



# Scottish Schools (Parental Involvement) Act 2006

## 2006 asp 8

### *Parent Forums and Parent Councils*

#### **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 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 *[name of school]* 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).