

Telford & Wrekin

Policy & Procedures for Pupils who are on a Modified Timetable

This document is written in line with recommendations from:

- *School Attendance, DfE Guidance - August 2020*
- *Keeping Children Safe in Education, DfE Guidance - September 2021*
- *Children Missing Education, DfE Guidance for Local Authorities - September 2016 (due for review)*
- *The Education (Pupil Registration) (England) (Amendment) Regulations - 2016*
- *Parental Responsibility Measures for School Attendance and Behaviour, DfE Guidance - January 2015*
- *Supporting Pupils at School with Medical Conditions, DfE Guidance - December 2015*
- *Section 436A of the Education Act 1996*
- *Securing Good Attendance and Tackling Persistent Absence, DfE Guidance February 2022*

Modified Timetables

Part 1: Guidance around the use of a Modified Timetable.

The DfE statutory guidance (DfE School Attendance – August 2020) on the use of modified timetables is very clear and states that **'all pupils are entitled to a full-time education and in very exceptional circumstances there may be a need for a temporary part-time timetable to meet an 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.**

*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.***

The Local Authority (LA) has a duty to identify who these children and young people are and what education they receive each week. They have this duty to firstly support the safeguarding of children and young people, and secondly they have a statutory responsibility to inform OFSTED at the point of inspection of Children's Services of all children and young people who are missing education in any form.

Any agreement of a modified timetable must be after fully consulting with, and with the signed consent of the parent(s). In consulting with parents it should be clear that it is a time limited intervention, with an agreed date when the child or young person is expected to have returned to school full time and that the school will provide work for the remaining hours of the child or young person's school day. **It must also be very clear that the parent is aware that they are consenting to take full responsibility for the pupil and ensure they are supervised when not in school.**

Section 7 of the Education Act 1996 places a duty on parents to secure education for children of compulsory school age either by regular attendance at school or otherwise.

'The parent of every child of compulsory school age shall cause him to receive efficient 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.'*

Regular attendance at school was defined in case law in the Isle of Wight V Platt case in April 2017 as being, *'in accordance with the rules prescribed by the school. i.e. every day that the school is open to pupils.'*

Part 2: Criteria for Placing a Pupil on a Modified Timetable.

There are a very limited number of reasons why a school might consider the use of a modified timetable. For the majority it will be related to health issues, and will therefore be supported by medical evidence. The pupils will:

- a) Have medical needs other than mental health needs, (including pregnancy where any absence would be similar to that of an employee on maternity leave)
- b) Have mental health needs and access services, for example the BeeU Service (CAMHS) either as an in-patient or through services provided in the community. *N.B This may include anxieties resulting from the Coronavirus pandemic where schools are working in partnership with parents to ensure the child is supported through to a timely return to school.*

There is a much smaller group of other children and young people who might require the support of a modified timetable for a very short period of time and where there is a clear plan to ensure the pupil is receiving full time education in a planned timescale. These are most likely to be pupils who:

- c) Have particular social, emotional and behavioural difficulties and have personalised learning plans: this means that, by arrangement, they do not attend their usual school full time.

Schools have a responsibility to monitor and evaluate the achievement of all pupils on their roll. **Pupils who are not in school full time should be provided with sufficient and appropriately differentiated work to do for those hours they are not in school.** Arrangements should be made to ensure that the work is regularly marked; assessed and constructive feedback is given to the pupil.

Part 3: Pupils with Medical Needs.

In September 2014 a new duty was introduced to ensure that Governing bodies make arrangements to support pupils at school with medical conditions. The related guidance was updated in December 2015 and contains both statutory and non-statutory advice.

The key points are that:

- Pupils at school with medical conditions should be properly supported so that they have full access to education, including school visits and physical education.
- Governing bodies must ensure that arrangements are in place in schools to support pupils at school with medical needs.
- Governing bodies should ensure that school leaders consult health and social care professionals, pupils and parents to ensure that the needs of children with medical conditions are properly understood and effectively met.

Some pupils with medical conditions may be considered to be disabled under the definition set out in the Equality Act 2010. Where this is the case Governing bodies must comply with their duties under that Act. Some may also have special educational needs (SEND) and may have an Education, Health and Care Plan (EHCP) which brings together health and social care needs, as well as their special educational provision. For pupils with SEND this guidance should be read in conjunction with the Special Needs and Disability Code of Practice.

When considering arrangements, other than full time school, for pupils with medical conditions it is important to:

- Indicate specific support for the pupils educational, social and emotional needs.

- Ensure that a pupil with a medical condition is supported in enabling as full participation as possible in all aspects of school.
- Demonstrate that a reduced timetable is appropriately supported with advice/evidence from a clinician such as a consultant, BeeU representative or G.P.
- Note that pupils with medical conditions should have access to as full an education as possible given their individual circumstances.
- Notify the LA of all pupils who are not attending school for more than 10 school days, this will include those who are in hospital.

Part 4: Pupils with Educational, Health and Care Plans (EHCP) and pupils with disabilities.

It is not expected that pupils who have an EHCP will become subject to a modified timetable in school. A modified timetable should only be implemented in very limited and exceptional circumstances and always with the agreement of the LA SEND officer and if a Child in Care, the agreement of the Virtual School Headteacher & Team Manager for Social Care (see also Part 5). An Annual Review should be arranged to discuss provision before any amendment to provision is agreed.

A pupil should not be subject to a modified timetable because of their disability or special educational need as this is discriminatory. In some cases a special educational need can also be a disability and therefore constitute a protected characteristic under the Equality Act 2010.

For any pupil with an EHCP, the use of a modified timetable should be seen as an exceptional circumstance in the short term. It is expected that an Annual Review is arranged for the provision to be discussed and that the SEND officer is involved in the meeting. Schools should note that if a pupil with an EHCP is placed on a modified timetable the funding attached to that pupil may be withdrawn.

Part 5: Children in Care (CiC).

Children in Care are amongst our most vulnerable pupils and therefore a modified timetable **should not be considered and would only be implemented in very limited circumstances** when all other strategies have been tried and in full agreement with the child or young person's Virtual School Headteacher for Children in Care.

- A modified timetable should only be implemented after a professionals meeting has been called with all stakeholders and a final sign off is authorised by the Virtual School Headteacher and Team Manager of Social Care. The MTT is of a limited time duration and is/should be reviewed weekly by all stakeholders.
- Details of targets around the modified timetable provision should be noted in a PEP alongside use of (PPG) to support the modified timetable.
- A modified timetable should not be implemented without written parental agreement for whoever holds PR (Parental Responsibility) for the child. In the case of children accommodated under Section 20, it is the parents for those on an interim care order or the Social Worker for those on a full care order.

Part 6: Children Subject to a Child Protection Plan or Children in Need Plan.

Children subject to a CP plan should not be on a modified timetable. Children on a Child Protection (**CP**) or Child in Need (**CIN**) plan are extremely vulnerable and may be placed at a greater level of risk if placed on a modified timetable. It is essential these children are seen daily at school, similarly to during the pandemic when vulnerable children were expected to be attending school.

A modified timetable from school for pupils subject to a **CP Plan** or a **CIN Plan** should only be implemented in the most exceptional circumstances, for example, if they have been diagnosed with a medical condition and are receiving treatment which makes them physically unable to attend school. Provision should be implemented by the school for the child to be visited by a member of school staff to do weekly 'Safe & Well' checks and online learning platforms should be made available to the child.

If a school is considering a modified timetable in exceptional circumstances for a child on a **CP Plan** or **CIN Plan** it is expected that they have consulted with the child's social worker and under the new extended duties of the Virtual School Headteacher, discussion is sought for advice, support and guidance. In any event of an MTT being agreed and implemented the details should be recorded at a core group (or equivalent) meeting. Furthermore, details of arrangements of how the school is ensuring that the child is kept safe must be agreed and recorded.

Part 7: Illegal Exclusion

A modified timetable which does not have a clear objective, a specified end date, a review process, and the clear agreement of the parent/carer would constitute an **illegal exclusion, and as such is not lawful.**

Part 8: Key Points in relation to Modified Timetables.

- A modified timetable should not be a generalised practice, it should only be considered in very exceptional circumstances.
- It should always be discussed and agreed at a formal meeting. E.g. Early Help Review, Annual Review, PEP Review.
- It should be reviewed regularly, at least fortnightly or weekly for the most vulnerable pupils i.e. Children in Care, or on a CP Plan, or CIN plan.
- It is a short term strategy, and should be used as part of a clear plan moving towards resuming full time education in a timely manner.
- Only in exceptional circumstances should a pupil be placed on a modified timetable for more than half a term.
- Where there are significant health related issues these should be supported by appropriate medical evidence.
- The objectives should be clear and easily understood.
- A modified timetable should be a joint decision between the school and the parent.

- Where a parent is not in agreement, placing the pupil on a modified timetable is an **illegal exclusion, and therefore must not happen.**
- It is imperative that the modified timetable form is signed by the parent as they are consenting to take full responsibility for the pupil and ensure they are supervised when not in school.
- The LA must be notified of the date a modified timetable starts, is reviewed and ends.
- The LA will not take legal proceedings for non-school attendance if a MTT is in place. The school must write to the parent to end any MTT and inform them the pupil must resume full time attendance. This can then be monitored and legal action can be considered if necessary.

The Access and Inclusion team will collate, record and review the information on a regular basis to ensure that it is linked to the LA's central record.

Part 9: Use of Alternative Provision.

Where a school arranges for a pupil to access an alternative provision provider, the **school continues to be responsible for the safeguarding of that pupil, and should be satisfied that the provider meets the needs of the pupil. If the provision is a full time offer this is not a MTT.**

Schools should obtain written confirmation from the alternative providers that appropriate safeguarding checks have been carried out on individuals working at the establishment, i.e. those checks the school would have performed in respect of its own staff.

The school must continue to:

- Ensure that the pupil is safe.
- Monitor the attendance of the pupil.
- Assure the quality of the education the pupil is receiving.
- It is the responsibility of the school to ensure that the alternative provision is not operating as an unregistered school. The criteria by which a school or setting needs to be registered is defined by the DfE as:

Full time education is provided for:

- (a) five or more pupils of compulsory school age
- (b) one or more such pupils with an EHCP or who is looked after by the LA.

The DfE considers an institution to be providing 'full time' education if it provides or intends to provide, all or substantially all, of a child's education. It is considered that if an institution other than the school, provides more than 18 hours per week that this would be classed as full time.

Therefore the school needs to ensure that any alternative provision used does not meet the criteria to be registered (as above). The school needs to be satisfied that the alternative provision is not providing a full time education for any of the students attending the provision including those on roll with other schools.

Under the Education (Pupil Registration) Regulations 2006, a school must maintain a register of all pupils at the school and Section 3 of the Education Act 1996 defines a pupil as someone for whom education is being provided by the school. Legally, being a pupil and attending a school are based on physical presence. Therefore allowing the whole of a pupil's education to be delivered elsewhere, and by someone, other than the school means that the individual pupil does not meet the expectations of a pupil attending a school.

Schools can therefore only subcontract provision (Alternative Provision) for pupils who:

- Attend school for at least one element of their programme throughout the academic year; and
- Attend the school at least once a week.

It should also be noted that pupils may not be taken off the roll of a school if they are attending alternative provision. This is not lawful and is seen as 'off rolling'.

Part 10: Marking the Register.

The absence from school when a pupil is subject to a modified timetable is an authorised absence and therefore should be marked as registration code 'C'.

If the pupil is attending an '*Approved Educational Activity*' and when pupils are present at the off-site educational activity that has been approved by the school, the pupil absence may be recorded as registration code 'B'. It should be noted that the B code should not be used where a pupil is using an online learning package at home or elsewhere off the school site unless this activity is supervised.

It should be noted that Ofsted will expect to visit all off site alternative provisions attended by pupils at the school when the school is inspected and that school leaders are responsible for both the quality assurance of the provisions and ensuring appropriate regular safeguarding checks are in place.

The DfE publication 'School Attendance, Departmental advice for maintained schools, academies, independent schools and local authorities', published November 2013 and updated August 2020, provides the statutory guidance for all schools. The Attendance Support Team can offer further advice on appropriate registration coding.

Useful Contacts:

Access and Inclusion - accessandinclusion@telford.gov.uk

The Attendance Support Team - attendancesupportteam@telford.gov.uk

SEND Team - sendandinclusion@telford.gov.uk

Virtual School - virtualschool@telford.gov.uk