



# Scottish Schools (Parental Involvement) Act 2006

## 2006 asp 8

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 10th May 2006 and received Royal Assent on 14th June 2006**

An Act of the Scottish Parliament to make further provision for the involvement of parents in their children's education and in school education generally; to provide for the establishment of councils to represent the parents of pupils attending public schools; to abolish School Boards; to make further provision as regards the appointment of teachers; to make further provision as regards the content of the development plan for a school; and for connected purposes.

*Involvement , ambitions , objectives and performance*

### **1 Duty of Scottish Ministers and of education authorities to promote involvement of parents in school education etc**

- (1) It is the duty of the Scottish Ministers to promote the involvement of the parents of pupils in attendance at public schools in the education provided to those pupils by the schools.
- (2) It is the duty of an education authority to promote the involvement of the parents of a pupil in attendance at a public school in the authority's area in the education provided by the school—
  - (a) to that pupil, and
  - (b) to its pupils generally.
- (3) Except where the context otherwise requires, in this Act “education” means school education and includes such provision as is made by an education authority in fulfilment of their duty under section 1(3)(b) of the Education (Scotland) Act 1980 (c. 44) (duty to secure the provision of adequate facilities for social, cultural and recreative activities and for physical education and training).

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#### **Commencement Information**

**II** S. 1 in force at 12.9.2006 by [S.S.I. 2006/454](#), [art. 2\(a\)](#)

*Status: Point in time view as at 01/08/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Scottish Schools (Parental Involvement) Act 2006. (See end of Document for details)*

## 2 Strategies for parental involvement

- (1) Each education authority must prepare a document, to be known as their “strategy for parental involvement”, containing their general policies for implementing their duties under sections 1, 5, 11 and 12 (including, without prejudice to that generality, such implementation in the case of any pupil who is a child looked after by a local authority); and the complaints procedure established by the authority under section 15 must be set out in the document.
  - (2) In preparing their strategy for parental involvement, an education authority are to have regard to how that strategy will promote equal opportunities.
  - (3) An education authority—
    - (a) are from time to time to review their strategy for parental involvement, and
    - (b) are to revise that strategy whenever they conclude that it is appropriate to do so.
  - (4) In developing or reviewing their strategy for parental involvement an education authority must seek and have regard to the views of—
    - (a) the parents to whom those duties relate,
    - (b) pupils in attendance at public schools in the authority's area,
    - (c) any Parent Council established for a school in their area, and
    - (d) any other person who appears to the authority to have an interest in their implementation of those duties or of the duty under section 15(1).
- [<sup>F1</sup>(4A) Each education authority must publish—
- (a) their strategy for parental involvement prepared under subsection (1), and
  - (b) any strategy for parental involvement revised by the authority under subsection (3)(b).]

<sup>F2</sup>(5) .....

    - (6) In section 5(2) of the Standards in Scotland's Schools etc. Act 2000 (asp 6) (requirement for annual statement of education improvement objectives to include an account of the ways in which the authority will seek to involve a pupil's parents in promoting the education of the pupil), at the beginning of paragraph (a) there is inserted “ (prepared under section 2(1) of the Scottish Schools (Parental Involvement) Act 2006 (asp 8) as part of the authority's strategy for parental involvement) ”.
    - (7) The reference in subsection (1) to a child who is looked after by a local authority is to be construed in accordance with section 17(6) of the Children (Scotland) Act 1995 (c. 36) (duty of local authority to child looked after by them).

### Textual Amendments

- F1** S. 2(4A) inserted (1.8.2017) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), ss. **6(2)(a)**, 33(2); S.S.I. 2017/164, reg. 2, sch.
- F2** S. 2(5) repealed (1.8.2017) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), ss. **6(2)(b)**, 33(2); S.S.I. 2017/164, reg. 2, sch.

### Commencement Information

- I2** S. 2 in force at 1.8.2007 by [S.S.I. 2007/31](#), art. 2(b), sch. 2

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### [<sup>F3</sup>2A Strategy for parental involvement: annual report

- (1) Each education authority must prepare and publish each year a report (an “annual report”) on the activities undertaken by the authority during the relevant period in pursuance of the general policies set out in the authority's strategy for parental involvement.
- (2) In subsection (1), “relevant period”, in relation to an annual report, means the period of 12 months ending with the day on which the report is published.]

#### Textual Amendments

- F3** S. 2A inserted (1.8.2017) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), **ss. 6(3)**, 33(2); [S.S.I. 2017/164](#), reg. 2, sch.

## 3 Ambitions and objectives for a school

In section 6(1)(a) of the Standards in Scotland's Schools etc. Act 2000 (asp 6) (which, for the purpose of securing improvement in the quality of education which a school provides, requires the preparation of a development plan for the school)–

- (a) after the words “the objectives” there is inserted “ and strategy for parental involvement ”, and
- (b) for the words “and sets objectives for the school” there is substituted “ , sets objectives for the school (including objectives as to the involvement of a pupil's parents in the education provided to the pupil and to the school's pupils generally) and contains a statement of the education authority's ambitions for the school ”.

#### Commencement Information

- I3** S. 3 in force at 1.8.2007 by [S.S.I. 2007/31](#), art. 2(b), **sch. 2**

## 4 Review of school performance

In section 7 of the Standards in Scotland's Schools etc. Act 2000 (asp 6) (which provides for the defining of measures and standards of performance as respects the quality of education provided by schools and for the quality of education provided by a school to be reviewed from time to time having regard to those measures and standards), at the end there is added–

- “(3) Without prejudice to the generality of subsections (1) and (2) above, in those subsections “quality of education” includes the extent to which a pupil's parents are involved in the education provided to the pupil.”.

#### Commencement Information

- I4** S. 4 in force at 1.8.2007 by [S.S.I. 2007/31](#), art. 2(b), **sch. 2**

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## *Parent Forums and Parent Councils*

### **5 Parent Forum and Parent Council**

- (1) The parents of the pupils in attendance at a public school constitute (and are collectively to be known as) the “Parent Forum” of the school.
- (2) A Parent Forum may be represented by a body (to be known as a “Parent Council”) established by them under section 6 for the school.
- (3) The education authority are—
  - (a) to promote the establishment of, and
  - (b) to support the operation of,
 a Parent Council.
- (4) Subsection (3) is subject to section 16(15).

#### **Commencement Information**

**I5** S. 5 in force at 12.9.2006 by S.S.I. 2006/454, art. 2(b)

### **6 Scheme for establishment of a Parent Council**

- (1) For the purposes of section 5(2) and (3)(a) the education authority are to notify in writing the members of the Parent Forum of a public school in their area of the authority's intention to prepare a scheme for the establishment of a Parent Council for the school, inviting them to indicate, within such reasonable period as they are to specify in the notice, a preference as to how the council is to be constituted and what its constitution is to be; and the notice is to suggest alternatives in that regard framed in accordance with such guidance as may be issued by the Scottish Ministers but to state that those alternatives are offered only by way of example.
- (2) But notification under subsection (1) is to include an invitation to indicate, instead of any such preference as is mentioned in that subsection, a preference either—
  - (a) that no such scheme should be prepared, or
  - (b) that any such scheme prepared should be prepared by a person other than the education authority.
- (3) Having regard to such preferences as are indicated by virtue of subsection (1) and in so far as practicable giving effect to the preference of the greatest number of the members responding, the authority are, when the period specified under that subsection has expired, to prepare the scheme, to send a copy of it to each member and to make such arrangements as are necessary to implement it.
- (4) But if the preference of the greatest number of the members responding before the period so specified has expired is as mentioned in—
  - (a) paragraph (a) of subsection (2), subsection (3) is to be disregarded,
  - (b) paragraph (b) of subsection (2), subsection (3) is to be disregarded and provided that the majority of the members so responding and indicating that preference can agree as to which person other than the authority is to prepare such a scheme, that person may proceed to do so and to send a copy of it to each of the members of the Parent Forum, inviting the member

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- in question to indicate, within such reasonable period as the person may specify in the invitation, whether the member agrees that the scheme should be implemented.
- (5) If the majority of the members who respond timeously to an invitation under subsection (4)(b) indicate agreement, the person who prepared the scheme may make such arrangements as are necessary to implement the scheme.
- (6) The arrangements mentioned in subsections (3) and (5) must include the preparation of a constitution for the Parent Council.
- (7) A Parent Council is established when first constituted by virtue of arrangements made under subsection (3) or (5); and is, as soon as practicable thereafter—
- (a) to intimate to—
    - (i) the headteacher,
    - (ii) the members of the Parent Forum,
    - (iii) pupils in attendance at the school, and
    - (iv) such other persons as it appears to the council appropriate to include for the purposes of this subsection, that it has been established,
  - (b) to provide them and the education authority with information as to who the members of the council are and as to how to communicate with it,
  - (c) if the education authority did not prepare the constitution of the council, to provide the education authority with a copy of that constitution, and
  - (d) to provide the headteacher with a copy of that constitution.
- (8) A Parent Council is to be known as “the Parent Council” unless the Parent Forum otherwise determines, in which case it is to be known by whatever name the Parent Forum may specify.
- (9) Intimation under subsection (7)(a)(ii) or (iv) is to include a note of the functions of the Parent Council under subsection (1) of section 8 and, where applicable, under subsection (2) of that section.
- (10) The preceding provisions of this section are subject to sections 7 and 16(15).

#### **Commencement Information**

- I6** S. 6(1)-(6) in force at 12.9.2006 by [S.S.I. 2006/454](#), [art. 2\(c\)](#)
- I7** S. 6(7)-(10) in force at 1.8.2007 by [S.S.I. 2007/31](#), [art. 2\(b\)](#), [sch. 2](#)

## **7 Restrictions as to composition and chairing of a Parent Council**

- (1) Subject to subsection (2), the members of the Parent Council established for a school must be members of the school's Parent Forum or (but only if and in so far as the constitution of the council so admits) persons who are co-opted to the council by the persons who for the time being are its members.
- (2) In the case of a denominational school, the constitution of the council must provide for at least one of the council's members to be so co-opted and to be a person nominated by the church or denominational body in whose interest the school is conducted.
- (3) In subsection (2), “denominational school” means a school—

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- (a) transferred to an education authority under section 16(1) of the Education (Scotland) Act 1980 (c. 44) (transference of denominational schools to education authorities), or
  - (b) provided by an education authority under section 17(2) of that Act (provision by education authority of denominational schools etc.).
- (4) Only a person who is a member of a school's Parent Forum may chair a Parent Council established for that school.

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**Commencement Information**

**I8** S. 7 in force at 12.9.2006 by [S.S.I. 2006/454](#), **art. 2(d)**

## **8 Functions of a Parent Council**

- (1) The functions of the Parent Council established for a school are—
- (a) to support the endeavours of those managing the school—
    - (i) to raise standards of education in the school,
    - (ii) to secure improvements in the quality of education which the school provides, and
    - (iii) to develop to their fullest potential the personality, talents and mental and physical abilities of the pupils attending the school,
  - (b) to make representations—
    - (i) to the school's headteacher and to the education authority about the arrangements in the school for promoting the involvement of parents in the education of such of those parents' own children (of whatever age) as attend the school and of its pupils generally,
    - (ii) to the education authority about the arrangements in their area for promoting the involvement of parents of pupils attending schools in that area in the education of such of those parents' own children (of whatever age) as so attend and of those pupils generally,
  - (c) to promote contact between—
    - (i) the school,
    - (ii) the Parent Forum,
    - (iii) parents of prospective pupils of the school,
    - (iv) pupils in attendance at the school,
    - (v) the community, and
    - (vi) such other persons as it appears to the council appropriate to include for the purposes of this paragraph,
  - (d) to report on the council's activities to the members of the Parent Forum, as often as appears to the council to be appropriate but in any event—
    - (i) not more than 12 months after the council is established, and
    - (ii) after that first report, at intervals of not more than 12 months,
  - (e) to ascertain the views of the members of the Parent Forum as regards—
    - (i) the standards of education in the school,
    - (ii) the quality of education which the school provides,
    - (iii) the exercise by the council of its functions, and

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- (iv) such other matters as appear to the council to be of interest or concern to the Parent Forum,
  - (f) to collate those views and report them to—
    - (i) the headteacher of the school,
    - (ii) the education authority, and
    - (iii) such other persons as it appears to the council appropriate to include for the purposes of this paragraph,
  - (g) to review from time to time its constitution, and
  - (h) with the requisite consent, to amend (or replace) the council's constitution whenever it appears to the council to be necessary or expedient to do so.
- (2) In addition to the functions specified in subsection (1), the Parent Council established for a primary school is to promote contact between—
  - (a) the Parent Forum of the school, and
  - (b) such providers of nursery education to prospective pupils of the school as appear to the council appropriate.
- (3) For the purposes of subsection (2)(b), a person is a provider of nursery education if providing education to pre-school children (within the meaning of section 1(4B) of the Education (Scotland) Act 1980 (c. 44)).
- (4) The Parent Council may, whether or not it has ascertained and collated the views of the members of the Parent Forum as regards a matter mentioned in paragraph (e) of subsection (1), make representations to—
  - (a) the headteacher of the school,
  - (b) the education authority, or
  - (c) such other person as it appears to the council appropriate to include for the purposes of this subsection,as regards that matter.
- (5) But before making representations under paragraph (c) of subsection (4) to Her Majesty's inspectors the Parent Council—
  - (a) must have made those representations under paragraph (b) of that subsection and received a reply under section 11(7)(a), and
  - (b) except in a case where it considers it inappropriate to do so, must have made those representations under paragraph (a) of that subsection and received a reply under section 11(7)(b).
- (6) Where by virtue of subsection (5) Her Majesty's inspectors receive representations from a Parent Council they are to have regard to those representations (in so far as it is reasonable and practicable to do so) in carrying out their functions and are to reply to the council.
- (7) In subsection (1)(h), “requisite consent”—
  - (a) is consent obtained after each member of the Parent Forum has been sent a copy of the proposed amendment or replacement with an invitation to the member in question to indicate, within such reasonable time as the council may specify in the invitation, whether the member agrees to that amendment or replacement, and
  - (b) is the consent of the majority of such members of the parent forum as respond timeously to that invitation.

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- (8) If, by virtue of subsection (1)(h), the Parent Council amends (or replaces) its constitution it must as soon as reasonably practicable provide—
- (a) the education authority, and
  - (b) the headteacher,
- with a copy of the constitution as amended (or of the new constitution).
- (9) The Scottish Ministers may by order amend any of subsections (1) to (3) so as (either or both)—
- (a) to add to the functions for the time being described,
  - (b) to alter any of those functions.
- (10) Subject to any other provision made by this Act, the Parent Council may do anything which is calculated to facilitate the exercise of those functions including, without prejudice to that generality—
- (a) entering into contracts and agreements (other than in relation to land), and
  - (b) appointing a person to be clerk to the council.
- (11) A person (other than a member of the Parent Council) who is appointed by virtue of subsection (10)(b) may be paid by the council.
- (12) The members of the Parent Council do not incur personal liability for anything done, or purportedly done, in the exercise of those functions if it was done in good faith.
- (13) In the exercise of those functions the Parent Council is to have regard to any guidance issued to it, for the purpose mentioned in subsection (14), by the education authority.
- (14) The purpose is of ensuring that any duty which the authority has—
- (a) under statute, or
  - (b) by virtue of any rule of law,
- is duly complied with.
- (15) The Parent Council is to comply with any reasonable request made to it by the headteacher of the school or by the education authority for information relating to its exercise of those functions.
- (16) A Parent Council ceases to exist when the school for which it is established is discontinued or amalgamated with another school.

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**Commencement Information**

**19** S. 8 in force at 1.8.2007 by [S.S.I. 2007/31](#), art. 2(b), [sch. 2](#)

**9 Meetings of a Parent Council**

- (1) Except in so far as the headteacher of, and the Parent Council established for, a school otherwise agree, the headteacher has both the duty and the right either—
- (a) to attend, or
  - (b) if the headteacher so elects, to be represented at,
- any meeting of that council.
- (2) Subject to subsection (3), meetings of a Parent Council are to be open to the public.



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- (3) During consideration of any matter which a Parent Council is satisfied should be dealt with on a confidential basis, the only persons entitled to attend are—
- (a) members of the council, and
  - (b) a person attending the meeting in accordance with subsection (1).

**Commencement Information**

**I10** S. 9 in force at 1.8.2007 by [S.S.I. 2007/31](#), [art. 2\(b\)](#), [sch. 2](#)

**10 Financial powers of a Parent Council**

- (1) A Parent Council may—
- (a) raise funds by any means other than by borrowing,
  - (b) receive gifts,
- and may expend any sums so received at its discretion.
- (2) A Parent Council is to keep proper accounts in relation to any sums received by it under subsection (1).
- (3) A Parent Council is not to acquire any interest in heritable property, whether by inheritance, gift or otherwise.
- (4) Where a Parent Council ceases to exist, any property belonging to it passes to the education authority; but (except where the council has ceased to exist by virtue of section 8(16)) the authority is to use any such property for the benefit of the school.
- (5) Subsection (4) is subject to section 16(5).

**Commencement Information**

**I11** S. 10 in force at 1.8.2007 by [S.S.I. 2007/31](#), [art. 2\(b\)](#), [sch. 2](#)

*Duties , reports , appointments and complaints*

**11 Duties of education authority and headteacher to a Parent Council etc**

- (1) An education authority are to give advice and information to a Parent Council established for a school in their area when the council reasonably requests it from them on any matter.
- (2) An education authority are to take such steps as appear to them to be appropriate to ensure that the headteacher and staff of each school in their area—
- (a) are available to give advice and information to a Parent Council established for the school on what is being done by those managing the school to promote parental involvement in education there, and
  - (b) in giving such advice and information act in a manner consistent with the authority's duties under this Act.

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- (3) In addition to giving advice and information in terms of subsection (2)(a), the headteacher of a school must, if requested to do so by a Parent Council established for that school, give advice to the council on any matter falling within the headteacher's area of responsibility.
- (4) An education authority are, in respect of each financial year, to determine for a Parent Council established for a school in their area, an allocation of such money within the authority's budget as appears to the authority, after consultation with the council, reasonably to be required by the council for meeting—
- (a) its administrative expenses (including, without prejudice to that generality, any expenses incurred by virtue of section 8(10)(b)),
  - (b) the expenses of training its members, and
  - (c) its other outgoings in carrying out the functions assigned it by or by virtue of this Act.
- (5) An education authority may provide a Parent Council established for a school in their area with services or accommodation.
- (6) An education authority are to inform a Parent Council established for a school in their area about the school's arrangements for consultation between parents and teachers; and without prejudice to the generality of paragraph (b) of section 8(1), the council may make representations under that paragraph, concerning those arrangements, to the authority or to the headteacher.
- (7) Where (whether or not under that paragraph)—
- (a) an education authority receive representations from a Parent Council established for a school in their area, the authority are to have regard to the representations (in so far as it is reasonable and practicable to do so) in carrying out their functions and are to reply to the council, or
  - (b) a school's headteacher receives representations from the Parent Council of the school, the headteacher is to have regard to the representations (in so far as it is reasonable and practicable to do so) in carrying out the duties of that post and is to reply to the council.

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**Commencement Information**

**I12** S. 11 in force at 1.8.2007 by [S.S.I. 2007/31](#), art. 2(b), [sch. 2](#)

## **12 Duties of education authority to parents generally**

- (1) An education authority are to give advice and information to any parent of a pupil in attendance at a public school in their area when that parent reasonably requests it from them on any matter relating to the education provided to that pupil.
- (2) An education authority are to take such steps as appear to them to be appropriate to ensure that the headteacher and staff of the school—
- (a) are available to give such advice and information to the parent in question, and
  - (b) in giving it act in a manner consistent with the authority's duties under this Act.

*Status: Point in time view as at 01/08/2017.*

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**Commencement Information**

**I13** S. 12 in force at 12.9.2006 by [S.S.I. 2006/454](#), [art. 2\(e\)](#)

**13 Headteacher's report to Parent Council, Combined Parent Council or Parent Forum**

- (1) The headteacher of a public school must at least once a year report—
  - (a) to any Parent Council established for the school,
  - (b) if a Combined Parent Council has been established for schools which comprise the school, to the Combined Parent Council, or
  - (c) if no Parent Council or Combined Parent Council has been so established, to the Parent Forum,evaluating the performance of the school and stating what the headteacher's objectives and ambitions for the school are.
- (2) Without prejudice to the generality of subsection (1), the headteacher is, in making the report, to have regard to—
  - (a) the school's development plan and in particular the objectives for the school which the plan sets and the statement of ambitions for the school which it contains,
  - (b) the report most recently prepared under section 6(4) of the Standards in Scotland's Schools etc. Act 2000 (asp 6) (report as to what has been done, over a period of twelve months, in implementation of that plan),
  - (c) the measures and standards of performance defined and published most recently under section 7(1) of that Act (review of school performance), and
  - (d) the equal opportunity requirements.
- (3) The report under subsection (1) is to be made in whatever way the council or forum reported to may reasonably request and a summary of it is to be prepared by the headteacher.
- (4) The headteacher is to secure that each member of the Parent Forum receives a copy of that summary.

**Commencement Information**

**I14** S. 13 in force at 1.8.2007 by [S.S.I. 2007/31](#), [art. 2\(b\)](#), [sch. 2](#)

**14 Procedures for appointment of headteacher or deputy and participation of a Parent Council**

- (1) An education authority are to inform—
  - (a) the Scottish Ministers, and
  - (b) any Parent Council established for a school in their area,about the authority's procedures (in this section referred to as their “appointment process”) for filling any post, other than on an acting basis, of headteacher or deputy headteacher of a school and also (forthwith) about any change they make, whether or not by virtue of subsection (5)(b), to their appointment process.

*Status: Point in time view as at 01/08/2017.*

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- (2) The appointment process must entail involvement in it of any Parent Council established for the school to which an appointment is to be made.
- (3) A person who is not a member of a Parent Council may, at the request of the council, assist it in discharging its functions in connection with the appointment process.
- (4) An education authority are to make such arrangements as appear to them to be appropriate to ensure that training which will be of assistance in the discharge of functions in connection with the appointment process is made available to—
  - (a) members of any Parent Council,
  - (b) any person assisting a council under subsection (3).
- (5) The Scottish Ministers may (either or both)—
  - (a) by regulations, impose requirements which an appointment process must satisfy,
  - (b) by notice, require an education authority to make such changes to their appointment process as may be specified in the notice.

#### Commencement Information

**I15** S. 14 in force at 5.2.2007 for specified purposes by [S.S.I. 2007/31, art. 2\(a\), sch. 1](#)

**I16** S. 14 in force at 1.8.2007 in so far as not already in force by [S.S.I. 2007/31, art. 2\(b\), sch. 2](#)

## 15 Complaints procedure

- (1) An education authority are to establish a procedure by which a person, or someone acting on a person's behalf, may make complaints (or other representations) in relation to the exercise by the authority of, or failure by them to exercise, any of their functions under this Act in respect of the person.
- (2) Before establishing a procedure under subsection (1), the authority must consult—
  - (a) the parents to whom their duties under sections 1, 5 and 12 relate,
  - (b) any Parent Council established for a school in their area,
  - (c) any Combined Parent Council established for schools in their area, and
  - (d) any other person who appears to the authority to have an interest in their implementation of those duties,
 on the authority's proposals in that regard.
- (3) The authority are to keep the procedure so established by them under review and must vary that procedure whenever they consider it appropriate to do so.
- (4) The authority are to give such publicity to that procedure, including that procedure as varied under subsection (3), as they consider appropriate and must give a copy of the procedure to any person who requests it (at no cost to that person).

#### Commencement Information

**I17** S. 15 in force at 1.8.2007 by [S.S.I. 2007/31, art. 2\(b\), sch. 2](#)

*Status: Point in time view as at 01/08/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Scottish Schools (Parental Involvement) Act 2006. (See end of Document for details)*

### *Combined Parent Councils*

## **16 Establishment etc. of Combined Parent Council**

- (1) With the requisite consent, the members of the Parent Forums of two or more schools in the area of an education authority may decide that a body (to be known as a “Combined Parent Council”) should be established for both, or as the case may be all, of the schools (in this section and in section 17 referred to as the “represented schools”).
- (2) In subsection (1), “requisite consent”–
  - (a) is consent obtained after each member of the Parent Forum in each of the represented schools has been given written notice of the proposed decision with an invitation to the member in question to indicate, within such reasonable time as the proposer may specify in the invitation, whether the member agrees that the decision be taken, and
  - (b) is the consent of, in each of those schools, the majority of such members of the parent forum as respond timeously to that invitation.
- (3) It is immaterial, for the purposes of this section, whether as respects any of the represented schools a scheme for the establishment of a Parent Council is being, or has been, prepared or a Parent Council has been established.
- (4) Except that any such Parent Council ceases to exist when the Combined Parent Council is established.
- (5) Where by virtue of subsection (4) a Parent Council ceases to exist, any property belonging to it passes to the Combined Parent Council.
- (6) If a decision is made under subsection (1), the education authority are–
  - (a) to prepare a scheme for the establishment, by the Parent Forums, of the Combined Parent Council,
  - (b) to send a copy of that scheme to each of the members of the Parent Forums, and
  - (c) to make such arrangements as are necessary to implement the scheme.
- (7) The arrangements mentioned in subsection (6)(c) must include the preparation of a constitution for the Combined Parent Council.
- (8) A Combined Parent Council is established when first constituted by virtue of arrangements made under subsection (6); and is, as soon as practicable thereafter–
  - (a) to intimate to–
    - (i) the headteachers of the represented schools,
    - (ii) the members of the Parent Forums,
    - (iii) pupils in attendance at the represented schools, and
    - (iv) such other persons as it appears to the council appropriate to include for the purposes of this subsection,that it has been established,
  - (b) to provide them and the education authority with information as to who the members of the council are and as to how to communicate with it, and
  - (c) to provide each of the headteachers of the represented schools with a copy of that constitution.

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*Status: Point in time view as at 01/08/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Scottish Schools (Parental Involvement) Act 2006. (See end of Document for details)*

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- (9) The Combined Parent Council is itself to determine the name by which it is to be known.
- (10) Intimation under subsection (8)(a)(ii) or (iv) is to include a note of the functions of a Combined Parent Council as set out in section 8(1) and applied by subsection (12) (of this section).
- (11) Where one or more of the represented schools is a primary school, intimation under subsection (8)(a)(ii) or (iv) is also to include a note of the functions of a Combined Parent Council as set out in section 8(2) and applied by subsection (12) (of this section).
- (12) Sections 2(4)(c), 7(1) and (4), 8(1) to (15), 9 to 11 and 14 apply, with the necessary modifications, in relation to a Combined Parent Council and the represented schools, as they apply in relation to a Parent Council and the school for which the Parent Council is established.
- (13) Subsection (14) applies where a Combined Parent Council is being established and one or more of the represented schools is a denominational school (within the meaning given by section 7(3)).
- (14) The constitution of the Combined Parent Council must provide for—
- (a) the church or denominational body in whose interest a represented school is conducted, or
  - (b) where there is more than one such church or denominational body, each church or body,
- to nominate at least one person to be a co-opted member of the council.
- (15) Sections 5(3) and 6(1) to (9) cease to apply in relation to any school on the making of a decision under subsection (1) by the members of Parent Forums which include the Parent Forum of the school but apply again to the school (either or both)—
- (a) on its withdrawing from the represented schools,
  - (b) on the Combined Parent Council established by virtue of that decision ceasing to exist.
- (16) A Combined Parent Council ceases to exist when, by virtue of a school—
- (a) being discontinued or amalgamated with another school, or
  - (b) withdrawing from the represented schools,
- the “represented schools” no longer comprise more than one school.

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**Commencement Information**

**I18** S. 16(1)-(7)(13)(14) in force at 12.9.2006 by [S.S.I. 2006/454](#), [art. 2\(f\)](#)

**I19** S. 16(8)-(12)(15)(16) in force at 1.8.2007 by [S.S.I. 2007/31](#), [art. 2\(b\)](#), [sch. 2](#)

**17 Withdrawal from represented schools**

- (1) With the requisite consent, the members of the Parent Forum of a school for which a Combined Parent Council is established may decide that the school withdraws from the represented schools.
- (2) The reference in subsection (1) to “requisite consent”—

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- (a) is to consent obtained after each member of the Parent Forum of the school has been given written notice of the proposed decision with an invitation to the member in question to indicate, within such reasonable time as the proposer may specify in the invitation, whether the member agrees that the decision be taken, and
- (b) is the consent of the majority of such members of the Parent Forum as respond timeously to that invitation.

**Commencement Information**

**I20** S. 17 in force at 1.8.2007 by [S.S.I. 2007/31](#), art. 2(b), [sch. 2](#)

*Miscellaneous and general*

**18 Abolition of School Boards**

- (1) The School Boards (Scotland) Act 1988 (c. 47) is repealed.
- (2) A School Board appointed under section 1 of that Act ceases to exist when that section is repealed; and any property belonging to the Board then passes to the education authority.
- (3) An appointment under section 6(10) of that Act (appointment to be Clerk to a Board) terminates when section 1 of that Act is repealed.
- (4) In paragraph 7 of Schedule A1 to the Education (Scotland) Act 1980 (persons who are not to be members of appeal committees for consideration of any reference involving a question whether a child is to be placed in a specific school or excluded from a school), for the words “School Board” substitute “Parent Council or Combined Parent Council”.
- (5) In section 6(2)(a) of the Standards in Scotland's Schools etc. Act 2000 (persons to be consulted as regards preparation of school development plan), for the words “School Board” substitute “Parent Council or Combined Parent Council”.

**Commencement Information**

**I21** S. 18 in force at 1.8.2007 by [S.S.I. 2007/31](#), art. 2(b), [sch. 2](#)

**19 Guidance**

- (1) The Scottish Ministers must issue guidance—
  - (a) to education authorities, as respects the discharge by those authorities of their functions under sections 2 and 6, and
  - (b) to Parent Councils and Combined Parent Councils, as respects the discharge by those councils of their functions under section 8 (or as the case may be under that section as applied by section 16(12)).
- (2) The Scottish Ministers may issue guidance to education authorities, Parent Councils and Combined Parent Councils as respects the discharge by those authorities

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and councils of their respective functions under any section not mentioned in subsection (1).

- (3) Any such authority or council must have regard to any guidance issued to them or it under this section.

**Commencement Information**

**I22** S. 19 in force at 12.9.2006 by [S.S.I. 2006/454](#), **art. 2(g)**

**20 Interpretation**

- (1) Unless the context otherwise requires, expressions used in this Act and in the Education (Scotland) Act 1980 (c. 44) have the same meaning in this Act as is given to them by section 135 of that Act except that “pupil” includes a child who is under school age only if that child is in attendance at a primary school (whether or not in a nursery class in such a school).
- (2) In this Act, “equal opportunities” and “equal opportunity requirements” have the same meanings as in Section L2 of Part II of Schedule 5 to the Scotland Act 1998 (c. 46).

**Commencement Information**

**I23** S. 20 in force at 12.9.2006 by [S.S.I. 2006/454](#), **art. 2(h)**

**21 Transitional provisions etc.**

- (1) The Scottish Ministers may by order make such incidental, supplemental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes, or in consequence, of this Act.
- (2) An order under subsection (1) may amend or repeal any enactment (other than any provision of this Act).

**Commencement Information**

**I24** S. 21 in force at 12.9.2006 by [S.S.I. 2006/454](#), **art. 2(i)**

**22 Orders and regulations**

- (1) Any power of the Scottish Ministers to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) Subject to subsection (3), a statutory instrument containing any such order or regulations, other than an order under section 24(2), is subject to annulment in pursuance of a resolution of the Parliament.
- (3) A statutory instrument containing an order under—
- (a) section 8(9), or
  - (b) subsection (1) of section 21 if the order is by virtue of subsection (2) of that section,



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is not made unless a draft of the instrument has been laid before, and approved by resolution of, the Parliament.

- (4) Without prejudice to section 24(2), an order or regulations under this Act may make different provision for different cases or classes of case and for different purposes.

#### Commencement Information

**I25** S. 22 in force at 12.9.2006 by [S.S.I. 2006/454](#), [art. 2\(j\)](#)

### 23 Repeals

There are repealed, to the extent specified in the second column of the schedule to this Act, the enactments mentioned in that schedule.

#### Commencement Information

**I26** S. 23 in force at 5.2.2007 for specified purposes by [S.S.I. 2007/31](#), [art. 2\(a\)](#), [sch. 1](#)

**I27** S. 23 in force at 1.8.2007 in so far as not already in force by [S.S.I. 2007/31](#), [art. 2\(b\)](#), [sch. 2](#)

### 24 Short title and commencement

- (1) This Act may be cited as the Scottish Schools (Parental Involvement) Act 2006.
- (2) This Act, except this section, comes into force on such day as the Scottish Ministers may by order appoint; but different days may be appointed for different provisions, for different areas, for different purposes or for different cases or classes of case.

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## SCHEDULE

(introduced by section 23)

### REPEALS

#### Commencement Information

- I28** Sch. in force at 5.2.2007 for specified purposes by [S.S.I. 2007/31](#), art. 2(a), [sch. 1](#)  
**I29** Sch. in force at 1.8.2007 in so far as not already in force by [S.S.I. 2007/31](#), art. 2(b), [sch. 2](#)

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<i>Enactment</i>	<i>Extent of repeal</i>
Education (Scotland) Act 1980 (c. 44)	In section 70(1), the words “a School Board,” in both places they occur. Section 87A. Section 87B. In section 135(1), the definition of “school board”.
Self-Governing Schools etc. (Scotland) Act 1989 (c. 39)	Section 74. In section 80(1), the definition of “the 1988 Act”. In Schedule 10, paragraph 10.
Children (Scotland) Act 1995 (c. 36)	In Schedule 4, paragraph 46.
Education (Scotland) Act 1996 (c. 43)	Sections 28 to 31. Schedule 4.
Standards in Scotland's Schools etc. Act 2000 (asp 6)	Sections 26 to 31. In section 58(1), the definition of “the 1988 Act”. Schedule 1. In schedule 2, paragraph 4.
School Education (Amendment) (Scotland) Act 2002 (asp 2)	Section 2.
Local Government in Scotland Act 2003 (asp 1)	Section 50.

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**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Scottish Schools (Parental Involvement) Act 2006.