



SENIOR MANAGEMENT TEAM

COLLECTIONS AND TRADING IN SCHOOLS POLICY

REPORT BY CUSTOMER SERVICES MANAGER)

A. PURPOSE OF REPORT

To consider a proposal for change in policy to permit commercial activities in schools in light of Scottish Consumer Council (SCC) Guidelines on Commercial Activities in Schools

B. RECOMMENDATION

To consult on a policy permitting commercial activity based on SCC guidelines

C. SUMMARY OF IMPLICATIONS

I Council Values	Focusing on our customers' needs Working in partnership
II Policy and Legal	Current policy is prescriptive. SCC guidelines facilitate beneficial commercial involvement. Legal and Insurance implications should be investigated
III Resources - (Financial, Staffing and Property)	Possible financial accruals
IV Consultations	Head Teachers Local Negotiating Committee (Teaching) Parent Councils Elected Members Legal Services Risk & Insurance

D. TERMS OF REPORT

1 Background

Collections and Trading in Schools policy dates from 1996 and prohibits trading activity except for school photographs, tuck shop and book sales.

Most, if not all schools currently arrange for the purchase by parents of items of school dress from commercial suppliers. Some schools have arrangements for the supply of diaries and year-books to pupils with parents' consent.

An effect of the prohibition is to ensure that the council is not seen as favouring any trader over another, or endorsing any product or service in which it may have no experience, expertise in or quality control.

2 SCC Guidelines

SCC guidelines draw on Scottish Government research into current trading activities in Scottish schools. They have been designed as an aid to sensible decision-making on potential commercial arrangements between schools and the commercial sector, including the not-for-profit organisations that also provide educational activities and materials.

SCC presents a cost /benefit analysis stressing that that commercial arrangements will not lead to 'something for nothing' for schools. Some effort or input is required. Guidance indicates that arrangements should be not only ethical and beneficial in outcome but avoid becoming onerous or disruptive in their execution. Decisions are guided by lists of dos and don'ts and by checklists for the school and commercial companies.

The Guidelines do not discuss the issues of equal access to the school marketplace or of retail liability if goods supplied are faulty. Competition for the supply of goods and services to the council is, rightly, governed by procedures that ensure equality of opportunity. So too should the opportunity to advertise and trade. Consumer law requires dealers to take responsibility for product quality. Schools may be liable under trading standards legislation but no guidance is offered on these matters.

3 Policy Proposals

Section **3. Trading** in the existing policy could be replaced with a new section referring to the SCC Guidelines and delegating responsibility for decisions on commercial activities to the Head Teacher following relevant consultation with pupils, parents and staff.

However, careful consideration needs to be given to:

- exclusion and whether a situation in which all pupils may not be able to participate in commercial activity is acceptable
- restrictive practices and whether dealing with one firm results in a requirement to accept similar approaches with others
- endorsement and whether trading in goods or services may involve the council in any consequent liability
- child protection and whether a similar responsibility for the well-being of children arises from advertising a service as it already does in permitting activities in council premises

One potential commercial arrangement is described at 4. below.

4 Example of Potential Commercial Activity

Last session, a commercial printing firm published year-books for P7 pupils in a primary school as a free, pilot project. The year-books incorporated art-work and articles produced by pupils in school and were personalised for each participating pupil with parental consent. The products were provided free of charge.

This session, parents asked for the project to be replicated in the current P7 cohort and the firm seeks permission to make a commercial arrangement for the sale of the year-books. No price has been discussed but a contribution to school funds is a possibility.

Under a policy adopting SCC Guidelines, a head teacher would consult stakeholders and reach a decision that balanced:

- teaching time lost or diverted
- positive pupil experience
- management input including editorial responsibility
- parent preference and involvement
- potential exclusion

The pilot year-books are devoid of commercial advertising and publicity, elements that would add complexity to the decision making process.

Control over content, including adverts, would need to be exercised by the school.

5 Consultation

It is suggested that consultation with Head Teachers; LNCT; Parent Councils Elected Members; Legal Services and Risk & Insurance should inform the way forward.

E. CONCLUSION

Current policy prohibiting commercialism in schools is clear. It avoids the risk of exclusion of some pupils and the exclusion of some prospective traders. However, it is inflexible and denies the possible benefits that some commercial arrangements offer.

SCC Guidelines address many of the issues and present a school-based decision-making process to the question of commercialism.

F. BACKGROUND REFERENCES

Nil

- Appendices: 1. Collections and Trading in Schools Policy
2. SCC Guidelines on Commercial Activities in Schools

Contact Person: Brian Innes, Customer Services Manager, Lindsay House, South Bridge Street, Bathgate Telephone 01506 776062

Email: brian.innes@westlothian.gov.uk

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