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SCOTTISH STATUTORY INSTRUMENTS

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**2012 No. 130**

**The Education (School and Placing Information) (Scotland) Regulations 2012**

*PROVISIONS AS TO INFORMATION ABOUT PLACING REQUESTS*

**Advertisement**

**15.**—(1) For the purposes of their consideration of placing requests, an authority must, as respects each school year commencing with school year 2013/14, place in a newspaper circulating at least weekly in their area an advertisement stating the matters specified in paragraph (4).

(2) An advertisement relating to the consideration of placing requests made in respect of pupils due to commence attendance at school in a school year must be placed not later than 6 months before each school commencement date fixed by an authority for that school year.

(3) An advertisement relating to the consideration of placing requests made in respect of pupils transferring from one stage of school education to another stage in a school year must be placed not later than 6 months before each transfer date fixed by an authority for that school year.

(4) The matters to be stated in an advertisement are—

- (a) a date, being a date not less than 4 weeks after the date on which the advertisement first appears, by which an authority wish to receive placing requests with respect to their schools in relation to the commencement date or transfer date stated in the advertisement;
- (b) one or more addresses, telephone numbers and email addresses to which a parent may apply for information relating to those schools and the authority's placing arrangements;
- (c) that information about those schools and those placing arrangements is available for reference purposes as specified in the advertisement;
- (d) that school information for a school is available at the school; and
- (e) such other information as the authority think fit.

(5) In this regulation “transfer date” means a date fixed by an authority as a date upon which the transfer of pupils from one stage of school education and their admission to a subsequent stage of school education will take place for a school year.

**Notification of right to make a placing request in respect of certain children**

**16.**—(1) This regulation applies where an authority are required by section 28B(1)(b), as read with section 28B(4), of the 1980 Act, to inform a parent—

- (a) of the general effect of section 28A(1) and (2) of the 1980 Act;
- (b) of the parent's right to make a placing request; and
- (c) as the case may be, to inform the parent of the school in which the authority propose to place the parent's child.

(2) Where this regulation applies, the authority must inform the parent by notification in writing.

(3) The notification must include the following —

- (a) subject to paragraph (6), the date by which the authority wish to be informed of whether the parent proposes to make a placing request in respect of the parent’s child, being a date not less than 4 weeks after the date of the notification;
  - (b) school information for the school referred to in paragraph (1)(c);
  - (c) a statement of where information in respect of the authority’s other schools and their placing arrangements in those schools is available for reference and where it will be supplied to the parent on request; and
  - (d) the address, telephone number and email address where the authority may be contacted in connection with the notification.
- (4) A parent to be informed under paragraph (1) includes a parent whose child is, in accordance with arrangements made by the authority and for the time being in operation—
- (a) due to commence attendance at a primary school;
  - (b) due to transfer from the stage of primary education to the stage of secondary education at the commencement of that stage of secondary education; or
  - (c) due to transfer from a school to another school at any time during the course of the stage of primary or secondary education.
- (5) Subject to paragraph (6), the notification referred to in paragraph (2) must be given at least 6 months before the school commencement date on which the child is due to commence attendance or, as the case may be, before the date on which the child is due to transfer as mentioned in paragraph (4)(b) or (c).
- (6) Where an authority do not know that a child of a parent to whom paragraph (4)(c) applies is due to transfer, in time to enable them to comply with the provisions of paragraph (5), the authority must—
- (a) give notification under paragraph (2) as soon as practicable and in advance of the date of the transfer; and
  - (b) state in the notification the date that the authority consider appropriate as the date by which they wish to be informed of whether the parent proposes to make a placing request in respect of the parent’s child.
- (7) Nothing in this regulation applies in respect of a child having additional support needs.

**Notification of right to make a placing request and other information relating to children having additional support needs**

- 17.—(1) This regulation applies in respect of a child having additional support needs.
- (2) Where an authority are required by section 28B(1)(b) and (4) of the 1980 Act to inform a parent of a child having additional support needs—
- (a) of the general effect of paragraphs 2 (duty to comply with placing requests) and 3 (circumstances in which duty does not apply) of schedule 2 (children and young persons with additional support needs: placing requests) to the 2004 Act; and
  - (b) of the parent’s right to make a placing request,
- the authority must inform the parent by notification in writing.
- (3) The notification referred to at paragraph (2) must include the following—
- (a) the information required to be given in terms of paragraph 2 of schedule 2 to the 2004 Act;
  - (b) a statement of where information with respect to the authority’s other schools and the authority’s placing arrangements in those schools is available for reference and where it will be supplied to a parent on request; and

(c) a statement that a list is available showing those special schools, not under the management of the authority, to which it is the authority's practice to send pupils, and where it will be supplied to a parent on request.

(4) Subject to paragraph (6), where an authority are required by the provisions of sections 28B(1)(b) and (4) of the 1980 Act to inform a parent of a child having additional support needs of the school in which the authority propose to place the parent's child, the authority must give notification in writing.

(5) The notification referred to at paragraph (4) must include the following—

- (a) the information required to be given in terms of section 28B(1)(b)(i) of the 1980 Act;
- (b) the date by which the authority wish to be informed of whether the parent proposes to make a placing request in respect of the parent's child, which date must be 14 days after the date of notification in terms of paragraph (4); and
- (c) school information for that school.

(6) A notification to a parent under paragraph (4) must be given at least 2 months before any date upon which the authority propose that a child should commence attendance at a school or transfer from one school to another; but nothing in this paragraph will prevent such commencement or transfer taking place at such earlier date as may be agreed between the authority and the parent.

#### **Information to be given on receipt of a placing request**

**18.**—(1) Subject to paragraph (2), an authority must, within 5 working days of receiving a placing request, send in writing to the parent making the placing request, free of charge, information of the kinds specified in Schedule 2.

(2) Paragraph (1) does not apply where, within 5 working days of receiving a placing request, an authority notify the parent in writing of the authority's acceptance of the placing request.

#### **Revocation**

**19.** The Regulations set out in column 1 of Schedule 3 are revoked to the extent specified in the corresponding entry relating to those Regulations in column 3 of Schedule 3.