

**COMPARISON BETWEEN THE SCHOOL BOARDS (SCOTLAND) ACT 1988 AND
THE PROPOSALS IN THE
SCOTTISH SCHOOLS (PARENTAL INVOLVEMENT) BILL**

Section of 1988 Act	What the Act & Regulations say	Section of Bill	What the draft Bill proposes
1(1)	Education authority to establish a School Board for <i>each school</i> in their area (except for the circumstances in section 20 of the Act).	4	<ul style="list-style-type: none"> • Education authority to promote establishment of and support operation of a parent forum for <i>each school</i> in their area.
1(2)	School Board to exercise their functions “with a view to” raising standards of education in the school, and to support endeavours of those managing it to secure improvement in the quality of education the school provides.	7(1) (a) (b) & (c)	<ul style="list-style-type: none"> • One of the functions of new parent forums is “to seek to” raise standards of education in the school. • Another is to seek improvements in the quality of education the school provides. • A third is to support the endeavours of those managing the school to develop to their fullest potential the personality, talents and mental and physical abilities of the pupils attending it – a definition of education which goes wider than the “school education” focus of the 1988 Act.
1(3)	Abolition of school councils.	13 & 5(9)	<ul style="list-style-type: none"> • The Bill allows the parents in a school to establish a forum with a similar constitution and format to a School Board, and to call it a School Board if they wish.
1(4)	School Board established once sufficient parent members have been elected.	5(8)	<ul style="list-style-type: none"> • New parent forums are established when first constituted either by parents in a school agreeing that an education authority, or some other, scheme should be implemented, or by setting up the new forum themselves.
1(5)	School Board ceases to exist when school is discontinued.	7(9)	<ul style="list-style-type: none"> • Replicated for parent forums.
2,	School Board to consist of parent/staff/co-opted	6	<ul style="list-style-type: none"> • Membership of a parent forum restricted to parents, and its

<p>(& The School Boards (Scotland) Regulations 1989 nos. 4 to 7)</p>	<p>members in the following ratios, according to roll:-</p> <ul style="list-style-type: none"> • Up to 500 – 4 parents, 1 staff, 2 co-opted • 501-1000 – 5 parents, 2 staff, 2 co-opted • 1001-1500 – 6 parents, 2 staff, 3 co-opted • over 1500 – 7 parents, 3 staff, 3 co-opted i.e. the parent members always have a majority of 1. <p>* in denominational school one of the co-opteds to be nominated by the church</p>		<p>size (a decision of the parents) can be anything from 1 parent to all the parents of pupils at the school.</p> <ul style="list-style-type: none"> • The forum though can co-opt <i>any</i> number (at present it has to be 2 or 3) of additional members it wishes. • No group of parents in a school is therefore <i>obliged</i> to have additional forum members, beyond the parents themselves, unless they so choose. • It is absolutely for the parents in a school to decide on the scale, balance and composition of their forum. • No longer obligatory to hold formal elections. If parents still wish to hold elections to the parent forum, the details should be set out in the forum's constitution.
<p>2A & Schedule 1 (& s.28 of 2000 Act)</p>	<p>These sections deal with the details of School Board elections, and by-elections in the event of vacancies</p>	---	<ul style="list-style-type: none"> • Co-option in future to be optional rather than obligatory, and covered in the forum's constitution.
<p>2B</p>	<p>Co-option of members</p>	---	<ul style="list-style-type: none"> • Co-option in future to be optional rather than obligatory, and covered in the forum's constitution.
<p>3</p>	<p>Terms of office</p>	---	<ul style="list-style-type: none"> • Details (i.e. fixed/finite terms of office) to be determined locally, and set out in the forum's constitution. • Guidance will be issued on matters perhaps to be considered e.g. parent member whose children leave the school; removal of a member of a forum for various reasons etc.
<p>4</p>	<p>Qualification and disqualification of Board members</p>	---	<ul style="list-style-type: none"> • The Bill leaves entirely to parents' discretion and decision who they shall appoint to their forum.
<p>5</p>	<p>Advice to Boards - covering</p> <ul style="list-style-type: none"> • those currently entitled to attend and speak at Board meetings - an officer of the education authority, local councillors within school's catchment area, and the headteacher; • those required to give advice to the Board if requested – the headteacher and the education authority; 	<p>9(1) & (2)</p>	<ul style="list-style-type: none"> • The Bill does not specify that certain people (who are not forum members) may appear and speak, as of right, at meetings of the parent forum, whether or not the forum wishes that. It is left to the forum to invite others to attend, or to grant requests to attend, either on a standing or ad hoc basis. • The Bill replicates the education authority duty (headteacher and staff are included in that as employees of

	<ul style="list-style-type: none"> education authorities to ensure the headteacher and staff are available when necessary, to fulfil the duties above. 			<ul style="list-style-type: none"> the authority) to give advice and information to a parent forum which reasonably requests it, on any matter, and to ensure the headteacher and staff are available to deliver that advice and information.
5A	Conflict of interest.	---		<ul style="list-style-type: none"> To be covered in guidance rather than in primary legislation, and if needs be in the forum's constitution.
6(1)-(9) & (11)	Proceedings of the Board i.e. in respect of voting, establishing committees, quora, minutes, inviting persons to speak – beyond which the Board can regulate their own proceedings.	---		<ul style="list-style-type: none"> The Bill allows a parent forum to regulate its own proceedings entirely – such matters as number and shape of sub-committees, quora, minutes etc. being covered in its constitution, according to the parents' wishes.
6(10)	The Board is also required to appoint a clerk who (unless a Board member) shall be paid.	9(3) & (4)		<ul style="list-style-type: none"> Forum will be free to appoint a clerk. Obligation is placed on an education authority to make available a financial allocation to a forum to cover administrative expenses and/or to provide such services.
7	Combined schools – a technical provision covering a situation where 2 schools amalgamate.	1Q.71		<ul style="list-style-type: none"> Not replicated in the draft Bill, but NB Question 7 in the Consultation Paper seeks views on provisions for a combined school or cluster of schools.
8(1)-(3), (5) & (6)	<p>Exercise of the functions of Boards i.e.</p> <ul style="list-style-type: none"> Power to do anything in furtherance of functions, including entering into contracts In relation with third parties the Board acts as agent of the education authority No personal liability if acting in good faith Ensure duties of education authority are complied with Board to supply information when reasonably requested by the authority 	7(4)-(8) & Q.16 		<ul style="list-style-type: none"> These provisions and provisos are replicated for parent forums. But NB Question 16 in the Consultation Paper highlights issues around the insurance implications of “acting as agents of the education authority”.
8(4)	Requirement on Boards, where school is used for further education (FE) purposes, to consult the education authority and head of the FE institution.	---		<ul style="list-style-type: none"> Not thought necessary to replicate this provision.

9	Books, materials etc. i.e. the Board's right of veto over proposals for spending devolved education authority monies for books and teaching materials, so long as regard is had to authority guidance and policies.	--- but see 7(1)(g) and (h)	<ul style="list-style-type: none"> • Removes veto over head teacher's management decision. • The 1988 Act provision addressed a very specific aspect of the then focus on 'managing' schools. • The emphasis in the Bill is on enabling the parent forum to make representations to the headteacher and education authority on any matter that is of interest or concern to the parents, not just those explicitly listed in primary legislation.
10	Information and reports - covering <ul style="list-style-type: none"> • authorities and headteachers to provide Boards with such information as they may reasonably request; • headteachers additionally to update Boards on changes to school policy in the school on curriculum, assessment, discipline, rules and uniform, and to provide an annual report on attainment. 	9(1) & (2)	<ul style="list-style-type: none"> • The Bill requires the education authority to provide such advice and information as the parent forum may reasonably request and to determine how this shall be done and delivered i.e. whether directly or via its employees (the headteacher and staff). • Not thought necessary to make further provision, given the parent forum's powers to ask for information.
11 & Schedule 2	Appointment of headteachers & deputies (other than on an acting basis).	11	<ul style="list-style-type: none"> • The Bill requires that all new appointment processes must involve the parent forum. • The 1988 provisions are to be updated. Local authorities will be required to set out their new appointment processes; Ministers have taken a reserve power to make regulations specifying what requirements an appointments process must satisfy.
12	Relations between Boards and parents i.e. <ul style="list-style-type: none"> • boards to promote contact between the school, parents and the community, and to encourage formation of PTAs; • to report at least annually to parents on the Board's activities; and 	7(1)(e) & (f), and 9(5) & (6)	<ul style="list-style-type: none"> • Replicated for parent forums i.e. the same continuing emphasis on good partnerships (but without the reference to PTAs, and with representations on consultation to be addressed initially to the education authority).

	<ul style="list-style-type: none"> Headteacher to provide information on arrangements for consultation between parents and teachers – Boards may make representations which shall be taken account of and replied to 		
13	Parents meetings i.e. meetings called by parents to question the Board.	---	<ul style="list-style-type: none"> No longer considered appropriate to specify in primary legislation – a matter for a forum’s constitution.
14	Use of premises and occasional holidays i.e. parents to control use of school premises after hours and to fix occasional holidays (subject to directions by or after consultations with education authority).	---	<ul style="list-style-type: none"> These are not powers which many Boards appear to use or consider a high priority. Parent forums will be able to report parents’ views on both these matters, but the “management” of the school in these matters is more appropriately for the education authority and its employees.
15&16 & Schedule 3	Delegation of functions from education authorities to Boards.	---	<ul style="list-style-type: none"> This education authority power was only used in the few cases where schools opted out of education authority control
17&17A (& the School Boards (Financial Information) Regulations 1990	Board financing and financial information.	9(1) & (3)	<ul style="list-style-type: none"> Largely replicated in section 9(3) of the Bill for parent forums, albeit in less complex form. Parent forum’s power to request, and education authority obligation to provide financial information etc. is covered in the general provision in 9(1) of the Bill.
18	Financial powers of Boards.	8	<ul style="list-style-type: none"> Essentially replicated in the Bill for parent forums, but minus the requirement to take account of the views of the headteacher when spending monies raised or gifted.
19	Allowances for Board members - discretionary power for authorities to make payments as they think fit	9(3)	<ul style="list-style-type: none"> Subsumed within authorities’ general duty to support the work of the forum financially.
20	Schools without a Board and disestablishment of Boards.	---	<ul style="list-style-type: none"> Under the Bill a decision that there shall be no parent forum in a school will be one for the parents, rather than for the education authority (as is the case in the 1988 Act).

21	Public money.	---	<ul style="list-style-type: none"> • Not required
22	Interpretation – all the definitional terms	14(1)	<ul style="list-style-type: none"> • Reference is now made to the definitions in the Education (Scotland) Act 1980. • The definition of “parent” is unchanged, and includes carers and guardians. • The definition of “pupil” is extended to include pupils under school age where they attend a primary school so that where a parent forum is established for a primary school with nursery attached, it can include and cover the interests of all the parents.
23	<p>Regulation making powers</p> <p>The School Boards (Scotland) Regulations 1989, Regulations 8 & 9</p>	16	<ul style="list-style-type: none"> • Regulated as necessary. • No longer considered appropriate to set out these matters in legislation • It will be a matter for the forum’s constitution to set out how any written records of meetings of the forum are to be publicised • Attendance of non-members at meetings also a matter to be decided by the forum
	<ul style="list-style-type: none"> • Copies of Board agendas, minutes & reports/documents considered at meetings are to be available for public inspection. • But confidential matters or anything relating to individual school employees or pupils may be excluded from them. • Meetings of Boards to be open to all except that the Board may exclude people when considering confidential matters and matters relating to individual school employees and pupils 	---	

A dozen new provisions in the Scottish Schools (Parental Involvement) Bill i.e which do not derive from the 1988 Act

Section 1 of the Bill	<ul style="list-style-type: none"> • A new specific duty placed on education authorities to promote parental involvement in children's education.
2	<ul style="list-style-type: none"> • Requirement for education authorities to prepare new Strategies for Parental Involvement in consultation with parents and parent forums. • New strategies to be reflected in Annual Statements of Education Improvement Objectives and School Development Plans.
3	<ul style="list-style-type: none"> • Definition of the 'quality of school education' expanded to include the extent to which parents are involved.
5 (1) to (6)	<ul style="list-style-type: none"> • Education authorities may offer schemes, options for systems of appointment, the constitution etc to school parents and shall do if parents of a quarter of the pupils in a school ask them to. This is intended to help get the new parent forums up and running. But parents may decline the authority's offer of a scheme and look elsewhere or set up the forum entirely themselves. • The parent forum may decide on its name i.e. the name it is to be known by.
7(1)d	<ul style="list-style-type: none"> • Included in the list of a parent forum's functions is making representation to the headteacher and education authority about the arrangements for promoting parental involvement in the education of their own children and of pupils generally
7(1)g&h	<ul style="list-style-type: none"> • Specific new functions to find out the views of all parents within the school about quality and standards of education at the school, about how the parent forum is carrying out its functions and about any other matter of interest or concern to parents – and to report those views to the headteacher, education authority or anyone else appropriate.
7(1)i&j	<ul style="list-style-type: none"> • New power for a forum to review and change its constitution. • New Ministerial power to add to or alter list of forum functions by order, rather than having to amend primary legislation to do so.
7(3)	<ul style="list-style-type: none"> • New Ministerial power to add to or alter list of forum functions by order, rather than having to amend primary legislation to do so.
10	<ul style="list-style-type: none"> • Specific new duty placed on education authorities to give advice and information to a parent on any matter relating to the education of their own child—a new right for all parents.
12	<ul style="list-style-type: none"> • Education authorities to establish a complaints procedure, in consultation with parents and parent forums, about how they carry out their functions under the Bill.