

ANGUS COUNCIL

EDUCATION COMMITTEE

23 JANUARY 2001

STANDARDS IN SCOTLAND'S SCHOOLS ETC ACT 2000 – SECTIONS 26 TO 31 –  
IMPLICATIONS FOR SCHOOL BOARDS

REPORT BY THE DIRECTOR OF EDUCATION

**ABSTRACT**

This report draws the attention of the Education Committee to the detailed implications for School Boards of certain Sections of legislation passed recently by the Scottish Parliament.

**1 RECOMMENDATIONS**

It is recommended that the Education Committee:

- a notes the contents of this Report, together with the contents of the Appendix, and
- b authorises me to issue the Appendix to this Report as a Briefing Note for all School Boards in Angus

**2 BACKGROUND**

- 2.1 Reference is made to the meeting of the Education Committee on 10 October 2000 when the commencement dates of the various Sections of the Standards in Scotland's Schools etc Act 2000 were noted (Article 2 of the Minute of the Meeting of the Committee refers).
- 2.2 A small part of the 2000 Act relates specifically to School Boards, namely Sections 26 to 31.
- 2.3 At the last meeting held with School Board parental representatives (on 15 November 2000), a draft briefing note setting out the terms of the above mentioned Sections of this Act was tabled. A very positive discussion took place, principally about Section 30 which relates to the involvement of School Boards in appointing promoted staff.
- 2.4 Given the potential importance of this issue, it would be appropriate to formalise the draft briefing note referred to above and to do so taking account of comments made during discussions with School Board/Parental Representatives. The Appendix to this report has been drafted using the initial briefing note, amended to reflect the various points raised during these discussions.

**3 HUMAN RIGHTS IMPLICATIONS**

- 3.1 In implementing this new legislation and introducing amended procedures for the involvement of School Boards in the appointment of head teachers, consideration will have to be given to the potential Human Rights implications of Article 8 of the European

Convention (The Right to Respect for Private and Family Life), and of Article 14 (The Prohibition of Discrimination). It is believed that the recommendations in this report meet the requirements of the Convention and that – by adopting these recommendations – the Council would not be acting in any way which is incompatible with Human Rights.

#### **4 CONSULTATION**

- 4.1 In accordance with the Standing Orders of the Council, this report has been the subject of consultation with the Chief Executive, the Director of Law & Administration and the Director of Finance, the Director of Personnel has also been consulted.

Jim Anderson  
Director of Education

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.

#### **APPENDICES**

JAA/CJ

**ANGUS COUNCIL – EDUCATION DEPARTMENT**

**BRIEFING NOTE FOR SCHOOL BOARDS  
STANDARDS IN SCOTLAND'S SCHOOLS ETC ACT 2000  
IMPACT ON SCHOOL BOARDS OF SECTIONS 26 TO 31**

**Section 26 – Role of School Board in raising standards and improving quality of education**

This Section places a responsibility on School Boards to ensure that:

“They shall exercise their functions with a view to raising standards of education in the school and shall support the endeavours of those managing the school to secure improvement in the quality of education which the school provides.”

**Section 27 – Election to School Board after school ceases to be self-governing**

Not relevant in Angus.

**Section 28 – Vacancies for parent members of School Board**

School Boards in Angus were alerted to the implications of this Section in a letter from the Director of Education dated 28 August 2000 – a further copy of which is appended to this briefing note.

**Section 29 – Restriction on Councillor's membership of School Board**

“A Councillor for an electoral ward which falls wholly or partly within the catchment area of a school shall be entitled to attend, and to speak at, any meeting of a School Board for the time being established for that school; but no Councillor shall be a member of a School Board for the time being established for a school situated within the area of the Council.”

(Notes – (a) it is important that School Boards comply with the first part of this Section and ensure that local Councillors (ie members of Angus Council in our case) are provided with information about Board meetings together with opportunities to attend and speak at these meetings; (b) the second part of the Section does not apply as at present there is no member of Angus Council who is also a member of a School Board in Angus.)

**Section 30 – Involvement of School Board in preparing short list for appointment of head teacher, etc**

This Section will have no effect on current Angus Council procedures for appointments to posts of Depute Head Teacher or Assistant Head Teacher. However, some amendments are proposed to the procedures to be followed when appointing a Head Teacher. An outline of the proposed new procedures is provided below:

- (i) Whenever a substantive permanent post of Head Teacher in any Angus school is to be filled, the Director of Education will arrange to advertise this vacancy in The Times Educational Supplement (Scotland), The Dundee Courier and Advertiser, the internal departmental newsletter and in any other national publications which the Director of Education believes would be relevant.
- (ii) To be considered eligible, candidates must be registered with the General Teaching Council for Scotland; all eligible applicants will be considered by the Selection Panel.
- (iii) There will be occasions when the Director of Education believes he has sufficient information on all the applicants to be able to offer immediate advice to a Selection Panel on the strengths and weaknesses of each candidate (eg when there is a small number of applicants). On the other hand, there may be occasions when the Director of Education feels he would be able to offer sound advice on each candidate only after a preliminary informal discussion with those candidates who appear on paper to be the strongest candidates (this scenario is most likely to pertain when a large number of eligible candidates apply for a post and when a substantial proportion of these candidates appear to satisfy all the criteria in the Person Specification for the post). In this latter situation, the Director of Education will arrange (in association with one or more of his senior colleagues) to conduct informal "long leet" interviews with those candidates who appear to meet the Person Specification most closely. The purpose of these interviews will be to help to inform the Director of Education in preparing advice for the Selection Panel.
- (iv) All meetings of any Selection Panel set up to select a new Head Teacher will be attended by the Director of Education (or nominated depute), and the Selection Panel will seek the advice of the Director of Education (or nominated depute) prior to reaching any decision. A Selection Panel will be expected to pay careful attention to all its duties, and it is anticipated that Selection Panels will seek to reach consensus before taking a decision; in the event that a decision cannot be reached by consensus then a vote of Panel members will be taken and the view of the majority will obtain; in the event of an equality of votes being cast, the chairperson of the Panel will have a casting vote.

All meetings of any Selection Panel charged with selecting a Head Teacher from the list of eligible applicants who apply for the post will consist of:

- (a) In the case where there is an established School Board for the specified school, four members:
  - two of whom will be members of the Council's Education Committee, (one of these two normally being the Convener of the Education Committee)
  - two of whom will be members of the School Board for the School in which the vacancy exists (selected by the Board itself)

Any decisions taken by the Selection Panel will be valid only if at least one member of the Education Committee is present and at least one member of the School Board is present.

The Selection Panel will be chaired by one of the members of the Education Committee, normally the Convener of the Education Committee.

- (b) In the case where there is no School Board established for the specified school, the Selection Panel will consist of three members of the Council's Education

Committee. No decisions of this panel will be taken unless at least two members are present. The Panel will be chaired normally by the Convener of the Council's Education Committee, or whomsoever is substituting for the Convener as a member of the Panel. In accordance with the terms of the Local Government and Housing Act 1989, the composition of this Panel will be selected to reflect as far as possible the party political composition of the Council as a whole.

- (v) The Selection Panel will meet to consider the complete list of applicants and to draw up a short list of candidates for interview. Prior to this meeting, each member of the Selection Panel will be provided with a copy of the Application Form submitted by each eligible applicant, and will be required to treat these Application Forms in confidence. (School Board Panel members would be able – if desired – to discuss these Application Forms with other members of the School Board for the specified school, provided such discussions were absolutely confidential).

At this first meeting of the Selection Panel, in addition to selecting a short list of candidates for interview, Panel members will be expected to agree on a suitable date on which interviews can be held.

- (vi) The Appointment Panel will re-convene on the date of the Interviews and – on the basis of a draft set of questions presented by the Director of Education – will agree on the questions which are to be put to each candidate. Each candidate will then be interviewed in a format agreed by the Selection Panel and in a manner consistent with current legislation and common courtesy. The Director of Education (or nominated depute) will be present to offer advice on interview techniques, etc.
- (vii) Once all interviews have been held, the Selection Panel will give the Director of Education (or nominated depute) the opportunity to comment on the relative strengths and weaknesses of each candidate, particularly in terms of the responses candidates have made to interview questions in the context of the Person Specification for the post. Thereafter, individual members of the Panel will be invited to contribute their own opinions with a view to seeking to establish a consensus as to who is the best candidate. As indicated above, it is anticipated that a frank and constructive discussion about the relative strengths of each candidate should normally result in a consensus emerging. In the unlikely event that such a consensus is impossible, a vote will be taken; in these circumstances, the way in which an individual panel member has voted should remain strictly confidential and be known only to other Panel members and the Director of Education.
- (viii) The successful candidate will be invited back to be formally offered the post by the Selection Panel as a whole, and the Director of Education will offer feedback to the unsuccessful candidates.

### **Section 31 – Delegation of education authority's functions to School Boards**

This Section repeals a small aspect of the previous School Boards Act, and means that Boards no longer have the power to seek additional delegated functions. It is perhaps worth noting that – since the inception of the School Boards Act in 1988 – no School Board in Angus has sought to make any use whatsoever of this part of the legislation.