?
  - What kind of partnership should the Parent Council have with the school and the wider community?
  - How can the Parent Council attract members and involve more parents in what it does?
  - What support will the school and education authority provide?
5. The Act states that the Parent Council shall be known as the “[Insert school] Parent Council”, unless the Parent Forum decides otherwise. This means that there is a lot of flexibility in terms of the precise name that is chosen. In some instances, the members of the Parent Forum and/or Parent Council may find the term “Parent Council” to be overly formal or off-putting to some parents who might otherwise wish to be involved. In circumstances where the Parent Forum decides to call the Parent Council by another name it will be for the Parent Council or Combined Parent Council to agree a name by which it will be known.
6. Once established, the Parent Council must inform the headteacher of the school, members of the Parent Forum, pupils and other parties as they consider appropriate that it has been established. The Parent Council must also inform them of who the members are, particularly those in office bearing roles, what role (if any) members have been selected to carry out while serving on the Parent Council and how they can be contacted. It must also provide a copy of its constitution to the headteacher and inform members of the Parent Forum and other parties as they consider appropriate of what its functions will be. The updated, current constitution must be shared with the head teacher and local authority every time it is changed or revised. The Parent Council should be supported by the education authority which can include the headteacher acting on the authority’s behalf, to develop ongoing and effective communication arrangements with all those who they need to keep informed and involved in its functions.

S6(7)

### **Membership of Parent Council**

S7

7. The Act requires that the majority of members of the Parent Council must be members of the school’s Parent Forum, which means they must have a child

attending the school (including a nursery class in the school). It also states that only a member of the school's Parent Forum may chair a Parent Council for that school. Beyond this, the Act allows parents to decide how the Parent Council will be organised for their school and what activities it will take forward. Parents may choose to allow others out-with the Parent Forum to be co-opted on to their Parent Council if they wish to draw on wider experience, such as school staff, local councillors or other people from the school's community. Co-opted members of a Parent Council may contribute to discussions but are not entitled to vote at meetings. Where a Parent Council is established in a denominational school, its constitution must allow for at least one of its members to be co-opted. The Parent Council must invite the relevant church or denominational body to nominate a representative to be part of its membership.<sup>4</sup>

8. Members of the Parent Council will bring their own experience, views and knowledge to meetings. However, as parent representatives, or representatives of the school community if they are co-opted, they must also consider how they make sure the Parent Council presents a co-ordinated, collective voice and is fully representing the views of all members of the Parent Forum. The Parent Council should consider how they can ensure that the views of all parents can be taken into account and what they can do to make it easy for all parents to be fully involved and engaged in the life and work of the school. Head teachers can help to support Parent Councils in carrying out this role and, in their key role as school leaders in an empowered system, can provide a key link to education authority strategies for promoting parental involvement among all parents.

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<sup>4</sup> Section 7(2) of the Act.

| <b>Jargon buster</b>  |  |
|-----------------------|--|
| <b>Terms</b>          | <b>Meaning</b>   |
| Denominational school | Denominational schools are run by the local education authority and have been established to serve a particular religious denomination or faith community. The majority of denominational state schools in Scotland are Roman Catholic.  |
| Co-opted member       | A person invited to join a Parent Council by agreement of its members who is not a member of the school's Parent Forum, and who has no voting rights, but whom the Parent Council agrees would be a useful addition. Co-opted members of school Parent Council may contribute to discussions but are not entitled to vote at meetings. |

## Functions of the Parent Council

S8

9. The Act sets out a range of functions for Parent Councils which fall broadly within the following four areas:
- collaborating with the school in supporting children's schooling and learning;
  - representing the views of parents;
  - promoting and supporting contact between the school, parents, pupils, providers of nursery education and the community, and;
  - communicating or reporting to the Parent Forum.

## Involvement in the life and work of the school

10. Parents are the first and ongoing educators of their children and the experts in their children's needs. It is important that they are supported to be involved in the life and work of the school and provided with the right information and advice to support their children's learning.
11. The Parent Council is a formal link between the Parent Forum and the school's leadership team. The Act states that the first function of a Parent Council is that it can expect to support the endeavours of those managing the school to raise standards, support improvement and develop the potential of pupils<sup>5</sup>. The Parent Council can work with the school's

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<sup>5</sup> section 8(1)(a)

headteacher leadership team and school staff in a variety of ways. For example it can:

- help to influence the values and ethos of the school;
- be involved in deciding the priorities and content of the school Improvement plan and work with the school in implementing improvements;
- support members of the Parent Forum to be involved in the development and implementation of the school improvement plan ;
- be involved in deciding the priorities for spending, assisting the school to gather views from the Parent Forum and work with the school in implementing spending plans if appropriate;
- offer views and reflections on the curriculum for the school;
- offer advice to the school leadership team on ways that parents can be involved in the life and work of the school or supported to engage in children's learning;
- contribute towards the School Handbook and broader school arrangements to communicate and inform parents about the school and education;
- provide its views on school policies or important decisions;
- assist in building positive relationships between parents and school staff;
- support the school in consulting with the wider Parent Forum on school policy decisions and other matters;
- use its own formal and informal channels for communicating about school events and how parents can become involved;
- fundraise to provide additional equipment and resources for the benefit of pupils and keep proper accounts;
- facilitate school events and work with the head teacher and staff to devise events which are enjoyable, encourage parental participation and that suit the needs of parents and fit into their schedules;
- report annually to the Parent Forum on its activities, and;
- participate in the appointment of senior school staff.

## Representing the views of parents

12. The Act gives Parent Councils the right to represent the views of parents on a wide variety of educational matters. A Parent Council can make representations to a school's headteacher and the education authority, about the arrangements the school has to engage parents in their own child's education and that provided by the school generally. It can make representations to the education authority about the authority's parental involvement strategies and arrangements for promoting the involvement of parents of pupils attending public schools in its area.

13. The Parent Council should have arrangements in place for gathering the views of members of the Parent Forum and consulting on the standards and quality of education provided by the school, or on other matters of interest or concern to members of the forum. The Parent Council may wish to work with the school to look at areas for improvement or further development across the school. Head teachers and school leadership teams should work with members of the Parent Council when developing yearly School Improvement and spending plans and setting priorities for improvement. There are a wide variety of ways that this can be done, ranging from the more formal written communication methods to less formal methods. Before making representations and presenting a view or parent position it is important, though not essential, that issues have been fully discussed and agreed at Parent Council meetings. A consultation toolkit to assist Parent Councils in consulting the Parent Forum has been developed for this purpose - <https://www2.gov.scot/resource/0041/00417289.pdf>
14. The Parent Council can highlight issues or provide information to the wider Parent Forum on topics which they have identified of being of importance. The Parent Council can explain what actions have been taken already and what further options there might be to work with the school or education authority and make changes. The Parent Council can gather parents' views and involve them in activities that will help to improve the school.
15. The Parent Council may also be involved in consulting the Parent Forum about the full range of school policies, for example in relation to uniform, health and wellbeing, school ethos and other similar matters. It can gather the views of parents and report them to the headteacher of the school and to the education authority as appropriate. The Parent Council should try to be inclusive and support participation across the Parent Forum. It can also make representations to other groups, including Her Majesty's Inspectors.
16. This two-way communication can take the form of more formal reports or equally, less formal methods such as events, newsletters and social media engagement. The important point is that the form and method of communication meets the needs of the Parent Council, the Parent Forum and the school community. In an empowered, collaborative system, the Parent Council may wish to seek advice from the headteacher or work in partnership with the school leadership team.

## Where there are conflicting views or complaints

17. Parent Councils, schools and local authorities must work together to attempt to address any issues or complaints at a local level. To ensure this happens Parent Councils must follow the formal processes of the local authority for raising issues and complaints with schools and education authorities and have received a reply from both before contacting HM Inspectors who are part of Education Scotland. In exceptional cases, where the Parent Council considers it inappropriate to take an issue to the headteacher, they can raise the matter directly with the education authority, and if not resolved at that level, make representations to HM Inspectors as part of Education Scotland.

## The involvement of the wider community

S8(1)(C)

18. The Parent Council can play a key role in supporting the work of the school within the wider community. The Act says that one of its functions is to promote contact between all those with an interest in the work of the school. This could include but need not be restricted to parents of pupils at the school, parents of prospective pupils, the pupils themselves, Parent Councils of “feeder schools” or surrounding secondary schools, providers of nursery or early learning and childcare education, out of school care providers, local libraries, local employers, local shops and businesses, colleges or universities, churches or voluntary organisations and community representatives. There are a wide number of individuals and organisations in the community, many of whom can be found within the Parent Forum or linked to members of the Parent Forum.
19. In some cases, members of the Parent Council may foster wider links through their employment in local services, shops etc. where they may be able to publicise events, or through their membership of other local community or recreational groups and organisations. The Parent Council may wish to draw on the experience and expertise of local elected councillors and other community representatives and promote their involvement in its work and that of the school.
20. The Parent Council can seek advice and information from the education authority or the head teacher on how they can promote contact with the wider community. In particular, members of the Parent Council may wish to seek advice from the education authority on who to engage with in terms of providers of early learning and childcare provision, colleges, “feeder” primary or “destination” secondary schools, employers or community learning providers. In doing so, the Parent Council can play its part in promoting parental involvement and engagement, supporting children and young people’s transition and linking in positively with pupils’ learning and development.

## Pupil voice and participation

21. The issues discussed by the Parent Council will necessarily focus on the interests of children and young people. Those children and young people may have their own views on what is being discussed. The Parent Council should be open to ways of engaging with children and young people at the school. This may involve inviting representatives from the school's Pupil Council, the wider pupil body or relevant pupil committees or more informal groups to meet with the Parent Council or to listen to pupils' views on matters of interest to them. Pupils can also play a valuable role in helping to involve and engage their parents in their learning and the life and work of the school.

## Responsibilities of a Parent Council towards the Parent Forum and School Leadership Team

S9(2)&  
S9(3)

22. The Parent Council should operate in an open and transparent manner and ensure that they are communicating effectively with all parents. Discussions at Parent Council meetings should be open to the public, unless the matters to be discussed relate to issues which may impact upon the confidentiality of individuals or that of the school. In such cases, only members of the Parent Council and the headteacher and his or her representative are entitled to be present. An example of this may be when candidates for a senior staff position are being discussed. In an empowered system Parent Councils should be confident that they can be flexible, innovative and reflect the preferences of the wider Parent Forum. There are no restrictions on where Parent Council meetings take place.
23. The Parent Council should have appropriate arrangements in place for reporting to the Parent Forum on the work that it does to carry out its functions. Its constitution should set out arrangements in respect of such issues as annual and general meetings, frequency of meetings, notes of meetings, handling of confidential issues, and financial arrangements.
24. The Parent Council may, with the consent of members of the Parent Forum, amend or replace its constitution whenever this is required. The Parent Council are required to send each member of the Parent Forum a copy of the proposed amendment or replacement to their constitution and give them reasonable time to indicate whether they agree with that amendment or replacement. Any change must reflect the majority view of those responding within the appropriate timescale. The Parent Council must provide a copy of the amended or new constitution to the education authority and the school's headteacher.

S8(1)(h)

## How the Parent Council operates

S8(10)&  
(11)

25. Parent Councils have considerable flexibility under the Act to decide on how they carry out their functions. It is for parents to decide what the Parent Council is called, how their Parent Council is organised and to decide on how to take forward those issues that matter most to parents. The Parent Council may appoint a person to provide administrative support and may pay this person unless the person appointed is a member of the Parent Council itself. It must comply with any reasonable request from the headteacher, or the education authority, for information relating to how it carries out its duties and responsibilities.

## Financial arrangements

S10

26. As described at Section C, paragraph 50, the education authority must allocate, after consultation with the Parent Council, reasonable funding to enable it to meet the administrative costs incurred in carrying out its functions. The funding mechanism should be clear and transparent, and reviewed periodically. This includes training costs and the cost of appointing administrative assistance. The Parent Council and the education authority should discuss what support the authority can provide to assist it with its financial arrangements. In particular, the authority should seek to agree arrangements whereby they can minimize, as far as possible, the administrative burden on the Parent Council of appointing an administrative assistant.
27. The Parent Council can raise funds by any means, other than by borrowing, and can receive gifts. In addition, it can also enter into contracts and agreements. It cannot, however, purchase or own land or buildings. While the Parent Council can decide on how it spends any sums received by way of fund-raising or gifts, it should consider both the general view of members of the Parent Forum, as well as any advice offered by the school's headteacher. It must be mindful that funds have been raised from families and, keep proper accounts of all monies received and spent and should as a matter of good practice produce an annual statement of accounts.<sup>6</sup> Where a Parent Council ceases to exist, any property it holds on dissolution passes to the education authority which, so long as the school continues, shall use it for the benefit of that school.
28. Some Parent Councils may decide to apply for charitable status. A Parent Council may be able to obtain charitable status if, the Office of the Scottish Charity Regulator (OSCR) agreed that it met the relevant criteria to be

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<sup>6</sup> section 10(2).

eligible to be granted charity status in Scotland. Parent Councils might wish to consider what sort of advantages and disadvantages charitable status would bring and what limits, restrictions and duties it may place upon it. More information on what Parent Councils thinking about charitable status need to know when considering this can be found at the OSCR website:

<https://www.oscr.org.uk/>. Parent Councils can also seek advice on setting up a charity from the Scottish Council for Voluntary Organisations (SCVO) <https://scvo.org.uk/setting-up-a-charity> or its local Third Sector Interface <https://www.gov.scot/publications/third-sector-interfaces-contact-details/>.

29. It is not anticipated that Parent Councils will, in normal circumstances, require to pay tax on any fundraising activities in which they are likely to engage, since activities such as school fetes, dances, coffee mornings and other similar activities are generally not considered to be trading activities. However, if in any doubt, they should check the position with HMRC which can offer general advice on tax issues. The Parent Council should also take account of any guidance that HMRC may issue from time to time on these matters. It can also ask the education authority for general advice and information on how it should handle its budget and finances.
30. The Act states that the members of the Parent Council do not incur personal liability for anything done, or purportedly done, in the exercise of the functions of the Parent Council if it was done in good faith. However, the Parent Council itself should consider the need for appropriate insurance in respect of activities which it may undertake and in relation to which issues of liability might arise. Where a Parent Council undertakes an activity on behalf of the education authority or a school, it will wish to establish whether the members involved are covered by the authority's own insurance arrangements for public liability. Otherwise, as for activities undertaken by the Parent Council itself, or by anyone on its behalf, it should secure its own public liability insurance. The Parent Council could take out an individual policy with a recognised broker. Alternatively, it may wish to explore the possibility of accessing insurance through membership of a national organisation or accessing the local authority's insurance arrangements.

S8(12)

### **Combined Parent Council**

31. The Act makes provision for the establishment of a Combined Parent Council – i.e. a Parent Council covering two or more schools - where this has the consent of the majority of parents in each of the schools in response to a written notice containing such a proposal. Where parents choose to set up a Combined Parent Council, the education authority should prepare a scheme using a similar process to that followed in the case of a single

council (see Section C, paragraphs 43-46). The authority must send a copy of the scheme to all members of the respective Parent Forums and make the necessary arrangements to implement it, including an appropriate constitution for the Combined Parent Council. The Parent Council does not have to be known as the “[Insert school] Parent Council”. It is for the Combined Parent Council to agree a name by which it will be known and to let the headteachers of the represented schools, members of the Parent Forums, pupils and others, as appropriate, know when it has been established.

32. In general, provisions in the Act which apply to the operation and support of a single Parent Council apply in the required modified form to a Combined Parent Council.
33. These cover:
  - developing or reviewing the strategy for parental involvement;
  - composition and chair of the council;
  - functions of Parent Council;
  - the headteacher’s right and duty to attend council meetings and meetings being open;
  - financial powers;
  - education authority provision of advice, information and support, and;
  - appointments procedure for senior staff.
34. If a Combined Parent Council includes a denominational school its constitution must provide for at least one person from the church or denominational body to be a co-opted member of the council. Where there is more than one such church or denomination, each church or body must be able to nominate at least one co-optee.<sup>7</sup>
35. Where the members of the Parent Forum of one of the represented schools within the combined arrangements decide to withdraw, or one of the schools is closed or amalgamated with another school, then the Combined Parent Council will cease to exist. Withdrawal from a Combined Parent Council is subject to the majority of parents at the school responding, within a reasonable timescale, to a written proposal that the school withdraw from the combined arrangements. If members of a Parent Forum do decide to withdraw, then the general duty on the education authority to promote and support the establishment of a Parent Council at each of the schools becomes applicable.

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<sup>7</sup> Section 16(13) in the context of a CPC.

# Section E – Guidance for School Leaders and HM Inspectors of Education

## Role of School Leaders

1. Head teachers are subject to specific duties under the Act, specifically sections 11 and 13 in the Act, and they will exercise some functions of the education authority in relation to their school. More information on the broader role of head teachers within an empowered system can be found as part of guidance on a Headteachers' Charter for School Empowerment: <https://education.gov.scot/improvement/Documents/HeadteachersCharterFinal.pdf>
2. A empowered system means empowering classroom teachers, parents and families as well as school leaders. As leaders of learning head teachers and the wider school leadership team have a vital role to play in:
  - promoting and supporting parental involvement in the life and work of the school (for instance via volunteering opportunities, events, development of school policies);
  - support parental engagement in their children's learning;
  - involving parents in school improvement;
  - encouraging dialogue with parents about their children's learning and progress at school;
  - working with the Parent Council for their school, and;
  - considering the local authority's strategy for parental involvement and engagement.
3. School leaders must ensure that the school takes account of the authority's Parental Involvement Strategy. They must also ensure that school priorities and improvement plans facilitate the involvement of parents in the life and work of the school and play their role in supporting parents to engage in their children's learning. School leaders have an essential role in fostering school environments where parents can work in partnership with school staff. Headteachers and their staff should engage in effective two way dialogue with all parents, in ways which work best for the parents, ensuring that parents can play a full part in an empowered school system.

## Communication with the Parent Forum

4. The School leaders and school staff must work with parents ensuring that they have all of the information and support that they need to be fully engaged in and to make decisions about their children's learning. The Education (School and Placing Information) (Scotland) Regulations 2012 outlines the information that schools must provide to parents within School Handbooks in relation to general school matters and specific points of subject choice and curriculum. To comply with the School Handbook regulations schools must refresh the information they provide to parents by the 8<sup>th</sup> of December each year. The School Handbook, however, is only one form of communication and will not always be the way that parents get access to information. School leaders should consider the wide range of methods and approaches they use to provide information to parents, and to engage in dialogue about the school. School leaders should also work in partnership with parents when refreshing the information available to parents to ensure it provides parents with the information they need and is presented in a way which is accessible. S12(2)
5. Parents often value face to face discussion with their child's teacher(s) and this can be provided formally at a parents evening but also in more informal ways throughout the school year. The Act states that an education authority must take appropriate steps to ensure that the headteacher and staff of its schools are available to give such advice and information to the parents, in a manner consistent with their duties under this Act.<sup>8</sup> Some teachers and schools make time available at the beginning or end of the day to discuss any particular issues with parents or staff. Social and cultural events can also provide opportunities for parents and staff to develop good relationships that often help to build stronger relationships between parents and staff. S9
6. School leaders and school staff should consider ways in which they can encourage parents to be part of the life and work of the school, building relationships that go beyond a minimum twice yearly update but which promote ongoing involvement and engagement with parents throughout the school year.

## Collaboration with the Parent Council

7. The headteacher has a vital role to play in connecting the Parent Council with the life and work of the school as well as the leadership team for the school, and in assisting the Parent Council to discharge its role in informing key decisions relating to the school, school improvement, policies and curriculum-related issues of interest to parents. The headteacher has both a right and a

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<sup>8</sup> s.12.

duty to attend, or to be represented at, meetings of the Parent Council. The presumption is that the headteacher will normally attend Parent Council meetings to provide them with advice, while remaining mindful of the capacity and the independence of the Parent Council. On occasion, another member of the school staff may attend if the headteacher is unavailable, or if they have more knowledge of, or expertise in, the subject being discussed.

8. The headteacher is expected to take part in Parent Council discussions and offer advice to the Parent Council on what is being done within the school to promote parental involvement. The headteacher, if requested to do so, must give advice and information to the Parent Council on any matter falling within the headteacher's area of responsibility. This can cover all aspects of the work of the school, such as matters relating to the school curriculum, policies on uniform or discipline, etc. A key part of the headteacher's responsibility as a school leader is to build an empowered school environment where parents, pupils and staff can play a full part. Headteachers must work with the Parent Council to ensure this is being achieved and that school culture and policies provide the wider Parent Forum with sufficient opportunity and support to be fully involved in the life and work of the school.
9. The headteacher must have regard to any representations received from the Parent Council (in so far as it is reasonable and practical to do so) in carrying out the duties of the headteacher post and must reply to the Council. In some circumstances, the extent to which a headteacher can offer advice and information may be restricted. For example, issues such as the education of an individual child, or the performance of an individual teacher, are not regarded as matters which would be discussed at the Parent Council. Matters pertaining to individuals should be taken through the school's usual arrangements for dealing with complaints or grievances. Where an issue falls out-with the headteacher's remit, for example, school closures or the re-design of catchment areas the Parent Council can make representations to the education authority. S11(7)(b)
10. The headteacher must report at least once per year to the Parent Council, or the Parent Forum, if no Council exists. The report must cover the performance of the school and the school objectives and ambitions as set out in the school development plan defined and agreed with the school community. It must have regard to the most recent 12 month Standards and Quality report, and the authority's measures and standards of performance for its schools as defined and published under Section 7(1) of the 2000 Act. It must also have regard to its duties under the Equality Act 2010. It is best practice for the school Standards and Quality report to be produced in a 'parent-friendly' format agreed with the Parent Council or Parent Forum, however S13

headteachers and school leaders may also wish to prepare a summary of the report to be sent to every member of the Parent Forum.

## **Role of Education Scotland and HM Inspectors of Education**

11. The Act's intention is that there should be a strong working partnership between schools and parents. It reinforces the role for parents to participate in school improvement. Education Scotland has a role to play, both in its function as Her Majesty's Inspectorate of Education (HMIE) — and in its support and improvement function – providing advice and support to school leaders.

### **Education Scotland Support**

12. Education Scotland has produced 'Engaging parents and families - A toolkit for practitioners' which provides schools and practitioners with further guidance on how schools and practitioners can effectively involve and engage parents in the life and work of the school. Schools and practitioners can use this resource alongside Education Scotland's How good is our school? (4<sup>th</sup> edition) quality improvement framework which assist schools to evaluate their own performance in providing education.
13. 'Engaging parents and families - A toolkit for practitioners' highlights effective ways in which schools, parents and carers can work together to support children's learning and identify strengths and areas for improvement. It looks at how well the school takes account of the wishes and expectations of all parents. It also provides information and advice on how schools and practitioners can provide and support effective family learning and learning at home initiatives and approaches.

### **Role of HM Inspectors of Education**

14. Parental involvement and engagement are included within the "How Good Is Our School? ( 4<sup>th</sup> edition)" quality improvement framework. This framework includes quality indicators and themes covering collaborative approaches to self-evaluation; planning for continuous improvement; management of resources; family learning; wellbeing, equality and inclusion; and partnerships. It is important to HM Inspectors of Education that they hear the voice of parents during school inspections. They do this in a number of ways, including asking parents to complete a pre-inspection questionnaire and speaking with parents during an inspection.

15. As indicated at Section D, paragraph 14, the Act allows a Parent Council to make representations to HMIE on matters of interest or concern to members of the Parent Forum. The Council must, in the first instance, have made such representations to the headteacher, where appropriate, and the education authority. Most issues will be able to be resolved at a local level and representations to HMIE are expected to be the exception, rather than the norm. HMIE must take account of representations received and may use it to inform future education authority and school inspections, where it is reasonable and practical to do so. In all cases, HMIE must reply to the Parent Council.

S8(5)&  
(6)

## Annex A: Scottish Schools (Parental Involvement) Act 2006 in Context

The duties and powers within the Act do not sit in isolation. They are part of a much broader set of policies, laws and approaches which help to define the Scottish approach to education. This Annex attempts to provide a summary of the main items of legislation, the main policies and strategies which are relevant to parental involvement and engagement and the duties and powers contained within the Act.

| Policy / Legislation  | Summary  | Relevance to Scottish Schools (parental Involvement) Act 2006  |
|---|--|--|
| <b>The Scottish approach to Parental Involvement, Parental Engagement, Family Learning and Learning at Home</b> | Summarised in the 2018 “Learning Together” Action Plan, the Scottish Government’s policy on parental involvement (ie the involvement of parents in the life and work of the school or early learning setting), parental engagement (ie parents’ and families’ engagement in children’s learning), family learning and learning at home | This policy sets out what is meant by parental involvement, parental engagement, family learning and learning at home. It describes the outcomes that are supported and the ultimate purpose behind the Act.   |
| <b>Getting it Right for Every Child</b>   | Getting It Right For Every Child (GIRFEC) is Scotland’s approach to improving the wellbeing of children and young people. It puts the best interests of the child at the heart of services and decision making.  | Getting it right for every child puts the rights and wellbeing of children and young people at the heart of the policies and services that support them and their families – such as early learning and childcare, schools and the NHS.<br><br>A named person therefore contributes to making the school welcoming, inclusive and supportive for parents; working in partnership with them to support the wider wellbeing of their children. |
| <b>Children (Scotland) Act 1995</b>   | The Children (Scotland) Act 1995 sets out the duties and powers available to public authorities  |  |

| Policy / Legislation  | Summary  | Relevance to Scottish Schools (parental Involvement) Act 2006   |
|---|--|---|
|   | to support children and their families and to intervene when the child's welfare requires it.  |   |
| <b>Early Learning and Childcare / Early Years Children and Young People (Scotland) Act 2014</b> | <p>The Scottish Government's policy is to expand access to early learning and childcare in order to improve children's outcomes, help close the poverty-related attainment gap, increase family resilience and support parents into work, study or training</p> <p>The term 'early learning and childcare' was introduced in the Children and Young People (Scotland) Act 2014. The Act replaced the previous entitlement of up to 475 hours per year of free sessions of pre-school education for 3-5 year olds, with a more flexible offer of up to 600 hours ELC per year for 3-5 year olds and certain eligible 2 year olds. Parents may also purchase additional hours of ELC for children who have an entitlement, and those who are not yet entitled to free hours.</p> | <p>Children learn and develop at home and with their family. As they grow and develop, children will have access to early learning and childcare. It is in these early years that relationships of trust and confidence can be forged between educators, childcare providers and families. Good quality parental communication and involvement begins in the early years of education.</p>  |
| <b>Education (Scotland) Act 1980</b>  | <p>The 1980 Act provides the core duty on local authorities to provide school education in their area. The Act also puts a duty on parents to provide education to their children (s.30) and is the principal piece of legislation governing the Scottish education system.</p>  | <p>The link between the curriculum, learning and teaching and experiences at home is a crucial one. Parental involvement and engagement is not an end in itself, but a vital contributor to towards children's development and progress in learning. Parents can assist with learning – and therefore the aims for the curriculum – through regular engagement with their child's learning, support for homework, consultation and discussion with the teacher or early years practitioner and involvement in the life and work of the school or early learning setting. In turn, parents should expect to be provided with</p> |

| Policy / Legislation                        | Summary   | Relevance to Scottish Schools (parental Involvement) Act 2006   |
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|   |   | information about the curriculum provided in the school and, if they wish, to be involved in curriculum development through the Parent Council or broader consultation activity. Similarly, school leaders should consider ways to involve parents in school improvement.   |
| <b>Scotland's Curriculum for Excellence</b> | <p>Curriculum for Excellence (CfE) is Scotland's curriculum. It covers learning between the ages of 3 – 18 and aims to help young people become successful learners, responsible citizens, effective contributors and confident individuals.</p> <p>Published in 2019, a Refreshed Narrative for Scotland's Curriculum sets out Scotland's approach to the curriculum, revisiting the initial CfE narrative and restating the central importance of the four capacities in the curriculum and the knowledge, skills and attributes that our children and young people need.</p> <p>For more information see:<br/> <a href="https://scotlandscurriculum.scot/">https://scotlandscurriculum.scot/</a></p> | <p>In line with the relevant provisions of the Education (Scotland) Act 1980 (referenced above), Curriculum for Excellence places an expectation on education practitioners to report on a child's progress to parents/carers. This allows parents/carers to receive clear feedback in relation to their child's learning but also allow the identification of next steps to learning which can extend into the home environment.</p> <p>Parental involvement and engagement is an important aspect in the overall approach to Scotland's curriculum, an approach which emphasises the child at the centre. Positive relationships between parents, educators and learners – relationships based on trust, collaboration and partnership – can help to achieve the aims for the curriculum.</p> |
| <b>"An Empowered System":</b>               | Published in draft form in 2019 "An Empowered System" is a guidance resource designed to support our empowered system in its collective endeavour to improve children and young   | Parents and carers are included as one of the eight key partners in an empowered system. Specific guidance on parents and carers explains that empowering parents means improving and strengthening the ways in which education staff engage with parents   |

| Policy / Legislation   | Summary  | Relevance to Scottish Schools (parental Involvement) Act 2006  |
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| <b>School Empowerment</b>  | <p>people’s outcomes. The guidance explores the contributions of eight key partners in an empowered system – school leaders, learners, local authorities and regional improvement collaboratives, Scottish Government and national organisations, partners, support staff, teachers and practitioners and parents and carers. The guidance encourages collaboration, collegiality and mutual respect between all partners.</p> <p>For more information see:</p> <p><a href="https://education.gov.scot/improvement/learning-resources/an-empowered-system/">https://education.gov.scot/improvement/learning-resources/an-empowered-system/</a></p> | <p>and families; ensuring they are at the centre of decision making processes about their children’s learning.</p> <p>There is a very close link between the legislation, policy and practice relating to the Scottish Schools (Parental Involvement) Act 2006 and the themes and aspirations for an empowered system. Parental involvement and parental engagement are vital elements in helping to empower parents and carers.</p>   |
| <b>National Improvement Framework for education / “How Good is Our School? (4th edition)” / “How Good is Our Early Learning and Childcare”</b> | <p>The National Improvement Framework (“NIF”) provides the guiding framework for the continuous improvement of the education system in Scotland. Various aspects of the NIF are underpinned by the Standards in Scotland’s Schools etc. Act 2000. Since 1996, How good is our school (4th edition) (HGIOS4) is the quality improvement framework used by HM Inspectors of Education. It is also designed to provide the basis for self-evaluation and reflection by practitioners at all levels, to evaluate quality and improve their work.</p>   | <p>The NIF includes a driver on parental engagement. Parental involvement and engagement are featured in both the “HGIOS” and “How Good is Our Early Learning and Childcare” document.</p> <p>The School Improvement plan is a very important part of the overall framework, and parents should be fully involved in shaping and reflecting on the improvement plan for the school.</p> <p>Parental Involvement and Engagement should therefore feature in improvement planning and improvement activity at all levels in education.</p> |

| Policy / Legislation   | Summary   | Relevance to Scottish Schools (parental Involvement) Act 2006  |
|--|---|--|
| Education (Scotland) Act 2016<br>Scotland's Schools etc. Act 2000. | For more information see:<br><a href="https://www.gov.scot/policies/schools/national-improvement-framework/">https://www.gov.scot/policies/schools/national-improvement-framework/</a>  |  |
| <b>Scottish Attainment Challenge / Pupil Equity Funding</b>        | <p>The Scottish Attainment Challenge is about achieving equity in education. This can be achieved by ensuring every child has the same opportunity to succeed, with a particular focus on closing the poverty-related attainment gap. It provides dedicated funding to local authorities and focuses on improvement activity in literacy, numeracy and health and wellbeing in specific areas of Scotland.</p> <p>The Pupil Equity Funding is allocated directly to schools and targeted at closing the poverty related attainment gap.</p> | <p>Research shows that school staff have developed very positive relationships with families based on trust and respect. They are aware of and sensitive to family socio-economic circumstances, challenges and barriers. As a result, parents and carers are confident to engage with schools in supporting their child's learning. Structured family learning programmes, co-constructed with partners, are leading to meaningful accredited and non-accredited outcomes for parents and carers living in the most disadvantaged communities. Staff support and deliver family learning programmes. They work directly with families to improve home school links and provide practical support.</p> |
| <b>Additional Support for Learning</b>                             | <p>The Education (Additional Support for Learning) (Scotland) Act 2004 provides the legal framework for the provision of additional support for learning. The Act is structured around the concept of support being needed for any reason, and for short or long term periods determined by the individual learning needs of the child or young person. The key duties on education authorities are to identify, make provision for,</p>  | <p>All parents should be fully involved in decisions affecting their child and be supported to be engaged in their child's learning. Parents of children with additional support needs may need additional advice and support to ensure that they are fully involved in assessments, decisions and support for their child. Local authorities are subject to both the 2004 Act and the Scottish Schools (Parental Involvement) Act 2006, as well as various other items of legislation.</p>  |

| Policy / Legislation   | Summary   | Relevance to Scottish Schools (parental Involvement) Act 2006  |
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|  | and keep under review provision for the additional support needs of children and young people for whose education they are responsible.   |  |
| <b>“School Handbook Regulations”</b><br>– the Education (School and Placing Information) (Scotland) Regulations 2012 | The School Handbook Regulations, which are accompanied by further guidance require local authorities and schools to publish School Handbooks intended to communicate the ethos of the school, help parents to choose a school, prepare their child for school and act as a reference tool while their child is at the school. | School Handbooks are an important – though not the only – aspect of parental communication and involvement. They should form part of a broader approach to communicating and working in partnership with parents.                                |
| <b>“Pupil Records” Regulations -</b><br>The Pupils' Educational Records (Scotland) Regulations 2003                  | The Pupils' Educational Records (Scotland) Regulations 2003 give parents a specific right of access to their child's educational records. The regulations also provide for certain exemptions from these requirements and require that pupil records are kept for 5 years after the pupil has left school.                    | Parents' access to their child's educational records is another important aspect of good parental involvement and communication. School leaders should take steps to facilitate this access.   |
| <b>Community Empowerment</b><br>Community Empowerment  | Research has shown that when communities feel empowered, this leads to greater participation in local democracy increased confidence and skills among local people more   | The involvement of the Parent Forum and the Parent Council are examples of empowering citizens to make their voices hear in the planning and delivery of services; in this case, in relation to the work of schools and early learning settings. |

| Policy / Legislation  | Summary  | Relevance to Scottish Schools (parental Involvement) Act 2006  |
|---|--|--|
| (Scotland) Act 2015   | <p>people volunteering and greater satisfaction with quality of life in the neighbourhood. Community empowerment is about supporting communities to do things for themselves, and to make their voices heard in the planning and delivery of services.</p> <p>The Community Empowerment (Scotland) Act 2015 covers areas such as community planning partnerships, Participation requests an participation in public decision-making</p>  | <p>Community Planning is a process which helps public agencies to work together and with the community to plan and deliver better services which make a real difference to people's lives. Schools and Parent Councils have a role to play as part of the wider community. Schools and members of school Parent Forums will be affected by the setting of community plans and decisions taken on how public bodies work together and provide services. It is therefore important that schools, Parent Councils and wider parent forums are able to feed in to the development of local community planning and work with community planning partners.</p>   |
| <p><b>Equality</b></p> <p>Equality Act 2010 (including Scottish specific duties regulations)</p> <p>Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002</p> | <p>The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone; and introduces a positive duty to promote equality and foster good relations.</p> <p>Before the Act came into force there were several pieces of legislation to prevent discrimination, including:</p> <ul style="list-style-type: none"> <li>• Sex Discrimination Act 1975</li> <li>• Race Relations Act 1976</li> <li>• Disability Discrimination Act 1995</li> </ul> <p>The Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 includes the requirement on local authorities and</p> | <p>The Equality Act 2010 requires that public bodies have due regard to the need to:</p> <ul style="list-style-type: none"> <li>• eliminate discrimination</li> <li>• advance equality of opportunity</li> <li>• foster good relations between people who share a protected characteristic and those who don't when carrying out their activities</li> </ul> <p>The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, contain Scottish specific duties designed to support the delivery of the Public Sector Equality Duty, which applies to listed public bodies and to any other organisation when carrying out a public function.</p> <p>Education authorities, schools and Parent Councils are require to comply with the Equality Act in any activities relating to parental involvement and engagement.</p> |

| Policy / Legislation  | Summary  | Relevance to Scottish Schools (parental Involvement) Act 2006  |
|---|--|--|
|   | <p>schools not to treat disabled pupils less favourably and to make reasonable adjustments to avoid putting them at a substantial disadvantage; to have a strategy for improving accessibility to schools and the curriculum and improving communication with pupils with disabilities, especially in relation to the provision of school information; and to publish a disability equality scheme.</p>  |  |
| <p><b>Complaints to Education authorities and the right of appeal</b><br/>Scottish Public Services Ombudsman Act 2002</p> | <p>The complaints processes that most education authorities will follow are linked to a formal right of appeal through the office of The Scottish Public Services Ombudsman (SPSO) who has a wide remit, covering many public services in Scotland.</p> <p>The powers and duties of the SPSO come from the Scottish Public Services Ombudsman Act 2002 including distinct areas of statutory functions over: the final stage for complaints about most devolved public services in Scotland including councils, the health service, prisons, water and sewerage providers, Scottish Government, universities and colleges and specific powers and responsibilities to publish complaints handling procedures, and to monitor and support best practice in complaints handling.</p> | <p>Most, if not all, education authorities will now follow their local authorities centralised complaints policy which deals with all complaints made about matters which the local authority has responsibility for including education and schools. These are the procedures that parents or Parent Councils should follow if they wish to raise a complaint about their school, school staff or education authority.</p> <p>The SPSO provides the framework by which the complaints processes have been developed and provides a formal independent right of appeal through the office of The Scottish Public Services Ombudsman for anyone who is dissatisfied with the response they receive from the local authority to their complaint.</p> |

| Policy / Legislation  | Summary  | Relevance to Scottish Schools (parental Involvement) Act 2006  |
|---|--|--|
| <b>United Nations Convention on the Rights of the Child (UNCRC)</b> | Education authorities must have regard to the following Articles of the UNCRC when undertaking their duties in relation to the Act: <ul style="list-style-type: none"> <li>• Article 12 of the UNCRC (respect for the views of the child)</li> <li>• Article 5 (parental guidance and a child's evolving capacities)</li> <li>• Article 12 (respect for the views of the child)</li> </ul> | The UNCRC sets out parents' right to champion their children's needs and to receive support that is in their child's best interests. Article 5 of the UNCRC makes clear that public bodies should respect the rights and responsibilities of parents and carers to provide guidance and direction to their child as they grow up, so that children and young people fully enjoy their rights. This must be done in a way that recognises the child's increasing capacity to make their own choices. The UNCRC also respects parent's responsibilities to raise their children, to keep them safe and help them thrive. |



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