

Graham Hope
Chief Executive
West Lothian Council
Chief Executives Office
West Lothian Civic Centre, Howden South Road
Livingston
EH54 6QG

30 November 2011

Dear Mr Hope,

Parent Councils - updated model document for charities

We have recently been working with the Scottish Parent Teacher Council (SPTC) to update a model constitution for Parent Councils which wish to apply for charitable status. The previous model document, which was available through Parentzone from 2007, is no longer fit for purpose as it does not meet the charity test which applicants must satisfy in terms of the Charities and Trustee Investment Scotland (2005) Act.

Most Parent Councils do not have and do not wish to have charitable status, and we would encourage these groups to continue to use the SPTC leaflet (12 - A Model Constitution for Parent Councils) as available on their website. For the small number of Parent Councils which do wish to apply for charitable status, please use the new model document as attached. Further hard copies and an electronic version are available from OSCR on request.

SPTC plan to raise awareness of this new model document through their website and publications. Please replace the 2007 document with this new version in your files, and encourage the relevant staff within your organisation to use this with immediate effect. If you have staff who act as advisers to existing and aspiring charities who would like to undertake around becoming a charity or reporting to OSCR, our outreach programme will offer a range of courses during 2012. We will be releasing details of the 2012 programme shortly - please check the OSCR website or sign up to OSCR Reporter, our bimonthly e-newsletter, to receive information and alerts.

Yours sincerely



Lorna Edwards
Development Manager
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WEST LoTHIAN COUNCIL

- 2 DEC 2011

CHIEF EXECUTIVE



INVESTOR IN PEOPLE

NAME Merrydown Primary School Parent Council

The Parent Forum must decide the name of the Parent Council - the committee could select a number of names and put this to a vote. It does not have to be called a Parent Council; it could be a "Friends of" group, for example. The name should tell people what the Council stands for and what it is trying to achieve.

AIMS

The Advancement of Education, which will be achieved by the following methods:

1. a) to promote close co-operation and communication between parents and teachers
2. b) to study and discuss matters of mutual interest relating to the education and welfare of pupils
3. c) to engage in activities which support and advance the education of pupils attending the school

The aims should be general so that the Parent Council is not restricted in its activities.

POWERS

The Parent Council shall have the power to do anything considered by them to be in furtherance of the aims but remembering that they are there to represent the views of the Parent Forum.

NUMBER OF MEMBERS

The membership consists of parents/carers of children attending Merrydown Primary School as selected by the Parent Forum

There are no set rules about the size of a Parent Council and it is up to the parents to decide how large/small the Parent Council should be. It is a good idea to allow for a range rather than a fixed number of members.

GENERAL MEETINGS

The Annual General Meeting (AGM) shall be held in (any convenient month) each year. The notice calling the meeting shall be sent to the Parent Forum at least two weeks in advance.

The business shall include:-

1. a) the work of the Parent Council
2. b) approval of the accounts
3. c) appointment of an individual who will review the annual accounts
4. d) any resolutions submitted by the Parent Forum
5. e) election of members to serve on the Parent Council

At all general meetings voting shall be on the basis of one vote per parent/full Parent Council member present at the meeting.

At all general meetings the quorum shall consist of (any number)*.

*As long as all parents have been told of the meeting and of the main items of business in adequate time, there is no need to have a large quorum which might be difficult to achieve and which might prevent the Parent Council from holding a proper AGM. * A number between 5 and 20 – perhaps equal to the number of Council members – depending on the size of the school – would be appropriate.*

The Parent Council or (any number)* of the Parent Forum shall have the power to call an Extraordinary General Meeting.

Again, we suggest a number equal to the number of Parent Council members.

PARENT COUNCIL MEMBERSHIP

Members of the Parent Council shall be appointed at the AGM. They shall be elected for a one year term and be eligible for re-election. Parents shall always form the majority of the Parent Council.

The term of office can be anything you choose but “one year” and “eligible for re-election” offers the greatest flexibility.

The office bearers will be chairperson, secretary, treasurer and such others as may be required. The office bearers will be elected by the Parent Council at the first meeting after the AGM.

Although there is no requirement to have office bearers, there are clear tasks that have to be done. It is possible to have office bearers elected at the AGM. The advantage of having them appointed by the Parent Council is that if someone has to stand down during the year, a replacement can be appointed without having to call an Extraordinary General Meeting.

The Parent Council may co-opt any other member to fill a vacancy occurring between AGMs. The co-opted members shall retire at each AGM but shall be eligible for election.

The Headteacher or his/her representative has a right and a duty to attend meetings of the Parent Council.

The Headteacher attends meetings in an advisory capacity and does not have voting rights unless these are given by the Parent Council/Parent Forum.

The Parent Council shall invite the church/denominational body to nominate a representative to be co-opted onto the Parent Council.

This is only mandatory in denominational schools.

The Parent Council may co-opt up to (insert a figure which has been agreed by the Parent Forum) to help carry out its functions. The co-opted members shall retire at the AGM but shall be eligible to be co-opted for a further term.

Each member of the Parent Council shall have one vote and resolutions shall be passed by a simple majority vote of those present. The Chairperson shall have both a deliberative and casting vote. The Chairperson's casting vote shall be used only in the event of a tie.

The Secretary shall be responsible for keeping accurate minutes of all meetings and shall make these available upon request to any member of the Parent Forum.

A member of the Parent Council failing to attend three consecutive meetings without reason/apologies may be deemed to have retired from the Parent Council.

It may also be useful to think about what to do if a member acts in a way that is not within the aims/objectives of the Parent Council or brings it into disrepute. It may not be necessary to write this into the constitution but it may be a good idea to have guidelines/procedures in writing.

MEETINGS

Meetings of the Parent Council shall be held as required. At all meetings of the Parent Council a third of members, at least two of whom are office bearers, shall form quorum.

A quorum is only valid if all the Parent Council members have been informed of the meeting, and sent notice of the items of business, in advance.

All Parent Council meetings shall be open and any member of the Parent Forum may attend although they will not have voting rights.

FINANCE

The funds of the Parent Council shall be lodged in a bank, building society or other account in the name of the Parent Council. Cheques shall be drawn or withdrawals made against the signatures of at least two named Parent Council members.

If there is a Parent Council clerk then they may be added to this clause.

The Treasurer shall be responsible for keeping accurate records of the financial transactions of the Parent Council. The books shall be brought to balance six weeks before the AGM and the accounts shall be reviewed by an individual appointed at the previous AGM by the Parent Forum.

The individual does not have to be a qualified accountant, just someone who is comfortable working with figures, who is not a member of or related to a member of the Parent Council and whom everyone trusts.

The Parent Council shall be responsible for ensuring that all property/money received by/for the Parent Forum/Council shall be applied for the aims of the Parent Council.

“Aims of the Parent Council” include “supporting and advancing the education of the pupils”, eg buying computers etc. Wrangles over money are the most common cause of problems for parents’ groups. It is important to keep good records and it helps if the Parent Council determines how the money they have raised is spent – that it is not simply handed over to the school. A report should be made to the Parent Forum at the AGM (see “General Meetings – business”) of what’s been bought.

CHANGES TO THE CONSTITUTION

Changes or additions must be made at an AGM or an EGM called for the purpose. The proposed change shall be specified in the notice calling the meeting and be approved by not less than two thirds of those present.

DISSOLUTION

In the event that the Parent Council ceases to exist any remaining funds should be distributed for the benefit of the children at the school and/or local authority as necessary, providing the funds continue to be used for the advancement of education.