

Flexischooling: Guidance for schools

1. Introduction

This document is intended to help schools with what to discuss and agree with parents who request part-time attendance at school where the child will be partly educated at school and partly at home under the parent's arrangements.

2. Background

In November 2006 The National Assembly for Wales issued the Inclusion and Pupil Support Guidance, which in Section 6, Page4, 2.8 contained the following wording:

'Flexi schooling' or 'flexible school attendance' is an arrangement between the parent and the school where the child is registered at school in the normal way but where the child attends the school only part time; the rest of the time the child is home-educated (effectively on authorised absence from school). This is sometimes done as a short-term measure for a particular reason. Flexi-schooling is a legal option provided that the head teacher at the school concerned and, in many cases, the LEA as well, agree to the arrangement Some of the advantages and disadvantages of flexi-schooling are referred to on the Home Education UK's website at [www home-education.org.uk/articles-flexi-school.htm](http://www.home-education.org.uk/articles-flexi-school.htm).

In November 2007, in England, The Department for Children, Schools and Families issued "Elective Home Education - Guidelines for Local Authorities", which contained the following advice regarding 'flexible school attendance' (at paragraph 5.6):

The child will be required to follow the National Curriculum whilst at school but not whilst he or she is being educated at home. Local authorities should make sure that head teachers are made familiar with flexi-schooling and how it may work in practice.

The overall responsibility for a child's education lies with the parent and section 9 of the Education Act 1996 contains the principle that children should be educated in accordance with the wishes of their parents. The following guidance from Flintshire County Council seeks to cover some of the possible queries, which may arise from flexi-schooling requests.

3. National Curriculum and Assessment

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

On days the pupil is attending school as a registered pupil, he or she must follow the National Curriculum and cannot be disapplied from statutory curriculum or assessment arrangements except in the following circumstances:

- As part of a formal statement of special educational needs
- For a temporary period, in response to short term exceptional circumstances (i.e. following a lengthy absence from school for health reasons or because of a family crisis)
- For an agreed period, and with the permission of the Minister for Education, to allow curriculum development and experiment to take place.

4. Marking the attendance register

The Welsh Government, in its publication *The All Wales Attendance Framework, 2011*, has advised that the following codes could be used by schools if they agree to a flexi-schooling arrangement (Appendix 1):

- as 'authorised absences' under Code 'C' once leave of absence has been granted to be educated at home; or
- as absence (authorised or unauthorised) from those sessions it has been agreed using the appropriate code; or
- in certain circumstances, instead of being recorded as authorised absence, the pupil can be recorded as attending 'an approved educational activity' (Code B) if:
 - i. the activity had been approved by an authorised person on behalf of the proprietor of the school or head teacher of the school;
 - ii. the activity takes place during the school session in question;
 - iii. the activity was educational in nature; and
 - iv. the person supervising the activity at the time had been authorised by the proprietor or the head teacher of the school. The proprietor of a maintained school is the governing body.

If any of these four conditions are not met, the school must mark the pupil as absent. Schools must not assume that any of the conditions have been met.

These sessions will be included in the number of possible sessions and the absence and attendance figures in the Attainment and Achievement tables.

5. Funding and pupil counts

For the child attending part-time under current arrangements, the school receives full funding. Flexi schooled children are included in count returns as for other children.

6. Admissions

Children who attend part-time under a flexi schooling arrangement are subject to the same school admission processes as other children. They count towards numbers for admissions purposes and they must be entered on the admissions register.

7. Infant Class Size limits

Children who attend part-time under a flexi schooling arrangement count for the purposes of the infant class size regulations, i.e. the limit of 30 children per teacher. They are not allowable exceptions to the infant class size limit (although they may be allowable exceptions for different reasons).

8. Insurance

There are no additional or exceptional insurance implications for the school for children who are on a school roll but who attend part-time under a flexi schooling arrangement.

9. Children with statements of special educational need

The duty to review a child's statement of special educational needs on an annual basis, or sooner if appropriate, still applies.

10. Children educated outside their normal age-group

The normal processes apply, as in the following extract from the local authority's Admissions Policy (2008):

Early Transfer or Admissions or Children Staying on Outside the Normal Age-Range

- *Early transfers or admissions or children staying on outside the normal age- range are exceptional and must be approved by the Student Support Services Department.*
- *The parent must request the exceptional arrangement in writing to the Allocations Section.*
- *Schools affected should submit a view regarding the suitability of the arrangement. Expected numbers in the year group and the AN (admission number) will be taken into account.*
- *Professional advice (e.g. from an Educational Psychologist) on the suitability of the arrangement may be sought in some cases, but this would not override any admissions decision. If the child has a Statement of Special Educational Need, the view of the Special Educational Needs Assessment Officer must be sought.*
- *Children transferring younger than the normal age for transfer are subject to the same priority criteria as children in the normal transfer age-group, as long as:*
 - ~ *the relevant schools agree that early transfer is appropriate;*
 - ~ *the Local Authority considers early transfer appropriate;*
 - ~ *the child has been taught in classes with the academic year group which is one year older for at least three years. (NB: this would normally exclude vertical grouping arrangements in primary schools.)*

11. If it appears that the home education is not suitable

This situation is for the local authority and not the school to deal with. If it appears that the home educated part of a flexi-school arrangement is not suitable, the parent will first be issued with a notice to satisfy the local authority that the child is receiving suitable education. If the parent's reply does not show the local authority that the child is receiving suitable education then issuing a school attendance order is not a possibility as the child is already on a school roll. In these circumstances the local authority would need to advise the school to mark the child as unauthorised absent when not in school, with normal non-attendance processes to follow. These actions should rarely be necessary. One possible way of resolving this could be for the local authority, by agreement with the Head teacher, to ask the parent for the child to attend school full-time.

12. Role of Governing Body

The governing body may wish to agree a general approach to requests for flexi-schooling but this does not exempt the Head teacher from the need to consider each request individually and on its own circumstances. The whole governing body should not become involved in individual cases, as some governors may have a more formal role if a dispute arises and/or a complaint is issued.

13. Agreement with parents (Appendix 2)

It is recommended that the school has a written agreement with the parents about a flexi schooling arrangement so that expectations and understandings are clear for both parties. Such an agreement might include sections on:

- What days/sessions the child will or will not normally attend school, and if appropriate over what period of time
- What flexibility there will be regarding special events which fall outside the normal arrangement, e.g. assemblies, trips, productions or performances, sports events, visitors to the school, etc
- How the register will be marked
- That the parents must contact the school if the pupil is absent from a session that they would normally be present at school or at approved educational activity
- To note that the school will follow up any unexpected or unexplained absence in the same way as it does for other pupils
- What the arrangement will be at times of pupils' assessment
- If a parent 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
- Any perceived special educational needs and associated provision
- Recommended regular planning meetings between parent and school to ensure the child achieves his/her potential and to promote good home-school relationships (to be agreed, e.g. termly)
- To note that the school will notify the local authority of the flexi school arrangement and if it appears that the home educated part of a flexi school arrangement is not suitable, then the school and local authority will work in partnership to engage with the parents and re solve the concerns about the child's education
- To note that the school will inform the local authority if it appears the child is not receiving suitable full-time education
- Under what circumstances and with what notice either party can withdraw from the arrangement, including exit strategy if appropriate
- How any disputes will be resolved (i.e. normal processes are for disputes to be resolved at the most informal level possible, but ultimately any complaints have to be considered by the Head teacher first and then the governing body under the school's complaints procedures).

Appendix 1

∧	Present at registration	present
B	Educated off site (Not Dual Reg)	Approved educational activity
C	Other approved circumstances	Authorised absence
D	Dual reg (attending other establishment)	Approved educational activity
E	Excluded (No alternative Provision made)	Authorised Absence
F	Extended family holiday(agreed)	Authorised Absence
G	Family holiday (not agreed or days in excess)	Unauthorised Absence
H	Family holiday (agreed)	Authorised Absence
I	Illness	Authorised Absence
J	Interview	Approved educational activity
L	Late (before registration closed)	Present
M	Medical / Dental appointments	Authorised absence
N	No reason provided for absence yet	Unauthorised absence
O	Unauthorised Absence (not covered by other code)	Unauthorised absence
P	Approved sporting activity	Approved educational activity
R	Religious observance	Authorised absence
S	Study leave	Authorised absence
T	Traveller absence	Authorised absence
U	Late (after registers closed)	Unauthorised absence
V	Educational visit or trip	Approved educational activity
W	Work experience	Approved educational activity
Y	Partial or enforced closure	Attendance not required
X	Non-compulsory school age absence	Attendance not required
#	School closed to all pupils	Attendance not required
Z	Pupil not on roll yet	Attendance not required
-	All should attend / no mark recorded	No mark
@	Late (after registration closed)	Unauthorised absence

Appendix 2 Flexi School Agreement

NAME OF PUPIL –

Curriculum and Timetable

- PUPIL NAME will study (for example) GCSEs in English, Maths, Science, French and Sociology at home, under the direction of PARENT/CARER'S NAME, who will use (for example) 'BBC Bitesize service, to work towards GCSE specifications in these subjects
- PUPIL NAME will study (for example) GCSE in History at school
- Where they occur immediately before or after (for example) a History lesson, PUPIL NAME may incorporate attendance at (for example) Curriculum Support lessons into the school-based part of the Flexi-Schooling arrangement. In these lessons s/he would work privately on (eg) History or any other National Curriculum subject.
- PUPIL NAME will meet (eg) once per fortnight with STAFF NAME to discuss their ongoing home-study, curriculum and progress. PARENT/CARER'S NAME may attend these meetings as required
- PUPIL NAME's school-based timetable will form a part of this agreement

Attendance

- For reasons of Health and Safety, arrangements will be put in place for PUPIL NAME to sign in and sign out whenever s/he attends school. This will also form their school-based attendance record, although in-class records will be kept as well
- PUPIL NAME will be marked present for any session during which she attends (for example) a History lesson at school
- ☑When attending school for (for example) History lessons, Curriculum Support lessons or meeting with STAFF NAME, s/he must attend the class/meeting as set – no alternative arrangements will normally be made for her / him at these times
- When (for example) her History lesson, Curriculum Support lesson or meeting with STAFF NAME occurs immediately before or after a break or lunch period, s/he may spend this informal time in school, under the same conditions as other students in her year group
- PUPIL NAME will be marked absent for any session when she was scheduled to attend (for example) a History lesson, Curriculum Support lesson or meeting with STAFF NAME but does not do so; PARENT/CARER'S NAME will provide the reason for the absence
- PUPIL NAME will be marked present for any session during which she attends a pre-arranged activity in school
- PUPIL NAME will be marked absent for any session during which she was scheduled to attend a pre-arranged activity in school but does not do so; PARENT/CARER'S NAME will provide the reason for the absence
- When PUPIL NAME is not attending school under the 'Flexi School' arrangements, s/he must be marked either as 'Absent' (according to the standard absence codes – Appendix 1), as 'Authorised Absent' (Code C), or 'Attending an Approved Educational Activity' (Code B)
- Code B would be the preferred code, but it can only be used if all of the following criteria are fulfilled:
 - the activity has been approved by an authorised person (STAFF NAMES) on behalf of the head teacher
 - the activity takes place during the school session (i.e. not evenings, weekends or school holidays)
 - the activity was educational in nature
 - the person supervising the activity at the time has been authorised by the head teacher

- In order to use Code B, PARENT/CARER'S NAME will need to provide a timetable of PUPIL NAME's home-study programme and supervision arrangements. This can be provided for the whole term, half term or fortnightly, but arrangements for each period must be provided a few days in advance in order that approval can be given. STAFF NAME will normally act as the liaison between PARENT/CARER'S NAME and other school staff including the head teacher for this information
- PARENT/CARER'S NAME will inform the school of PUPIL NAME's overall attendance on a fortnightly basis (timed with (for example) fortnightly meeting with STAFF NAME)
- The school's attendance policy will be applied as normal to those sessions when PUPIL NAME is required to attend school

Assessment

- PUPIL NAME may be entered for public examinations as a private candidate via the school examination office (note: if the school retains full funding for PUPIL NAME then these entries can be funded by the school; if proportionate funding is withdrawn then the private entries cannot be funded)
- PUPIL NAME will be entered by the school for (for example) History GCSE provided her attendance at lessons has been sufficient to enable her to sit the exams with some success
- Arrangements for sitting the exams will be discussed and agreed prior to each series of exams

Access to other activities

- PUPIL NAME will be invited to join (for example) any History-related activities open to students in their History class.
- If the Flexi School arrangement is still in place, PUPIL NAME will be invited to attend (for example) leavers events at the end of year 11
- PUPIL NAME may be invited to attend other school activities, proportionately to their time spent in school (the implications for other students need to be considered alongside PUPIL NAME's needs and wishes)

Responsibilities

- It is the responsibility of the parent to ensure that a student of compulsory school age attends full-time education
- The school will maintain its normal responsibilities for PUPIL NAME when s/he is attending school according to the agreed Flexi-Schooling schedule
- The school will not be held responsible for any aspects of PUPIL NAME's curriculum, teaching and learning, supervision or health and safety when s/he is not attending school according to the agreed Flexi-Schooling schedule
- No insurance liability will fall to the school when PUPIL NAME is not attending school according to the agreed Flexi-Schooling schedule
- If PARENT/CARER'S NAME chooses to employ other people to educate PUPIL NAME she remains responsible for making sure that those whom they engage are suitable to have access to children
- The local authority retains its responsibility to act if it appears that a student is not attending suitable full-time education

Review

- The school will notify the local authority of the Flexi-Schooling arrangement
- The school will notify the local authority if it appears that the home-study part of a Flexi-Schooling arrangement is not suitable, in which case the school and the local authority will act in partnership to resolve these concerns
- The initial agreement will run (during term time) from (eg) 1st September to 31st December
- A full review of the arrangements will take place during (eg) December
- Following the planned full review, the agreement could be extended (with agreed amendments) for the remainder of (for example) Key Stage 4; extended (with agreed amendments) for a second term with further full review planned; or terminated
- The school reserves its right, in consultation with the Local Authority and the Inclusion Welfare Service, to withdraw its approval for this Flexi-Schooling arrangement if concerns suggest that the home-study part of the arrangement is not appropriate or sufficient to constitute full-time education (the school recognises that rejoining a full Key Stage 4 programme later than term 2 of year 10 is unadvisable; in the event of a break-down of the Flexi-Schooling arrangement after that then arrangements other than full-time school-based education will need to be considered; this is in line with other Local Authority inclusion practices)
- PARENT/CARER'S NAME reserves the right to request termination of the Flexi-Schooling arrangement and a return to full-time school-based education for PUPIL NAME (the school advises that re-joining a full Key Stage 4 programme later than term 2 of year 10 is unadvisable; this is in line with other Local Authority inclusion practices).