

# SCOTTISH SCHOOLS (PARENTAL INVOLVEMENT) ACT 2006

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

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

20. **Section 6** sets out the procedure to be followed in regard to the establishment of a Parent Council. There are two routes by which a Parent Council can be established.
21. Firstly, in pursuance of their duty under section 5(3)(a) to promote the establishment of a Parent Council, an education authority must notify in writing Parent Forum members of a school of their intention to prepare a scheme for the establishment of a Parent Council in that school. The authority are to invite forum members to indicate how the council should be constituted, and the authority are to suggest options, by way of example only (section 6(1)).
22. Secondly, subsection (2) entitles the Parent Forum to indicate a preference for developing its own scheme, or of not having a scheme and therefore no Parent Council. The scheme(s) offered by the education authority must make these options clear to parents.
23. **Section 6(3)** provides that, if the majority of the members of the Parent Forum who respond within the period notified by the education authority under subsection (1) so choose, the authority are to prepare a scheme for establishment, copy it to each member, and make arrangements for its implementation.
24. Under section 6(4)(a), if the Parent Forum chooses to have no scheme and therefore no Parent Council, subsection (3) is then disregarded, and the education authority's duty is complete. Under section 6(4)(b), if the Parent Forum decides that a person other than the education authority should prepare the scheme, the Parent Forum must agree on who that should be. Again in those circumstances subsection (3) is disregarded. Once the scheme is drawn up, that person is to send the scheme to the members of the Parent Forum and seek the approval of the majority of parents responding. The person who prepared the scheme is then able to make the arrangements to implement the proposed scheme (subsection (5)), which must include the preparation of a constitution for the council (subsection (6)).
25. **Section 6(7)** provides that, once it has been established by either of the methods set out above, the Parent Council has a number of initial, procedural duties. Section 6(7) (a) sets out who the Parent Council must inform of its establishment; section 6(7)(b) provides that those referred to in section 6(7)(a) (the headteacher, all parents, pupils and such other persons as the council consider appropriate to inform of its establishment), together with the education authority, must be informed of who the members of the Parent Council are and how they can be contacted. If the education authority did not establish the Parent Council, the Parent Council must provide copies of the council's constitution to the education authority (section 6(7)(c)). When intimating that it has been established to persons listed in section 6(7)(a)(ii) and (iv) (the members of the

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Act 2006 (asp 8) which received Royal Assent on 14 June 2006*

Parent Forum and other such persons as it appears to the council appropriate to include), the Parent Council must provide a list of its functions. These are to be found under subsections (1) and (2) of section 8.