



Special Educational Needs,  
Disability Information,  
Advice & Support Service.

## **Part time Timetable**

**If you require further information or support  
please contact:**

**01706 769 634**

The accurate information provided within this pack is given  
in line with the following legislation and statutory guidance

## **Legislation**

- Education Act 1996
- Equality Act 2010

## **Part time Tables**

Where a child is of compulsory school age parents have a duty to ensure they receive suitable '**full-time**' education: **s.7 Education Act 1996**.

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

*The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable—*

*(a) to his age, ability and aptitude, and*

*(b) to any special educational needs he may have,*

*either by regular attendance at school or otherwise.*

The LA have a duty under **s.19 Education Act 1996** to educate pupils who can't attend school due to illness, exclusion or other reason.

Must be "full time" unless the 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 for the child*": **s.19 (3AA) Education Act 1996**

### **School Attendance**

*"All pupils of compulsory school age are entitled to a full-time education. In very exceptional circumstances there may be a need for a temporary part-time time table to meet a pupil's 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 must not be treated as a long-term solution. Any pastoral support programme or other agreement must have a time limit by which point the pupil is expected to attend full-time or be provided with alternative provision."*

## **Reasons Given for Part time timetable**

Quite often, disabled children or children identified as having special educational needs are placed on part time timetables. Reasoning which is generally provided is based on: Preventing exclusion/challenging behaviour, 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 a 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 (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.

### **Parents can:**

- .Refuse a part time timetable
- .Make school aware it would be unlawful to not provide their child with a full time education
- .Discuss with school requesting an EHCP needs assessment, Parents can also put this request forward to the Local Authority.
- .Complete a formal complaint, following settings complaint procedure.

## **Case Summaries**

### ***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.

### ***F-T v The Governors of Hampton Dene Primary School (SEN)***

**[2016] UKUT 0468 (AAC):** A school was found to have discriminated against a disabled child by putting her on a part-time timetable without providing any other support for the time she was out of school.



