

Agenda Item	<b>9</b>
Report No	<b>HC/30/24</b>

# The Highland Council

**Committee:** The Highland Council

**Date:** 19 September 2024

**Report Title:** Protocol Governing School Visits by Elected Representatives

**Report By:** Assistant Chief Executive - People

## 1. Purpose/Executive Summary

1.1 The purpose of this report is to seek Member approval for a revised protocol governing school visits by elected representatives.

## 2. Recommendations

2.1 Members are asked to:

- i. Approve the revised Protocol Governing School Visits by Elected Representatives.

## 3. Implications

### 3.1 Resource

There are no specific resource implications arising from this report.

### 3.2 Legal

There are no specific legal implications arising from this report.

### 3.4 Risk

There are no specific risk implications arising from this report.

### 3.5 Health and Safety (risks arising from changes to plant, equipment, process, or people)

There are no specific Health and Safety implications arising from this report.

### 3.6 Gaelic

There are no specific Gaelic implications arising from this report.

## **4. Impacts**

- 4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.
- 4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.
- 4.3 This is an update report and therefore an impact assessment is not required.

## **5. Revision of Protocol**

- 5.1 Following the decision made at the Council meeting on 9 May 2024 the protocol governing school visits by elected representatives has been amended
- 5.2 The proposed change relates to the approval process for Councillor visits to schools. The revised protocol now requests that Councillors wishing to visit a school should make a request directly to the Head Teacher providing reasonable notice. The Head Teacher will engage with the Councillor to arrange and manage the visit at a time convenient to the Head Teacher and to the smooth running of the school. Councillors must seek approval from the Head Teacher if they intend to bring others with them on their visit.
- 5.3 There is no change proposed in the process for MSPs/MPs.
- 5.4 A copy of the revised protocol, together with FAQs for Councillors is attached at **Appendix 1.**

## **6. Engagement**

- 6.1 Consultation over the revised protocol took place with Group Leaders and Headteachers and no concerns were raised. In addition, a Members Workshop took place by MS Teams on 17 June 2024 during which no questions were raised.

Designation: Kate Lackie, Assistant Chief Executive

Date: 12 August 2024

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Appendices: Appendix 1 – Protocol Governing School Visits by Elected Representatives

## Highland Council

### Protocol Governing School Visits by Elected Representatives

#### Introduction

It is recognised that there will be occasions when elected representatives will request to visit a school. Whatever the nature of the visit it is important that clear guidance on how to approach this is in place and the following protocol should be followed.

For the purpose of this protocol elected representatives mean Councillors, Members of the Scottish Parliament, and Members of the UK Parliament.

Visits by government ministers are considered separately to this protocol.

Visits during pre-election periods are considered in the attached Schedule.

#### Protocol Principles

- 1) The presumption is to approve such visits wherever possible.
- 2) All visits to schools by Councillors should have prior approval from the relevant Head Teacher.
- 3) All visits to schools by MSPs/MPs should have prior approval from a Head of Service or delegated senior officer.
- 4) It is not considered appropriate for elected representatives to visit a school without prior notification.
- 5) There should be fair and equitable treatment to all elected representatives.

#### Approval Process for Councillor visits

- 1) Councillors should make a request to visit a school directly to the Head Teacher, providing reasonable notice, and noting section 3.7 of the Code of Conduct for Councillors which states that:

*"I will not become involved in operational management of my council's services as I acknowledge and understand that is the responsibility of its employees",*

- 2) The Head Teacher will engage with the Councillor to arrange and manage the visit at a time convenient to the Head Teacher and to the smooth running of the school.
- 3) Councillors must seek the approval of the Head Teacher if they intend to bring others with them on their visit.

A list of frequently asked questions is attached to this protocol for information.

## **Approval Process for MPs/MSPs visits**

- 1) Whether directly by the MP/MSP or through a Head Teacher or another member of staff, notification of a request to visit a school should be made to [ecoel.support@highland.gov.uk](mailto:ecoel.support@highland.gov.uk).
- 2) The request will be referred to the relevant Head of Education/Chief Officer\* for approval, or to their nominated senior officer. Such requests will be considered in a timely manner, following engagement with the relevant Head Teacher.
- 3) It will ultimately be for the Head of Education/ Chief Officer to determine the parameters and conditions of such a visit and whether other Council Officer(s) should be invited to support the visit.
- 4) If the visit has been authorised, then the school will issue an invite and confirm with the MP/MSP what arrangements will be put in place to facilitate the visit.
- 5) There may be circumstances when such a visit is not appropriate, for example during exam times and the reason for refusal will be clearly communicated to the MSP/MP.
- 6) The Education Service will ensure that the Corporate Communications Office and the Policy Manager are informed of any proposed visit by an MSP/MP.

\* The senior approving officer will revert to Chief Officer, Education, once these posts have been appointed.

## **Schedule 1**

### **Visits pre-Parliamentary or Local Government Elections**

During any pre-election period it is important that the Council as a whole and service departments individually act to ensure that an even-handed approach is adopted towards all political parties and groupings.

Therefore, when an approach is made by a parliamentary candidate and/or their political representative or a local government candidate, requesting a visit to a school then the candidate or their political representative will require to submit in writing to the Area Education Manager, their request including the proposed schedule and the names of those proposing to attend.

The Area Education Manager will discuss the request with the relevant Head of Service/Chief Officer. In deciding whether to accede to a request, the Head of Education/Chief Officer may choose to discuss the matter with the Returning Officer and relevant Head Teacher taking account of:

- (a) The potential disruption to services

(b) The impact upon staff and pupils

(c) All photograph/filming must be outwith school premises and may not involve staff or pupils.

(d) The recognition that agreeing to an initial request may generate further requests which could not reasonably be refused.

The Council is confident that candidates will recognise these protocols are necessary safeguards and no way intended to be obstructive to the democratic process.

The Highland Council media protocol which includes school visits is available at [https://www.highland.gov.uk/downloads/file/25307/media\\_protocol](https://www.highland.gov.uk/downloads/file/25307/media_protocol) However, the relevant points as they relate to schools is replicated here:

- The Council Communications Office and all Council Staff (including teaching staff) must remain politically neutral at all times.
- Neither children and young people in the care of the Council, nor Council assets (such as school buildings) may be used for party political purposes.
- Photography: Aside from political neutrality, data protection law states that you must take extra care when using children's personal data, to ensure their interests are protected. The school needs to have a valid reason to publish photos or videos of pupils and agreement by parents, or pupils over the age of 12, to do so. These are referred to in data protection law as 'lawful bases'. While parents, who have granted permission, may reasonably expect photos of children to be taken for class photos, school awards etc, they may not reasonably expect photographs to be taken with politicians or by politicians for their own use.
- Posting photos or videos to a public account, (such as a politician's social media or blog or newsletter) viewable by an indefinite number of people, is likely to go beyond personal use. In this instance, there would be implications and obligations under data protection law and to consider whether individuals in the photos or videos (or their guardians) would reasonably expect the images to be used in this way.
- On this basis, while visits may be considered and permitted, requests by political representatives or political candidates to photograph pupils, or to bring a photographer to take photographs, will be refused.
- Outside a pre-election period, photographs may be arranged or permitted by the Corporate Communications Office, for an official visit to a school of an office-bearing elected politician (whether Council or Government), in an official capacity. This may be, for example, to open a new school building,

make an announcement, present an award or congratulate students for an attainment or achievement.

- The Head Teacher must ensure that appropriate permissions are in place for any pupils and staff photographed during an official visit. Ref: <https://ico.org.uk/for-the-public/schools/photos/>
- Should visits be permitted to schools, it should be on the basis that there is no disruption to learning. Where it is decided to agree such visits, the key principle is that the same facilities should be available to all candidates, and that there is no disruption to services, and no photography.
- Particular care should be taken when publicity is issued immediately prior to an election or by-election affecting the authority's area to ensure that this could not be perceived as seeking to influence public opinion, or to promote the public image of a particular candidate, or group of candidates. Between the time of publication of a notice of an election and polling day, publicity should not be issued which deals with controversial issues, or which reports views or policies in a way that identifies them with individual members or groups of members.
- Photographs of candidates with pupils or staff are not permitted.
- Photography of a school building is permitted from the public highway; however photographers must avoid photographing images of children or staff. Ref: <https://www.gov.scot/publications/local-authority-publicity-code-of-practice/>

### **School Visits: FAQs for Councillors**

**Q. Does this mean that the current arrangements I have agreed with the schools in my ward need to change?**

A. No, if you already have pre-existing arrangements in place with head teachers in the schools in your ward as an individual ward councillor there is no requirement to change these.

**Q. I regularly visit schools in my ward as a local councillor but sometimes I want to bring other people with me (MPs/MSPs/media/other). Do I need to seek permission as set out in the protocol?**

A. Yes, if this has not already been agreed, you should follow the steps set out in the Protocol.

**Q. Does this mean I need to seek permission to attend parent council meetings?**

A. No, if councillors are invited to a parent council meeting in a school serving their ward by the Chair of the PC they can attend without seeking additional approval from the school. It would be a courtesy to inform the Head Teacher.

**Q. I am a parent/carer for a pupil in a school – do I need to seek permission through the Protocol to attend parent activities or to collect/drop off my child?**

A. No, you are not acting in your councillor capacity as a parent or carer of a child/children in a school. In this situation you have parental rights and responsibilities, and the Protocol does not apply.

**Q. I volunteer in a school, do I need to seek permission as set out in the protocol?**

A. No, if this is a pre-existing arrangement you do not need to seek further permission.

**Q. I have been invited to attend a HT Recruitment Panel, do I need to seek permission as set out in the protocol?**

A. No, if you have received an invitation to a recruitment panel you do not need to seek further permission.

**Q. If I have been invited to the school by the Head Teacher (e.g. school fair/school play/ walk round/ opening ceremony etc..) do I need to seek permission as set out in the protocol?**

A. No, if you have received an invitation from the school or Service you do not seek permission in addition to this. If you are at all unsure about the status of an invitation it is best to check with the Head Teacher that it has been issued with their approval. It is intended that invitations to launches and openings are fair and equitable to local ward councillors.

You do not need permission to attend any public event at a school, but always should take care around getting permission for taking any photographs of staff or pupils.

**Q. Can my request to visit a school at a particular time be refused?**

A. Yes. Whilst the presumption is in favour of supporting visits from elected representatives wherever possible – councillors, MSPs and MPs – it is important that this isn't overly disruptive to the school day and doesn't prevent any of the school staff from undertaking necessary duties. Schools sometimes receive

multiple requests and they also need to be able to manage this over a number of days or weeks to avoid clashes. Schools may have pre-arranged activities that are not compatible with a visit. An alternative date will always be sought.

The longer the notice given, the more likely a visit can be facilitated.

**Q. Do Head Teachers have a say in whether elected member visits can go ahead or not?**

A. Absolutely. Head Teachers will always be consulted on any arrangements to visit their school. There will be many variables which need to be taken into account in managing a visit during the course of a school day.

**Q. Why has it been necessary to introduce a Protocol?**

A. It is important that visits are not overly disruptive to the school day and don't prevent any of the school staff from undertaking necessary duties. Schools sometimes receive multiple requests and they also need to be able to manage this over a number of days or weeks to avoid clashes. An alternative date will always be sought.

It is reasonable for the head teacher to be given notice if there is an intention to bring additional people and/or involve the media, not least because they have a duty of care to the children and young people in the school who could be adversely impacted by any unplanned activity.

The Corporate Communications Office need to be informed if there is potential media interest and the Office will also check and ensure there are no clashes with Pre-election requirements that the school may be unaware of.

The absence of a protocol has at times meant that schools have been made aware of visits at short or no notice, or through the media, which has been disruptive for the schools to accommodate. In some cases visits have been refused because of this, which has then led to criticism. At other times school staff have felt pressurised to accept visits even when the time was not right or day to day school activities were not conducive to having visits.

The Protocol is based on best practice examples from local authorities elsewhere in Scotland to provide a framework that offers the best opportunity for visits by politicians to be well managed, supported and successful. Schools' primary purpose is to provide education and learning for their pupils and the Council's role is to support school staff to deliver this. The Protocol is intended to ensure this remains the paramount consideration.