

Flexi Schooling

Advice for Schools/Academies, Parents/Carers and Professionals

Whilst agreement over a flexi schooling arrangement is something for schools and parents to reach between them, the Local Authority has produced this information sheet that sets out the facts and established best practice in approaching this aspect of school attendance.

Any decisions in this regard should be made with the needs of the child at the centre of the decision making with the school and parents working together in the best interest of the child.

What are parents' responsibilities regarding education?

The responsibility to ensure that a child receives full-time education whilst he or she is of statutory school age lies with the parent.

The Education Act 1996 states; *"that the parent/carer of every child of compulsory school age shall cause him or her to receive efficient full-time education suitable to his or her age, ability and aptitude, and to any special educational needs he or she may have, either by regular attendance at school or otherwise."*

Some parents/carers may decide to provide a suitable education by educating their child at home, rather than seeking to enrol their child at a school. This is known as home schooling or Elective Home Education and is where the parent/carer takes full responsibility for the education of the child. There is a legal right to for a child to be registered at a school or Elective Home Education. There is not the same right to flexi-schooling.

What is Flexi-schooling

Flexi-schooling is an arrangement for providing a full-time education to a child whereby the child attends school part of the time and is educated elsewhere, usually by the parent, for the rest of the time. It is an individual arrangement made between the school and the parent. It is recognised by the DfE as a valid full-time education. There is no pre-determined model for the amounts of time given to either of the settings and individual arrangements vary widely.

Flexi-schooling is not the same as home schooling/Elective Home Education. Parent/ carers who request flexi-attendance are asking for a pattern of provision which will involve both attendance at school, as well as times when the child will receive educational provision at home.

Flexi-schooling is also different from temporary part-time attendance arrangements which the school/parent/carer may seek to make. Such arrangements are monitored and reviewed with the intention that the child be returned to full time attendance as soon as possible. Flexi-schooling is full time, although the provision may be split.

Flexi-schooling is legal in the UK but it is not an automatic right, unlike full-time home education. It is entirely at the discretion of your school's head teacher and their permission will be required before you can go ahead. As such, Headteachers can refuse to agree to such requests.

There is no right of appeal against the decision of a Headteacher not to agree a flexi-schooling request.

In April 2019, the DfE issued updated guidance for Elective Home Education, alongside separate guidance for parents. The April 2019 guidance contains the following paragraphs in relation to flexi-schooling:

Although most children educated at home have all the provision made at home, or alternatively partly at home and partly in other ways such as attendance at privately-run part-time tuition settings, it is not essential that this be so. Some children who are educated at home most of the time are also registered at school and attend school for part of the week – perhaps one day a week. The purpose of this is usually to ensure the provision in specific subjects is satisfactory, although it can also help in other ways such as socialisation. If a child is of compulsory school age he or she must, overall, be receiving fulltime education even if components of it are part-time'. (para10.7, DfE Guidance for LAs in relation to EHE)

'Schools are not obliged to accept such arrangements if requested by parents. If they do, then time spent by children being educated at home should be authorised as absence in the usual way and marked in attendance registers accordingly. It is not appropriate to mark this time as 'approved off-site activity' as the school has no supervisory role in the child's education at such times and also has no responsibility for the welfare of the child while he or she is at home. The department does not propose to institute a new attendance code specific to flexi-schooling. Some schools have expressed concern that such absence may have a detrimental effect for the purpose of Ofsted inspection, but this is not the case; some schools with significant flexi-schooling numbers have had good outcomes from Ofsted inspections. Schools which have flexi schooled pupils should be ready to discuss with Ofsted inspectors the arrangements they have in place to deal with the requirements caused by such pupils. Schools are held to account through inspection for the performance of pupils, and that will include any who attend the school as part of a programme of flexi-schooling'. (para10.8, DfE Guidance for LAs in relation to EHE)

Whilst there have been differing views on flexi-schooling across the many governmental departments, a parent does have the right, in law, to request such an arrangement. It will be the decision of the Headteacher as to whether they are willing to allow it. This reinforces the position outlined in the April 2019 DfE guidance referred to above.

It needs to be noted that arrangements for flexi-schooling can only be made at the request of a parent or carer with parental responsibility and is not an arrangement that can be initiated by the school or any other professional.

How to request flexi-schooling

If a parent/carer is interested in making such a request, the Headteacher of the child's actual or prospective school should be contacted so that the proposal may be considered. Children who attend part-time under a flexi-schooling arrangement will be subject to the same admissions processes as other children and are counted in the same way as a child who attends full-time for the purposes of infant class size regulations.

A parent/carer will need to prove to the head teacher that flexi-schooling is in the best interests of the child, for example by writing a proposal explaining the benefits for the child and practical examples of how the arrangement will work between the school and parent/care. It will be the decision of the Headteacher as to whether they are willing to enter into an agreement with the parent/carer. The governing body may be involved in agreeing and reviewing a general approach to requests for flexi-schooling, but this does not exempt the Headteacher from the need to consider each request individually. The whole governing body should not become involved in individual cases and cannot overturn a Headteacher's decision. However, the governing body will have a clearly defined role if a complaint is made.

What should parents consider?

The implications of making partial educational provision at home are significant, both in terms of expertise and resources and in the commitment to make a shared provision work. However, it has been shown that such an arrangement can be made to work well and the perceived benefits of flexi-schooling can include the child being able to work and socialise with a wider peer group whilst at school, having access to specialist educators and resources they might not have at home and being able to join in with activities such as school trips alongside individual tuition at home where their learning can be more self-directed and where they may experience a wider range of activities in different environments than ordinarily available in school.

The education provided at home and at school should together constitute full-time.

Whilst there is no statutory curriculum to be followed at home, parents/carers will need to be mindful of the impact on the child's access to the School (or Academy) curriculum and the possible fragmentation of the learning experience. With this in mind, parent/carers may wish to discuss with the school the topics being covered and those being missed during flexi schooling periods. This enables parents/carers to complement the schoolwork at home and cover missed topics in their own way should they feel this is appropriate.

Flexi-schooling does not give an alternative means of opting out of an element of the curriculum with which a child, for whatever reason, is uncomfortable and is unlikely to be successful if the reasons for choosing it are negative and the choice is motivated by the desire to avoid difficulties around certain subjects, teachers, peers, aspects of school discipline or attendance itself.

Concerns are sometimes raised about friendships being affected when children flexi school, so parents and schools will wish to work together to consider these concerns and how these might be overcome. Flexi schooling children attending school for half days, rather than being out of school for a

full day, provides the opportunity to spend lunchtime at school, allowing them to have playtime with their friends and access the social aspects of the lunch period. Play dates after school and at weekends can also be a way to develop and nurture friendships with other children, including those who attend the school.

If the child moves to a different school, there will be no guarantee that flexi schooling will be able to continue. This will be a decision for the Head teacher at the new school.

What should headteachers consider?

All requests must be considered by the Headteacher on their own merits. The Headteacher will consider the best interests of the child; their educational progress and achievement; their safety, safeguarding and welfare; together with the likely impact on the discipline, morale and organisation of the school.

The safeguarding of any child should always be of paramount importance, so any decisions should be taken with the knowledge of any existing safeguarding concerns. Where a child attends another setting on those days when not in school it is incumbent on the parent to ensure the adequacy of the safeguarding arrangements in operation at this setting. The headteacher should, however, still act in response to any concerns that may arise.

When the curriculum is delivered through cross-curricular activities, arrangements made with the parent/carer would need to protect the cohesion of the child's experience. There may be resource implications; effective co-ordination will require time and, although there is no obligation to do so, the school may well decide that it will need to provide materials so that learning can keep pace with that of other children.

There is no opt-out for schools with regards to the National (Academy) Curriculum based on a flexi-schooling proposal. Although the child is not attending all school sessions, the school will still need to ensure that the child has appropriate access to the National (Academy) Curriculum. The child cannot be disapplied from statutory curriculum or assessment arrangements simply because flexible attendance has been agreed.

Children should be recorded as absent when not in school. The C code (authorised absence) should be used. Some schools have expressed concern that such absence may have a detrimental effect for the purpose of Ofsted inspection, but this is not the case (para10.8, DfE Guidance for LAs on Elective Home Education).

In line with the DfE guidance on Elective Home Education issued in April 2019, on the days the child is being educated by the parent outside of school, the school must not use the B code as this would mean that the school is responsible for supervising the off-site education and will ensure the safety and welfare of the child when off site; C code would be the most appropriate code to use.

If the child is unable to attend a home-based session because of illness the parent/carer should inform the school and this should be reflected in the school's register.

It may be appropriate to schedule in periodic liaison between the teacher and the parent so that the topics being covered in school can be explained. The teacher may wish to provide additional resources, but this is not expected.

Arrangements for flexi-schooling may make both the identification of SEN and the ability to meet those needs more difficult to secure. Effective assessment would need to take place across both the school and home-schooling elements of the child's education and so could present logistical challenges. In order to ensure that flexi schooled children are able to have the same access as other children to the school based early identification of any special educational needs, the same principles of close collaboration between parents/carers, the school and any other professionals involved with the child should apply.

Where a child has an Education Health Care Plan (EHCP), the decision must be taken in conjunction with the Local Authority. Where flexi-schooling is agreed for a child with an EHCP, this should be recorded on the Plan and progress monitored through the usual annual review process. It is not necessary to wait for the EHCP amendments to be made before the agreed flexi school arrangement to commence.

Since the child remains on the school roll, the school retains the responsibility for the child's progress and for tracking that progress.

The school receives full funding for flexi-schooled children, and they must be included in all census returns.

The responsibility for the arrangement lies with the school and not the Local Authority and schools will need to work with parents to address any issues which arise.

Flexi-schooling agreements

In all cases where flexi-schooling is agreed, it is recommended that the school has a written agreement with the parents/carers so that expectations and arrangements are clear for both parties. Such an agreement is may include:

- the normal expected pattern of attendance at school;
- the rationale for why the flexi-schooling arrangement is in the best interests of the pupil concerned;
- procedures for flexibility around special events which fall outside the normal arrangement;
- how the register will be marked;
- that the school will follow up any unexpected or unexplained absence in the same way as it does for other children;
- arrangements at times of assessment;
- Details of any perceived special educational needs and associated provision including how any high needs funding, if a child has an EHCP, will be deployed.
- agreement that if the parent/carer chooses to employ other people to educate their child at home, they will be responsible for making sure that those whom they engage are suitable to have access to children and will be responsible for meeting all costs related to this decision;

- agreement on who will meet the cost of exam entries. These are the responsibility of the parent, but the school may choose to support with some or all of the costs;
- details of any special educational needs and associated provision;
- arrangements for regular planning and review meetings between parent/carer and school to ensure the child achieves his/her potential and to promote good home/school relationships;
- clarity about the circumstances under which and with what notice either party can withdraw from the arrangement;
- the arrangements for the resolution of any disputes (usual processes are for disputes to be resolved at the most informal level possible, but ultimately any complaints will need to be considered by the Headteacher first and then the Governing Body as set out under the school's complaints procedure).

We have developed a sample contract and attendance agreement (appendix A).

Flexi-schooling for children with an Education, Health and Care plan

Where a child has an Education Health and Care plan (EHCP) the decision to agree flexi-schooling must be taken in conjunction with the local authority (LA) SEN Team. Where flexi-schooling is agreed for a child with an EHCP this should be recorded on the EHCP and progress monitored through the usual annual review process.

The school receives full funding for flexi-schooled pupils and they must be included on all census returns. The responsibility for the flexi-school arrangement lies with the school and not the LA. The school will need to work with parents to address any issues which arise.

How a flexi-schooling arrangement is recorded within a school's registers

It is important to note that in the event of a flexi-schooling arrangement being agreed, any sessions where the pupil is receiving education at home will be recorded as 'authorised absences' within the school's register. This will have a detrimental impact on the overall absence levels of the school in question. The code which schools are required to enter into their register for any such sessions is the 'C' code which reflects that the pupil is absent due to 'other authorised circumstances' – in other words, the flexi-schooling arrangement has permitted the pupil to be absent from school.

It is not appropriate for schools to mark the register as "approved off-site activity" for the time the pupil is being flexi-schooled as the school has no supervisory role in the child's education at such times and has no responsibility for the welfare of the child while he or she is at home.

Monitoring flexi-schooling

Neither the LA nor the school have a statutory duty to monitor the quality of home education on a routine basis, however if it appears to the school that parents/carers are not providing a suitable education as agreed between the school and the parent/carer, the school may ask the parent/carer to take remedial action. If the parent/carer declines to do so or the school is still concerned about the provision of education at home, the school may withdraw its agreement to the flexi-schooling arrangement. The child would then be required to return to school on a full-time basis whilst s/he

remained registered or the parent assumes responsibility for arranging their child's education on a full-time basis (i.e. de-registration for the purposes of Elective Home Education).

A School Attendance Order would not be appropriate as the child is on the roll of a school.

If a child fails to return to full-time attendance the school leaves the absence unauthorised then they should discuss with the Local Authority Attendance Team.

Choosing flexi-schooling

This is an arrangement that can work well for children with illnesses, or with school phobias, where parents wish to have more input into the child's education, or where the family would prefer the child not to attend full-time until they are older. Whatever the reason parents are expected, by law, to ensure that their child receives a full-time education.

The decision to undertake flexi-schooling should only be considered if there are positive reasons for doing so and where all parties agree that such an arrangement is in the best interests of the child. Parent/carer must be confident that they can meet the educational needs of the child fully and a school mindful of the fact that, if arrangements are agreed, the school will retain the responsibility for the child's progress and any absences incurred because of the decision to participate in a flexi-schooling arrangement. However, it has been shown that such arrangements, kept under review, can work well.

Ofsted

Schools may be concerned that use of the 'C' code as authorised absence will have a detrimental effect for the purposes of Ofsted inspections. Use of the 'C' code would require schools to provide a clear narrative behind weaker attendance data. Schools who have flexi-schooled pupils should be ready to discuss with Ofsted inspectors the arrangements they have in place to deal with the requirements of these pupils. Schools are held to account through inspection for the performance of pupils and that will include any who attend the school as part of a programme of flexi-schooling.

If you would like to discuss this further, please contact:

(Appendix A) Sample Contract and Attendance Agreement
Flexi-schooling

Additional Information Form (to be filled in alongside School Enrolment form either by parents or during meeting)

Child's name	
Name of parent(s), carer(s)	
Admissions form completed	Yes / No
What attracted you to flexischooling?	(continue overleaf if necessary)
What are your expectations of the school-based part of the Education?	(continue overleaf if necessary)
What are your expectations of the home-based part of the Education?	(continue overleaf if necessary)
Do you intend to follow the National Curriculum at Home?	

<p>If so, do you require any help with this? (eg worksheets, assistance with attainment targets etc)</p>	
<p>Form of Education to date</p>	<p>F/T School P/T School Home Education N/A</p>
<p>Levels of attainment achieved (if applicable)</p>	
<p>Additional Needs (if applicable)</p>	
<p>Educational Assessment/Review Acceptable</p>	<p>Yes / No *****</p>
<p>Child will complete record of achievement</p>	<p>Yes/No *****</p>
<p>Please tell us anything else you feel we may find useful about yourself or your child</p>	

**Flexi-schooling:
Contract for Provision of Education – Part 1 School**

Child's name

Name of parent(s), carer(s)

Xxxx School is responsible for the education of the above named child on the days and times set out in the attached Attendance Agreement and timetable.

The educational provision will be suitable to x's age, aptitude and ability as set out in s7 of the *Education Act 1996* and will include:

(inc here SEN provision, access to school trips etc, Assessments and areas of curriculum taught etc)

Whilst x is on school premises or the School is acting in loco parentis the school will maintain primary responsibility for x's safety and welfare

The school and parent/carer will meet everyfor a review meeting to discuss x's progress and review the attendance agreement.

The school can withdraw from this agreement at any time by giving reasonable notice in writing

Head teacher
Date

Flexi-schooling:**Contract for Provision of Education – Part 2 Home****Child's name****Name of parent(s), carer(s)**

I/we are responsible for the education of the above named child on the days and times set out in the attached Attendance Agreement and timetable.

The educational provision will be suitable to x's age, aptitude and ability as set out in *s7 of the Education Act 1996* and will include:

During school hours timetabled for home-based education I/we will maintain primary responsibility for x's safety and welfare

I/we understand I can withdraw from this agreement at any time by giving reasonable notice in writing

Parent/carer**Date**

**Flexi-schooling:
Attendance Agreement**

Child's name

Name of parent(s), carer(s)

	MORNING	AFTERNOON
Monday	<i>home</i>	<i>home</i>
Tuesday	<i>school</i>	<i>school</i>
Wednesday	<i>home</i>	<i>home</i>
Thursday	<i>home</i>	<i>home</i>
Friday	<i>school</i>	<i>school</i>

X's education will be split between home and school as set out in the above timetable

Headteacher **Date**

Parent/carer **Date**