

# Placing requests

## Enquire factsheet 3

This factsheet explains your right to make a placing request if you cannot reach agreement with your education authority about which school your child should attend. It takes into account changes in the law brought by the **Education (Additional Support for Learning) (Scotland) Act 2004**, as amended (the ASL Act).

If you are not sure what school your child should attend, you may want to read **Enquire factsheet 2: Choosing a school**.

## How are educational placements usually made?

Each Scottish school has a 'catchment area' that is fixed by the education authority. The catchment area that relates to your child will depend on where you live. Most children with additional support needs go to the local school in their catchment area.

If the education authority thinks a different school would best meet your child's needs, it should discuss this with you and give you the chance to visit the school(s).

## What is a placing request?

A placing request is a formal, recordable request you make to your education authority for a place for your child in a school that is not the local catchment school, or the school recommended by professionals. Being able to have this option is sometimes referred to as 'parental choice'. You can ask your education authority for information about its policy and guidelines on placing requests.

## Who can make a placing request?

Anyone can make a placing request at any time until their child reaches school-leaving age (normally age 16 or above).

Young people aged 16 or 17 can also make their own placing requests. However, if an education authority is satisfied that a young person cannot make a placing request themselves, you can make it on their behalf.

Enquire is the Scottish advice service for additional support for learning. We provide independent and impartial advice to parents and carers, to practitioners in education, social work and health services, and to children and young people themselves.

This factsheet has been awarded the Clear English Standard.



## How to make a placing request

If your chosen school (called the ‘specified school’) is run by an education authority, you must make your placing request to the authority responsible for running that school.

If your chosen school is an independent or grant-aided special school, first find out whether it will offer your child a place. If they will, make your placing request to the education authority for the area where your child normally lives.

To make a placing request you can complete a placing request application form, send a letter to the education authority, or make the request to them in another permanent form that can be referred to again in the future, such as an email, or an audio or video recording. Your request should include the following information:

- your name and address
- your child’s name and age
- the name of their current school, if any
- the name of the school you have chosen
- the reasons for your choice of school.

It is important to add any relevant information to support your request. For example, your other children may already attend your chosen school. If you include more than one school in your placing request, you must make it clear which is your first choice. This will be the ‘specified school’ and used for the placing request.

Contact the relevant education authority to find out if it has placing request application forms, and where they are available.

## What schools can I make a placing request to?

You can make a placing request for your child to go to:

- any school under the management of an education authority
- any local authority nursery school or partnership nursery (a nursery run by people who come to an arrangement with the education authority to provide pre-school education)
- an independent special school or grant-aided special school in Scotland
- a school in England, Wales or Northern Ireland that caters wholly or mainly for children with additional support needs.

Before making a placing request for an independent or grant-aided special school, you must check that the school managers are willing to admit your child. Under the ASL Act, you cannot make a placing request for an independent or grant-aided school that is not a special school.

Before making a placing request for a school in England, Wales or Northern Ireland as mentioned above, you should check that the school will offer your child a place.

See page 2 for how to make your placing request.

## Who pays the school costs?

If, after making a placing request, your child gets a place at an independent or grant-aided special school, your education authority must pay all the fees and other costs of the placement.

## Attending a school outside the UK

Under the law, an education authority can authorise a placement for a child with additional support needs in a school or other education centre outside the UK. However, it is not legally obliged to do so.

The school or centre must provide education wholly or mainly for people who have additional support needs similar to those of your child. Education authorities can decide what arrangements it considers are appropriate for your child's education. This may include paying the fees, travelling expenses and other costs for your child, and for anyone else it considers should accompany your child.

## When must the education authority respond to my placing request?

If you want your child to start at the beginning of the next school year in August, and you apply before 15 March that year, you should get a reply by 30 April.

If you want your child to go to a different school in the middle of a school year or you make your request after 15 March, the authority has two months to decide, but you may get an answer sooner. If you do not get a reply by the specified date, the request is treated as refused (sometimes called a deemed refusal) and you then have the right to make an appeal.

## What the response will include

The education authority will let you know if your child has been given a place in your chosen school, or who will decide whether your child will get a place.

The education authority must also tell you:

- the name of the person you should contact if you have any questions about the way your request has been handled
- why your request may be refused
- the date by which your request will be treated as having been refused
- about your right to appeal if your request is refused.

If the education authority does not tell you when your request will be treated as having been refused, you may find it helpful to write down the date you sent in your request so you can decide if you want to appeal or not.

## Why your placing request might be refused

Under the ASL Act, the education authority can refuse to grant a placing request for certain reasons. For a list of these reasons, please refer to the section on 'Choosing where your child is educated' in **The parents' guide to additional support for learning**.

Your placing request may be refused if, for example:

- placing your child in your chosen school would negatively affect the education, or the educational well being of other pupils in the school
- placing your child in your chosen school would mean spending a lot of money on changing the accommodation, or employing an extra teacher, now or in the future
- the specified school is a special school so the education authority may not be meeting its duty to place children in a mainstream school, unless particular circumstances apply.

If there is a legal reason to refuse a placing request, the education authority is entitled to grant the request or refuse it.

## What to do if your placing request is refused

The education authority that received your placing request must let you know its decision in writing. If it cannot give your child a place in the school of your choice, it must let you know why. The reason it gives must be one of those covered by the law governing placing requests.<sup>1</sup> If you do not accept or understand the reason for refusal, ask the person who wrote to you for more information.

If it has refused your request, the education authority must tell you your right to appeal.

## Appealing a refused request

If your placing request has been refused, you have the right to appeal in writing to the education authority appeal committee. You must do this within 28 days of receiving the refusal letter, or if you have a deemed refusal. If your placing request was to a nursery school, you can appeal only if your child has additional support needs.

You should make your appeal to the Additional Support Needs Tribunals, not the education authority appeal committee, if:

- your child has a co-ordinated support plan (CSP)
- your education authority agrees that your child needs a co-ordinated support plan but one has not yet been prepared

<sup>1</sup> The Education (Scotland) Act 1980 and Schedule 2 of the ASL Act

- the education authority has decided that your child does not need a co-ordinated support plan and that decision has been referred to the tribunal
- the education authority has informed you or the young person that it will decide whether a CSP is needed
- the placing request was to a Scottish special school (whether or not a CSP is involved)
- the placing request was to a school in England, Wales or Northern Ireland that caters for children with additional support needs (whether or not a CSP is involved).

Appeals are explained further in **Enquire factsheet 4: Resolving disagreements**.

## Travel to and from school

If your education authority has suggested a school for your child, the law says that it must make travel arrangements to get your child to school if:

- your child is under 8 and lives more than 3.2 kilometres (2 miles) from the school
- your child is 8 or over and lives more than 4.8 kilometres (3 miles) from the school.

If you make a successful placing request for your child, your education authority does not have to provide any help with transport unless the school is an independent or grant-aided special school in Scotland, or a special school outside Scotland.

For further information please see **Enquire factsheet 6: Transport to school**.

## Where to get more information

### Websites

Information about education for all children, whatever their needs, is available from Learning and Teaching Scotland:

[www.ltscotland.org.uk/inclusionandequality](http://www.ltscotland.org.uk/inclusionandequality)

Information about supporting your child's learning is available on the Parentzone website:

[www.ltscotland.org.uk/parentzone](http://www.ltscotland.org.uk/parentzone)

### Publications

**The parents' guide to additional support for learning**, Enquire (2010)

**Enquire factsheet 2: Choosing a school** (2010)

**Enquire factsheet 4: Resolving disagreements** (2010)

**Enquire factsheet 6: Transport to school** (2010)

**Going to a new school**,

An Enquire guide for young people (2010)

**Choosing a school: A guide for parents**, Scottish Government (2010), available as web text only from: [www.scotland.gov.uk/Publications/2010/11/10093528/0](http://www.scotland.gov.uk/Publications/2010/11/10093528/0)

**Supporting children's learning code of practice**, Scottish Government (2010)  
[www.scotland.gov.uk/Publications/2011/04/04090720/0](http://www.scotland.gov.uk/Publications/2011/04/04090720/0)

## For further information contact:

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