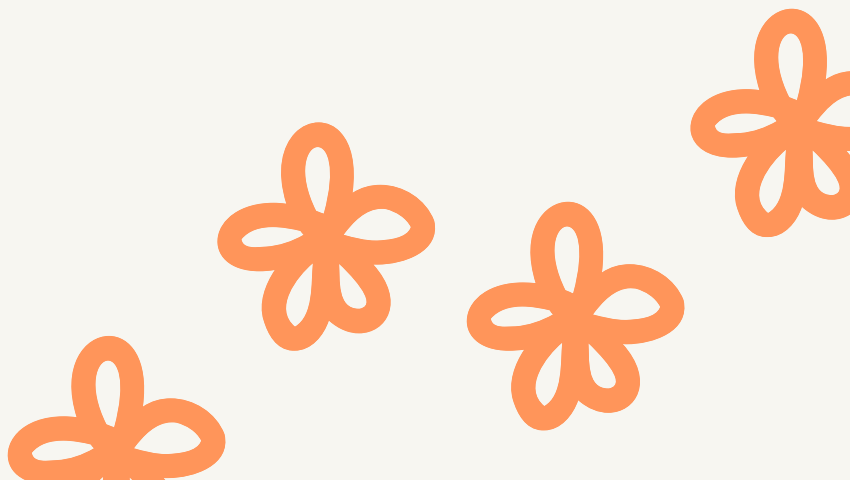




Changing childhoods.
Changing lives.

Part Time

Timetables



Part Time Timetables

Where a child is of compulsory school age, parents have a duty to ensure they receive suitable 'full-time' education.

Section 7 of the Education Act 1996 states:

"Duty of parents to secure education of children of compulsory school age."



The parent of every child of compulsory school age shall cause them to receive efficient full-time education suitable—
(a) to their age, ability, and aptitude, and
(b) to any special educational needs, they may have,
either by regular attendance at school or otherwise.

Local authorities have a duty under section 19 of the Education Act 1996 to educate pupils who can't attend school due to illness, exclusion, or other reasons.

This must be "full time" unless LA considers that: "for reasons which relate to the physical or mental health of the child, it would not be in the child's best interest for full-time education to be provided"

Working Together to Improve School Attendance and Guidance 2022

All pupils of compulsory school age are entitled to a full-time education. In

very exceptional circumstances, where it is in a pupil's best interests, there may be a need for a temporary part-time timetable to meet their individual needs. For example, where a medical condition prevents a pupil from attending full-time education and a part-time timetable is considered as part of a re-integration package. A part-time timetable should not be used to manage a pupil's behaviour.

A part-time timetable must only be in place for the shortest time necessary

and not be treated as a long-term solution. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend full-time, either at school or alternative provision. There should also be formal arrangements in place for regularly reviewing it with the pupil and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and therefore must treat absence as authorised.

Reasons given for a part-time timetable

Quite often, disabled children or children identified as having special educational needs are placed on part-time timetables. The reasoning which is generally provided is based on: Preventing exclusion/challenging behaviour, or the child not being of compulsory school age.

In relation to preventative measures of avoiding exclusion, the Education Act 1996 states that a child has a right to full-time education. Schools have a duty to place children/young people on SEN support if a special educational need is identified.

An education provider has a duty to make 'reasonable adjustments'. These changes could include providing extra support and aids (like specialist teachers or equipment) –Equality Act 2010. If behaviours are deemed 'challenging' then this can often be an indication of an unmet need and therefore a request for an EHCP needs assessment may also be required. A part-time timetable should only be considered in 'very exceptional circumstances.' There must always be a clear plan of when this time will be increased (as it is not a long-term solution) and support which is going to be in place.

A lot of part-time timetables are noted for children who are not yet of compulsory school age (the first day of the term following the child's fifth birthday). This is generally due to the legislation of the right to a full-time education beginning at compulsory school age. Parents may be able to argue (under the Equality Act 2010) that their child has been denied what might be offered to their peers, for a reason related to his or her disability.

What can parents/carers do?

Refuse a part-time timetable

Make schools aware it would be unlawful to not provide their child with a full-time education.

Discuss with the school requesting an EHCP needs assessment, Parents can also put this request forward to the Local Authority.

Complete a formal complaint, following the settings complaint procedure.

Annex 1- Letter to address informal exclusion for a child of compulsory school age

[Parent's name and address]

[Headteacher's name]

[School address]

[Date]

Dear Mr / Mrs / Ms

Re: [name of child]

I am writing regarding my [son/daughter], [name of child].

I am concerned that my child has been unofficially excluded from [name of school]. On the following dates, my child has been asked to leave the school during school hours.

[list of dates here]

Having taken advice, I understand that my child can only be sent home from school, during school hours, if they are formally excluded. Unofficial exclusions are unlawful.

[if the exclusion is ongoing]: I am concerned that my child is currently out of school due to an unofficial exclusion. I would ask that you allow my child to return to school immediately. Failing that, please provide me with lawful notice of the exclusion without any delay.

I understand whenever a headteacher suspends or permanently excludes a pupil they must, without delay, notify parents of the period of the suspension or permanent exclusion and the reason(s) for it.

They must also, without delay, after their decision, provide parents with the following information in writing:

- the reason(s) for the suspension or permanent exclusion.
- the period of a suspension or, for a permanent exclusion, the fact that it is permanent.
- parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this.
- how any representations should be made.

Continue on next page

I do not appear to have received adequate notice of the exclusion(s) listed above. I am concerned that my child has been unlawfully excluded. If notice was provided, please forward those letters to me at the above address as soon as possible.

I should be very grateful if you could let me know why my child was sent home on the above dates. I would also be grateful if you could assure me that my child will not be sent home again without formal notice of an exclusion being provided. Please also confirm where I should send further representations regarding the exclusions.

If my child requires additional support in school, please let me know. If this is the case, I am very happy to attend a meeting with you and my child's class teacher and/or SENCO to discuss what we need to do next.

I would be very grateful if you could respond to this letter within ten working days. If I have not heard from you by then, I will have to raise my concerns with Ofsted and my Member of Parliament.

I look forward to hearing from you.

Kind regards

[Parent/s' name/s]

Cc Chair of the Governors

Annex 2- Letter to address informal exclusion for a child under compulsory school age

[Parent's name and address]

[Head teacher's/Chair of Governor's name]

[School address]

[Date]

Dear Mr / Mrs / Ms...

Re: [name of child]

I am writing regarding my [son/daughter], [name of child].

I am concerned that my child has been unofficially excluded from [name of school/nursery]. On the following dates, my child has been asked to leave the nursery during their entitled hours;

[list of dates here]

Having taken advice, I understand that my child should only be sent home if they are formally excluded. Unofficial exclusions are unlawful.

I am aware that my child is not yet of compulsory school age, however, I am just as aware that as stated in the Equality Act 2010; my child should not be placed at a substantial disadvantage because of his/her disability.

[name of child] is currently not able to access his/her full education entitlement. I feel that this is having a detrimental effect and that more could be done to encourage progression with the amount of time he/she accesses nursery/school.

[Does the child have an EHCP – if so – note how the statutory duty to implement the provision is hindered by a part-time timetable].

I would be very grateful if you could inform me of the plan to fully integrate [name of child] into full-time and a suggested timescale for doing this. I am happy to discuss how I feel this would work best if needed.

Continue on next page

I would also be grateful if you could assure me that my child will not be sent home again without formal notice of an exclusion being provided; and that the above plan is followed.

If referrals are needed to any further services such as RANS, or Educational Psychology, or if there is a need to submit an EHCP request; I am happy to support these.

I look forward to hearing from you.

Kind regards

Annex 3- Case Summaries

'Case law' is the law that is developed by the Courts and Tribunal system.

What makes case law (or what lawyers refer to as "precedent") is where cases go to a higher court, usually the Upper Tribunal or the High Court. Sometimes cases will go even further up to the Court of Appeal or the Supreme Court.

The following Case Summaries are examples of how case law has been applied. Further examples can be found on the ipsea website.

R v East Sussex County Council, Ex p Tandy / In re T (A Minor) [1998] 2 WLR 884:

The LA is under an absolute duty to provide suitable education for children who are out of school due to illness, exclusion or otherwise. An LA may not take its own financial constraints into account when assessing what is an appropriate education.

RD and GD v The Proprietor of Horizon Primary (Responsible Body) (SEN): [2020] UKUT 278 (AAC)

Whether or not a part-time timetable is discriminatory will depend on whether it is a proportionate means of achieving a legitimate aim – the school needs to consider whether the disadvantages caused to the child by the part-time timetable outweigh or are disproportionate to the aim pursued by the school. In this case, on balance, the part-time timetable was determined to be proportionate.