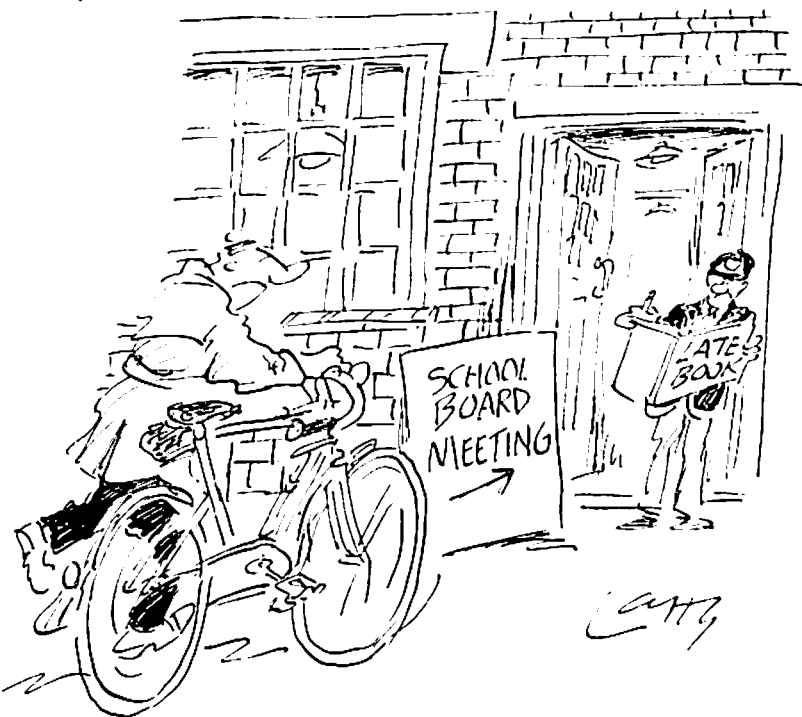

The Law of the School

School Boards

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Scottish Consumer Council

School Boards

School boards are bodies of parents, school staff and "co-opted" members involved in the running of the school. They have a special duty to promote good relationships between the school and parents, and they have a number of other basic functions laid down in law. They can also be given additional, "delegated" functions. They replace school councils, which were abolished at the end of October 1989. Each school (other than a nursery school) is entitled to have its own school board, financed by the education authority, but small schools and others with not enough parents to serve on the board as members may be allowed, under certain circumstances, to run without one. The size of each school board varies according to the size of the school (number of pupils on the school roll at a certain date).

As with other parts of this guide, this section should not be regarded as the "last word" on the law to do with school boards—this rests with the courts. The examples of how the law is expected to work in practice are intended as illustrations not as statements of the law.

Home-school communication

School boards have certain duties to promote parental involvement in school education.

The board must encourage home-school contact, school links with the local community, and the formation of parents' associations and parent-teacher associations (PA or PTA). The school does not have to set up a PA or PTA if parents do not want one, but, short of a court ruling on the matter, parents probably cannot be prevented from setting one up at the school. The board may also want to have formal links with the PA or PTA, through representation on any of its committees or through other meetings and communications, although the board is not legally required to give PAs or PTAs formal recognition.

The board must find out as often as it thinks necessary what parents' views are on matters they are dealing with. It may, for example, want to consult parents about school book spending, curricular matters, school discipline, policy on homework and so on. This could be done through meetings of parents arranged by the board or through letters or questionnaires sent to parents

inviting their views. Parents are also free to make their views or concerns known to the board or to individual members of the board without waiting for the board to initiate the process. (see also **parents' meetings** below.)

The board must report back to parents of pupils at least once a year on its activities. The board can do this through meetings with parents, through written reports, or both.

The board must consider any resolutions relating to its activities passed by meetings of parents arranged by the board.

School boards are also obliged to consult and report back to parents on any delegated functions they might have, for example, to do with school repairs and maintenance, school meals, how pupils' progress is reported to parents and so on.

The headteacher must provide the board with information about the school's arrangements for parents and teachers to meet or consult one another. The headteacher must also consider and reply to any points of view from the board about these arrangements. The board might want to suggest, for example, how meetings should be run, either with parents individually or with groups of parents. The headteacher need not, however, act upon this advice.

Parents' meetings

If requested by enough parents, the board must arrange meetings of parents to discuss its activities or draw up related resolutions. The request for a meeting must come from at least 30 parents of pupils or from a quarter of those entitled to vote at the last election of parent members of the board, whichever is less. Parents must say in writing why they want the meeting and what matters they wish to raise or which resolution they want to propose.

The board must post to parents, in good time, the date, place and purpose of the meeting saying what matters are to be raised or resolutions proposed. It must arrange for one of its own members to chair the meeting and for other members to attend (whatever number the board considers necessary). Any members of the board, the headteacher, and parents of pupils may attend and speak at the meeting, as may anyone else invited by the board, such as teaching or other education authority staff. The chairman decides on the procedure at the meeting and may rule out discussion of any matter or resolution not mentioned in the request for the meeting. Only parents of pupils at the school may vote on resolutions. The law

does not say how the resolution should be passed—it could be by a show of hands or by secret ballot, for example. The board must consider any resolution passed at the meeting, although it need not act upon the resolution.

Information and reports

The education authority must provide the board with any information it may reasonably request from time to time about the school it represents, or about the authority's provision of education: for example, information about school staffing, advisory services, or provisions for pupils with special educational needs. The authority is unlikely to respond to requests for information it considers unreasonable, such as confidential information about pupils or staff.

The headteacher must provide the board, as soon as it has been set up, with statements of the school's policies on the curriculum, the assessment of pupils, discipline, school rules and the wearing of uniform. The headteacher must also advise the board of any changes in these policies, although he or she need not do so until those changes have actually taken place. To prevent possible misunderstanding the headteacher will probably want to put policy statements in writing but does not have to.

The headteacher must also issue an annual report to the board, including a report on the level of attainment of pupils in the school (but not on the attainments of individual pupils). The board and headteacher are free to consult one another about what the annual report should cover. The headteacher must also provide any other reports or information the board may reasonably require. Reports might, for example, cover such matters as the repair and maintenance of the school, playground safety and supervision of pupils, school meals, school staffing, extra-curricular activities and so on. The school board may put its point of view to the authority or headteacher about any of this information. The authority or headteacher must consider these views and reply to them, but need neither seek out nor act upon the views of the board.

Advice to boards

The headteacher has the right, and, if requested by the board, the duty to give advice to the board on any matter it is concerned with. The education authority must also do so if requested by the board. The board must consider any advice given, although it need not necessarily act upon that advice.

The headteacher is also entitled, but not required, to attend meetings of the board. Other members of school staff could be invited to attend and speak at meetings, with or without the headteacher being present. The director of education, nominated officials of the education authority, and regional or islands councillors for the electoral division of the school can also speak at and attend meetings. They are not members of the board and the board may listen to, but is not bound to accept, any advice they may give. There is nothing to stop councillors from becoming members of school boards in other electoral divisions if they qualify as parent, staff or co-opted members.

The board can invite to its meetings anyone it wishes to receive advice from, for example, people with specialist knowledge of the curriculum, representatives from voluntary organisations, or members of national bodies concerned with education.

Staff Co-operation

The education authority must take whatever steps are appropriate to ensure that the headteacher and staff at the school are "available when necessary" to allow the headteacher to fulfil his or her school board duties and to carry out any competent decisions of the board. This means that school staff, in doing work connected with the board, cannot be required to do more than is possible under their terms and conditions of employment

Books and materials

The education authority must provide the headteacher each year with money for school books and other teaching materials ("capitation allowance"). It must also provide money for "other purposes" it thinks fit, such as money for field trips. The school board is responsible for approving proposals the headteacher must draw up on how this money should be spent. (If there is no school board, the headteacher is free to spend the money as he or she thinks fit.) If the proposals are not approved by the board the headteacher will have to submit new or modified proposals.

Certain safeguards must be observed by the headteacher in drawing up proposals and by the board in approving them. The school board and the headteacher must have regard to any guidance given by the education authority. They must also take account of any of the authority's policies on the school curriculum and ensure that the authority's legal obligations are met, for example, the authority's duty to secure "adequate and efficient" school education. Failure of

the board to observe these requirements could lead to the education authority or the Secretary of State taking legal action to enforce them. This might happen, for example, if the board has failed to approve spending proposals after a reasonable period of time has passed. The education authority, school board and headteacher may, if they wish, consult one another before the capitation allowance is fixed or the spending proposals on school books and materials are drawn up. The board could complain to the authority if it thinks that the amount is not enough.

Financial information

The education authority must by a certain date each year provide the school board with a statement on the school's running costs (e.g. on salaries, repairs and maintenance) and capital expenditure (e.g. on improvement work and new buildings) for the previous and the current financial year. Regulations set out what financial information should be presented. The authority must consider and reply to any comments the board may make about this information. The authority must also provide the board with any other financial information it may reasonably request. This could cover, for example, expenditure for other schools in the area.

Financial powers

The school board can raise funds (except by borrowing), spend the money raised, and receive gifts, so long as this is for the school's benefit and the headteacher is consulted. The board must keep proper accounts of its expenditure. The board can invest money but cannot own or acquire land and buildings. It may want to appoint its own treasurer. The board cannot levy fees or charges for school education provided by the education authority, although the authority may delegate to the board the power to fix charges for school lettings or other matters.

The education authority must provide the board with funds to cover administrative expenses, training and other expenditure. Extra funds must be provided to cover the costs of any additional responsibilities delegated to the board by the authority. The authority decides how much money the board gets for these additional responsibilities, but the board must be consulted beforehand. The authority must make the money available as and when the board requires it.

Should the board cease to exist, any property owned by the board is passed on to the education authority, but the authority must use it

for the benefit of the school. Should the board be re-established, the property goes back to the board.

Use of school premises

The school board is responsible for controlling the use of school premises outwith school hours. It has a duty to encourage the "community" use of school premises. This could include use of the school by voluntary organisations, for example. The board must, however, follow any directions given by the education authority, which continues to fix charges for the use of the school, except when this power has already been delegated to the board. The board must also take account of any use of school premises or equipment for further education. The education authority, the college council concerned and the person in charge of the body providing further education must be consulted by the board about any changes affecting further education at the school.

Occasional holidays

School boards, after consulting the education authority, can fix occasional holidays during school term time. There are legal limits to the number of days schools may be closed for holidays.

Delegated functions

School boards can be given additional responsibilities, known as delegated functions. These might include taking charge of the repair and maintenance of school buildings, enforcement of school attendance, administration of staff salaries or other school expenditure, determination of school policy on discipline and so on. These functions can be delegated to the board at its own request, or they can be delegated at the initiative of the education authority, but only if the board agrees.

Functions can be delegated for a limited or for an indefinite amount of time. The board may, for example, want to work with delegated functions for a trial period before deciding whether to take them on permanently. The board can also hand back its delegated functions, provided that certain procedures are followed. The authority can lay down conditions under which the delegated functions must be carried out, for example, a condition requiring the board to seek the authority's approval of spending above a certain amount. The board may consult parents before deciding whether to request or agree to a delegated function, but it is not legally required to do so. Extra money must be given to the board to carry out delegated functions.

Certain functions may not be delegated:

The board can not take formal responsibility for employing or dismissing school staff, including non-teaching staff (but the board, short of employing or dismissing staff, can be given power to select staff, other than senior staff, with the education authority, as employer, confirming the board's choice).

The board can not formally select headteachers, depute and assistant headteachers (the board is already involved in selecting these members of staff through representation on appointments committees, as described below).

The board can not control the curriculum or the assessment of pupils (but the way in which results of assessments are reported to parents can be delegated).

The board can not close down the school, move the school to another site, or merge the school with another one.

The board can not end or set up special classes or a stage of education at the school, such as nursery or sixth year classes.

The board can not decide on policies for admitting pupils to the school (but school boards can be given responsibility for the actual organisation of school admissions).

If the school board asks for additional responsibilities, the education authority must let the board know within six months whether or not it has agreed to the request, with reasons for any refusal. If the authority agrees to the board's request, it must issue a draft "delegation order" to discuss with the board and reach agreement on. If agreement is not reached after two months and if the board so requests, the current draft order must be referred to the Secretary of State for a final decision.

Before reaching a decision, the Secretary of State must consider the views of the board and the authority, both of whom can be required to provide the Secretary of State with additional information or documents. Unless satisfied that the additional responsibilities of the board would interfere with the good running of the school, the Secretary of State must direct the authority to grant the delegation order. The Secretary of State may attach conditions to order, saying how these additional responsibilities must be carried out.

If the authority refuses a request from the board for additional responsibilities, the board may call a ballot of parents on the issue (see below for more details about ballots). The ballot paper must say

what the school board's proposals are and what the authority's reasons for refusing the delegation order were, together with any reply to the authority by the board. If more than half of the parents vote in favour of the proposals, the authority can decide again whether or not to delegate the function. If the authority still refuses to do so, the board may refer the matter to the Secretary of State for a decision. The Secretary of State then follows the same rules as above.

If the education authority initiates the process, a draft of the order must be sent to the school board for its consideration. If the board does not agree, the additional responsibilities cannot be delegated to the board.

Under certain circumstances, the authority can suspend, end ('revoke') or modify a delegation order. Certain procedures must be observed by the authority before this can be done. If necessary, the matter can be referred to the Secretary of State, who again must follow rules similar to those described above in deciding whether the order should be revoked, suspended or modified.

Relations between the school board and the education authority

School boards must carry out their functions so as to ensure that the education authority is not prevented from fulfilling its legal obligations. These obligations include, for example, securing adequate and efficient school education, observing equal opportunities, and securing health and safety and other legislation. This would prevent the school board, for example, from obstructing or unduly delaying spending on school books and other educational materials. A complaint could be made to the Secretary of State or a case brought to the Court of Session against a school board which fails to carry out such a legal obligation (see under "Complaints" and "Legal Action" in the guide).

The school board must respond to any reasonable request the education authority may make for information about its activities. For example, the authority could ask the board for information about its efforts to promote home-school relations or community use of school buildings.

School boards are regarded as acting as agents of the education authority in their dealings with third parties, such as tradesmen and transport operators. This means that contractors can claim from the authority any loss, damage or injury arising from proven negligence

of the board. Claims cannot be made against individual members of the board so long as they were acting in good faith.

Membership of school boards

School boards consist of parent members, staff members and co-opted members.

Parent members are parents of pupils at the school elected by other parents of pupils there.

Staff members are teachers or instructors at the school, whether full or part-time, elected by other such staff at the school. Teachers or instructors attached to more than one school can sit on more than one school board.

Co-opted members are neither parents of pupils at the school nor teachers or instructors there; they are chosen by the elected members of the board.

People entitled to serve as staff members on the board cannot serve as parent members on that board; but they may be entitled to serve on the boards of other schools at which they have children. People entitled to serve as parent or staff members cannot serve as co-opted members.

Regulations lay down the size of the school board:

<i>School roll</i>	<i>Parent members</i>	<i>Staff members</i>	<i>Co-opted members</i>
1-500 pupils	4	1	2
501-1000 pupils	5	2	2
1001-1500 pupils	6	2	3
Over 1500 pupils	7	3	3

At single teacher schools, with a headteacher only, school boards have no staff member, three parent members and two co-opted members. (Since visiting teachers can also stand as staff members, only a few schools, in practice, may be single teacher schools.) Any changes in pupil numbers above or below the above limits (on August 31 before the next two-yearly election of parent members) must be followed by adjustments to the size of the school board.

Term of office. Board members hold office for four years, except that at the end of the board's first two years, half the parent members must stand down (or the largest number less than half if

the board has an odd number of parent members). Those standing down must be selected by drawing lots if parent members otherwise fail to agree on who should stand down. Parents of children who have been at the school longest or are due to leave earliest may agree to stand down, for example. A board member, if still eligible to serve, may hold office for more than one four-year term if re-elected (or re-appointed as a co-opted member). Members may resign at any time. The board may remove members who are unable to carry on with their duties because of physical or mental illness or incapacity. They can also be removed for failure to attend three consecutive meetings provided that the board has met over a continuous period of at least six months.

By-elections. These must take place as soon as practicable after the initial election to fill any remaining vacancies for parent members. By-elections must also be held within three months if parent or staff members leave the board and their term of office has still more than six months to run. Members who are no longer qualified to stand in a future election, for example, as a result of their child leaving school, can remain members of the board if their term of office still has less than two years to run.

Co-opted members. Once established, the board must appoint the required number of co-opted members "as soon as practicable". Co-opted members need not be appointed immediately; they need only be appointed after the board has had reasonable time in which to consider whom to co-opt. At denominational schools, at least one of the co-opted members must have been nominated by the church or denomination concerned. Young persons (aged 16 to 18), including senior pupils at the school, may also be co-opted. School boards can choose the sorts of people they co-opt, but they are expected to co-opt people who can usefully add to the experience or expertise of people already on the board. Co-opted members could include parents of former pupils who are no longer eligible to serve as parent members. They could also include members of school staff who are not teachers or instructors, such as school secretaries.

School board members can claim from the education authority travel and subsistence allowances for attendance at board meetings or carrying out other activities approved by the authority, for example, attendance at appointment committees. They are entitled to release from employment to attend school board meetings but they have no automatic right of loss of earnings allowances, although they can claim allowances for attendance at appointment committees. In

practice, the school board is likely to meet at times that suit its members.

Elections

Education authorities are responsible for organising school board elections. Elections are held every two years for half* of parent members on the board and every four years for staff members. By-elections must also be held within three months of any casual vacancies arising, except when the term of office has less than six months to run. The authority must appoint a returning officer and draw up an election scheme in accordance with government guidance; different arrangements may be made for different schools. After the first elections, the authority can delegate the actual organisation of the election, although not drawing up the election scheme itself, to the school board. Copies of the election scheme should be issued to the school board and available for the public to see.

Election timetables. The election scheme should give the latest dates for eligibility to vote, to nominate candidates, to stand as a candidate in an election or ballot, to submit election statements, and for the issue and return of ballot papers, the counting of votes and announcement of results.

Electoral rolls. The election scheme should refer to arrangements for keeping accurate and up to date electoral rolls of parents and staff eligible to vote at each school, including arrangements for resolving disputes about eligibility to be on the electoral roll. Authorities are expected to take "reasonable care" that all parents of pupils are given a chance to get their names put on the electoral roll. Authorities might do this, for example, through notices sent home via pupils or announcements in the local press. Both parents are entitled to be on the electoral roll, including step-parents and parents living apart from their children. So as many as three or four parents per child may be on the roll. Parents of children at nursery classes attached to a primary school are also entitled to be on the school's roll. The electoral roll cannot be made public, but individuals are entitled to check that their own entry on the roll is correct. The roll can only be used for school board elections and ballots.

Voting. Each parent has one vote, regardless of how many children he or she has at a particular school. Parents with children

*Or the largest number less than half if the board has an odd number of parent members.

at more than one school can vote in more than one election or ballot, however. Each voter can vote for as many candidates as there are vacancies at the election. For example, if there are vacancies for three parent members, each parent can vote for up to three candidates. Voters cannot give more than one vote for one candidate. Members of school staff who have children at that school are also entitled to vote in elections for parent members, but they cannot stand as candidates for election as parent members. Elections must be by secret ballot and parents must be given the chance to vote by post.

Organisation of elections and ballots. Each scheme should include details of arrangements for:

- ensuring secrecy of ballots and preventing people voting more than once (it must also mention the circumstances in which voting papers are considered spoilt).

- recounts of votes.

- deciding on the results of the election when two or more candidates get equal numbers of votes, for example, by lot.

- recording and notifying the results of elections and ballots.

- preserving voting and other relevant papers for at least six months after the election or ballot.

Nominations. Nomination forms may be sent with the election notice, which should also say where forms can be obtained, for example, at school. Parents or staff wishing to stand as election candidates must sign the form, together with the signatures of any proposers and seconders, who must be eligible voters. Parent nominations normally require a proposer and a seconder, and staff nominations a proposer only. Election schemes can relax these requirements for nominations at small schools, say, a proposer only at parent elections. Self-nomination of staff members is allowed at schools with fewer than four members of staff entitled to vote.

Election statements. In elections of parent members, candidates may submit an election statement of up to 250 words. Candidates could say, for example, why they are standing and what contribution they hope to make to the work of the board. This statement is circulated with the ballot papers. The education authority could refuse to circulate statements which incite racial hatred, contain obscenities or make the authority, as publishers of the statement, criminally liable in some other way. The authority is also expected to avoid circulation of statements which are defamatory, referring them back to candidates and pointing out to candidates their possible liability at civil law.

Uncontested elections. If the number of candidates equals the number of vacancies, candidates are automatically declared elected and no ballot takes place. If there are fewer parent candidates than vacancies for parent members, candidates are declared elected, and a by-election to fill the remaining vacancies must be held as soon as practicable. If there are still vacancies for parent members after that, the board must be disbanded ("disestablished"), but it may be re-established whenever enough parents make a written request to the education authority in writing. The request must come from at least as many parents as there are places for parent members on the board. A fresh election must then be held; the original candidates, if still eligible, may stand again. A fresh election to fill vacant places must in any case take place between 22 and 24 months after the last election, followed, again, if necessary, by a by-election. A board with vacancies for staff members may still be set up or continue to run.

A by-election to fill a vacancy must be held within three months, but if the place is not filled, the board runs with the vacancy until the next general elections.

Ballot papers. In elections, ballot papers are sent to parents on the school's electoral roll; these could be sent to them by "pupil post" or mailed to parents directly. They will give the names of candidates, and should be accompanied by any election statements. Parents must be given time to return their ballot papers by post. Arrangements must be made to ensure secrecy of the ballot when votes are counted. Replacement ballot papers can be issued to cover unintentional loss or damage.

In ballots to find out whether a majority of parents are in favour of the board having certain additional functions, the ballot paper should be accompanied by a statement from the board saying what additional functions are sought and why. There should also be a statement from the education authority saying why it has refused the board's request for additional functions, together with any reply to the authority's reasons by the board.

Count of votes. The count should be open to inspection by candidates and, in the case of ballots of parents, by members of the school board and representatives of the education authority. Places on the board go to candidates with most votes; no minimum percentage vote is necessary for any candidate to be elected. Winning candidates may be selected by lot in the event of a tie. The education authority is responsible for making the results known locally, for example, through the local press or school

newsletters, although parents or staff need not be informed individually. Ballot papers must be kept for at least six months after the election or ballot of parents in case results are challenged.

Post-election procedures. The education authority may keep a register of school board members, which should be updated as new members join or others leave, together with a record of their length of office. The authority arranges the initial meeting of the board and subsequent elections and by-elections (except when the board has been given responsibility for organising elections).

School board meetings

School boards are responsible for drawing up their own rules ("standing orders") about how their meetings should be run. To save each board having to devise its own, however, model standing orders could be drawn up by education authorities for school boards to adopt or adapt. These rules stay in force unless altered or suspended by the board. At least one third of the board's full membership must be present ("in quorum") before the board can meet. A seven-member board, for example, would need three members present to be "in quorum".

The board decides how often it should meet. That is likely to depend on the size or other circumstances of each board. The board might meet once every month or six weeks, for example. Meetings are likely to take place in school, but they may take place elsewhere, for example, at local community centres. The board draws up its own agenda and can discuss any item to do with the school or education generally; the education authority could suggest an agenda for the first meeting of the board.

Chairing of meetings. The board elects its own chairman and vice-chairman from the parent and co-opted members (i.e. staff members cannot chair meetings). The board could appoint a temporary chairman until co-opted members have been appointed.

Voting. The chairman (or in his or her absence, the vice-chairman) has a second or "casting" vote if an equal number of "yes" and "no" votes have been cast. Casting votes may not be used to appoint co-opted members, office bearers or committee members. In such cases, decisions are reached by drawing lots.

Minutes. Records ("minutes") must be kept of what is discussed and decided at school board meetings. The minutes must have been signed by the person chairing the meeting at which the minutes have been agreed. Copies must be sent to the education

authority, if requested. They must also be available at the school for anybody to see.

Committees. School boards can set up their own committees to consider particular matters. Such committees might, for example, deal with home-school liaison, curricular matters, school finance, and so on. Up to a half of the committee members need not be school board members. The school board can decide how committees should be run, including setting their "quorum". Committees must consider and report back on matters referred to them by the board; they are not allowed to reach decisions binding on the school board.

The school board is required to appoint a clerk arrange meetings, take minutes, circulate papers to board members, and undertake other clerical work (the exact duties of the clerk are not laid down in law). The clerk, unless already a member of the board, may be paid for this work out of the board's budget. Clerical duties could be undertaken by the school secretary, for example.

Public access to school board meetings and documents

Members of the public (including the press) are entitled to attend school board meetings and to see agendas, minutes and reports connected with meetings. However, the public can be denied access to documents or admission to meetings or parts of meetings dealing with certain confidential matters, namely items relating to:

school staff, former staff or staff appointments.

individual pupils, former pupils or prospective pupils.

any information which the board is legally obliged not to disclose, for example, information which the board is under a contractual obligation to hold in confidence.

any other matter which the board thinks should be handled on a confidential basis because of its nature (the board need not give reasons for withholding access, but it would do well to show that it was justified in doing so).

Appointment of senior staff

The school board must be represented on the committee set up by the education authority to appoint senior school staff: headteachers, depute headteachers and assistant headteachers. The committee conducts any interviews of candidates for the post and recommends who should be appointed; the education authority must normally

accept the committee's recommendations, which could include a recommendation to re-advertise. Equal numbers of school board and education authority nominees must sit on the committee. The school board need not nominate only its own members—it could nominate somebody not on the board but who has a specialist knowledge of or concern with the appointment. The authority need not nominate its own members or officials either, although in most cases it is likely to do so.

For the headteacher appointments the committee must be chaired by one of the authority's nominees—and for the other appointments, the committee must be chaired by the headteacher of the school. Staff members of the school board or co-opted members who are pupils at the school may not sit on the appointments committee. If there is no school board for the school, the committee consists of the authority's nominees only and, for non-headteacher appointments, the headteacher of the school, who chairs the committee.

Appointment committee procedures are governed by the rules applying to sub-committees of the education authority. The authority cannot control the activities of the committee, however. At least three eligible candidates must normally be on the short list for the committee to consider. The authority can re-advertise if there are fewer than four eligible applicants; if there are still fewer than four applicants after re-advertising, or if the authority decides not to re-advertise, then the total number of applicants forms the short list.

For headteacher appointments, the authority must draw up a short list of candidates, which must first be submitted to the school board concerned before it is considered by the appointment committee. The board must meet without its staff and any co-opted pupil members to consider applications. The board can add names to or remove names from the list, so long as any additions are from the list of eligible applicants. The board cannot reduce the list to fewer than three names. If there are fewer than four names on the original list, the board cannot alter it, but the board can submit comments which have to be considered by the appointment committee. These comments may be about each candidate or general comments, such as a request for the post to be re-advertised.

These procedures do not have to be followed for other appointments. The authority submits the short list directly to the appointment committee.

The director of education or his or her nominee is entitled to attend and advise the appointment committee, which must consider this

advice on the professional suitability of each candidate. The authority must appoint one of the candidates unless the person recommended by the committee should turn out, after further enquiries, not to be eligible for the post, when the whole procedure must start off all over again. (In practice, this should rarely happen, as the authority will have carried out its own checks before short listing candidates.)

Combined schools

When two or more schools combine (whether remaining on the same sites or not), the existing school boards are formed into an "interim" school board until the school board for the combined school is ready to take over. One of the main tasks of the interim school board will be to assist in the selection of a new headteacher for the school. Delegated functions cannot be given to interim school boards.

Schools without a school board

A school may be without a school board either because it is considered too small to have one or because the board has not been set up or has been disbanded (as a result of not having the required number of parent members—see under **uncontested elections** above).

In the first case, the education authority need not take steps to set up a school board if, because of the small number of pupils at the school, there are not enough parents to serve on the board. The authority may only do so, however, with the agreement of the Secretary of State. It must nonetheless take the necessary steps to set up a school board if this request is made, in writing, by at least as many parents as would be required to serve on the board. The authority must also reconsider its decision not to set up a board if it thinks that there has been a significant increase in the number of pupils at the school; it may also reconsider its decision at any other time. In either instance, the authority must then arrange for school board elections to be held, following the rules already described above.

At schools considered too small to have a board, the education authority or the headteacher must provide parents of pupils with information that would otherwise be provided for the board. This includes information relating to school policy on the curriculum, the assessment of pupils, on discipline, school rules and the wearing of school uniform, and on the school's arrangements for consulting

parents. It also includes an annual report on levels of pupils' achievements and other aspects of the school's work and a statement of the school's capital and running costs. The authority or the headteacher must take account of and reply to any views parents give in response to such information or reports. Such information and reports need not, however, be provided to parents at schools where the board not been set up or has been disbanded, although the authority could agree to make it available.

School boards and self-governing schools

With the support of a voting majority of parents and the agreement of the Secretary of State, a school can become self-governing. The school takes over complete responsibility for its running, outwith education authority control, with funding of the school coming from central government. School boards play an important role in the procedures which must be followed before a school can become self-governing. These details are beyond the scope of this part of the guide. Interested readers should contact their education authority or the Scottish Education Department for further details. For additional information on the legal background of self-governing schools see S.E.D. Circular 14/89 detailed below.

See also

The Law at the School:
Complaints
Legal Action
Parent-Teacher and Parents' Associations
School Councils.

Where to find out more

School Boards (Scotland) Act 1988.

School Boards (Scotland) Regulations 1989 (SI 1989/273)

Self Governing Schools Etc. (Scotland) Act 1989

Scottish Education Department, "Self-Governing Schools: Statutory Provisions", **Circular 14/89** (obtainable from the Scottish Education Department, New St. Andrew's House, Edinburgh EH1 3SY).

Education (Publication and Consultation Etc) (Scotland) Amendment Regulations 1989 (SI 1989/7739).

Scottish Education Department, "School Board Elections and Ballots", **Circular 3/89** (obtainable from the Scottish Education Department, New St Andrew's House, Edinburgh EH1 3SY).

Scottish Education Department, **School Boards: a guide to the legislation** (obtainable from Publications Section, Scottish Office Library, Room 144, New St. Andrew's House, Edinburgh EH1 3SY).

The Times Scottish Education Supplement, **School Boards Guide**, 1989 (obtainable from TSES, 37 George Street, Edinburgh EH2 2HN).

Alastair Macbeth, **School Boards**, Scottish Academic Press, 1990.

Alastair Macbeth, **Involving Parents**, Heinemann Educational Books, 1989.

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