

Telford & Wrekin

Protocol & Procedures for Pupils who are on a Modified Timetable

'Improving attendance is everyone's business.

'Schools and partners should work with pupils and parents to remove barriers to attendance by building strong and trusting relationships and working together to put the right support in place.'

'A part-time timetable should not be used to manage a pupil's behaviour'

Working together to improve school attendance- Guidance for maintained schools, academies, independent schools and local authorities- published May 2022. Applies from September 2022

This document is written in line with recommendations from:

- *School Attendance, DfE Guidance - August 2020*
- *Keeping Children Safe in Education, DfE Guidance - September 2022*
- *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*
- *Working together to improve school attendance- Guidance for maintained schools, academies, independent schools and local authorities- published May 2022. Applies from September 2022*

PURPOSE

It is widely recognised that school is a protective factor for many vulnerable children. If children are in school and engaged in education they are not exposed to other risk factors and unless they attend school regularly they cannot benefit from their education.

‘For the most vulnerable pupils, regular attendance is also an important protective factor and the best opportunity for needs to be identified and support provided’ (School Attendance-Guidance for maintained schools, academies, independent schools and local authorities-published May 2022)

It is therefore important that the use of modified timetables is kept to a minimum and that they are only used as an exceptional measure, when appropriate, when all other measures to support the pupil have failed, and that they are kept under regular review. There should be a consistent, inclusive approach to their use, focusing instead on preventative early intervention. The purpose of this Policy is to:

- Identify a good practice approach for all schools in the appropriate use of modified timetables which will protect both pupil and school.
- Secure a more consistent approach because the use of a modified timetable for an extended period of time, or in cases where issues have not been addressed, can have a serious impact upon the success of attempts to increase access to education.

SCOPE

Telford and Wrekin Borough Council has an overarching responsibility for the educational attainment and safety of all children of school-age in the Borough and schools have a duty of care towards their pupils. This Protocol therefore:

- Applies to pupils of compulsory school age so does not apply to the ‘staggered’ introduction of reception-aged pupils.
- Does not apply to pupils on a personalised curriculum, **as long as the pupil has a full-time offer of education.**

It also provides:

- Guidance on the appropriate use of modified timetables.
- Appropriate templates to support schools (appendix 1)
- “Schools” means all maintained Telford and Wrekin schools, academies and alternative provision settings.

Definition

A timetable is considered modified when the total hours provided are less than those provided to the majority of the peers of the pupil in that setting.

Education should be suitable to a child's age, ability and aptitude, taking into account any special educational needs. All pupils should receive full time education consistent with their key stage:

21 hours at Key Stage 1
23.5 hours at Key Stage 2

24 hours at Key Stage 3 & Year 10
25 hours at Year 11

Pupils who have a personalised curriculum are not considered to be on a modified timetable, provided that:

- The personalised curriculum provides the pupil with full-time education provision.
- Any provision not delivered on the school site has been approved by the school, is of an educational nature and is supervised by a person authorised by the school.
- The school has a mechanism in place for ensuring that the pupil is attending the alternative provision and should accurately record attendance.
- The school has visited the provision to ensure that there are no safeguarding risks.

PROTOCOL COMMITMENTS

- To protect every child's right to an education.
- To assist schools in ensuring that no pupil is excluded illegally through the imposition of a modified timetable.
- To help schools to guard against off-rolling by following good practice.
- To ensure that modified timetables are recorded on individual pupil records held on the local authority education database and can therefore be reported to Ofsted.

There may be times in a child or young person's life when they cannot access 25 hours of education per week; a modified timetable or other alternative arrangement may be appropriate in those circumstances. It is the responsibility of everyone working with children and young people, or schools, to check that any such arrangements are planned in accordance with an assessment of the child's educational, social, emotional and health needs and regularly reviewed to ensure that they continue to meet the needs of the child or young person, which may change over time.

Telford and Wrekin Council remains committed to every child's right to a full-time education offer and makes clear the requirement that **a modified timetable cannot be implemented** without:

- An assessment of need having taken place to ensure that it will benefit the pupil.
- Written agreement from a parent\carer.
- An interim or early Annual Review having been called, inviting the relevant member of the Telford and Wrekin SEND team, for pupils with an EHCP.
- The presence of the Virtual School at any meeting where the intervention will be discussed for a child looked after to Telford and Wrekin and their full agreement.
- A supporting Individual Healthcare Plan for pupils with medical needs.
- Schools being able to still evidence educational progress for the pupil.

LEGISLATIVE CONTEXT AND OTHER RELATED DOCUMENTS

Education Act 2002 and 2010 Academies Act

Requires schools to deliver the national curriculum or, for academies, a broad and balanced curriculum.

DfE Working together to improve school attendance- guidance for maintained schools, academies, independent schools and local authorities- published May 2022. Effective from September 2022

*'A part-time timetable must only be in place **for the shortest time necessary** and not be treated as a long-term solution. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend fulltime, either at school or alternative provision. There should also be formal arrangements in place for regularly reviewing it with the pupil and their parents. 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 treat absence as authorised ...A part time time-table should not be used to manage a pupil's behaviour'*

*Schools should 'ensure **high aspirations (for attendance)** are maintained for all pupils, but that processes and support are adapted to the individual needs of particular pupils. This includes those with long term illnesses, special educational needs and disabilities, pupils with a social worker and pupils from cohorts with historically lower attendance, such as eligible for free school meals.'*

Working together to safeguard children 2018

Clarifies an overarching responsibility placed on the local authority to safeguard and promote the welfare of all children.

Statutory guidance: Exclusion from maintained schools, academies and pupil referral units in England

Requires schools to formally record all exclusions. Therefore, sending a pupil home to 'cool off', or refusing to allow a pupil who has not been formally excluded access to the school site, is unlawful regardless of whether they occur with the agreement of parents.

Keeping children safe in education- September 2022

- Safeguarding and promoting the welfare of children is **everyone's** responsibility. **Everyone** who comes into contact with children and their families has a role to play. In order to fulfil this responsibility effectively, all practitioners should make **sure their approach is child-centred**. This means that they should consider, at all times, what is in the **best interest** of the child.
- **All** staff have responsibility to provide a safe environment in which children can learn.
- Staff should 'understand **children can be at risk of harm inside and outside of our school/college, and inside and outside of the harm and online**.
- All staff, but especially the DSL and deputies will consider whether children are at risk of abuse or exploitation in situations outside their families. **Extra-familial harms take a variety of different forms and children can be vulnerable to multiple harms**.

Please also reference 'Keeping children safe in education 2022'

-remote education p36 points 138-139

-alternative provision p42 points 167-168

-children who need a social worker (Child in need and Child Protection plans) p43 points 170-173

-children requiring mental health support p44 points 179-185

-Looked after children and previously looked after children p46 points 186-188

-Children with special educational needs or disabilities or health issues p48 points 198-201

Ofsted Report: Pupils missing out on education

- Established the expectation that all schools should notify the Local Authority of any part-time education arrangements.
- Recommended that each local authority should establish a central record of all children not accessing full-time education in the usual way.

ILACS (framework, evaluation criteria and inspector guidance for the inspections of local authority children's services)

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.

The inspection framework requests at the start of the inspection:

2.05 A report on children, for whom the local authority is responsible, who are of school age and who are not in receipt of full-time school education at the time of inspection. This report should include for each child:

- *child unique ID or UPN and the date of birth*
- *type of educational provision that they are receiving, including home tuition*
- *number of hours provision per week (in particular, whether they are receiving more or less than 25 hours per week)*
- *type of exclusion (if the child has been excluded)*
- *date when alternative provision commenced.*

Education Act 1996

States that it is the duty of parents to secure the education of their children of compulsory school age.

Public sector equality duty

Local authorities are covered by the public sector Equality Duty and must have regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between disabled and non-disabled children and young people.

EXPECTATIONS OF SCHOOLS

Where a pupil is dual registered at more than one provision it is the provision where the child is expected to attend that should submit the modified timetable return to the local authority.

This is because the other provision would be entering a “D” code in the register for these sessions.

- That every child has access to full-time education, to which they are entitled.
- It is important that other intervention strategies are explored, or put in place, before problems become entrenched. These interventions could be delivered in-house, commissioned or external. Collaboration with support services directly connected with schools (such as EWO and Link EP) may be helpful in identifying ways to promote positive change and extend timetables in a timely manner. Further targeted support may be accessed/commissioned through a variety of sources as appropriate.
- A modified timetable should not be implemented without parental permission because it could be construed and challenged as an unofficial exclusion, which is unlawful. The school could also be regarded as preventing the pupil from accessing the curriculum. In these circumstances the school must consider alternative interventions.
- A modified timetable should not ordinarily be agreed for no longer than 6 school weeks.
- Sufficient hours and provision should be offered to enable the pupil to make academic progress.
- Schools should exercise additional care and caution when considering reducing the timetable of vulnerable pupils. The following examples of vulnerable pupils are not exhaustive:
 - CiC (only with the agreement of the Virtual School).
 - Pupils with EHCPs (in partnership with the SEND Team).
 - Regular missing persons.
 - Young Offenders.
 - Persistently Absent pupils.
 - Where there are safeguarding concerns such as a risk of CSE, Strengthening Families involvement, or subject to a multi-agency strategy.
- Pupils should be provided with differentiated work to complete at home during the school week period of their modified timetable. Schools should ensure that it is marked in line with the school marking and feedback policy, to reduce the impact of the temporary provision and modified access to teachers.
- A risk assessment should be carried out before implementation of a modified timetable **in consultation with parents, if possible**. A possible template is part of the MTT notification form.
- All professionals working with the pupil should be consulted when a modified timetable is being considered.
- Schools retain responsibility for the academic progress of pupils on modified timetables therefore the lack of access to a taught curriculum will necessitate intervention to support the pupil **to catch up on work missed**. A modified timetable in itself, without a supporting action plan, will not address the root causes of the problem.
- Modified timetables should be a response to an assessment of need so there should be an **audit trail** to support the proposal, which schools should be able to provide as evidence if required e.g. an Early Help Assessment, a Personal Education Plan, an Individual Behaviour Plan, Pastoral Support Plan, Individual Education Plan or Individual Healthcare Plan.
- The plan should include objectives for the modified timetable that are clearly defined and understood by all parties.

- Schools should ensure that there is a **named member of staff responsible for monitoring each modified timetable**. It is expected that this will be the Senior Member of Staff with the strategic responsibility for Attendance.
- **Sending a pupil home is not “directing them off-site for education”**. Even if work is sent home, there is no quality assurance of the education being provided. Sending a pupil home without an exclusion is an unlawful exclusion.
- Attendance Officers at the school should provide the school EWO\consultation EWO and any T&W case-holders with a copy of the signed Modified Timetable notification form as soon as agreement is reached. This means that oversight can be maintained during attendance audits.
- Schools should maintain signed copies of the MTT notification form and risk assessment which may be useful for audit purposes, or, as evidence should exclusions or behaviour sanctions become necessary in the future.
- Schools should allow Education Welfare Officers, consultation Education Welfare Officers, or other Telford and Wrekin case-holders access to school supporting plans upon which the modified timetable was agreed, upon request.
- Established absence procedures should be followed for pupils on modified timetables, who do not attend as per their agreed timetable, in the same way as for all other pupils, however it should be noted that a modified timetable to support poor attendance is counter-productive. It should also be noted that if a pupil is or has recently been subject to a part time timetable, and enforcement activity in relation to attendance is unlikely to be possible. This is because for the period of the modified timetable the school has been authorising the absence.
- The appropriate use of modified timetables should be referred to in the school Behaviour Policy and usage reported to governors on a termly basis.
- Attendance Officers should keep a central record of all pupils on modified timetables.

Transition between schools and phases of education

At the point of transfer or transition, it is the responsibility of the leaving school to inform the receiving school of any pupil subject to a modified timetable, or who has been subject to a modified time-timetable during the previous year, providing copies of the parentally signed Modified Timetable Notification form and Risk Assessment.

Off-rolling

Ofsted define off-rolling as the practice of removing a pupil from the school roll without using a permanent exclusion, when the removal is primarily in the best interests of the school, rather than the best interests of the pupil. While it may not always be unlawful, Ofsted believes off-rolling is never acceptable.

The 2019 You.gov survey *Exploring the issue of off-rolling* was commissioned by Ofsted and it found that vulnerable students, with SEND or other needs, are more likely to be affected by this issue.

For the purpose of this guidance, **schools could be vulnerable to accusations of off-rolling** when:

- A modified timetable has been implemented without parental consultation and/or permission.

- A modified timetable has been implemented but **no reviews have taken place** or, they have ceased to take place.
- The pupil has SEND or other needs that have not been identified or met.
- A modified timetable has been in place for a significant period of time with no attempts or willingness by the school to increase the hours.
- Other avenues to support the pupil have not been explored or put in place.

If the above circumstances led to a parent feeling under pressure to remove their child from the school roll, as their only option to try and secure greater access to education for their child at another school, this could be viewed as off-rolling.

GUIDANCE STATEMENTS

The school day – sessions

The Education (School Day and School Year) (England) Regulations 2011 state that, for schools maintained by a local authority, every day on which a school meets shall be divided into two sessions which shall be separated by a break in the middle of the day unless exceptional circumstances make this undesirable.

The start and finish times schools set for each session are **set for all pupils**.

The Education Act 2002, Section 32, confirms that it is the responsibility of the Governing Body of all maintained schools for setting the times at which school sessions should begin and end each day.

It is not appropriate for schools to agree a modified timetable that straddles both sessions in a school day, for less than 3 hours, recording a present mark for both the morning and afternoon session.

When might a modified timetable be used?

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:

- Have medical needs other than mental health needs, (including pregnancy where any absence would be similar to that of an employee on maternity leave) The medical reasons being when a pupil has a serious medical condition where recovery is the priority outcome. Arrangements should be part of an Individual Healthcare Plan agreed between the school and health professionals.
- 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.*
- As part of a planned reintegration approach for pupils who have not attended school for a period of time due to illness, disability, mental health issues, family circumstances, post-exclusion etc.

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:

- 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.
- As part of an in-school support package. School, parent/carer and other professionals agree that a short-term (ordinarily, **no longer than six weeks**) modified timetable would support a pupil who has become disaffected, to regain success. This should be a closely monitored intervention to address and manage the impact of significantly challenging behavioural, emotional or social needs.

This is not an exhaustive list, but a modified timetable may be considered a reasonable, proportionate and necessary, time-limited, response in those scenarios.

Telford and Wrekin Borough Council does not consider a modified timetable as an appropriate method of managing poor behaviour, or pupils at risk of exclusion, in the longer term. This intervention should only be considered after other strategies have been exhausted and they should be for the benefit of the pupil.

If a parent refuses to agree to a modified timetable for their child, a full-time timetable should remain in place, other options considered and any professionals or agencies involved with the child consulted.

When should a modified timetable not be used?

- When a child or young person is subject to Child Protection Planning.
- When a child or young person has an **Education Health & Care Plan** and a modified timetable would mean that the provision set out in the plan cannot be delivered.
- When a pupil is subject to an **Education Supervision Order**, without the prior agreement of the Supervising LA Officer who will be an Education Welfare Officer.

Child Protection Planning

When children are made subject to Child Protection Planning a multi-disciplinary meeting has deemed that there is reasonable cause to suspect that the child is suffering, or likely to suffer, significant harm. **It is not, therefore, considered to be an appropriate safeguarding response for such children to be placed on modified timetables.**

If exceptional circumstances exist, they should be raised at conference, or core group meetings, and a time-limited modified timetable should only be implemented if agreement is reached that this strategy is in the best interests of the child. It should then be reflected in the Child Protection Plan and discussed at core group meetings, which focus on achieving the outcomes of the plan.

A modified timetable from school for pupils subject to a **CP 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.

If a school is considering a modified timetable, in exceptional circumstances, for a child on a **CP 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. Furthermore, details of arrangements of how the school is ensuring that the child is kept safe must be agreed and recorded.

It is essential these children are seen daily at school, similarly to during the pandemic when vulnerable children were expected to be attending 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.

Children in Need (CIN)

Under S17 of the Children Act 1989, a child is considered to be in need if:

- They are unlikely to achieve or maintain or have the opportunity to achieve or maintain a reasonable standard of health or development, without provision of services from the local authority.
- Their health or development is likely to be significantly impaired, or further impaired, without the provision of services from the local authority.
- They have a disability.
- If a school is considering a modified timetable, in exceptional circumstances, for a child on a **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. Furthermore, details of arrangements of how the school is ensuring that the child is kept safe must be agreed and recorded.

Children in care (CiC)

Telford and Wrekin Borough Council has a statutory duty to provide full-time education for CLA in line with statutory guidance <https://www.gov.uk/government/publications/promoting-the-education-of-looked-after-children>

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.

If a school is considering a modified timetable for a CiC pupil, **the Virtual School Headteacher, or a representative, must be consulted and invited to the initial meeting and subsequent review meetings.**

- 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.

The Virtual School Headteacher, or a representative, will countersign the Modified Timetable Notification form if arrangements are agreed and should be provided with a copy of the document along with the signed and completed Risk Assessment.

The Virtual School may consider arrangements for the reimbursement of a proportion of pupil premium plus funding that has been paid to the school, to enable top-up provision to be put in place.

Pupils with a Special Educational Need and Disability

Telford and Wrekin Council has a statutory duty to provide full-time education for children with EHCPs. It is not expected that pupils who have an EHCP will become subject to a modified timetable in school.

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.

If a school is considering a modified timetable for a pupil with an EHCP **the relevant LA SEND Officer must be consulted and invited to an early annual review** at the earliest opportunity. Any decision to implement a modified timetable must be in consultation and agreement with the child/young persons' parents and should demonstrate a clear benefit to the child/young person, with a carefully planned transition to a full time timetable. An Annual Review should be arranged to discuss provision before any amendment to provision is agreed.

Schools should ensure that they are compliant with the SEND Code of Practice 2015, the Equality Act 2010.

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.

Schools must supply a copy of the parentally agreed Modified Timetable Notification form and Risk Assessment to their SEND Officer as soon as it has been agreed for pupils with an EHCP.

- In line with Keeping Children Safe in Education 2018, the school will ensure that they have written confirmation from any alternative provider that appropriate safeguarding checks have been carried out on individuals working at the establishment.
- A risk assessment has been carried out.
- There is a specific education focus for each element of the programme.
- Attendance at each element of the programme is monitored so that attendance may be accurately recorded in the attendance register.
- The school satisfies themselves that every venue the young person attends is appropriate for their age and understanding and to meet their individual needs.
- There is appropriate documentation held in the school on the programme.

- Parental agreement has been secured.
- The school will ensure daily contact with the pupil.

Pupils with medical conditions

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.

Reasonable adjustments should be made to accommodate pupils who would otherwise struggle to attend school due to illness or a medical condition.

Pupils who are unable to attend school for medical reasons are covered by the DfE statutory guidance 'Supporting pupils with medical conditions at school'.

<https://www.gov.uk/government/publications/supporting-pupils-at-school-with-medical-conditions--3>

We would expect schools to request written medical evidence in all cases when pupils are reported to be unable to access regular education provision and an Individual Healthcare Plan to have been agreed and implemented, in accordance with the above statutory guidance.

Schools should work closely with health colleagues to develop a robust multi-agency process and policy that supports pupils, through effective identification and review and also to support the development and co-ordination of the education provision for pupils with medical needs.

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 modified 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.

Risk assessments

It is hoped that a comprehensive risk assessment would indicate a reduction in the level of risk to a pupil. A risk assessment that indicated an escalation should contain detailed information to support why continuing with a modified timetable is considered a suitable strategy.

It is not compulsory to use this template, it has been provided to help and support schools. If schools have a template which they prefer to use this is not an issue, **provided that it is fit for this particular purpose** and enables schools to demonstrate a rigorous evaluation and review process.

The review deadlines on the risk assessment may be set on a case by case basis but a school must be able to evidence under external scrutiny of regular reviews of the use of a modified timetable as a strategy and whether it continues to support the needs of the pupil.

Statutory obligations placed upon parents

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.'*

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.**

In cases where parents have given their agreement to the modified timetable and the session is marked in the register as an authorised absence, responsibility for the child rests with parents during these hours. They should be made aware of this at the outset.

A risk assessment should be completed with the parents to identify and reduce potential risks to the pupil whilst on a modified timetable.

Once a parent has agreed a modified timetable for a period of a specific time, if the intervention at the end of this time has not delivered improvement in the child's access to education, other strategies should be considered. If a parent were to agree to a further modified timetable they could be in breach of their duty under the Education Act to ensure their child was in receipt of full-time education.

A suite of letter templates has been attached to the Protocol for use by schools, if they wish, as a means of communicating formally with parents throughout the period of the MTT. (see appendix 1)

EDUCATION WELFARE SERVICE LEGAL INTERVENTIONS

The work of the Education Welfare Service is governed by Section 444 of the Education Act 1996 and The Education (Penalty Notices) (England) Regulations 2007/ 1068 and amendments 2012/1046 and 2013/757 and should be read in conjunction with the guidance to schools produced by Southampton Education Welfare Service. Education Welfare Officers employed by the LA can:

- Investigate potential offences of non-school attendance under Education Act 1996.
- Caution parents/carers under Police and Criminal Evidence Act 1984.
- Prosecute parents/carers for failing in their duty under Section 7 Education Act 1996 to secure education of children of compulsory school age either by regular attendance at school or otherwise.
- Applications for Education Supervision Orders under Section 36 Children Act 1989
- Issue Penalty Notice fines, as an alternative to prosecution, for failing to ensure that their child regularly attends the school where they are registered, or, at a place where alternative provision is provided. This specifically relates to unauthorised absence or unauthorised leave of absence.

There is a direct conflict for the service in progressing cases to court where a pupil does not have an offer of full-time education. It is, therefore, unlikely that legal intervention will be pursued against a parent/carer in such cases.

Education Welfare Officers\consultation Education Welfare Officers will always discuss pupils on modified timetables during attendance audits or through consultation and signed copies of the Modified timetable notification form and risk assessment should be provided to EWOs on request.

EXPECTATIONS OF GOVERNORS

Governing bodies of maintained schools have a duty, under section 175 of the Education Act 2002, requiring them to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children.

The DfE Governance Handbook, October 2020, states that:

- One of the three core functions of governance is holding executive leaders to account for the educational performance of the organisation and its pupils.
- Effective governance is based on six key features, one of which is accountability that drives up educational standards.

Governors should, therefore, be made aware of pupils who are not being offered their entitlement to full-time education and hold the school to account for their educational performance.

'All trusts and governing bodies should provide support and challenge to their schools around current trends on attendance in the school community....

Multi-academy trusts and governing bodies of federations may also wish to hold termly attendance review meetings with each individual school and/or ask them to report on their attendance at defined intervals.’ p23

Working together to improve school attendance- Guidance for maintained schools, academies, independent schools and local authorities- published May 2022- effective from September 2022

Questions Governors could ask of their schools:

- How many pupils does the school currently have on modified timetables?
- Are any of these children subject to CP or CIN Planning?
- How long has each pupil been on a modified timetable?
- What are the reasons for this intervention being implemented?
- Does the school have parental agreement to every modified timetable?
- Does the school have a parentally signed risk assessment in place for each case?
- Do the school believe it is an effective strategy and if so why?
- Does the school have a clear understanding of the individual needs and challenges of each pupil and have they tried to meet them?
- Can the school evidence educational progress for pupils on modified timetables?
- Do any of the cases involve pupils with EHCPs and have the LA SEND Team been involved and an interim annual review called?
- What impact do modified timetables have on whole school attendance figures?
- Is the modified timetable cohort over-represented in any area and has this been explored further e.g. SEND, exclusions, particular year groups?
- Does the school have an effective behaviour policy and is it consistently applied?
- Are Individual Health Plans in place for **every** child on a modified timetable for medical reasons?
- How can the school demonstrate the positive impact of the use of a modified timetable for pupils?
- How is the pupil supported to catch up on missed learning?

POWER OF SCHOOLS TO DIRECT A PUPIL OFF-SITE FOR EDUCATION TO IMPROVE BEHAVIOUR

The September 2017 statutory DfE guidance, Exclusion from maintained schools, academies and pupil referral units in England states that:

‘Informal’ or ‘unofficial’ exclusions, such as sending pupils home ‘to cool off’, are not allowed, even if they are with the agreement of parents. Any exclusion of a pupil, even for short periods of time, must follow the formal process including being formally recorded.’

The DfE document *Alternative Provision. Statutory guidance for local authorities. January 2013* states that:

Governing bodies of maintained schools have the power to direct a pupil off-site for education to improve his or her behaviour. The Secretary of State has made regulations, as is required by the related primary legislation, concerning schools’ use of this power. Under revised off-site regulations the governing body must:

- Ensure that parents (**and the LA where the pupil has a statement of special educational needs**) are given clear information about the placement: why, when, where, and how it will be reviewed;

- Keep the placement under review and involve parents in the review. The regulations specify regular reviews but do not specify how often reviews must take place (that should be decided on a case-by-case basis). Reviews should be frequent enough to provide assurance that the off-site education is achieving its objectives and that the pupil is benefitting from it; and
- Have regard to guidance from the Secretary of State on the use of this power.

This legislation does not apply to academies who can arrange off-site provision for similar purposes under their general powers, set out in the Academy Trust's Articles of Association. Although the regulations and guidance do not apply, they can still provide academies with an example of good practice.

REVIEW AND MONITORING

The following actions may be taken by the LA as part of the strategic oversight of pupils placed on modified timetables:

- Modified timetables will be monitored regularly and the frequency and duration of individual timetables may be scrutinised
- Raise concerns directly with a Head Teacher or Governing Body\Trust.
- Visit the school to further understand individual cases.

Schools should be aware that if the requirement to deliver the national curriculum is not being met and efforts to hold schools to account for improving access to education to an appropriate level are unsuccessful, the Local Authority will consider action through the statutory inspection process and the Scheme for Financing Schools.

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 very 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.
- 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.**
- The LA must be notified of the date a modified timetable starts, is reviewed and ends. If the MTT notification form is incomplete when it is sent to the LA, it will be returned to the school to request the missing information.
- 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.

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'.

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

School Letter 1 (sample) Prior to a Modified Timetable

(Parents name and address, 2 letters if parents are separate and both have parental responsibility)

Date

Dear (Parent's name)

Pupil's name:

Date of birth:

Year group:

I would like to invite you to come to the school to discuss the current provision for(pupil's name), due to concerns we have.

Following a discussion with the Head and other appropriate members of staff, we are considering whether(pupil's name) should be placed on a modified timetable.

Modified Timetables are a short-term arrangement whereby the pupil only accesses the school provision for part of the week, as agreed with parents. For the remainder of the school week, the parent is responsible for making sure school work, provided by the school, is completed and that the child is supervised, at all times.

Modified timetables are only considered when the school feels all other interventions that have been employed have not been successful. The staff and Governors of the school only support the use of Modified Timetables in very exceptional circumstances and continually monitor the progress of pupils where this arrangement is put in place.

We appreciate, as a school, that, having to supervise your child doing school work during the school day could well be an inconvenience for you and could compromise any work arrangements you are committed to. Additionally it may have an impact on other school aged children in the home.

It is for this reason that we would like to discuss what other options there are, before we plan a modified timetable

I would like to invite you to a meeting on:....day (date) at (time) to discuss what can be implemented to support (pupil's name) so that a modified timetable is not necessary.

As a school, we thank you for your support and want to ensure that you are involved in the joint discussions and planning for (pupil's name) and that lines of communication with school staff are kept open and positive. If you are unable to attend, please contact (staff name) as soon as possible to re-arrange a mutually agreeable date and time. We value your contributions and believe it is important that we work together to improve the situation for your child.

Our key priority is to ensure that (pupil's name) is as successful as possible and is able to achieve (his/her) full potential.

The Headteacher has been fully consulted in relation to this request for leave and fully supports the decision made.

Yours sincerely,
(Name) (Job Title)

School Letter 2(sample) invite to discuss the implementation of a Modified Timetable

(Parents name and address, 2 letters if parents are separate and both have parental responsibility)

Date

Dear (Parent's name)

Pupil's name:

Date of birth:

Year group:

As you may be aware (teachers/school staff's name) from school has spoken to you about whether we should be considering a Modified Timetable to support (pupil's name) at this time. Modified Timetables are a short-term arrangement and are only considered in **very** exceptional circumstances.

(Child's name) may benefit from a reduced timetable at this time due to (please complete this paragraph)

The meeting to discuss a potential modified timetable will be on:....day (date) at (time).

As a school we thank you for your support and want to ensure that you are involved in the joint discussions and planning for (pupil's name) and continue to communicate with school staff. If you are unable to attend, please contact (staff name) as soon as possible to re-arrange a mutually agreeable date and time.

The staff and Governors of the school only support the use of Modified Timetables in very exceptional circumstances and continually monitor the progress of pupils where we put this arrangement in place. In addition, the school has a duty to inform the Local Authority of any pupil who is not attending school full time, so we will send the Modified Timetable notification form to the Access and Inclusion Team at Telford & Wrekin Council.

Our key priority is to ensure that (pupil's name) is as successful as possible and is able to achieve (his/her) full potential. It is our intention that (pupil's name) should be accessing a full-time provision as soon as possible and this is the means to achieving this.

I have attached a copy of (pupil's name) attendance for this academic year.

At the meeting to discuss the modified timetable, you will be asked to agree the objectives and will sign to give your permission. Regular reviews of the modified timetable will be agreed, whereby we will meet to decide if the objectives are being met and whether we are moving towards a full time provision. These reviews are held within 6 weeks of the date of the modified timetable. We will invite you to these reviews and value your contribution.

Whilst your child is not in school, we will provide you with work for them to do at home and we will need to make it clear to you that, while they are not in school, you are responsible for the supervision of your child.

The Headteacher has been fully consulted in relation to this request for leave and fully supports the decision made.

Yours sincerely **(Name) (Job Title)**

School letter 3 (sample) when Modified Timetable is reviewed

(Parents name and address, 2 letters if parents are separate and both have parental responsibility)

Date:

Dear (Parent's name)

Pupil's name:

Date of birth:

Year group:

Thank you for your continuing support regarding (Pupil's name) education provision at (name of school) school.

You will recall the initial meeting on when we discussed and agreed a modified timetable arrangement for (Pupil's name). It is now time to review (pupil name's) progress.

The modified timetable review meeting will be on(date) at(time)

I look forward to discussing the modified timetable with you. It is important that you are able to discuss the impact of this intervention with us at school and whether it is achieving the objectives we set out.

If you cannot make this meeting, please contact (staff member's name) to arrange a mutually agreeable time for this meeting.

Our key priority is to ensure that (pupil's name) is as successful as possible and is able to achieve his/her full potential. I would hope that you are able to support this decision.

I have attached a copy of (pupil's name) attendance for this academic year.

Thank you for your understanding and continuing support

Yours sincerely

(Name)

(Job title)

School letter 4 (sample) when Modified Timetable is withdrawn

(Parents name and address, 2 letters if parents are separate and both have parental responsibility)

Date:

Dear (Parent's name)

Pupil's name:

Date of birth:

Year group:

Thank you for your continuing support regarding (Pupil's name) education provision at the school.

You will recall the meeting on when we discussed and agreed a Modified Timetable arrangement for (Pupil's name) .

After reviewing this arrangement, it has been decided that this strategy to support (pupil's) re-integration into school full time isn't working for the following reasons:

-
-

OR

After reviewing the Modified Timetable arrangement we are very pleased with the positive impact and as a result your child is returning to full time education.

Therefore, I am writing to you to inform you that the modified timetable will be withdrawn from(date). This means that (pupil) should resume his/her full time timetable from(date).

A re-integration meeting will be held on(date) and a member of staff will discuss with you and your child, the curriculum and outline any changes that may have occurred during the period of the modified timetable. If you cannot make this meeting, please contact (staff member's name) to arrange a mutually agreeable time for the meeting.

Our key priority is to ensure that (pupil's name) is as successful as possible and is able to achieve his/her full potential. I would hope that you are able to support this decision.

I have attached a copy of (pupil's name) attendance for this academic year.

Thank you for your understanding; I hope this letter explains the decision that has been made.

Yours sincerely

(Name)

(Job title)