

# Flexi-schooling – a guide

## Flexi-Schooling

The decision on whether to approve a request for flexi-schooling must be made by the Headteacher of the school who has received the request. The document clarifies what is meant by the term flexi-schooling and aims to support conversations between parents and schools about this approach to education. Schools may find it helpful to read the April 2019 departmental guidance for local authorities on elective home education which references flexi-schooling. (Referenced at the end of this document).

Guidance for parents considering home education can be found in the Department for Education document, also published in April 2019.

## Responsibilities

The responsibility to ensure that a child receives full time education while they are of statutory school age lies with the parent/carer with parental responsibility.

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 their age, ability and aptitude and to any special educational needs they may have, either by regular attendance at school or otherwise.

## Home schooling or Elective Home Education

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 a school placement and to Elective Home Education.

## Flexi-schooling

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.

Arrangements for flexi-schooling can only be made at the request of a parent or carer with parental responsibility. This is not an arrangement that can be initiated by the school.

Whilst there is a legal right to a school placement and to Elective Home Education there is no legal right to flexi-schooling. 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.

### 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. The GOV.UK web page containing the Home Education Guidelines says "Pupils who are being flexi-schooled should be marked as absent from school during the periods when they are receiving home education."

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.

### 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.

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.

### Considerations when considering flexi-schooling

Aside from the impact that a flexi-schooling arrangement will have on a school's overall absence levels, the implications of agreeing partial educational provision at home are significant both in terms of expertise and resources and in the commitment to make a shared provision work. The education provided at home and school should, together, constitute a full-time, suitable education.

Whilst there is no statutory curriculum for the home education part of a flexi-schooling arrangement, 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.

Flexi-schooling 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, and peers or aspects of school discipline or attendance itself.

Flexi-schooling should not be seen as a means of opting out of an element of the curriculum with which a child, for whatever reason, is uncomfortable. The child may find that their limited attendance makes it difficult to maintain strong relationships with peers and may experience an element of social exclusion. If a child moves to a different school, there will be no guarantee that

flexi-schooling will be able to continue. This will be a decision that the Headteacher of the new school will be required to make.

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

### 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). 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.

### 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 likely to 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;
- 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).

### 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.

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

### Choosing flexi-schooling

The decision to undertake flexi-schooling should only be considered if there are positive reasons for doing so and where all parties are in agreement that such an arrangement is in the best interests of the child. The LA should share this document with parents as part of an EHC needs assessment, where appropriate. 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.

### 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.

### References

#### **Elective home education Departmental guidance for local authorities April 2019**

- 1.3 Although children being home-educated are not normally registered at any school, parents sometimes choose to make arrangements for a child to receive part of the total provision at a school - the purpose of this will often be to provide education in specific subjects more easily than is possible at home. Such arrangements are sometimes known as 'flexi-schooling'. Schools are under no obligation to agree to such arrangements, but some are happy to do so. When a child is flexi-schooled, the parents must still ensure that the child receives a suitable full-time education but the element received at school must be taken into account in considering whether that duty is met, just as it should be when a child attends other settings on a part-time basis as described above. Bearing that in mind, this

guidance applies as much to children who are flexi-schooled as it does to others who are educated at home.

- 6.7** It should be borne in mind that there are alternatives which fulfil the parents' s.7 duty other than full-time education at home: these include flexi-schooling, which is described in a later section
- 10.7** 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.
- 10.8** 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.

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