

Rochdale
SENDiass

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

Part time Timetable

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

01706 769 634

Rochdale.sendiass@barnardos.org.uk

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

Statutory Guidance

- Exclusion from maintained schools, academies and pupil referral units in England 2017
- School Attendance 2019

Part time Tables

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

Section 7 of 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 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.

LA's have 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 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 Guidance 2019

'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 timetable 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.

[Parent's name and address]

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

[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 that exclusion is only lawful if the decision to exclude is taken by you, as the headteacher. I also understand that when you make the decision to exclude, you must write to me to provide notice of the exclusion. This notice must contain the following:

- Confirmation of the period of the exclusion,
- Whether the exclusion is for a fixed period, or permanent,
- The reason for the exclusion,
- Parental rights to make representations to the Governing Body about the exclusion,
- The process for making representations,
- Parental rights to attend at an appeal hearing, and to bring representation, if the
- exclusion is permanent.

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 do 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

[Parent's name and address]

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

[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 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 statutory duty to implement provision is hindered by 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.

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, 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 which 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.

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.