

SCOTTISH SCHOOLS (PARENTAL INVOLVEMENT) ACT 2006

JUNE 2007

1.0 Section 1

1.1 Introduction

This guidance is issued by Scottish Ministers in terms of section 19 of the Scottish Schools (Parental Involvement) Act 2006 ('the Act') and relates to procedures for the appointment of a Headteacher or Deputy Headteacher, participation of a Parent Council and related activities under the Act. Section 14 of the Act is of particular relevance in this regard, together with the secondary legislation made under the Act, namely the Parental Involvement in Headteacher and Deputy Headteacher Appointments (Scotland) Regulations 2007 ("the Regulations"). The Guidance is intended to assist users of the Act and the Regulations.

1.2 Background to the Guidance

Under the terms of A Teaching Profession for the 21st Century, appointment procedures are matters for agreement by Local Negotiating Committees for Teachers (LNCTs). Within that framework LNCTs are required to take into account the requirements set out in the Act and subsequent regulations.

The Act created a new framework for education authorities in relation to parental involvement, which reflects the value added by the greater participation of parents at all stages of their children's education, including the recruitment of Headteachers and Deputy Headteachers. It is known that children learn best when their parents are involved in their education and that education is carried out by highly skilled well motivated and well led teams of professionals. It is therefore vital that there is the opportunity for parental involvement throughout the process.

The need for local flexibility in any appointment process to suit local needs is recognised. The Regulations made under the Act, set out the key stages of the process, but do not take an overly prescriptive approach in setting out the procedures which authorities must follow. That approach recognises that there is a great variety of different schools across Scotland and that to impose an overly prescriptive system for senior appointments would neither be desirable to employers nor in the best interests of parents.

1.3 Purpose of the Guidance

This guidance should be read in conjunction with:

- the relevant primary legislative framework relating to Headteacher and Deputy Headteacher appointments, set out in section 14 of the Act;
- the specific requirements contained in secondary legislation which all education authorities will have to follow for such appointments processes, as set out in the Regulations; and
- any best practices drawn from procedural advice which education authorities may issue in order to place their duties into a local context.

This guidance is intended to assist not only LNCTs, education authorities and members of the teaching profession, but also all those involved directly in appointment processes including Parent Councils.

1.4 Status of the Guidance

This guidance is issued under section 19 of the Act and all authorities and Parent Councils must have regard to it. It is intended to complement, and should be considered in conjunction with, the duties and requirements which local authorities already have in respect of appointment procedures. This guidance should be read alongside local authorities' own corporate policies on Recruitment and Selection. It is expected that local authorities will incorporate this guidance into their internal policies.

2.0 Section 2 - The Duties Placed on Local Authorities

These are contained within the Act itself and in the Regulations made under the Act

2.1 Statutory requirements - section 14 of the Act

Each education authority should have an appointment process for filling permanent Headteacher and Deputy Headteacher posts. Under the Act each education authority must:

- inform Scottish Ministers and any Parent Council established for a school in their area, of their appointment process;
- involve the Parent Council established for the school to which an appointment is to be made; and
- ensure that there is made available appropriate training for Parent Council members, or their representatives, who are to be involved in the appointment process.

Section 14 of the Act comes into force on 1 st August 2007, and the Scottish Executive will thereafter write to education authorities to seek assurance that procedures have been amended to take account of the Act.

2.2 Regulations made under section 14 of the Act

As well as the above duties set out within the Act itself, section 14 (5) allows Scottish Ministers to set out, in regulations, requirements which an appointment process must satisfy. The Act also enables Scottish Ministers, by notice, to require education authorities to make changes to their appointment process so as to meet the requirements set out in the notice.

3.0 Section 3 - Key Stages of the Appointment Process

The key stages for parental involvement in the appointment process set out in the Regulations are:

- Regulation 4 Consultation with Parent Council regarding:
 - Appointment Strategies
 - Job Remit / Person Specification

- Regulation 5 Short Leet Procedure
- Regulation 6 Appointment Panel
- Regulation 7 Chairing the Panel

3.1 Appointment Strategy

Where possible education authorities will give early consideration to appointment procedures. These procedures should enable appointments to be made as expeditiously as possible and whenever practicable in time for the beginning of the following term. Authorities already have existing locally agreed procedures, and indeed some already involve parents early in the recruitment and selection process. There is a desire to develop this good practice further to ensure that parents have reasonable warning of when a vacancy is likely to arise and the necessary procedures for filling the post.

Regulation 4 requires authorities to consult and pay due regard to the views of parents when drawing up appointment strategies and job/person specifications for any post. When considering new appointment procedures, authorities should consider engaging with parents in developing the policy to determine what such procedures might be. This could be done through correspondence with all Parent Councils or through local network meetings

3.2 Advertising

National open advertising of vacancies for Headteacher and Deputy Headteacher posts should remain the norm. Councils have statutory obligations under current employment and equality legislation to promote open and fair competition. Equally employers also have statutory obligations in relation to existing employees. The circumstances of each case will require to be considered, under reference to the relevant legislation, and there will be occasions where a more flexible approach to advertising might be appropriate. Examples of such situations might include school mergers and closures or supporting individual professional development. Parents need to be clear about when an authority is not required to advertise nationally. Authorities should therefore ensure that Parent Councils are informed of the locally agreed procedures.

It may be that the authority determines that internal advertising within the authority might be more appropriate. In such circumstances similar selection procedures to those outlined below should be applied.

3.3 Job Remits/Person Specifications

The earlier in the process that parents are involved the better equipped they are to deal with the final selection process. Parents add value to the process through their knowledge of the school and local area. Authorities will have some generic standard requirements for senior posts in schools. It is recognised that job remits are a matter for LNCT agreement and subsequent job sizing. However there may be times when more specific issues need to be considered with regard to specific skills and competences for certain posts. Authorities are encouraged to discuss such situations with the relevant Parent Councils.

Regulation 4 requires authorities to consult and pay due regard to the views of Parent Councils when drawing up strategies and job / person specifications for any post (other than one relating

to appointment, on an acting basis, of Headteacher or Deputy Headteacher). This does not entail co-authorship of such specifications, nor is it intended that it should interfere with the LNCT process. Authorities should give the Parent Council reasonable time for response but, when developing their recruitment strategies, may wish to set a deadline for responses to be provided within a specified timescale. They must then have regard to the views of the Parent Council when taking matters forward.

3.4 Leeting Process

The leeting process for any Headteacher or Deputy Headteacher post must provide for robust professional screening. Authorities need to ensure that those candidates going forward to final interview are both professionally qualified for the post in terms of assessing against the competences contained in the Standard for Headship and ready for the post to which they are applying. Any short leet procedure will require a high level of professional input.

Whilst recognising that this is a key area for the authority, parents, through their awareness of the local characteristics of the school and local area, will bring much to this stage and should be actively encouraged to participate. While parental participation is not obligatory, Parent Councils must, in accordance with the regulations, be given the opportunity to get involved.

Under Regulation 5 the Parent Council can choose whether it wishes to be represented in the leeting process. The Parent Council might (under section 14(3) of the Act) also choose to have someone who is not on the Parent Council to assist it in discharging its functions. The leeting process is also an area where additional expertise could be drawn from a local authority area parent network (detailed below) trained in the appointment procedures.

The size and make-up of any leeting panel will be a matter for the education authority to determine as part of their appointment process.

3.5 Final Selection

Currently it is standard practice for the final selection process to be wholly interview-based. It is recognised that authorities will seek to continuously improve their strategies for recruitment and promotion of all staff which may include alternative procedures such as assessment centres. Innovative practices of this nature are encouraged, on the basis that they are sufficiently flexible to enable appropriate parental involvement. However, any such innovative practice must still include an appointment panel in accordance with the requirements of the Regulations.

Each authority will wish to establish local guidelines for appointment panels which meet the legislative requirements as to the level of membership as set out in the Regulations. Appointments panels should always look for a consensus on who is best for the job.

3.6 Composition of the Appointment Panel

Regulation 6 sets the minimum requirement for parental involvement on any selection panel, by means of the Parent Council, at one third of the panel's membership.

Regulation 7 also stipulates that the chair of the appointment panel should be as follows:

- for all Headteacher appointments, the chair must be someone nominated by the authority, and
- for Deputy Headteacher posts the chair should normally be the Headteacher or Acting Headteacher of the school to which the appointment is to be made.
- Authorities will wish to consider carefully those rare situations in which an Acting Headteacher might be deemed inappropriate, in terms of satisfactory arrangements being in place for appointing an alternative chair.

The Act also enables a Parent Council, where it so wishes, to nominate someone who is not a member of the Parent Council to represent the parental view. It may be that someone from the wider Parent Forum, local community or a local authority parent network, is trained in recruitment and selection techniques.

As with the guidance for leeting procedures the education authority must invite parental representation on the appointment panel. However, it remains up to the Parent Council whether or not it wishes to participate. Given the value that parents can bring to the selection process it is anticipated that non-participation of parents would be the exception rather than the norm.

The size and detailed make-up of any final appointment panel will, subject to the requirements of the regulations, be a matter for the authority to determine as part of the local authority appointments process. Whilst it is a matter for the Parent Council to determine who should best represent its interests, it is envisaged that at least one of the parental representatives would be a parent with a child at the school.

4.0 Section 4 - Other Parental Involvement Options

4.1 Combined Parent Councils

Section 16 of the Act allows the members of the Parent Forum of two or more schools to form a Combined Parent Council. Where a combined council exists then parental representation for all stages of the appointment process outlined above should be drawn from it.

Where schools are combining or merging, for example as the result of a new school build, then it may be that an "interim" Combined Parent Council is set up until such time as the move into the new premises occurs. It is intended that any "interim" Combined Parent Council should be consulted on the procedures for appointing senior staff to the new school.

If a selection exercise is deemed necessary representation in the appointment process should be drawn from the Combined Parent Council.

The Combined Parent Council should be invited to participate, but should determine whether it wishes to do so.

4.2 Where No Parent Council Exists

Where no Parent Council exists, the authority is under no statutory obligation to invite parental representation.

However, we would encourage authorities to invite parental representation from the wider parent forum or from an authority parent network where one exists. The absence of a Parent Council, at a particular school, whilst regrettable, must not unnecessarily delay the processes. Authorities are therefore encouraged to seek participation within a locally agreed timescale. In the case of no-one wishing to participate on behalf of the Parent Forum or Parent Network, the authority should continue with the selection process drawing membership of the panel from the authority side only.

4.3 Local Authority Parent Networks

The appointment of a Headteacher or Deputy Headteacher is a significant one for any school and the wider community it serves. Many local authorities currently have informal networks of parents. This practice has distinct benefits by offering the opportunity to discuss wider education issues and authorities are encouraged to develop an informal structure which might include participation in the appointment procedures for Headteacher and Deputy Headteacher posts.

There may be merit in having a pool of parents, drawn from the local authority parent network, trained in the appointments process. Their role might include:

- offering advice and guidance to Parent Councils on recruitment matters
- being involved in developing the authority - wide appointment strategies
- facilitating training events for Parent Council representatives, and
- participating in sifting and selection appointment procedures.

5.0 Section 5 - Redeployment and Temporary Appointments

All teachers are employed by an education authority and assigned to a particular place of employment. They may be liable to transfer to another place of employment should the authority require it.

5.1 Redeployment

There may be situations such as school closures or mergers, where the authority may need to consider permanent redeployment of existing staff within their employment and in such circumstances may decide not to advertise the post. Clearly parents need to know when any such changes are likely to affect their child's school and, in such circumstances, authorities should, in accordance with regulation 4, consult with the relevant Parent Councils.

Authorities need to ensure that the Headteacher or Deputy Headteacher to be deployed can demonstrate an awareness of the specific requirements of the school about to be taken over. This process may entail some form of informal selection process. While, in relation to redeployment, there is no statutory requirement for the Parent Council to have any further involvement in the appointment process beyond the consultation phase, the Act itself is concerned generally with involving parents in their children's education. Authorities should consider what role the Parent Council can be given in the circumstances of redeployment, for example, in being given the opportunity to have an informal meeting with any proposed new appointee in their school.

5.2 Temporary Transfers

Temporary transfers of senior staff can and should continue to happen for very good management and educational reasons. It is important that authorities should retain maximum flexibility in order to maintain the good order of the service. However such moves must reflect a judgement with regard to the benefit of the children in the receiving schools, balanced against the loss for the interests of the children in the transferring school, with further regard to the education service or the professional development of an individual Headteacher or Deputy. Authorities should therefore, when developing their new appointments procedures, incorporate a policy on transferring staff to be agreed locally, which incorporates a role for parents in the process.

Examples of reasons for transfer could include:

- school closures and mergers, it may be possible to assign a Headteacher or Deputy temporarily whilst a permanent appointment is being found
- cover for long term absence
- providing extra support to another school
- continuous professional development for individuals (for example a Deputy Headteacher of a small school may require a period in a larger school to enable further progression);
- secondments into the authority or to external organisations bring proven rewards to the individual professionally and enhanced wider educational policy making.

Clearly parents need to know when any such changes are likely to affect their child's school. Many councils already have good practice of consulting school boards on such matters, and this practice ought to be extended. Where a Headteacher or Deputy is being transferred for whatever reason, the education authority should consult with the Parent Councils of the schools involved.

6.0 Section 6 Other Involvement

6.1 Church Involvement

The Roman Catholic Church has long had an important part to play in the selection process for senior appointments to denominational schools and this role should continue.

6.2 School Staff / Pupil Involvement

Whilst not part of the formal selection process, to assist candidates selected for final interview in obtaining a better understanding of the wider school community, one model of good practice would be for them to meet with groups of staff, parents and or pupils. Previous good examples of this have included a tour of the school by senior pupils, "Question Time" with pupils and informal meetings with staff. Staff and pupils should not be asked to comment directly on candidates or make any judgements on their suitability, but they could give feedback to the appointments committee on how the visit went. This might be an area for consideration by authorities when developing their new strategies for appointment procedures.

7.0 Section 7 - Training

The Act (section 14(4)) requires education authorities to ensure that adequate training is made available to all who participate in the appointments process. This must include training for parental representatives, aside from existing provision made for elected members and council officers. It is envisaged that areas to be covered by training will include:

- the appointments process and any legal issues. Panels must adhere to the principles of open and fair competition
- assessment techniques and methods
- analysis of information
- use of the Standard for Headship

7.1 Standard for Headship

Appointment panels should satisfy themselves that any candidate that they propose to appoint has the appropriate professional and personal skills and knowledge required for the post in question.

Appointment panels will wish to assess applicants for appointment against the nationally agreed expectations of the qualities a Headteacher should possess. The Standard for Headship (SfH) sets out these qualities. Appointment panels will need to satisfy themselves that candidates have achieved the Standard for Headship, whether by completion of the Scottish Qualification for Headship (SQH) or by some other means such as a competency based interview or assessment centre techniques. Also individual posts will require different aspects of the SfH to be given more prominence.

The SfH was first published in 1998 and subsequently revised in November 2005. The purpose of the SfH is to define the leadership and management capabilities of Headteachers. The SfH defines the professional actions required of effective Headteachers, acknowledges the changing context in which they operate and takes account of the many challenges which they face. It also serves to inform, challenge and enthuse Headteachers, and those aspiring to headship, and to offer a template against which they can match their experiences and skills in order to determine their strengths and areas for development. The SfH analyses the role of the Headteacher into professional actions, and three essential elements which are:

- Strategic vision, values and aims;
- Knowledge and understanding; and
- Personal qualities and interpersonal skills.

Illustrative examples of these are given in the SfH. The Scottish Executive will continue to ensure that the SfH is refreshed and sharpened to remain valid.