



Education (Scotland) Act 1980

1980 CHAPTER 44

PART II

RIGHTS AND DUTIES OF PARENTS AND FUNCTIONS OF EDUCATION AUTHORITIES IN RELATION TO INDIVIDUAL PUPILS

General principle

28B Information as to placing in schools and other matters.

- (1) Every education authority shall—
 - (a) publish or otherwise make available information as to—
 - (i) their arrangements for the placing of children in schools under their management;
 - (ii) such matters as may be prescribed by regulations;
 - (iii) such other matters as the authority consider necessary or expedient for the purposes of their functions under this Act;
 - (b) where a child falls, in accordance with those arrangements, to be placed in a school under their management—
 - (i) in a case where the authority propose to place the child in a particular school, inform his parent of the school; and
 - (ii) in every case, subject to subsection (4) below, inform the parent of the general effect of section 28A (1) and (2) of this Act and of his right to make a placing request;
 - (c) in making arrangements for the performance of their functions under this Act, formulate guidelines to be followed by them as respects placing in schools generally or, if they think it necessary, in any particular school in the event of there being more placing requests made in respect of certain schools or, as the case may be, that school or in respect of any stage or stages of school education provided there than there are places available;

Changes to legislation: *Education (Scotland) Act 1980, Section 28B is up to date with all changes known to be in force on or before 26 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (d) on a request to that effect made to them at any time by a parent of a child, supply the parent with any prescribed or determined information about any school under their management.

In paragraph (d) above, “prescribed or determined information” means information prescribed or determined under subsection (3)(c) below.

[^{F1}(1A) In the application of subsection (1)(b)(ii) above in relation to a child who has additional support needs—

- (a) for the reference to section 28A(1) and (2) of this Act there shall be substituted a reference to paragraph 2 of schedule 2 to the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), and
- (b) “placing request” means a placing request within the meaning of that Act.]
- (2) An education authority shall, in performing the duties imposed on them by subsection (1) above, comply with any regulations made under subsection (3) below.
- (3) The Secretary of State may by regulations prescribe or make provision for the determining of—
- (a) the procedure in accordance with which education authorities are to perform the duties imposed on them by subsection (1) above and when they are to do so;
- (b) how education authorities are to go about publishing or otherwise making available information under subsection (1) above or informing parents under that subsection;
- (c) the kind of information which is to be so published or which is to comprise the information so made available or supplied to parents.
- (4) The duty imposed by subsection (1)(b)(ii) above arises only when the existence of the child and the fact that he falls to be placed in a school under their management are known to the education authority.

Textual Amendments

F1 S. 28B(1A) inserted (14.11.2005) by [Education \(Additional Support for Learning\) \(Scotland\) Act 2004 \(asp 4\)](#), s. 35(1), [sch. 3 para. 3\(6\)](#); S.S.I. 2005/564, art. 2

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 48A(5)(a)(I) words repealed by [2000 asp 6 Sch. 3](#)
- s. 53(3)(b)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 53(3)(b)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 53ZA inserted by [2016 asp 8 s. 22\(3\)](#)
- s. 54A inserted by [2016 asp 8 s. 23](#)
- s. 98DA inserted by [2016 asp 8 s. 28\(2\)](#)
- s. 99(1A)(g)(ii) word substituted by [2020 asp 13 sch. 5 para. 8\(3\)](#)
- s. 99(1A)(h)(ii) word substituted by [2020 asp 13 sch. 5 para. 8\(3\)](#)