

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 July 2019,*
- *Keeping Children Safe in Education, DfE Guidance June 2019*
- *Children Missing Education statutory guidance for local authorities September 2016 (due for review in September 2019)*
- *The Education (Pupil Registration) (England) (Amendment) Regulations 2016:*
- *Parental Responsibility measures for school attendance and behaviour, DfE Guidance November 2013*
- *Supporting Pupils at School with Medical conditions DfE Guidance Feb 2014*
- *Section 436A of the Education Act 1996*

Modified Timetables

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

The DfE statutory guidance (DfE School Attendance July 2019) 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 table 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.

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 the BeeU Service (CAMHS) either as an in-patient or through services provided in the community.

There is 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 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 (SEN) 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 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 15 days, this will include those who are in hospital.

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

A modified timetable should only be implemented in very limited circumstances. 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 short term. Where it continues for more than a few weeks, it is expected that an Annual Review is arranged 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 only be implemented in very limited circumstances** when all other strategies have been tried and in full agreement with the Virtual Head for Children in Care.

- A modified timetable should only be implemented after a review of the child's Personal Education Plan (PEP).
- 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 full care order this is the Social Worker.

Part 6: Children Subject to a Child Protection Plan.

Children on a Child Protection (CP) plan are extremely vulnerable and may be placed at a greater level of risk if placed on a modified timetable. A modified timetable from school for pupils subject to a Child Protection Plan should only be implemented in the most exceptional circumstances and when all other interventions have been tried.

If a school is considering a modified timetable for a child on a Child Protection Plan it is expected that they have consulted with the child's social worker and any such modified timetable is implemented following a core group meeting.

Part 7: Illegal Exclusions

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

• Part 8: Key Points in relation to Modified Timetables.

- A modified timetable should not be a generalised practice.
- It should be discussed and agreed at a formal meeting. Eg. Early Help Review, Annual Review, PEP Review.
- It should be reviewed regularly, at least fortnightly or weekly for the most vulnerable pupils i.e. those in care or on a CP.
- 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.
- 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 and ends.

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.**

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 Local Authority.

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 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 a C registration code.

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 July 2019, provides the statutory guidance for all schools. The Attendance Support Team can offer further advice on appropriate registration coding.

Useful Contacts

The Attendance Support Team
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Access and Inclusion
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