

Information for parents, carers, head teachers and governors regarding flexible attendance at school (flexi-schooling)

revised June 2019

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 and school and the parents should be working together in the best interest of the child.

1 What are parents' duties regarding education

- 1.1 The responsibility to ensure that a child receives full-time education whilst he or she is of statutory school age lies with the parent.
- 1.2 The 1996 Education Act 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.
- 1.3 Some parents/carers may decide to provide a suitable education by educating their children at home, rather than seeking to enroll 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. Guidance for parents and carers may be found at <https://www.gloucestershire.gov.uk/education-and-learning/home-education/>

2 What is flexi-schooling?

- 2.1 Flexi-schooling is not the same as Elective Home Education. Parents/carers who request flexible 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 to children below compulsory school age attending part time as per Section 2.16 of the Admissions Code 2014.
- 2.2 In April 2019 the DfE issued updated guidance for Elective Home Education, alongside separate guidance for parents. The replaced the previous guidance issued by the DCSF in November 2007. 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 full-time 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 flexischooled 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)

The two guidance documents can be viewed in full here:

<https://www.gov.uk/government/publications/elective-home-education>

- 2.3 Different governments have had different views on flexi-schooling. However, it remains that a parent is able, in law, to request such an arrangement and that Head teachers should consider such an arrangement. This is reinforced in the April 2019 DfE guidance referred to above.
- 2.4 Flexi-schooling is also different from temporary part-time attendance arrangements which the school or parent/carer may seek to make (for example when a child has been away from school for a long time through illness and is re-integrating back to full time attendance). Such arrangements are monitored and reviewed with the intention that the child be returned to full-time attendance as soon as possible. A child following a flexi-school arrangement, although not in school everyday, is receiving full-time education.
- 2.5 Arrangements for Flexi-schooling can only be made at the request of a parent or carer with parental responsibility. This is not an arrangement which can be initiated by a school.

- 2.6 Whilst there is an absolute right both to school placement and to Elective Home Education, there is not the same right to flexi-schooling; Headteachers may refuse to agree to such requests. There is no specific appeal against the decision of a Headteacher not to agree to a flexi- schooling request.

3 How should a request for flexi-schooling be made?

- 3.1 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 are subject to the same school admission processes as other children and are counted in the same way as a child who attends full-time for the purposes of the infant class size regulations.
- 3.2 Ultimately it will be the decision of the Headteacher as to whether he or she is willing to enter into a flexi-school 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 Head teacher's decision. However the governing body will have a clearly defined role if a complaint is made.

4 What Should Parents/Carers Consider?

- 4.1 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.
- 4.2 The education provided at home and at school should together constitute full-time.
- 4.3 Whilst there is no statutory curriculum to be followed at home, parents/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 school work at home and cover missed topics in their own way should they feel this is appropriate.
- 4.4 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.
- 4.5 Concerns are sometimes raised about friendships being affected when children flexischool, so parents and schools will wish to work together to consider these concerns and how these might be overcome. Flexischooling 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.
- 4.6 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.

5 What should headteachers consider?

- 5.1 The safeguarding of any child should always be of paramount importance, so any decisions should be taken with any **known and existing** safeguarding concerns in mind. 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 take action in response to any concerns that arise.

- 5.2 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.
- 5.3 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).
- 5.4 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 should 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.**
- 5.5 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.
- 5.6 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.
- 5.7 In order to ensure that flexischooled 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.
- 5.8 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 flexischool arrangement to commence.
- 5.9 Since the child remains on the school roll, the school retains the responsibility for the child's progress and for tracking that progress.
- 5.10 The school receives full funding for flexi-schooled children and they must be included in all census returns.
- 5.11 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.

6 The agreement with parents/carers

6.1 In all cases where flexi-schooling is agreed, best practice has shown itself to be that it is sensible for a written agreement be in place so that expectations and arrangements are clear for all. Such an agreement may helpfully include:

- The normal expected pattern of attendance at school
- 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.
- Agreement that if a 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.
- 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.
- 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 procedures).

7 When either party feels the flexischooling arrangement is not working

7.1 Neither the LA nor the school has 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 attend at 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 (ie de-registration for the purposes of Elective Home Education).

7.2 A school attendance order would not be appropriate as the child is on the roll of a school.

8 In conclusion

8.1 The decision to embark upon a period of flexi-schooling should never be taken lightly. It should only be considered when the reasons for doing so are entirely positive. A parent/carer must be confident that he or she can meet the educational needs of the child fully and a school must understand and accept the fact that, if arrangements are agreed, the school will retain the responsibility for the child's progress. However, it has been shown that such arrangements, kept under review, can work well.

9 Further enquiries

Further enquiries can be directed to:

Education Inclusion Service

Address: Gloucestershire County Council, 3rd Floor, Bridge, Shire Hall,
Gloucester GL1 2TP

Telephone: 01452 427274

E-mail: attendance@gloucestershire.gov.uk

Webpages: <https://www.gloucestershire.gov.uk/education-and-learning/school-attendance-and-exclusions-and-welfare/attendance-and-absence-from-school/>

10 Sources of further information for parents and schools

For Parents

The Flexi-schooling Families UK Facebook group provides support and information from other parents flexi-schooling

<https://www.facebook.com/groups/380046592033979/search/?query=adrian%20gill>

For schools

Flexi-schooling federation can provide further support and information to schools

<http://flexischoolfederation.co.uk/>

For Parents and schools

Centre for Personalised Education

<http://www.personalisededucationnow.org.uk/flexischooling-info-sheets/>

