
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 130

EDUCATION

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

Made - - - - 25th April 2012
Laid before the Scottish Parliament - - - - 27th April 2012
Coming into force - - 8th December 2012

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 2 and 28B(1)(a)(ii) and (3) of the Education (Scotland) Act 1980(1) and all other powers enabling them to do so.

GENERAL

Citation and commencement

1. These Regulations may be cited as the Education (School and Placing Information) (Scotland) Regulations 2012 and come into force on 8th December 2012.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“the 1980 Act” means the Education (Scotland) Act 1980;

“the 2004 Act” means the Education (Additional Support for Learning) (Scotland) Act 2004(2);

“authority” means an education authority;

“basic information” means information of the kinds specified in Part I of Schedule 1;

(1) 1980 c.44 (“the 1980 Act”). Section 2 was amended by Schedule 6 to the Education (Scotland) Act 1996 (c.43). Section 28B was inserted by section 1(1) of the Education (Scotland) Act 1981 (c.58) (“the 1981 Act”) and amended by schedule 3, paragraph 3(6) to the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) (“the 2004 Act”). Section 135(1) of the 1980 Act sets out the definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made. The functions of the Secretary of State under the 1980 Act were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(2) 2004 asp 4. Paragraph 1 of schedule 3 was repealed by paragraph 1 of Schedule 7 to the Public Services Reform (General Teaching Council for Scotland) Order 2011 (S.S.I. 2011/215).

“delineated area” in relation to a school, means that part of the area of an authority from which pupils resident therein will be admitted to the school in terms of a priority based on residence, in accordance with any guidelines formulated by the authority under section 28B(1) (c) (information as to placing in schools and other matters) of the 1980 Act;

“information” means information of the kinds specified in a Schedule to these Regulations and information as to a matter mentioned in section 28B(1)(a)(iii) of the 1980 Act;

“placing arrangements” means an authority’s arrangements for the placing of children in schools under their management;

“placing request” means a request made in accordance with section 28A(1) (duty to comply with parents requests as to schools) of the 1980 Act or, in the case of a child having additional support needs, paragraph 2(1) and (2) (duty to comply with placing requests) of schedule 2 (children and young persons with additional support needs: placing requests) to the 2004 Act⁽³⁾;

“school” in relation to an authority, means a school under their management;

“school commencement date” means a school commencement date for the time being fixed by an authority in accordance with section 32 (dates for commencement of school attendance) of the 1980 Act;

“school information” means information of the kinds specified in Part II of Schedule 1;

“school year” means a period of 12 months commencing on 1st August of a year;

“supplementary information” means information of the kinds specified in Part III of Schedule 1;

“working day” means in relation to an office of an authority, school or public library, a day on which the office, school or public library is open for business purposes;

“working hours” means in relation to an office of an authority, school or public library, the hours during which the office, school or public library is open for business purposes.

Application of these Regulations to young persons and others

3.—(1) These Regulations apply to a young person and a young person having additional support needs in accordance with paragraph (2).

(2) A provision of these Regulations applying—

- (a) to a child, applies to a young person who is a pupil in attendance at school, as it applies to the child;
- (b) to a child with additional support needs, applies to a young person with additional support needs as it applies to the child;
- (c) to the parent of a child, applies—
 - (i) in the case of a young person with additional support needs who an authority are satisfied is not capable of expressing that young person’s views, to the parent of that young person as it applies to the parent of a child; and
 - (ii) in the case of any other young person, to the young person as it applies to the parent of a child.

(3) Section 28A of the 1980 Act was inserted by section 1(1) of the 1981 Act and amended by section 33(2) of the Education (Scotland) Act 1996 c.43, section 43(2) of the Standards in Scotland’s Schools etc. Act 2000 asp 6 and section 1(1)(a)(i) of the School Education (Amendment) (Scotland) Act 2002 asp 2. Schedule 2, paragraph 1 to the 2004 Act disappplied, in relation to children and young persons having additional support needs, sections 28A, 28C and 28E to 28G of the 1980 Act and instead applies the provisions of that schedule.

Kinds of information to be published, supplied or made available by an authority

4. The kinds of information to be published, supplied or otherwise made available to parents by an authority under section 28B of the 1980 Act are—

- (a) basic information;
- (b) school information;
- (c) supplementary information; and
- (d) the information specified in Schedule 2 (kinds of information prescribed in relation to placing requests).

PROVISIONS FOR PUBLICATION OF, OR MAKING AVAILABLE BASIC, SCHOOL AND SUPPLEMENTARY INFORMATION

The duties and powers of an authority to supply certain basic information to certain parents

5.—(1) Subject to the provisions of these Regulations, an authority must in the case of any duty to do so, or may, in the case of any power, supply basic information to a parent to whom this regulation applies, on receiving a request from the parent.

(2) This regulation applies to a parent—

- (a) of a child resident in the area of the authority to whom a request for basic information under paragraph (1) is made;
- (b) of a child known to an authority to be proposing to reside in their area; or
- (c) known to an authority to be considering the making of a placing request in respect of the parent's child in respect of a school under their management.

(3) Paragraphs (4) to (9) apply where a request for basic information is made by a parent under paragraph (1).

(4) An authority must supply basic information of the kinds specified in Schedule 1 Part I paragraph 1(a) to the parent where the information relates to the schools specified in paragraph (6).

(5) Where that basic information relates to a school other than one specified in paragraph (6) the authority—

- (a) must supply that basic information to the parent making the request if they are satisfied that the parent making the request has a reasonable need for the information; and
- (b) otherwise, may supply that basic information to that parent.

(6) The schools specified for the purpose of paragraphs (4) and (5) are those in which the authority, having regard to the factors specified in paragraph (7), think the parent making the request is likely to wish to have that parent's child placed.

(7) Those factors are —

- (a) the age of the child;
- (b) the normal or prospective place of residence of the child;
- (c) any additional support needs of the child; and
- (d) any affiliation of the parent to a particular religious denomination.

(8) An authority—

- (a) must supply basic information of the kinds specified in Schedule 1 Part I paragraph 1(c) to the parent making the request if the requesting parent's child has not commenced school attendance; and

(b) may supply that basic information to that parent if the parent's child has commenced school attendance.

(9) An authority must supply basic information of the kinds specified in Schedule 1 Part I paragraphs 1(b) and (d) to (h) to a parent making a request under paragraph (1).

Duty to make basic information available at certain places

6.—(1) Subject to paragraph (3), an authority must make basic information available to a parent requesting it for reference, at—

- (a) a head office or local office of the authority's education department;
- (b) a public library within the area of the authority; and
- (c) a school.

(2) Basic information made available under paragraph (1) is to be made available during working hours on a working day of the office, public library or school.

(3) Where basic information of the kinds specified in Schedule 1 Part I paragraph 1(a) is made available under paragraph (1) at a public library or school, it may be limited to basic information of that kind relating to schools in that part of the area of the authority in which the public library or school is situated.

Form in which basic information to be supplied and made available

7.—(1) This regulation applies to basic information supplied or made available under regulations 5 and 6.

(2) That basic information must be in writing and supplied or made available free of charge and along with such other information as an authority think fit.

(3) An authority may supply or make available that basic information separately for primary, secondary or special schools or to schools in different parts of their area.

(4) If, however, an authority supply or make available that basic information relating only to part of their area or to certain schools, the information must be accompanied by—

- (a) a statement by the authority that similar basic information is available in relation to other parts of their area or to other schools; and
- (b) one or more addresses, telephone numbers and email addresses where an enquiry relating to that similar basic information may be made.

Duty to supply or make school information available to certain persons at certain places

8.—(1) Where an authority are required by section 28B(1)(b)(i) of the 1980 Act to inform a parent of the particular school in which the authority propose to place the parent's child, the authority—

- (a) must supply school information for that school in accordance with regulations 16 and 17; and
- (b) may supply such other information to the parent as they think fit.

(2) Where any other parent makes a request to an authority for school information relating to a school, the authority—

- (a) must supply that information; and
- (b) may supply such other information as they think fit.

(3) Information supplied under paragraphs (1) or (2) must be supplied free of charge.

(4) An authority must make available school information for a school during working hours on a working day at the school for reference, free of charge, by—

- (a) a parent; or
- (b) a pupil over school age in attendance at the school,

who requests it.

(5) In carrying out the duty imposed by paragraph (4), an authority may supply or make available such other information as they think fit.

Form in which school information to be published, supplied or otherwise made available

9.—(1) School information required to be supplied or made available in accordance with regulation 8 must be so supplied or made available in writing in the form of a document to be known as the School Handbook.

(2) In carrying out the duty imposed by paragraph (1), an authority must publish the School Handbook on a website which the authority uses for the purpose of giving information to the public.

(3) Where a parent makes a request to an authority for the School Handbook to be provided—

- (a) in a particular form of writing, including in a language other than English; or
- (b) in a form other than in writing,

the authority must, if they consider it reasonable to do so, provide the handbook to the parent in that form.

Duty to make supplementary information available to certain parents

10.—(1) Subject to the provisions of regulation 11, on receiving a request from a parent to whom this regulation applies, an authority—

- (a) must make available the supplementary information requested by the parent; and
- (b) may make available such other information as they think fit.

(2) This regulation applies to—

- (a) a parent of a child resident in the area of the authority or known to them to be proposing to reside in that area; and
- (b) a parent known to the authority to be considering the making of a placing request in respect of the parent's child for a school under their management.

(3) Information provided under paragraph (1) must be provided free of charge.

Form in which certain supplementary information is to be made available at certain places

11.—(1) The delineated area for a school must be shown on a map and made available by an authority for reference—

- (a) at the school; and
- (b) at—
 - (i) the head office of the education department of the authority; or
 - (ii) a local office of that department situated in that part of the area of the authority in which the school is situated; and
- (c) during working hours on a working day for that school or office.

(2) Subject to the conditions in paragraph (3), an authority may make available orally—

- (a) supplementary information of the kinds specified in paragraph 13(f) to (j) of Part III of Schedule 1; and
 - (b) supplementary information of the kinds specified in paragraph 13(b) to (e) and (k) to (x) of Part III of Schedule 1.
- (3) Those conditions are that the authority must, as soon as practicable thereafter, confirm in writing—
- (a) the information mentioned in paragraph (2)(a); and
 - (b) the information mentioned in paragraph (2)(b), to the extent that the person to whom the information has been made available has requested confirmation in writing.
- (4) Subject to the provisions of this regulation, supplementary information required to be made available by an authority under regulation 10 must be made available in such manner and at such places as the authority consider appropriate.
- (5) Supplementary information relating to a school must be made available at the school.

Duty to review and revise basic and school information

12.—(1) This regulation applies to a document in so far as it contains basic or school information which requires to be published, made available or supplied under these Regulations.

- (2) Subject to paragraph (3), an authority must—
 - (a) review that document annually; and
 - (b) revise it as they consider necessary.
- (3) A document which contains school information must—
 - (a) to the extent that it contains school information, be reviewed and revised by 8th December in each calendar year;
 - (b) state the school year to which the information contained in it relates or refers; and
 - (c) contain a statement that although the information is believed to be correct for that year at a date specified in the document, it is possible that there may be changes affecting a matter dealt with in the document—
 - (i) before the commencement or during the course of the school year in question; or
 - (ii) for subsequent school years.
- (4) By 8th December in each calendar year, an authority must notify a parent of a pupil in attendance at a school of the following—
 - (a) that the School Handbook containing revised school information for the school which the pupil attends will be available from, and including 15th December in that year;
 - (b) that a copy of that handbook will be available or may be referred to—
 - (i) at the school during working hours on a working day upon request to the school; and
 - (ii) on a website; and
 - (c) the address of the website which must be a website which the authority uses for the purpose of giving information to the public.
- (5) If the area of an authority contains a Gaelic speaking area the authority must, if they consider it necessary, ensure that basic information and school information for a school in that area is made available, published or supplied in accordance with these Regulations in that Gaelic speaking area, in the Gaelic language as well as in the English language.
- (6) If the area of an authority contains a part where a language other than English or Gaelic is widely used the authority must, if they consider it necessary, ensure that basic information and school

information for the schools in that area is made available, published or supplied in accordance with these Regulations in that part in that language, as well as in the English language.

Duty to review and revise supplementary information

13.—(1) An authority must take all reasonable steps to ensure that supplementary information which they are required to publish, otherwise make available or supply in accordance with section 28B(1)(a) and (d) of the 1980 Act and these Regulations is kept up to date so far as possible.

(2) If it appears necessary to an authority so to do, the authority may make such supplementary information available in a language other than English to a parent requesting it.

Supply of basic information

14. Nothing in regulations 5 or 12 will require an authority to supply the same basic information to the same person on more than one occasion in a school year.

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.

St Andrew's House, Edinburgh
25th April 2012

ALASDAIR ALLAN
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Regulation 2

PART I

(BASIC INFORMATION)

1. The information specified in this Part is basic information—
- (a) information relating to primary, secondary and special schools including in relation to each —
 - (i) the name;
 - (ii) the address;
 - (iii) the telephone number;
 - (iv) the website (if any);
 - (v) the email address;
 - (vi) the stages of education provided for;
 - (vii) the approximate roll;
 - (viii) the denominational status (if any); and
 - (ix) if a school admits pupils of one sex only, the sex admitted;
 - (b) a brief statement of an authority's policy or practice in relation to their placing arrangements in schools, including any guidelines formulated by the authority in accordance with section 28B(1)(c) of the 1980 Act as respects placing in schools generally;
 - (c) school commencement arrangements and an authority's policy or practice in relation to early admission to primary education and priorities for early admission;
 - (d) a brief statement of an authority's policy or practice in relation to—
 - (i) provision of school meals;
 - (ii) boarding facilities;
 - (iii) transport facilities; and
 - (iv) other matters as mentioned in section 50 (education of pupils in exceptional circumstances) or 51 (transport and other facilities) of the 1980 Act particularly in respect of a pupil attending a school in consequence of a placing request where the school attended is a school other than a school proposed by the authority for that pupil⁽⁴⁾;
 - (e) one or more addresses, telephone numbers and email addresses to which a pupil's parent who considers that the pupil may have additional support needs may make enquiries;
 - (f) one or more addresses, telephone numbers and email addresses to which a parent who wishes to have any kind of supplementary information may make enquiries;
 - (g) a statement that information concerning a particular school is available at the school concerned; and

(4) Section 50 of the Education (Scotland) Act 1980 c.44 ("the 1980 Act") was amended by section 2(2) of the Education (Scotland) Act 1981 c.58 ("the 1981 Act"), section 82 and Schedules 10 and 11 of the Self-Governing Schools etc. (Scotland) Act 1989 c.39, section 145(2) of the Local Government etc. (Scotland) Act 1994 c.39, section 5(2) of the Schools (Health Promotion and Nutrition (Scotland) Act 2007 asp 15 and Schedule 2 to the Local Education Authorities and Children's Services Authorities (Integration of Functions) Order S.I. 2010/1158. Section 51 of the 1980 Act was amended by section 2(3) of the 1981 Act, section 145(3) of the Local Government etc. (Scotland) Act 1994 c.39, Schedule 5 to the Education (Scotland) Act 1996 c.43, section 37(3) and schedule 3 to the Standards in Scotland's Schools etc. Act 2000 asp 6, section 45 of the Local Government in Scotland Act 2003 asp 1 and Schedule 2 to the Local Education Authorities and Children's Services Authorities (Integration of Functions Order) S.I. 2010/1158.

(h) one or more addresses, telephone numbers and email addresses of the head office of the education department of an authority or a local office of that department, and nothing in this Part of this Schedule applies to a nursery school or nursery class or to the stage of school education provided for in such a school or class.

PART II (SCHOOL INFORMATION)

2. The information specified in this Part is school information.

Contact Details

3. In relation to a school—

- (a) the name;
- (b) the address;
- (c) the telephone number;
- (d) the website (if any);
- (e) the email address;
- (f) the stages of education provided for;
- (g) the present roll;
- (h) the denominational status (if any);
- (i) whether the school provides teaching by means of the Gaelic language (as spoken in Scotland);
- (j) if the school admits pupils of one sex only, the sex admitted;
- (k) the headteacher's name or details of where this information can be found;
- (l) the email address and website (if any) for the Parent Council (or any other parent organisation);
- (m) the arrangements for when a pupil's parent has a concern about the pupil and an overview of how these concerns will be dealt with;
- (n) the procedure in cases of a pupil's absence or sickness;
- (o) the complaints procedure;
- (p) the arrangements for a parent, offered or seeking a place for the parent's child in the school, to visit the school.

Parental Involvement

4. In relation to a school—

- (a) the opportunities provided for a pupil's parent to become involved in the school;
- (b) details of how the school involves a pupil's parent in the pupil's education including how information, support and advice is given to a parent to help the parent support the pupil's learning and help the pupil at key stages, particularly when choices are being made.

School Ethos

5. In relation to a school—

- (a) a statement of the school's culture, ethos and values, its aspirations for pupils and how it celebrates their achievements;
- (b) details of the school's partnerships with denominational bodies at local and national level (if any);
- (c) details of the school's role in the community and how it works with organisations, bodies and persons who work with the school and how it promotes positive behaviour, good relationships and motivates pupils.

The curriculum

6. How the curriculum is planned and provided at a school, including—
- (a) the different subjects and learning opportunities that are available for pupils and when these are available;
 - (b) the opportunities for pupils to develop skills for learning, life and work, including literacy, numeracy and health and well-being in and out of the classroom;
 - (c) in relation to what pupils learn—
 - (i) the arrangements for how pupils will be given choices in what they learn;
 - (ii) how they will be involved in planning what they learn; and
 - (iii) how their parents will be consulted;
 - (d) where and how a parent can find out more information about the curriculum at school, at local and at national level;
 - (e) the arrangements for providing support to pupils in relation to leaving school, including how career guidance and financial advice is provided;
 - (f) how a pupil's parent will be informed of any sensitive aspects of learning;
 - (g) the provision for religious instruction and observance for pupils and arrangements for a pupil's parent who wishes to exercise the parent's right to withdraw that pupil.

Assessment

7. The school's arrangements and approaches for tracking and assessing pupils' progress and planning their future learning.

Reporting

8. The school's arrangements for ongoing and end of year reporting to a pupil's parent on that pupil's progress in curriculum areas, achievements and their future learning.

Transitions

9. In relation to a school—
- (a) the arrangements that are in place to support pupils making transitions and what role their parents can play;
 - (b) the contact details of the school to which pupils will normally transfer for the subsequent stages of their education (on completion of the stages of education provided for at the school to which the school information relates);
 - (c) in paragraph (a) transitions includes moving to the stage of primary education, moving from the stage of primary education to the stage of secondary education and on leaving school.

Support for Pupils

10. In relation to a school—

- (a) where and how a parent can find more information about how pupils' additional support needs will be identified and addressed;
- (b) the provisions made for pupils having additional support needs, whether the school is a special school or has a special class or unit, or a developmental nursery for observation;
- (c) who to contact if a parent of a pupil thinks that pupil needs additional support and where to get more information and advice;
- (d) the ongoing support arrangements for pupils including how pastoral care arrangements and pupil support arrangements are provided;
- (e) the arrangements for contacting the key adult who has the overall picture of how a pupil is progressing, for example a form tutor, support for learning teacher or guidance or support teacher.

School Improvement

11. In relation to a school—

- (a) the main achievements of the school over the last 12 months, or details of where this can be obtained;
- (b) the trends and information which give an overall picture of how the school is performing including achievements at SCQF Levels and other awards, leaver destinations, and any other significant achievements, over the past 3 years;
- (c) how the school has improved standards for pupils in relation to literacy, numeracy and health and well-being;
- (d) the plans for future improvement of the school's performance over the next 3 years, including the school's plans to involve parents in that future improvement;
- (e) details of where information regarding the school's performance at local and at national level can be obtained.

School Policies and Practical Information

12. In relation to a school—

- (a) a list of the available school and authority policies and how they can be accessed, or a link to another source where the policies are listed;
- (b) information on activities, groups, clubs and opportunities for pupils to be involved in the school including sports and outdoor activities;
- (c) the opportunity for pupil representation and involvement in the Pupil Council or any similar body;
- (d) the arrangements for school meals and other food and drink, including eligibility and how parents of pupils apply for free school lunches;
- (e) the organisation of a school day, including times of arrival and dismissal, break times, school term dates and holidays.

PART III

(SUPPLEMENTARY INFORMATION)

13. The information specified in this Part is supplementary information—
- (a) the delineated area (if any) relating to a school;
 - (b) the secondary school to which pupils will normally be transferred from a primary school;
 - (c) the primary schools from which pupils placed in a secondary school are normally drawn;
 - (d) 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;
 - (e) 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;
 - (f) the general effect of section 28A(1) and (2) of the 1980 Act and a parent's right to make a placing request⁽⁵⁾;
 - (g) the circumstances in which a placing request may be refused in terms of section 28A(3) of the 1980 Act;
 - (h) the general effect of sections 28A(4) and (5) and 28C to 28G of the 1980 Act⁽⁶⁾;
 - (i) the general effect of sections 17 to 22 (Additional Support Needs Tribunals for Scotland) of, and schedule 2 to the 2004 Act, (children and young persons with additional support needs placing requests relating to placing requests in relation to children having additional support needs);
 - (j) the name, address and email address of the person to whom a reference to an appeal committee should be sent;
 - (k) any guidelines formulated by an authority as respects placing in a particular school or nursery class in accordance with section 28B(1)(c) of the 1980 Act;
 - (l) the general policy or practice with regard to fixing the maximum number of pupils who the authority consider should be—
 - (i) in education in a school; and
 - (ii) educated in a particular stage of school education in a school;
 - (m) the maximum number (if any) of pupils whom the authority consider should be educated in a particular school or a particular stage of school education in a particular school, and the considerations taken into account in fixing that maximum number in relation to that school;
 - (n) the general policy or practice with regard to the curriculum and examinations in schools;
 - (o) the schools which provide teaching by means of the Gaelic language (as spoken in Scotland);
 - (p) the arrangements (if any) made by an authority for the education of pupils with special aptitudes, such as for example, in music, dance or sport;

⁽⁵⁾ Section 28A of the 1980 Act (duty to comply with parents requests as to schools) was inserted by section 1(1) of the 1981 Act.

⁽⁶⁾ Sections 28C to 28G of the 1980 Act (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) were inserted by section 1(1) of the 1981 Act. Section 28C was amended by section 43(3) of the Standards in Scotland's Schools etc. Act 2000 asp 6. Section 28D was amended by paragraph 3(7)(b) of schedule 3 to the Education (Additional Support for Learning) (Scotland) Act 2004 asp 4 ("the 2004 Act"). Section 28E was amended by paragraph 3(8) of schedule 3 to the 2004 Act. Section 28G was amended by section 1(3)(a) and (b) of the School Education (Amendment) (Scotland) Act 2002 asp 2.

- (q) the authority’s general policy or practice with regard to provision in primary or secondary schools for pupils with additional support needs;
- (r) the special schools, not under the management of an authority, to which it is the authority’s practice to send pupils, including in relation to each—
 - (i) the name;
 - (ii) the address;
 - (iii) the telephone number;
 - (iv) the email address;
 - (v) the website (if any);
 - (vi) the stages of education provided for in such schools;
 - (vii) the present roll;
 - (viii) the type of need catered for; and
 - (ix) the specialist services provided;
- (s) the nursery schools and nursery classes including in relation to each the name, address, email address, website, telephone number and the approximate roll;
- (t) the general policy or practice in relation to the provision of milk, meals and other refreshment to pupils including, in particular, the remission in whole or part of charges;
- (u) the general policy or practice in relation to pupils wearing school uniform;
- (v) the general policy or practice in relation to financial assistance towards clothing, footwear, sports or other special clothing required to enable pupils to take full advantage of educational facilities;
- (w) the general policy or practice in relation to bursaries or maintenance allowances for pupils;
- (x) the general policy or practice with regard to discipline for pupils and school rules, and arrangements for enforcing pupils’ school attendance.

PART IV

(GENERAL)

14. In this Schedule—

“appeal committee” means an appeal committee set up and maintained under section 28D(1)

(a) (appeal committee) of the 1980 Act⁽⁷⁾;

“nursery school” in relation to an authority means a nursery school under their management and “nursery class” is to be construed accordingly;

“Parent Council” means a Parent Council established further to section 6 (scheme for establishment of a Parent Council) of the Scottish Schools (Parental Involvement) Act 2006⁽⁸⁾;

“Pupil Council” means the body of pupils established to represent the interests of the pupils at a school;

“SCQF Levels” means the Scottish Credit and Qualifications Framework Levels which are the levels defined in the left column and described in the right column of table A—

⁽⁷⁾ Section 28D of the 1980 Act was inserted by section 1(1) of the 1981 Act and amended by schedule 3, paragraph 3(7)(b) of the 2004 Act.

⁽⁸⁾ 2006 asp 8.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Table A

Left column	Right column	
<i>SCQF Levels</i>	<i>Qualifications included up to and including school year 2012/13</i>	<i>Qualifications included from school year 2013/14</i>
7	Advanced Baccalaureate	Higher/Scottish Baccalaureate
6	Higher	Higher
5	Standard Grade (Credit)/Intermediate 2	National 5 (and Intermediate 2 until 2014/15)
4	Standard Grade (General)/Intermediate 1	National 4 (and Intermediate 1 until 2014/15)
3	Standard Grade (Foundation)/Access 3	National 3 (and Access 3 until 2014/15)
2	Access 2	National 2 (and Access 2 until 2014/15)
1	Access 1	National 1 (and Access 1 until 2014/15)

SCHEDULE 2

Regulations 2, 4(d) and 18

KINDS OF INFORMATION SPECIFIED IN RELATION TO PLACING REQUESTS

1. The kinds of information specified for the purposes of regulation 18 are—
 - (a) the person or body who will, in accordance with arrangements made by an authority, discharge their function of considering a placing request;
 - (b) whether the parent making the request will have an opportunity of presenting the parent's case in support of the request orally or in writing to that person or body;
 - (c) the name, address and email address of the person whom a parent may contact for the purpose of obtaining any further information on procedure for consideration of that parent's request;
 - (d) the circumstances, as set out in section 28A(3) of the 1980 Act, in which a placing request may be refused by the authority or, in the case of a child having additional support needs as set out in paragraph 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;
 - (e) any right of a parent to refer a decision of the authority refusing the placing request to an appeal committee;
 - (f) the circumstance where if the authority do not notify their decision on a placing request—
 - (i) in accordance with section 28A(4) of the 1980 Act, before any date or, as the case may be, within any period for the time being prescribed in regulations made under section 28A(5) of the 1980 Act; or
 - (ii) for a child having additional support needs, paragraphs 4 (placing request; further provision) and 6 (references to appeal committees: supplementary provisions) of schedule 2 to the 2004 Act,

the authority is deemed to have refused the placing request.

SCHEDULE 3

Regulation 19

REVOCATIONS

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Regulations revoked</i>	<i>References</i>	<i>Extent</i>
The Education (School and Placing Information) (Scotland) Regulations 1982	S.I. 1982/950	The whole Regulations
The Education (School and Placing Information) (Scotland) Amendment Regulations 1990	S.I. 1990/181	The whole Regulations
The Education (School and Placing Information) (Scotland) Amendment, Etc., Regulations 1993	S.I. 1993/1604	Regulations 2, 3, 4, 5, 6, 8 and the Schedule
The Self-Governing Schools (Application and Amendment of Regulations) (Scotland) Regulations 1994	S.I. 1994/351	Regulation 9
The Education (School and Placing Information) (Scotland) Amendment Regulations 2000	S.S.I. 2000/407	The whole Regulations
The Education (School and Placing Information) (Scotland) Amendment Regulations 2007	S.S.I. 2007/487	The whole Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, the provisions of the Education (School and Placing Information) (Scotland) Regulations 1982 ([S.I. 1982 No. 950](#)) as relevantly amended

by the Education (School and Placing Information) (Scotland) Amendment Regulations 1990 (S.I. 1990 No. 181), the Education (School and Placing Information) (Scotland) Amendment Etc., Regulations 1993 (S.I. 1993 No. 1604), the Self-Governing Schools (Application and Amendment of Regulations) (Scotland) Regulations 1994 (S.I. 1994 No. 351), the Education (School and Placing Information) (Scotland) Amendment Regulations 2000 (S.S.I. 2000 No. 407) and the Education (School and Placing Information) (Scotland) Amendment Regulations 2007 (S.S.I. 2007 No. 487).

These Regulations relate to the supply by education authorities and their making available information concerning schools and the arrangements regarding placing requests for places in schools. The relevant schools are those under the management of an authority.

Regulations 2 and 3 make provision for interpretation and application.

Regulation 4 lists the kinds of information that are to be published, supplied or otherwise made available by an education authority to parents.

Regulations 5 and 6 provide respectively as to the supply and availability to parents of basic information (prescribed in Part I of Schedule I).

Regulation 7 provides for the form in which basic information is to be supplied and made available.

Regulation 8 provides for the supply of school information (prescribed in Part II of Schedule 1). Under this regulation parents and a pupil over school age, which is a pupil over 16 (subject to some exceptions set out in section 33(2) of the Education (Scotland) Act 1980 (c.44)) can access school information at a school.

Regulation 9(1) and (2) provide respectively that school information required to be supplied or made available under regulation 8 must be in the form of the School Handbook and must be published online. Regulation 9(3) imposes a duty on education authorities to make the School Handbook available to parents requesting it both in a particular form of writing or in an alternative format, provided it is reasonable to do so.

Regulation 10 provides for the availability of supplementary information (prescribed in Part III of Schedule I) to parents, relating to individual schools.

Regulation 11 provides for the form in which certain supplementary information is to be made available at certain places.

Regulation 12 provides for the annual review and revision of documents containing basic or school information which are to be provided under these Regulations. Regulation 12(3) and (4) provide that a document containing school information must be reviewed and revised by 8th December and an education authority must inform parents of pupils at a school that a revised School Handbook will be available from (and including) 15th December, both online and in hardcopy. Regulation 12(5) and (6) provide for basic and school information to be provided in other languages if the education authority considers it necessary.

Regulation 13 requires an education authority to take reasonable steps to keep supplementary information provided up to date and to make it available to a parent requesting it in another language if necessary.

Regulation 14 clarifies that basic information does not require to be supplied to the same person on more than one occasion in a school year.

Regulation 15 deals with advertisement by education authorities regarding placing requests and related information.

Regulation 16 provides for the content and timing of the notification by an education authority in pursuance of the authority's duty to inform parents of the authority's proposed placing of their child in a school and of a parent's right to make a placing request.

Regulation 17 makes similar provision in relation to notification to parents of children with additional support needs.

Regulation 18 requires an education authority on receipt of a placing request to send out information specified in Schedule 2 to the Regulations.

Regulation 19 revokes the Education (School and Placing Information) (Scotland) Regulations 1982 and relevant amending instruments listed in Schedule 3 to these Regulations.