



## Cumbria SEND Information, Advice and Support Service

Offering impartial information, advice and support to children and young people with special educational needs and or disabilities and their parents & carers.

### Part-time timetables

Where a child is of compulsory school age, parents have a duty to ensure that they receive suitable “full-time” education: **s7 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/her to receive efficient full-time education suitable-*  
*a) To his/her age, ability and aptitude and*  
*b) To any special educational needs he/she may have, either by regular attendance at school or otherwise.”*

The Local Authority (LA) have a duty under **2.19 Education Act 1996** to educate pupils who cannot attend school due to illness, exclusion or other reason.

Education 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 timetable to meet the individual pupil’s 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 a part-time timetable** - Education settings do sometimes place disabled children or children identified as having special educational needs on part-time timetables. The reasons stated by the settings include preventing exclusion / challenging behaviour / school cannot meet need.

In relation to preventative measures, the Education Act 1996 states that a child of compulsory school age has a right to a full-time education. Schools have a duty to place children or young people on SEN support if a special educational need is identified and to make 'reasonable adjustments'. These adjustments could include providing extra support and aids, such as specialist teachers or equipment. (Equality Act 2010).

If behaviours are deemed 'challenging', then this can often be an indication of an unmet need. In line with the SEND Code of Practice the school should assess needs, including involving other professionals, put in place appropriate intervention and support and review progress. The school should also consider carrying out an Early Help assessment to eliminate any other factors, other than SEND, which might be impacting on the child's behaviour in school. If appropriate the school could decide to request an EHC needs assessment to help to identify needs. A part-timetable should only be considered in '*very exceptional circumstances and in full agreement with parents*'.

The majority of 3 and 4 year old children are entitled to 750 hours per year free childcare, which is usually offered as 15 hours per week over 38 weeks. This part time offer is available until children start in a reception class at school or reach compulsory school age, if later. If a child has been identified as having SEND a nursery or school may suggest part time attendance initially to aid transition. Many nurseries and reception classes may start the child's transition into their setting for a few hours each day and build up to a full-time place. This allows the child time to settle in and also for the staff to begin to get to know the child and assess their needs. This is acceptable and generally parents want the start of their child's time in the setting to be successful. Children will vary in the time it may take them to settle in new surroundings, some much quicker than others but settings should all the time keep parents informed. If you disagree with this you can argue, **under the Equality Act 2010**, that your child has been denied what might be offered to their peers for a reason related to his/her disability.

**Parents can:**

- Refuse a part-time timetable.
- Accept a time-limited part-time timetables dependent on the child's needs with a view to progressing as quickly as possible back into full time education.
- Make school aware that it would be unlawful to not provide their child with a full-time education.
- Request that the school apply for emergency funding if the child is new to the school and special needs are obvious unless the child already has an EHCP.



- Discuss with the school/setting a request for an education, health and care needs assessment. Parents themselves can also put this request forward to the local authority.
- Consider a move to another school although this would not be advisable as there would possibly be the same issues and a move could result in a delay in assessing needs.
- Complete a formal complaint following the school/settings complaint procedure if the school continues to use a part-time timetable.

#### Case Law

**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 appropriate education.

**F-T v The Governors of Hampton Dene Primary School (SEN) [2016] UKUT 0468 (ACC):** A school was found to have discriminated against a disabled child by putting her on a part-timetables without providing any support for the time she was out of school.