

# Guidance on Reduced Timetables in Schools and Early Years Provision



## Document revision history

Date	Version	Summary of changes	Author/Revised by
28/5/21	1	Circulated to Ealing PESTS and ISAID and ELP SEN Quality lead for review and comments	Jackie Carolan
10/06/21	2	Comments from Ealing ISAID	Mariya Zlatinova
21/06/21	3	Circulated to Sally King Project Manager	
22/06/21	4	Formatting issues Comments included	Sally King
17/7/2021	5	Links and comments incorporated	Jackie Carolan
23/9/2021	6	Clarity on 2year funding link embedded	SEN Inclusion committee

## Table of Contents

<b>Document revision history.....</b>	<b>2</b>
<b>1. Introduction .....</b>	<b>3</b>
<b>1.1 Purpose of this Document .....</b>	<b>3</b>
<b>2. What does the Law say? .....</b>	<b>4</b>
<b>2.1 Nursery provision entitlement .....</b>	<b>6</b>
<b>2.2 Age, Entitlement and Attendance.....</b>	<b>7</b>
<b>2.3 Part-time timetable and exclusions.....</b>	<b>7</b>
<b>2.4 Legal Duties of schools and settings .....</b>	<b>8</b>
<b>2.5 What do the duties cover? .....</b>	<b>8</b>
<b>3. When might a reduced timetable be used? .....</b>	<b>9</b>
<b>3.1 Reasons for agreeing to a reduced timetable .....</b>	<b>9</b>
<b>4. What do schools and settings have to do? .....</b>	<b>10</b>
<b>5. References .....</b>	<b>11</b>
<b>6. Useful documents .....</b>	<b>11</b>

## 1. Introduction

Good attendance at school and early years provision is one of the most important factors in ensuring that children and young people have the maximum life chances. Good attendance is strongly linked to positive outcomes for children and young people, as well as overall development. Promoting positive full attendance is therefore everyone's responsibility.

### In Ealing 3.1 Our vision

*"Working together as a community so that all our children and young people can be the happiest and the best they can be"*

[Ealing SEND strategy for provision and inclusion 2018-22.pdf \(egfl.org.uk\)](#)

## 1.1 Purpose of this Document

This guidance sets out the legal obligations and suggested approaches for all Schools and Early Years Settings in Ealing, (hereafter referred to as settings); when they are considering the use of reduced timetables (sometimes referred to as 'part-time' timetables).

Children and young people have a legal right to attend full time educational provision as soon as they reach eligibility, this includes their early years entitlements as well as when they reach statutory school age. All children and young people, regardless of their circumstances, are entitled to a full-time education which is suitable to their age, ability, aptitude, regardless of any special educational needs they may have.<sup>1</sup> Children with SEND (Special Educational Needs and Disabilities) have higher patterns of non-attendance and more likely to be on a reduced timetable than their peers. Missing out on school and early years provision can leave children vulnerable to falling behind in all aspects of their development. It may also place them at risk of slipping below the radar of the local authority, and a potential safeguarding risk.

Reducing children's access to education or delaying their admission to an educational provision as a direct result of their special educational need or disability is a serious matter and could constitute as direct discrimination and be legally challenged .

---

<sup>1</sup> Sec 19 of the Education Act 1996- compulsory school age and full-time, suitable education

Education Act 1996:

<https://www.legislation.gov.uk/ukpga/1996/56/section/19>

In rare circumstances a school or setting may reduce the timetable of a child. However, the school or setting must not do so without securing parental agreement. Reducing the entitlement to education of children with SEND places them at a disadvantage and, in addition, it could be construed as an unofficial exclusion. This is unlawful. Every effort should be made to support a child or young person to access full provision; the threat of exclusion must not be used to influence parents to engage with a part-time timetable.

The statutory guidance '[Exclusion from maintained schools, academies and pupil referral units in England](#)'<sup>2</sup> confirms (**at paragraph 14**) that 'informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. This includes children who are below compulsory school age (those under 5). Every effort should be made to support a placement, including accessing external, advice and support in managing behaviours that challenge. Partnership and communication with parents is vital in ensuring the best possible transition is planned for their child.

## 2. What does the Law say?

Direct disability discrimination occurs when a school or setting treats a disabled pupil *less favourably* because of their disability than it treats, or would treat, a non-disabled pupil.

### Reasonable adjustments

Schools and settings have a statutory duty to ensure they make **reasonable adjustments** to ensure equality of access to provision. This duty is anticipatory. The duty to make reasonable adjustments requires a school or setting to take positive steps to enable disabled pupils to fully participate in all aspects of school life – to ensure that they are not placed at a substantial disadvantage compared to non-disabled pupils. As this duty is an anticipatory one settings need to think in advance about what disabled pupils might require and what adjustments might be needed.

### What is unlawful disability discrimination?

#### Example 1

**An autistic pupil is excluded from a school trip because the school believes that she will not be able to participate in the activities, but no consideration has been made to make reasonable adjustments. This is likely to be direct disability discrimination.**

---

2

[Exclusion from maintained schools, academies, and pupil referral units in England \(publishing.service.gov.uk\)](#)

In this example, it is because of the child's disability that the school decide he will not be able to attend activities offered to all children . This is likely to be **direct discrimination**. Under Equalities legislation , there is no justification for direct discrimination. **Direct disability discrimination is always unlawful.**

**Indirect disability discrimination** in terms of school exclusion, indirect disability discrimination can occur if a school applies a 'blanket' behaviour policy in the same way to all pupils, which has the effect of putting a group of pupils who share a protected characteristic (such as disability) at a disadvantage and the school cannot show that it is justified: a 'proportionate means of achieving a legitimate aim'. This 'objective justification' test is explained below in the section on discrimination arising from disability.

#### Example 2

**A school has a policy that if a pupil receives three detentions in a term, they will automatically be given a one-day fixed period exclusion. Pupils on the autism spectrum are much more likely to break the school rules than other pupils. Rigid application of this policy is likely to amount to indirect disability discrimination because, where a reasonable adjustment has not been made, a school will find it very difficult to justify the treatment as a proportionate means of achieving a legitimate aim.**

Most discrimination in schools is unintentional and may come about because of rigid policies or practices. Reviewing all practices and policies will help a school to avoid discriminatory practices, as well as help it to comply with the public sector equality duty.

**Discrimination arising from disability** is treating a disabled pupil unfavourably because of something arising in consequence of their disability.

#### Example 3

**A school behaviour policy sets out a 1-day exclusion for any pupil whose behaviour is deemed challenging. A child with a communication impairment misunderstands an instruction at lunch time from a staff member ; the pupil responds inappropriately ; the member of staff interprets her response as bad behaviour ; the incident escalates to the point where the child throws an item across the room; the pupil is excluded, and parent informed can only attend up until lunch time as clearly cannot cope with the lunch routine .**

In this example the behaviour that led to the exclusion may have arisen from the nature of the child's impairment and the exclusion may amount to discrimination arising from disability. The school may be able to justify the exclusion, but only if it was a proportionate means of achieving a legitimate aim, for example that the exclusion was a proportionate means of maintaining

behavioural standards at the school. The school would need to evidence that reasonable adjustments have been put in place .<sup>3</sup>

In rare circumstances a school or setting may reduce the timetable of a child. However, the school or setting must not do so without securing parental agreement. Reducing the entitlement to education of children with SEND places them at a disadvantage and, in addition, it could be construed as an unofficial exclusion. This is unlawful. Every effort should be made to support a child or young person to access full provision; the threat of exclusion must not be used to influence parents to engage with a part-time timetable. Access to outreach support and advice should always be sought in order for strategies and interventions to be explored.

The statutory guidance '[Exclusion from maintained schools, academies and pupil referral units in England](#)'<sup>4</sup> confirms (at paragraph 14) that 'informal' or 'unofficial' exclusions, such as sending pupils home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. This includes children who are below compulsory school age (those under 5). Every effort should be made to support a placement , including accessing external , advice and support in managing behaviours that challenge, often due to anxiety inducing factors.

## 2.1 Early years entitlement

All children are entitled to access **15 hours government funded early education provision starting the term after their third birthday**. Some children are entitled to 15 hours after their second birthday, **this is dependent on parent circumstances**; <https://www.gov.uk/help-with-childcare-costs/free-childcare-2-year-olds>

More recently some children are entitled to 30 hours early years provision, again dependent on parent circumstance. Children with additional needs and those children undergoing assessment for their developmental needs have the right to access the same opportunities and hours as other children.<sup>5</sup>

---

<sup>3</sup> [Equality Act 2010 \(legislation.gov.uk\)](#)

<sup>4</sup>

[Exclusion from maintained schools, academies, and pupil referral units in England \(publishing.service.gov.uk\)](#)

<sup>5</sup> [Early years entitlements local authority funding of providers FINAL.pdf \(publishing.service.gov.uk\)](#)

## 2.2 Age, Entitlement and Attendance

- I. All children **the term after their third birthday are entitled to access 15 hours** early years provision
- II. All children are entitled to equality of access **to full-time education the autumn term after their fourth birthday in Ealing.**
- III. All children of compulsory school age have a right to receive full-time education.
- IV. **Every school has a legal responsibility to provide full-time education** for all its children, including those with special educational needs. This is regardless of whether they have a statutory Education Health and Care Plan.
- V. Schools and settings have **a legal responsibility to ensure that children with special educational needs and/or disabilities** have the right to receive their entitlements, and **every effort is made to make reasonable adjustments to make this happen**; this duty is anticipatory. <https://www.gov.uk/guidance/equality-act-2010-guidance>
- VI. Parents and carers **must ensure that their children of compulsory school age who are registered at school attend regularly.**

## 2.3 Part-time timetable and exclusions

DfE statutory guidance ["School Attendance"](#) (August 2020) on the use of part-time timetable and exclusions is very clear.

### ***Can a school place a pupil on a part-time timetable?***

***As a rule, no.***

*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. 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 record it as authorised absence.*

[School attendance guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

An individual supportive transition agreement(plan) should have a time-limit by which point the child is supported to attend full-time provision or be provided with alternative provision. The plan should highlight the support required to enable the child to access and participate in the provision. It should be responsive to the individuals needs with strategies which are reviewed with parents with a view to building up time. Moving from a place or situation in which children feel 'known' into

one where they feel 'unknown' can raise insecurities about having their entitlements and needs met. Some children have the resilience to cope with change others are more vulnerable.

High quality transition, as a process, rather than an event recognises the importance of 'feeling known'.

**A part-time timetable must not be treated as a long-term solution.**

#### ***The statutory guidance on "[School Attendance](#)" (August 2020)***

A part-time timetable must not be treated as a permanent or long-term plan. The arrangement should always agree an end-date by when it is expected that the child will return to full-time education (or when an alternative will be provided) and be reviewed regularly in the light of any changes to the child's circumstances. A temporary part-time timetable should provide a way to help the child back into full-time education. All reviews of the agreement need to be recorded and parents and local authorities kept informed of this and a clear time-bound frame of working towards child being back into full-time or building up to a full-time offer. **See example of [phased transition Plan -appendix 1](#)**

**It is not acceptable to expect parents to remain in the school or setting with their child other than as part of a reasonably phased transition process.**

## **2.4 Legal Duties of schools and settings**

Schools and settings have a legal duty to meet the requirements of the Equalities Act. All schools are covered by part 6 of the Equality Act 2010, and the Early settings by part 3 of the Eq Act 2010.

## **2.5 What do the duties cover?**

### ***[The Equality Act \(2010\) states:](#)*<sup>6</sup>**

Schools must not discriminate against a pupil, or a child or young person who might become a pupil at the school. Equalities Act covers:

- admissions.
- the provision of education.
- access to any benefit, facility, or service.
- exclusion or other forms of detriment, that is, other forms of disadvantage.

---

<sup>6</sup> [Equality Act 2010 \(legislation.gov.uk\)](#)



The duties cover not just teaching and learning in classrooms, but lunchtimes, clubs and activities, school trips and, in effect, the whole life of the school.

These duties also sit alongside other requirements on schools and settings, in particular:

- [The Statutory Framework for the Early Years Foundation Stage](#);
- [The Children and Families Act 2014 and Special Educational Needs and Disability Code of Practice 2015](#).

Schools and settings have a duty to have effective policies and practice in place, which enable the inclusion of all children, including at times of transition which can be a challenging time for some children. They must ensure that their policies and practices do not directly or indirectly discriminate against children by unfairly placing them at greater risk of exclusion through lack of planning and preparation. These policies and practices must be compliant with the Equalities Act. A child should not be put on a part-time timetable because of their special educational need as this may constitute as discrimination.

In some cases, a special educational need may also be a disability and therefore constitute a protected characteristic under the Equality Act 2010.

### 3. When might a reduced timetable be used?

Children with SEND are more likely to require multi-agency services to address their full range of needs. These services should not be delivered as an alternative to access to provision and should not impact on a child's attendance. Any agreement to introduce a part time timetable should be discussed at a **Team Around the Family meeting**, with a clear and evidenced rationale for the reduced hours, aimed at supporting the needs and full inclusion of the child.

**A plan for a maximum of no longer than 6 weeks of reduced or part-time timetable is advised, with a review time at approximately 4 weeks to review progress.**

The use of a reduced timetable for a child must as stated above, be an **exceptional** measure and can only be arranged with parent agreement. Schools and settings have a responsibility to *'use their best endeavors to ensure that a child with SEN gets the support they need- this means doing everything they can to meet children and young people's SEN'* SEND Code of Practice (COP) 2015, 1.24 <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

#### 3.1 Reasons for agreeing to a reduced timetable

A school or setting and parent (and the child themselves where appropriate) may agree to a reduced timetable for a number of reasons, which could include:

- I. Medical/health reasons - where a child has a serious medical condition where recovery is the priority outcome or where a health care plan is in the process of being developed.

- II. As part of a short-term support package (no longer than 6 weeks) where a child is struggling in the school or setting. The plan should be in response to the child's needs.
- III. As part of a planned reintegration into school following an extended period of absence.
- IV. When an in-year admission is received and the child's needs are complex, information is gathered to establish a clear understanding of how the child's needs will be met.

**The threat of exclusion must not be used to influence parents to engage with a part-time timetable.**

#### 4. What do schools and settings have to do?

- I. Seek support and advice from professionals and services beyond the school to explore all options of support prior to considering a reduced timetable, for example Outreach Support, Training, transition planning. [ELP SEN support expectations | Ealing Grid for Learning \(egfl.org.uk\)](#)
- II. Undertake a risk assessment and if there are safeguarding concerns, advice must be taken from designated safeguarding leads
- III. Carry out an assessment using the Early Help Assessment (EHAP) to establish whether there are wider needs and identify the support required from other agencies (if **not already open**)[Early Help Assessment and Plan \(EHAP\) | Early Help Assessment and Plan \(EHAP\) | Ealing Council](#)
- IV. School leaders should regularly evaluate SEN provision and consider how expertise and resources can be used to build the quality of whole school SEN provision. This should be reflected in school improvement planning '(SEN Code of Practice 6.3) Provision should include detail of transition arrangements for children with SEND.
- V. Schools and settings must seek parental agreement before a child attends on a reduced timetable.
- VI. Schools and settings must review and record the arrangement regularly and keep the LA informed. This information can inform ongoing assessment for the child /young person, consideration of and education health and care assessment or annual review.
- VII. Schools and settings must involve parents in regular reviews of any arrangement and seek parent agreement at each stage.
- VIII. Devise a plan Jointly with parents/carers. Ensure objectives and timescales are clearly defined
- IX. Schools and setting must record the actual hours a child is in attendance on their respective recording systems to inform the relevant financial processes, using the appropriate codes. [School attendance guidance \(publishing.service.gov.uk\)](#)
- X. All schools must report the arrangement to Ealing Council as soon as it is agreed, and updates must be sent each time the arrangement is reviewed. Settings must submit funding

claims each month on the Early Years portal which reflect the actual hours. Schools must ensure submissions are entered correctly on attendance systems based on actual attendance arrangements.

- XI. Complete a notification form and email to ....

## 5. References

- [Equality Act 2010: advice for schools - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- [equality-act-early-years\\_online.pdf \(councilfordisabledchildren.org.uk\)](http://councilfordisabledchildren.org.uk)
- [equality-act-schools\\_online.pdf \(councilfordisabledchildren.org.uk\)](http://councilfordisabledchildren.org.uk)
- [Equality Act 2010 \(legislation.gov.uk\)](http://legislation.gov.uk)
- [School attendance guidance \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)
- Exclusion from maintained schools, academies and pupil referral units in England  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/921405/20170831\\_Exclusion\\_Stat\\_guidance\\_Web\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921405/20170831_Exclusion_Stat_guidance_Web_version.pdf)
- <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

## 6. Useful documents

- [Informal exclusions | \(IPSEA\) Independent Provider of Special Education Advice](#)
- [Ealing SEN Support Expectations](#)
- [Ealing SEND and inclusion strategy 2018-22 | Ealing Grid for Learning \(egfl.org.uk\)](#)

## Appendices

### Example phased transition plan -appendix 1