STATUTORY INSTRUMENTS

1981 No. 1559 (S. 160)

EDUCATION, SCOTLAND

The Education (Placing in Schools, Information) (Scotland) Regulations 1981

Made - - - -	30*th October* 1981
Laid before Parliament	6*th November* 1981
Coming into Operation	15*th February* 1982

In exercise of the powers conferred on me by section 28B(1)(*a*)(ii) and (3) of the Education (Scotland) Act 1980(**a**) and all other powers enabling me in that behalf I hereby make the following Regulations:—

Citation and Commencement

1. These regulations may be cited as the Education (Placing in Schools, Information) (Scotland) Regulations 1981 and shall come into operation on 15th February 1982.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

" the Act " means the Education (Scotland) Act 1980 ;

" appeal committee " means an appeal committee set up and maintained under section 28D(1)(*a*) of the Act ;

" delineated area " in relation to a school means that part of the area of an education authority from which pupils resident therein will be admitted to the school in terms of any priority based on residence in accordance with the guidelines formulated by the authority under section 28B(1)(c) of the Act ;

" placing request " means a request made in accordance with section 28A(1) of the Act ;

" working days " does not include Saturdays, Sundays or any day observed in the administration of an education authority as a holiday.

(2) In these regulations any reference to a regulation is a reference to a regulation of these regulations and any reference in a regulation to a paragraph or sub-paragraph is a reference to a paragraph of that regulation or a sub-paragraph of such a paragraph.

(3) Unless the context otherwise requires any provision of these regulations in relation to the parent of a child shall apply in relation to a young person who is a pupil as it applies to the parent of the child or the child

(**a**) 1980 c. 44; section 28B(1)(a)(ii) and (3) was inserted by section 1 of the Education (Scotland) Act 1981 (c. 58).

himself and in that application to a young person, references to the parent of a child as well as references to the child himself shall be construed as references to a young person.

Information to be made available on placing in schools

3.—(1) An education authority shall make available to

(*a*) the parent of every pupil in attendance at a school under their management ; and

(*b*) the parent of every child (not being a pupil as mentioned in sub-paragraph (*a*)) resident in the area of the authority, or known to the authority to be proposing to reside in that area

who requests the same, information of such of the kinds prescribed for the purposes of this regulation and specified in Schedule 1 to these regulations as are specified or referred to in the request.

(2) Where an education authority give information orally of the kind specified in paragraphs (*i*) to (*l*) of that Schedule 1, they shall confirm the information so given in writing as soon as practicable thereafter.

Notification of right to make a placing request

4.—(1) Subject to paragraph (2), where an education authority are required by the provisions of subsection (1)(*b*) as read with subsection (4) of section 28B of the Act to inform a parent of the general effect of section 28A(1) and (2) of the Act and of his right to make a placing request and, as the case may be, to inform him of the school in which they propose to place his child, the authority shall do so by written notification which shall include—

(*a*) the information required to be given in terms of paragraph (*b*) of section 28B(1) of the Act ;

(*b*) subject to paragraph (4), the date by which the authority wish to be informed of whether the parent proposes to make a placing request in respect of his child ;

(*c*) the address and telephone number where the authority may be contacted in connection with enquiries about the notification or the educational provision made by the authority for their area.

(2) Where a parent referred to in paragraph (1)

(*a*) is the parent of a child under school age ; or

(*b*) is the parent of a pupil who in accordance with arrangements made by the authority and for the time being in operation is due to transfer from the stage of primary education to the stage of secondary education ; or

(*c*) is the parent of a pupil who in accordance with arrangements made by the authority and for the time being in operation is due to transfer from one school to another school at a stage of primary or, as the case may be, secondary education other than the first stage ;

an education authority shall give the notification referred to in paragraph (1) to such a parent in accordance with the provisions of paragraph (3).

(3) An education authority shall give such notification to—

(*a*) any such parent as is mentioned in sub-paragraph (*a*) of paragraph (2), at least 6 months prior to the date at which his child is expected to commence attendance at a primary school ;

(*b*) any such parent as is mentioned in sub-paragraph (*b*) of paragraph (2), at least 6 months prior to the date at which his child is due to transfer from the stage of primary education to the stage of secondary education as mentioned in that sub-paragraph ; and

(*c*) any such parent as is mentioned in sub-paragraph (*c*) of paragraph (2) at least 6 months prior to the date at which his child is due to transfer from one school to another as mentioned in that sub-paragraph.

(4) The date to be included in a notification in terms of paragraph (1)(*b*) shall in the case of a notification to be given to a parent mentioned in paragraph (2), be a date not less than 4 weeks after the date of the notification and in the case of a notification to any other parent, be such date as the education authority consider to be appropriate in the circumstances.

Information to be given on receipt of a placing request

5.—(1) Subject to paragraph (2) an education authority shall within 5 working days of receiving a placing request send, or cause to be sent in writing to the parent making the placing request information of the kinds prescribed for the purposes of this Regulation, and specified in Schedule 2 to these Regulations.

(2) Paragraph (1) shall not apply where within 5 working days of receiving a placing request an education authority notify the parent in writing of their acceptance of the placing request.

Supplementary provisions

6.—(1) This regulation shall apply in relation to any information which is mentioned in the preceding provisions of these regulations and required to be made available notified or sent in accordance therewith, and to any document which contains or refers to such information.

(2) An education authority shall take all reasonable steps to maintain information which they are required to publish or otherwise make available in accordance with section 28B(1)(*a*) of the Act and these regulations in a state which as far as possible reflects the current position with regard to the matters to which the information relates.

George Younger,
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
30th October 1981.

Regulation 3(1)

SCHEDULE 1

PRESCRIPTION OF KINDS OF INFORMATION

The kinds of information prescribed for the purpose of regulation 3 shall be information with respect to—

(*a*) the policy or practice of the education authority in relation to the provision of any of the matters or as the case may be, facilities mentioned in section 50 (education of pupils in exceptional circumstances including boarding arrangements) or 51 (provisions of transport and other facilities) of the Act in respect of pupils attending any school under their management and in particular in respect of any pupil attending such a school in consequence of a placing request, where the school attended is a school other than a school in which the authority proposed to place the pupil ;

(*b*) the delineated area, if any, relating to any school under their management ;

(*c*) the secondary school to which pupils will normally be transferred from a primary school ;

(*d*) the primary schools from which pupils placed in a secondary school are normally drawn ;

(*e*) the primary school at which pupils of a primary school which does not make provision for all stages of primary education, will normally receive the other stages of primary education ;

(*f*) the secondary school at which pupils of a secondary school which does not make provision for all stages of secondary education, will normally receive the other stages of secondary education ;

(*g*) the special schools serving the area of an authority and the nature of the educational provision normally available in each such school ;

(*h*) the guidelines formulated by an education authority in accordance with paragraph (*c*) of section 28B(1) of the Act as respects placing in schools generally and the guidelines (if any) so formulated as respects placing in any particular school in the event mentioned in that paragraph (*c*) ;

(*i*) the general effect of section 28A(1) and (2) of the Act and a parent's right to make a placing request ;

(*j*) the circumstances in which a placing request may be refused in terms of section 28A(3) of the Act ;

(*k*) the general effect of sections 28A(4) and (5) and 28C to 28G of the Act (decision on a placing request ; deemed refusal of a placing request ; reference to appeal committee of refusal of a placing request ; appeal committees ; appeal committees—supplementary provisions ; appeal to sheriff from appeal committee ; application of sections 28A to 28F of, and Schedule A1 to the Act to young persons) ;

(*l*) the name and address of the person to whom a reference to any appeal committee should be sent.

SCHEDULE 2 Regulation 5

KINDS OF INFORMATION PRESCRIBED IN RELATION TO PLACING REQUESTS

The kinds of information prescribed for the purposes of regulation 5 shall be information with respect to—

(*a*) the person or body who will in accordance with arrangements made by an education authority, discharge their function of considering a placing request ;

(*b*) whether the parent making the request will have an opportunity of presenting his case in support of the request orally or in writing to that person or body ;

(*c*) the person whom such parent may contact for the purpose of obtaining any further information with respect to procedure for consideration of their request ;

(*d*) the circumstances as set out in section 28A(3) of the Act in which a placing request may be refused by the authority ;

(*e*) the right of a parent to refer any decision of the education authority refusing the placing request to an appeal committee ;

(*f*) the circumstance that if the authority do not notify their decision on a placing request in accordance with section 28A(4) of the Act before the date, or as the case may be, within the period for the time being prescribed in regulations made under section 28A(5) of the Act, the authority is deemed to have refused the placing request.

Provided that paragraphs (*e*) and (*f*) of this Schedule shall not apply in relation to a placing request made in respect of a child ascertained as requiring special education in accordance with section 60 of the Act as originally enacted.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations make provision with respect to information to be made available by education authorities about the placing of children in schools under their management, and related matters, and impose requirements with which authorities are to comply in performing their duties under section 28B(1) of the Education (Scotland) Act 1980.

Regulation 3 and Schedule 1 prescribe information to be made available by an education authority, when so requested, to parents of pupils in attendance at schools under their management and to parents resident or proposing to reside in the area of the authority but whose children are not yet in attendance at such a school.

Regulation 4 prescribes the manner and procedures for notifying parents of children under, or of, school age and who are to be placed in schools under an authority's management, of the matters referred to in section 28B(1)(*b*) of the Education (Scotland) Act 1980 ; and makes different provision with respect to the timing of such notification in different circumstances.

Regulation 5 and Schedule 2 prescribe the information to be given to a parent on receipt by an education authority of a placing request.

Regulation 6 makes provision with respect to keeping the information up to date.

SI 1981/1559
ISBN 0-11-017559-X

