



# Scottish Schools (Parental Involvement) Act 2006

## 2006 asp 8

### *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**

**II** 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.

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*Status: Point in time view as at 01/08/2007.*

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

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- (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 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.

*Status: Point in time view as at 01/08/2007.*

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(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**

**I2** S. 6(1)-(6) in force at 12.9.2006 by [S.S.I. 2006/454](#), [art. 2\(c\)](#)

**I3** 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—

- (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.

#### **Commencement Information**

**I4** 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,

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- (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
    - (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.

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- (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.
- (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.

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- (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.

#### Commencement Information

**I5** 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.
- (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

**I6** 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).

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**Commencement Information**

**I7** S. 10 in force at 1.8.2007 by S.S.I. 2007/31, art. 2(b), **sch. 2**

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**Changes to legislation:**

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