



Submission to the Joint Oireachtas Committee on Education and Skills
The Use of Reduced Timetables and Informal School Suspensions

Education matters because it is intrinsically valuable, allowing young people to develop intellectually, socially and personally. It matters too because it is a strong predictor of adult life outcomes, influencing access to, and quality of, employment, income levels, economic independence and health¹.

The Education Act 1998 and the Education (Welfare) Act 2000, together with various Circulars of the Department of Education & Skills, set out the legal framework for matters concerning school attendance, codes of behaviour, school suspensions and exclusions, including mechanisms available to appeal suspensions and exclusion.

Community Law and Mediation's engagement with communities through free legal advice clinics, community education, outreach and research has highlighted to us the use of reduced timetabling, shortened school days and in-school suspensions as a particularly prevalent form of school exclusion. The practice currently operates outside of the formal school suspension system. Based on our experience, the practice disproportionately affects some of the most vulnerable groups of children in Ireland. These include children from lower socio-economic backgrounds, children with disabilities and children from the Traveller community. These children have been identified in both research and successive Government policy instruments as being at a significantly 'heightened risk' of Early School Leaving owing to their adverse social and economic circumstances. A lack of data recording the practice by schools has however hindered more in-depth analysis of the types of groups most affected.

¹ Smyth and McCoy, 2011: <https://www.esri.ie/system/files?file=media/file-uploads/2015-07/EC005.pdf>.

Section 29 of the Education Act 1998 provides for an appeal of a decision by a school to exclude or suspend a pupil/ student from school for in excess of 20 school days. However, there is no mechanism in place to record, review or appeal these informal practices, which are neither recorded nor reported to the Department.

This submission seeks to highlight key issues surrounding these exclusionary school practices and to recommend ways to minimise the impact on children and young people affected by them. In particular, we recommend the implementation of best practice guidelines on the use of reduced timetabling, shortened school days and in-school suspensions.

A. Background

CLM is an independent community-based law centre that works to empower individuals experiencing disadvantage by providing free legal information, legal advice, legal representation, and education and mediation services. At a national level, we seek to have a wider impact through our campaigns for law reform and by acting as a resource for other advocacy organisations. Our strategic objectives are as follows:

1. To meet the unmet legal needs of and to empower the community, through the provision of legal, mediation and education services.
2. To address legal issues arising in our services through political and legal processes.
3. To ensure that CLM has the people, systems structures and resources to deliver on our strategic objectives.

Community Law & Mediation (CLM), originally known as Coolock Community Law Centre, was established on 1 April 1975, as the first, independent, community-based Law Centre in Ireland. It has continued to serve in the community of Coolock since this time and through expanded CLM services, its community now includes anyone who, because of economic, social or other disadvantage, is unable to access elsewhere the services CLM provides..

As part of this expansion, in 2012, the first community law centre outside Dublin, *Limerick Community Law and Mediation Centre* (now “*CLM Limerick*”), was set up in response to representations made by Limerick-based community representatives and activists. It has been primarily through the work of CLM Limerick that CLM has identified the use of reduced

timetabling, shortened school days and in-school suspensions and the impact on children and families.

Prior to commencement of the service in Limerick, a community consultation process was undertaken with residents of and community organisations working in Regeneration communities in Limerick city². This sought to identify the obstacles to accessing legal services and the key legal issues facing the communities. The need for information on education rights was identified as a key issue, with rates of early school leaving, access to education, and children with special needs being identified as key issues.

In the data obtained from Census 2016³, it was found that 13.5% of the population (over the age of 15) in Limerick City and County have left school with just a primary education or no formal education, just a little bit higher from the national average of 12.5%. However, in many parts of the city, the proportion of the population who left school with just a primary education is considerably higher than the national average, with 9 Electoral Districts recording an early school leaving rate in excess of 30%, and some with rates as high as 46.8%⁴

Issues arising in the weekly free legal advice clinics in Limerick reflect the prevalence of the use of reduced timetabling, shortened school days and in-school suspensions and the impact on the community.⁵ In light of the above, CLM decided to conduct further research into the practice. Details are provided below. This research focussed primarily on communities in Limerick. These communities experience social and economic disadvantage and our research indicates that the practice may well act to compound this disadvantage.

Through our work at legal advice clinics in Dublin, CLM is aware of schools around the country, in particular specialist autism spectrum units or schools, that are using reduced hours days as a way to manage children with disabilities in their setting. Unfortunately, we have not been in a position to investigate the prevalence of the practice amongst this section of the community or the impact on them. We are hindered in carrying out such research in particular

² <http://www.communitylawandmediation.ie/sub-page-1/clm-limerick-lclmc-community-consultation-report-unmet-legal-need-in-limerick.450.html>

³ Census 2016 by Limerick Metropolitan Area – Socio-Economic and Demographic Profile

⁴ This includes John's A (46.8%), Galvone B (39.4%), Glentworth C (Hyde Road area) (37.2%), Kileely A (35.7%), and Ballynanty (35.3%).

⁵ In 2017, 9% of the legal issues arising at clinics related to exclusionary school practices.

by the lack of data recording the practice. In light of the foregoing, our submission focuses on the prevalence and impact of the practice on socially and economically disadvantaged communities such as those in Limerick.

B. Research / RoundTable on Education May 2018

In May 2018, Community Law and Mediation (CLM), in collaboration with Southill Family Resource Centre, held a RoundTable on Education. The theme of the RoundTable was to explore difficulties that particular disadvantaged groups (from lower socio-economic backgrounds) experienced at schools with a focus on informal exclusionary school practices (termed “unofficial exclusions”). Participants at the RoundTable included representatives from Limerick Youth Service, Southill Area Centre, Tusla, Limerick Social Service Centre, Mid-West Region Drug & Alcohol Forum, the Learning Hub and Barnardos. All Participants were working with agencies supporting families in disadvantaged communities in Limerick City & County and had been identified by the Limerick Citywide Children and Youth Forum, a subsidiary of the Limerick Children and Young Person’s Services Committee (CYPSC). Participants were asked to consider the issue under four headings, drawing on their own experiences working with families:

1. Participants’ experience of unofficial exclusions, their prevalence and practice;
2. The manner in which unofficial exclusions occurred;
3. The impact of unofficial exclusions;
4. Recommendations for improvement.

The findings from the RoundTable were as follows:

1. The prevalence of these practices is widespread.

- a. All participants had experience of unofficial exclusions.

“Reduced timetabling/shortened school days” do occur in various ways, such as being sent home from school, shortened timetables, being sent to various alternative rooms, and the student being diverted to an alternative school after Junior Certificate.”

- b. Unofficial exclusions took various formats: pupils/ students being sent home from school, having a shortened timetable (e.g. signing in the roll and staying at school for two hours), being removed from class and sent to alternative rooms.

“The frequency of such “suspensions” occur on a daily basis within some schools and that many patterns also arise.”

“The schools seem to want to avoid the hassle of properly dealing with the behaviour. I have seen students as young as junior infants being let go for a walk and even primary school students being let go for a cigarette break. I’ve seen many schools facilitate “cool-down” breaks even at primary level. “

- c. The practice disproportionately affects pupils/ students from lower socio-economic backgrounds, the Traveller community and those with disability.

“Reduced timetabling is common and its use is related to socioeconomic factors.”

- d. It is the participants’ experience that this practice disproportionately affects females at post primary level. Further research would be required to examine this.

“Such patterns include a higher prevalence among female post primary school students from disadvantaged socioeconomic backgrounds.”

2. The manner in which these practices are implemented inside the schools should be investigated.

- a. It is the Participants’ experience that there was no consultation with parents/ guardians/ pupils prior to the imposition of the reduced timetable, rather, it is imposed by the school.
- b. There is no formality to the measure; it is generally communicated to the parent/ guardian by phone call or text. It was reported that a text message or a phone call occurs to inform the parent/guardian to pick up their child from school (sometimes as soon as an hour from the start of the school day).

“There’s always so much uncertainty, inconsistency and methods change from week to week.”

“The principal, not the teacher, usually makes the call to the parents... Or the vice principal and year head in secondary schools, in my experience.”

“I’ve seen the shortened timetables happen. The child will be marked in so the school won’t come under the scrutiny of the Education Welfare Services (EWS). “

- c. The Participants expressed the view that parents/guardians were often uninformed about their rights as the student’s parent/ guardian in light of the impact of this measure on the pupil’s/student’s education.

“Parents often don’t fully understand what’s happening. The schools use complicated language and give limited information. That’s often why parents overreact. Once things are properly explained it’s often too late.”

“Rarely are the parents informed of such decisions to “suspend” their child in such a manner and that they are unaware of their rights regarding their ability to appeal such a decision.”

3. Consideration of the impact of these practices on a child’s rights to education

- a. Participants expressed the view that the use of reduced school hours timetables and informal suspensions deprives children of their full academic and social skills, often resulting in the child lacking the self-esteem, compassion and the ambition to succeed in life. The child/ young person is affected not only educationally but also socially.

“Being placed under such a “suspension” causes peer isolation and results in missed social skills. This then causes a waterfall of other issues to arise such as low self-esteem and self-worth and a lack of ambition”

“Peer isolation happens often when children are labelled as the ‘troubled child’.

“It has consequences for their social skills and experience and enjoyment of school.”

- b. Participants expressed the view that continued use of reduced timetabling and placing a child on a shortened school day contributed to the high rates of early school leaving in disadvantaged communities.

“It can have a long-term impact – it can limit their options for the rest of their life.”

4. Suggestions for improvements and considerations from other jurisdictions

- a. Participants felt strongly that the parents/guardians should be involved and consulted in any measure affecting their child’s education, including the imposition of reduced timetabling.

“We need to identify clear procedures. We should collaborate with schools, teachers, and principals. They need to be made aware of the fact that they are working against themselves. We need to avoid conflict with them but present it as something that will help them to get the resources they need, by working together.”

- b. Participants felt that there was a need for legislative clarity on the practice of reduced school hours and informal suspensions.

“There needs to be clear and easily accessible information regarding the rights of the parents when their child is placed under such a “suspension.” This could be done through the issuance of pamphlets outlining the rights of parents, as well as workshops/“know your rights” courses. Furthermore, there needs to be legislative change so that the policies and guidelines of such “suspensions” are fully accessible and understandable to all involved.”

- c. Participants recommended the introduction of guidelines for schools on the use, practice and imposition of any exclusionary school measure; the Kent County Council’s ‘*Guidelines for Schools on the Use of Reduced Timetables*’ was cited as an example to consider.

“There needs to be more clarity around the policy similar to the UK practices. Better guidelines for parents and their rights.”

D. Lack of Knowledge as a Barrier to Justice

Research conducted by Inclusion Ireland found that only a small amount of parents/carers/guardians understood reduced timetables and informal suspension, as well as the possibility of appealing them, and only 27% were able to say that the Educational Welfare Officer was aware of their child being on a reduced timetable⁶. This research found that parents/carers/guardians have not been made aware of their rights, such as the right to appeal the decision to suspend. It found that communication between the parent/carer/guardian and the school was in language that the parent/carer/guardian did not understand. It was reported that the parents/carers/guardians are not informed of their rights or those of their child and this results in misunderstanding between them and schools, damaging relationships.

E. UK Guidance

Research commissioned by Barnardos in the UK (*Not Present and Not Correct*, 2010)⁷ into the impact of unofficial exclusions found that they are dangerous and unacceptable, and recommended that “[e]xclusion must either go through the proper legal processes or it should

⁶ *Connect Family Network: Short School Days* (2015), Inclusion Ireland

⁷ http://www.barnardos.org.uk/not_present_and_not_correct.pdf

not occur. The reasons why a child is not attending school should be promptly and accurately recorded, reported to the local authority and the relevant safeguarding board should be informed.” This is important because when exclusionary practices go unreported, they conceal an issue and need that cannot be effectively addressed either by policy or practice interventions.

Guidance is available in the UK. It appears that at least in some instances, local authorities are responsible for overseeing the use of informal exclusions from school. CLM has not had the resources to carry out an in-depth study into the guidance available in the UK on the reduced timetables or other informal exclusions. However, we have identified the Kent County Council guidelines for schools: *Best Practice Guidance for Schools on the Use of Reduced Timetable, 2017*⁸ as a useful and comprehensive guide.

It is emphasised in the Kent County Council Guidelines that schools have a duty to provide full-time education to all students and so reduced timetables should only be used in “*very exceptional circumstances*”, where required by the individual needs of the child. A list of potential exceptional circumstances in which a reduced timetable may be implemented is provided, including: As part of a planned re-integration into the school; as a temporary measure put in place to deal with challenging behaviour or social or emotional needs; or as a last resort in managing a risk of exclusion. It is stated that all alternative measures to deal with the issue must be attempted before this measure is considered. It is not to be used as a long-term solution, with an eight-week time limit in place to ensure this.

A risk assessment must also be conducted by the school when considering the use of a reduced timetable. Such assessments must identify the potential dangers, evaluate who may be harmed and how, and decide on precautions following an assessment of these risks. These findings must be implemented and recorded and the assessment must be reviewed and updated regularly. The welfare of the child is to be the paramount consideration and so the risk assessment must consider whether there is a risk that exclusion from school may cause the child to engage in criminal behaviour; substance misuse; self-harm; or other harmful behaviour. It must also be questioned whether there is an increased risk to the pupil of sexual exploitation if they are placed on a reduced timetable. On top of these considerations, the school must ensure

⁸ *Guidelines for Schools on the Use of Reduced Timetables*, Kent County Council (September 2017)

that if the child were to be placed on a reduced timetable, their access to school meals would not be interfered with and that their transport arrangements would not be inhibited.

If it has been decided that the circumstances are exceptional enough so as to require the use of a reduced timetable and a risk assessment allows for the implementation of such, a number of procedural recommendations are outlined in the document for the school to follow. The decision must be made in the best interest of the child, with the primary purpose being the pupil's return to full-time education. A plan for such re-instatement must be made, and the period of reduced timetabling generally will not exceed eight weeks. An agreement to this end must be reached between the school, the parents/guardians, and the child themselves. The health and safety needs of the pupil must be complied with, along with the school's duty to safeguard and promote the welfare of its students. It must be ensured that the child is being cared for when not in school. In relation to children with special or medical needs or children in care, the relevant social service body must be contacted and must also be in agreement. Having completed this checklist of recommendations, the head teacher must sign off on the decision to implement a reduced timetable. The school is to record the pupil's attendance and a record of this is to be kept by Local Authorities and the information must be submitted so that it can be monitored centrally.

F. CLM Recommendations

1. In the absence of data on the prevalence of informal exclusionary school practices such as reduced and shortened timetabling, the extent of this practice is difficult to measure. CLM recommend that the recording of a shortened school day or reduced timetable be included in the annual mandatory statutory returns on School Attendance Data for Primary and Post-Primary Schools to TUSLA, as per Section 21(6) of the Education (Welfare) Act, 2000. Data should be capable of disaggregation based on gender, disability, socio-economic background etc.
2. CLM propose that the Committee seek legal clarity on the status of the practice of reduced timetables.
3. CLM recommend the elaboration and dissemination of National Guidelines on the use of reduced timetables to all schools and Tulsa funded organisations. Those guidelines should clearly set out *inter alia* the following:

- a) Process that should be followed by schools who are proposing to impose a reduced timetable on a student;
 - b) Who should be consulted and take part in the decision-making process;
 - c) On what grounds a reduced timetable may be imposed;
 - d) A limited timeframe that is permissible for the use of reduced timetables;
 - e) The responsibility of the school to provide for the educational needs of a student for the duration of the time a student is on a reduced timetable; and
 - f) How the practice of reduced timetables should be recorded in the mandatory reporting of school returns to the Tulsa.
4. CLM recommends the implementation of legislation to clarify the practice of reduced timetables/ shortened school days, taking into consideration the following:
- a) Time limits to place a cap on the use of reduced timetabling;
 - b) Recording;
 - c) Reporting;
 - d) Alternative educational provision during exclusions;
 - e) Consultation between schools and parents/ guardians and appeals processes;

F. Conclusion

Community Law and Mediation welcome this opportunity to engage with the Joint Oireachtas Committee on Education and Skills, particularly in the context of our experience of exclusionary and informal practices that impact on a child's right to education. These practices have a negative impact on the academic and social development of many children, and, we believe, contribute to rates of non-school completion among students living in communities challenged by social and economic disadvantage. We recommend clear guidelines and legislative clarity on this issue in order to reduce the loophole in the education system that allows such practices to go unreported and unrecorded and which negatively impede children's right to access to a minimum education.

Community Law & Mediation

21st May 2019

We wish to thank Lindsey Liston, Maynooth University, for her assistance with this submission.