

Preamble

(i) Dean Park Primary School Parent Council is the Parent Council established for Dean Park primary school in Balerno, Edinburgh.

(ii) The Council is established by the school's Parent Forum under [section 6 of the Scottish Schools \(Parental Involvement\) Act 2006](#).

(iii) The school's Parent Forum adopted this constitution as the constitution of the Council on *[6 October 2021]*. It supersedes the constitution adopted on 24 May 2016.

(iv) Anyone interested in the functions and duties of the Council should also refer to the Scottish Schools (Parental Involvement) Act 2006, in particular:

- [section 8](#), which sets out the functions of the Council,
- [section 9](#), which gives the school's headteacher both the right and the duty to attend Council meetings and requires that those meetings generally be held in public,
- [section 10](#), which sets out the Council's financial powers,
- [section 13](#), which sets out the duty of the headteacher of the school to report at least once a year to the Council,
- [section 14](#), which provides for the Council to have a role in appointing the school's headteacher and deputy headteachers.

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Part 1: Operations of the Parent Council

1 - Decision at meeting

- (1) A decision of the Council is to be taken at a Council meeting in the following way.
- (2) The member presiding over the meeting is to propose a decision and invite the other members present to indicate whether they agree with it.
- (3) If any of those members express disagreement, the presiding member must invite them to vote on the proposed decision.
- (4) Otherwise, the proposed decision is adopted as the Council's decision.
- (5) In the event of a vote on a proposed decision:
 - (a) the proposed decision is adopted as the Council's decision if a simple majority of the members present and any voting by proxy agree with it (except in the case of a proposed decision to remove a member for which see [article 23](#)),
 - (b) if the votes are tied, and the decision in question is not an appointment decision, the presiding member has a casting vote,
 - (c) if the votes are tied, and the decision in question is an appointment decision, whether or not the proposed decision is adopted as the Council's decision is to be decided in a manner:
 - (i) that is chosen by the presiding member, and
 - (ii) which, in the presiding member's opinion, renders the outcome unforeseeable (for example, a coin toss).
- (6) For the purposes of paragraph (5) above:
 - (a) member A may cast a proxy vote on behalf of member B:
 - (i) if member A shows the presiding member written authorisation from member B for member A voting on member B's behalf (either generally or in relation the proposed decision in question), or
 - (ii) in a case where member A is the presiding member, if member A shows such written authorisation to the other members present at the meeting,
 - (b) "an appointment decision" means a decision to:
 - (i) co-opt a person as a member, or
 - (ii) appoint a person as an office holder.
- (7) For the avoidance of doubt, the presiding member may:
 - (a) express disagreement for the purpose of paragraph (3) above,
 - (b) vote differently for the purposes of sub-paragraphs (a) and (b) of paragraph (5) above.

2 - Decision outwith meeting

- (1) A decision of the Council is to be taken outwith a Council meeting in the following way.
- (2) Any member may, in writing, propose a decision to all of the other members and invite them to indicate whether they agree with it.
- (3) If a simple majority of members indicate, in writing, that they agree with it, the proposed decision is adopted as the Council's decision (except in the case of a proposed decision to remove a member for which see [article 23](#)).
- (4) Where a decision has been taken outwith a meeting, that must be noted at the next meeting of the Council and recorded in the minutes of that meeting.

3 - Member with conflict of interest excluded from decision making

- (1) If a member has a conflict of interest in relation to a matter about which the Council is making a decision (whether in, or outwith, a meeting):
 - (a) the member may not vote to agree or disagree with a proposed decision on the matter, and
 - (b) the member is not to be counted in calculating whether a simple majority of members has agreed with a proposed decision on the matter.
- (2) For the purposes of this article, a person has a conflict of interest in relation to a matter if the person has a connection to it (direct or indirect) which would raise in the mind of a fair-minded observer a suspicion that, in dealing with the matter, the person may put other interests ahead of those of the Council.
- (3) Being the parent of a child who is attending the school, has attended it, or can be expected to attend it, cannot create a conflict of interest for the purposes of this article.
- (4) In paragraph (3) above, "parent" has the meaning given in [section 135\(1\) of the Education \(Scotland\) Act 1980](#).

Council meetings

4 - Ordinary meetings

- (1) It is for the Council to decide when to meet.
- (2) At least 2 Council meetings should take place in each school term.

5 - Special meetings

- (1) The chair may arrange a Council meeting at any time.

(2) If at least 3 members make a request to the chair to have a meeting on a particular subject, the chair must:

- (a) arrange a Council meeting to take place within 14 days of receiving the request, or
- (b) decline the request.

(3) The chair may only decline a request to have a meeting on a particular subject if:

(a) the chair considers the subject to be one that it would be grossly inappropriate for the Council to discuss,

(b) the following conditions are met:

(i) the Council has already discussed the subject, either:

(A) at a meeting in the same school term as the request is made, or

(B) at the last Council meeting, and

(ii) the chair is satisfied that there has been no material change in circumstances since that discussion, or

(c) the subject is the decision of the chair to decline a previous request to have a meeting under this article.

(4) If the chair declines a request to have a meeting on a particular subject, the chair must without delay inform all members of:

- (a) the request, and
- (b) the reasons for the chair's decision to decline it.

6 - Agenda

(1) It is for the chair to prepare the agenda for Council meetings.

(2) The agenda for a Council meeting is to be made publicly available as soon as practicable before the meeting.

(3) If a meeting is being arranged as a result of a request to have a meeting on a particular subject under [article 5](#), that subject must be on the meeting's agenda.

(4) If a member of the Parent Forum requests that a particular subject be on the agenda of a Council meeting, that subject must be included on the agenda for a meeting unless:

(a) the chair considers the subject to be one that it would be grossly inappropriate for the Council to discuss, or

(b) the following conditions are met:

(i) the Council has already discussed the subject, either:

(A) at a meeting in the same school term as the request is made, or

(B) at the last Council meeting, and

(ii) the chair is satisfied that there has been no material change in circumstances since that discussion.

(5) If paragraph (4) (above) requires that a particular subject be included on the agenda for a Council meeting:

(a) it is to be included on the agenda for the first meeting to take place at least 10 days after the request is made, but

(b) it may be included on the agenda of an earlier meeting if the chair considers that appropriate.

7 - Public notice

(1) Public notice of a Council meeting must be given:

(a) at least 7 days before the meeting in the case of an ordinary meeting (that is a meeting that has not been arranged in accordance with [article 5](#)),

(b) at least 4 days before the meeting in the case of a special meeting (that is a meeting that has been arranged in accordance with [article 5](#)).

(2) Notice of a meeting must state:

(a) the date and time of the meeting,

(b) the location of the meeting (unless it is to be held virtually),

(c) (if applicable) details for joining the meeting remotely or information about whom to contact for the remote joining details,

(d) where the agenda for the meeting is, or will be, available.

(3) It is for the Council to decide how to give public notice of a meeting.

(4) In considering how to give public notice of a meeting, the Council must have particular regard to the importance of ensuring that members of the Parent Forum are aware of it.

8 - Invitations

(1) The Council must invite the following people to each of its meetings:

(a) the headteacher of the school,

(b) the chair of the school's Parent Teacher Association,

(c) a member of Balerno high school's parent council,

(d) the councillors elected for the wards that fall within the school's catchment area.

(2) The Council may invite anyone else it wishes.

(3) In considering whom to invite, the Council should in particular consider inviting:

(a) the school's head pupils,

(b) members of the school's pupil council,

(c) members of any community council operating within the school's catchment area,

(d) an officer of the education authority,

(e) the members of the Scottish Parliament returned for the constituency, and the region, within which the school sits,

(f) the member of Parliament (Westminster) returned for the constituency within which the school sits.

(4) In this article, "catchment area" has the meaning given in [section 28A\(3D\) of the Education \(Scotland\) Act 1980](#).

9 - Quorum

(1) A Council meeting is quorate (that is, it may proceed) if, at a minimum, the following are present:

(a) one third of the members,

(b) the chair or vice chair, and

(c) a member who is not the chair or vice chair.

(2) If the offices of chair and vice chair are both vacant, the requirement for one of those office holders to be present does not apply.

(3) When calculating one third of the members for the purposes of this article, any remainder is to be disregarded.

10 - Presiding

(1) If the chair is present at a Council meeting, the chair is to preside over the meeting.

(2) If:

(a) the chair is not present, and

(b) the vice chair is present,

the vice chair is to preside over the meeting.

(3) If the offices of chair and vice chair are both vacant:

(a) the longest serving member present is to preside over the meeting, or

(b) in the event that the longest serving members present at the meeting have served for the same length of time, and they cannot agree between themselves which should preside, lots are to be drawn to decide which of them is to preside.

(4) If a member has informed those present at a meeting that the member has a conflict of interest in relation to a matter being discussed then, while that matter is under discussion:

(a) the member may not preside over the meeting, and

(b) the member is not to be treated as present at the meeting for the purposes of this article.

11 - Record keeping

(1) Every Council meeting is to be minuted.

(2) If the clerk is present at the meeting, the clerk is to take the minutes.

(3) If the clerk is not present (or the office of clerk is vacant), the presiding member must appoint someone to take the minutes.

12 - Attendance

(1) Council meetings are generally to be open to the public.

(2) But, during a meeting, the Council may decide to deal with a matter confidentially.

(3) While that matter is being dealt with the only people entitled to attend are:

(a) the members, and

(b) either:

(i) the headteacher of the school, or

(ii) if the headteacher has elected to be represented at the meeting by someone else, the headteacher's representative.

13 - Conflict of interest must be declared

(1) A member attending a Council meeting who is aware of having a conflict of interest in relation to a matter being discussed at the meeting must, as soon as possible, inform those present at the meeting of the conflict.

(2) For the purposes of this article, references to having a conflict of interest in relation to a matter are to be construed in the same way as in [article 3](#).

Other operational matters

14 - Council to act in accordance with wishes of Parent Forum

The Council must seek to give effect to any decision of the Parent Forum (see [article 26](#)).

15 - Finance

(1) [Section 10 of the Scottish Schools \(Parental Involvement\) Act 2006](#) deals with:

- (a) the Council's ability to acquire and dispose of property (including raising and spending money),
- (b) the Council's duty to keep proper accounts, and
- (c) what is to be done with any property that was held by the Council in the event that the Council ceases to exist.

(2) The Council's funds may be spent only on the basis of a decision of the Council.

16 - Transparency

(1) The Council must arrange for copies of the following documents to be publicly available as soon as practicable after they are prepared:

- (a) this constitution (incorporating any amendments to it),
- (b) the code of conduct for members (incorporating any amendments to it),
- (c) the minutes of the most recent Council meeting,
- (d) the Council's accounts for the last financial year.

(2) It is for the Council to decide how to make those documents publicly available, bearing in mind the importance of the Council's accountability to the members of the Parent Forum.

(3) If:

- (a) a member of the Parent Forum requests a copy of:
 - (i) the minutes from any Council meeting, or
 - (ii) the Council's accounts for any past financial year, and

(b) the Council holds that document,

the Council must provide a copy (free of charge) to the Forum member.

(4) The Council need not hold:

- (a) minutes of its meetings for more than 2 years,

(b) its accounts for a financial year that ended more than 2 years ago.

(5) Redactions may be made to a copy of the minutes of a meeting before it is made publicly available or provided to a person under this article, if the Council has decided that the redactions are necessary to prevent causing anyone embarrassment or distress.

(6) For the purposes of this article, "financial year" means a period:

(a) beginning on 1 April in one year, and

(b) ending on 31 March the next.

17 - Effect of procedural irregularities

The validity of a decision of the Council is not affected by any honest mistake or oversight in following the rules of this constitution.

Part 2: Members and office holders

18 - Number of members

(1) The Council may not have more than 14 members.

(2) If there are fewer than 4 members, the Council must make all reasonable efforts to have at least 4 members as soon as practicable.

19 - Appointment

A person becomes a member of the Council by being either:

(a) appointed through the routine appointment process (see [article 20](#)), or

(b) co-opted in accordance with [article 21](#).

20 - Routine appointment process

(1) If, on 1 June in any year, it is foreseeable that the Council will have fewer than the maximum permitted number of members at the end of the next annual general meeting of the Parent Forum, the Council must consider inviting members of the Forum to apply to become members of the Council.

(2) It is for the Council to decide:

(a) how to invite applications, and

(b) the deadline for applications.

(3) If, by the deadline for applications, the number of eligible applicants is less than or equal to the anticipated number of vacancies, those applicants (subject to paragraph (4), below) become members:

- (a) at the end of the Parent Forum's annual general meeting that year, or
- (b) on an earlier date decided on by the Council.

(4) An applicant does not become a member under paragraph (3) (above) if:

- (a) the applicant has resigned as a member within 2 years of the deadline for applications,
- (b) that resignation followed a decision of the Council under [article 23\(4\)](#) to call an extraordinary meeting of the Parent Forum to consider removing the applicant's membership, and
- (c) there is not unanimous agreement amongst the members that the applicant should become a member again.

(5) If, by the deadline for applications, the number of eligible applicants is greater than the anticipated number of vacancies, an election is to be held to determine which of those applicants will become members.

(6) It is for the Council to organise the election in a way which:

- (a) is fair and transparent,
- (b) ensures so far as practicable that all members of the Parent Forum have a reasonable opportunity to vote, and
- (c) (if possible) produces a result by the end of the next annual general meeting of the Parent Forum in the year that the applicants were invited to become Council members.

(7) For the purposes of this article:

- (a) a person is an eligible applicant if the person:
 - (i) has a reasonable expectation of being a member of the Parent Forum the day after the forthcoming annual general meeting of the Forum, and
 - (ii) has not been removed from the Council under [article 23](#) within 2 years of the deadline for applications,
- (b) "anticipated number of vacancies" means the difference between:
 - (i) the maximum permitted number of members, and
 - (ii) the number of members the Council expects it will have the day after the forthcoming annual general meeting of the Parent Forum unless members are appointed through the routine appointment process.

21 - Co-option of members

- (1) The Council may decide to co-opt a person as a member if there are fewer than the maximum permitted number of members.
- (2) The Council may only co-opt as a member a person who:
 - (a) is a member of the Parent Forum, and
 - (b) has not been removed from the Council under [article 23](#) in the last 2 years.

22 - Tenure

- (1) A person appointed as a member of the Council remains a member until any of the following occurs:
 - (a) the person's period of appointment expires,
 - (b) the person informs the Council that the person resigns,
 - (c) the person ceases to be a member of the Parent Forum,
 - (d) the person is removed from the Council under [article 23](#).
- (2) The period of appointment of a person appointed as a member through the routine appointment process expires immediately before the end of the annual general meeting of the Parent Forum in the year falling 4 years after the period of appointment began.
- (3) The period of appointment of a person co-opted as a member expires immediately before the end of the next annual general meeting of the Parent Forum following the person's co-option.
- (4) For the avoidance of doubt, a new period of appointment for a person may begin immediately after the person's last period of appointment expires.

23 - Removal of member

- (1) A person may be removed as a member of the Council only:
 - (a) by a decision of the Council taken in accordance with paragraph (2) (below), or
 - (b) by a decision of the Parent Forum at an extraordinary meeting of the Forum called by the Council to consider removing the person's membership.
- (2) The Council may only decide to remove a person's membership if:
 - (a) all of the members (except the person in question) are of the opinion that the person is unable or unfit to fulfil the person's role as a member, and

(b) all of the members (except the person in question) agree with a proposed decision that the person be removed from membership.

(3) Reasons for members to conclude that a person is unfit to fulfil the person's role as a member include:

(a) the person's failure to abide by the code of conduct for members,

(b) the person's failure, without good reason, to attend:

(i) any Council meetings over a period of 6 months or more, or

(ii) 3 or more consecutive Council meetings.

(4) If the members are not all agreed as paragraph (2) (above) requires them to be in order for the Council to decide to remove the person's membership, the Council may decide to call an extraordinary meeting of the Parent Forum to consider removing the person's membership.

(5) If the Council decides to call an extraordinary meeting under paragraph (4) (above), it must give the person in question an opportunity to resign in light of that decision before giving notice of the meeting.

(6) Where a decision is to be taken about removing a person's membership at a meeting of the Council or the Parent Forum:

(a) the notice of, and agenda for, the meeting, and

(b) the notice of the motion to remove the person's membership at a meeting of the Forum,

is to say no more about the matter than a decision is to be taken on removing a person's membership under this article (the person is not to be named in those documents).

24 - Offices

(1) The Council is to have the following offices:

(a) chair,

(b) vice chair,

(c) treasurer, and

(d) clerk.

(2) The Council may decide to have other offices too.

(3) It is for the Council to decide whom to appoint to an office.

(4) People may be jointly appointed to an office.

(5) Clerk is the only office that may be held by a person who is not a member.

(6) An appointment to an office ends:

(a) 2 years after it began,

(b) when the office holder resigns, or

(c) (except in the case of the clerk) when the office holder ceases to be a member.

(7) There is no restriction on:

(a) the number of times a person can be appointed to the same office,

(b) consecutive appointments to an office.

25 - Performance of the chair's functions by someone else

(1) The chair may delegate to another member any function that this constitution confers on the chair.

(2) If:

(a) the chair is unavailable to discharge a function conferred on the chair by this constitution (for example due to ill health), and

(b) the chair has not delegated the function to another member,

the function is to be discharged by the vice chair or, if the vice chair is unavailable to discharge the function, by the longest serving member of the Council who is available to discharge it.

Part 3: The Parent Forum

26 - How the Forum makes decisions

(1) A decision is taken by the Parent Forum, for the purposes of [article 14](#), if a motion proposing the decision wins the required level of support at either:

(a) an annual general meeting of the Forum, or

(b) an extraordinary meeting of the Forum.

(2) The required level of support is the votes of at least two thirds of the sum of:

(a) the number of members of the Forum attending the meeting, and

(b) the number of proxy votes cast in relation to the motion.

27 - Requirement for notice of a motion before vote

(1) A motion may be voted on at a meeting of the Parent Forum only if the Council has made reasonable efforts to give notice of the motion to the members of the Forum at least:

(a) 14 days before the motion if the motion calls on the Forum to decide to modify or replace this constitution, or

(b) 7 days before the meeting in any other case.

(2) Notice of a motion must include:

(a) the terms of the motion, and

(b) an explanation of how a person can have someone else (a proxy) vote in respect of the motion at the meeting on the person's behalf.

28 - Annual general meeting

(1) The Council must arrange an annual general meeting of the Parent Forum in September or October each year.

(2) The Council must make reasonable efforts to give the members of the Forum at least 28 days' notice of the meeting.

(3) The agenda for the meeting must include the following:

(a) a report from the chair on:

(i) the Council's activities since the Forum's last annual general meeting, and

(ii) its plans for the next 12 months,

(b) a discussion and vote on any motion that a member of the Forum has requested the Council to put on the agenda provided that:

(i) the request is made at least 21 days before the meeting,

(ii) the Council is satisfied that the request has the support of at least 25 members of the Forum (counting the proposer),

(iii) the proposed motion does not call on the Forum to decide to remove a person as a member of the Council (see [article 23](#)), and

(iv) the Council is satisfied that the subject of the proposed motion is not one that it would be grossly inappropriate for the Forum to discuss,

(c) a discussion of any other subject that a member of the Forum has requested the Council to put on the agenda provided that:

(i) the request is made at least 21 days before the meeting, and

(ii) the Council is satisfied that the subject is not one that it would be grossly inappropriate for the Forum to discuss.

29 - Extraordinary meeting

- (1) The Council must arrange an extraordinary meeting of the Parent Forum if at least 25 members of the Forum request the Council to arrange such a meeting to discuss and vote on a motion.
- (2) Despite paragraph (1) (above), the Council need not arrange a meeting if:
- (a) the proposed motion would call on the Forum to decide to remove a person as a member of the Council (see [article 23](#)), or
 - (b) the Council is satisfied that the subject of the proposed motion is one that it would be grossly inappropriate for the Forum to discuss.
- (3) The Council must make reasonable efforts to:
- (a) hold the meeting as soon as practicable, and
 - (b) give members of the Forum notice of the meeting.

30 - Notice of a meeting of the Forum

Notice of a meeting of the Parent Forum must state:

- (a) the date and time of the meeting,
- (b) the location of the meeting (unless it is to be held virtually), and
- (c) (if applicable) details for joining the meeting remotely or information about whom to contact for the remote joining details.

Part 4: Final provisions

31 - Requests to the Council

- (1) This article is about requests from members of the Parent Forum to the Council:
- (a) under [article 6\(4\)](#) for a particular subject to be on the agenda of a Council meeting,
 - (b) under [article 16\(3\)](#) for a copy of a document held by the Council,
 - (c) under paragraph (b) or (c) of [article 28\(3\)](#) to have a motion or subject put on the agenda for an annual general meeting of the Forum,
 - (d) under [article 29](#) to arrange an extraordinary meeting of the Forum.
- (2) The Council need not consider a request unless it is:
- (a) made in writing, and
 - (b) sent to the Council via:
 - (i) the school office,

(ii) an email address chosen by the Council, or

(iii) any other means which the Council has told Parent Forum members it is willing to accept requests via.

(3) The Council must:

(a) make reasonable efforts to communicate to the members of the Parent Forum the email address it has chosen for receiving requests, and

(b) ensure that the school office has the email address to give to anyone who asks for it.

32 - Code of conduct for members

(1) The Council is to continue to have a code of conduct for members.

(2) The code may be modified, or replaced, by a decision of the Council.

33 - Transition from previous constitution

(1) The validity of anything done prior to the adoption of this constitution is unaffected by its adoption.

(2) A member's period of appointment that began (whether by co-option or otherwise) prior to this constitution being adopted expires in accordance with the rule that applied when the member was appointed.

34 - Modification and replacement of this constitution

(1) The process by which this constitution may be modified or replaced is set out in subsections (1)(h), (7) and (8) of [section 8 of the Scottish Schools \(Parental Involvement\) Act 2006](#).

(2) It is a function of the Council to review this constitution from time to time (see subsection (1)(g) of that section).

35 - Interpretation

(1) The following rules apply for the purpose of interpreting this constitution unless stated, or the context requires, otherwise.

(2) Words in the singular include the plural (and vice-versa).

(3) A reference to legislation (such as the Scottish Schools (Parental Involvement) Act 2006):

(a) is to that legislation subject to any modifications to it in force at the material time, or

(b) if, at the material time, it has been repealed or revoked and re-enacted, is to the re-enacting legislation.

(4) A school term is to be treated as ending the day before the next term begins (as opposed to ending with the start of the holidays preceding the next term).

(5) The words in the left-hand column of the table below have the meaning given in the right-hand column.

Expression used	Meaning
chair	chair of the Council
clerk	clerk of the Council
Council	Dean Park Primary School Parent Council
member	member of the Council
member of the Parent Forum	the same meaning as it has in section 5 of the Scottish Schools (Parental Involvement) Act 2006
school	Dean Park primary school in Balerno, Edinburgh
vice chair	vice chair of the Council