Transform Trust Flexi School Guidance

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Transform Trust - Guidance on Flexi Schooling

Summary

- Flexi-schooling is an arrangement between parent and school where children of compulsory school age are registered at the school in the usual way but attend part-time and for the rest of the time they are home educated.
- There is no legislation, case law or national guidance that either authorises or forbids flexi-schooling.
- There is no parental right to flexi-schooling.
- Any decisions regarding flexi-schooling should be made with school and parents working together in the best interest of the child.
- The responsibility for flexi-school arrangements lies with the school and not the Local Authority and schools will need to work with parents to address any issues which arise.

What are parents' responsibilities regarding education?

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."

Rather than seeking to enrol their child at a school, some parents/carers have a right to decide to provide a suitable education by educating their child at home. This is Elective Home Education (EHE) with the parent/carer taking full responsibility for the education of the child.

Parents have a right to electively home educate.

There is not a similar right to flexi-schooling.

What is flexi-schooling?

Flexi-schooling is an arrangement for providing a full-time education with the child attending school part of the time and educated elsewhere for the rest of the time. It is an individual arrangement made between the school and the parent.

The Department for Education (DfE) recognises flexi-schooling 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 full time and therefore differs 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.

Although there is no legislation or statutory guidance relating to flexi-schooling, the DfE Issued Elective home education Departmental guidance for parents April 2019 and Elective home Education Departmental guidance for Local Authorities April 2019 the section 'Flexi-schooling, and college attendance' is helpful and is outlined below:

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 fulltime 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.*

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.

School receives full funding for any flexi-schooled child on its roll and remains responsible for educational outcomes, safeguarding, attendance etc. The child should be included on census returns in the normal way.

Arrangements for flexi-schooling can only be made at the request of a parent/carer, it should not be initiated by a school or any other professional.

There is no right to request flexi-schooling, it is at the discretion of the Headteacher and their explicit permission is required before any flexi-schooling arrangements start. There is no right of appeal

against the decision of a Headteacher not to agree a flexi-schooling request.

Requesting flexi-schooling

If a parent/carer is interested in requesting flexi-schooling, they should contact the Headteacher to discuss the proposal in detail, in particular clarifying why the request is in the best interests of the child.

The Headteacher decides on an individual basis whether to agree to a request for flexi schooling; they may wish to involve the governing body in this decision making. The decision to undertake flexi-schooling should only be taken 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.

What should parents consider before making a request?

Flexi-schooling can work well if parents have the time, energy and resources to devote to educating their children part-time outside of a traditional school environment, especially if arrangements are co-created by school, child and parent with clarity from the outset on expected outcomes.

The education provided at home and at school should together constitute full-time. Whilst there is no statutory curriculum to be followed at home, parent/carers will need to be mindful of the impact on the child's access to the 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 is less successful when it is requested as a way of opting out of an element of the curriculum with which a child, for whatever reason, is uncomfortable or the choice is motivated by the desire to avoid difficulties around certain subjects, teachers, peers, aspects of school discipline or attendance itself.

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 Headteacher at the new school.

Attendance, Inclusion and Access to Education

Schools should carefully consider whether a request for flexi-schooling is being made because a child is experiencing barriers to attending or accessing full-time education. In some cases, requests may be linked to anxiety, emotionally based school avoidance, SEND, mental health needs, friendship difficulties, bullying concerns, behaviour, unmet learning needs or other factors which are affecting the child's experience of school.

Where these factors are present, schools should work in partnership with parents, carers and relevant professionals to consider whether additional support, reasonable adjustments, pastoral

intervention, attendance support or SEND provision may enable the child to access full-time education successfully.

Flexi-schooling should not be regarded as a substitute for appropriate attendance support, SEND provision, mental health support or reasonable adjustments or other interventions that may enable a child to access full-time education successfully. Any decision to agree a flexi-schooling arrangement should be based on the individual circumstances of the child and a clear consideration of whether the arrangement is in their best interests.

Schools should also consider the impact of any arrangement on the child's academic progress, social development, friendships, participation in school life and sense of belonging within the school community.

What should Headteachers consider when considering a request for flexi-schooling?

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; however, the Headteacher will still need to 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.

Although the child is not attending all school sessions, the school will still need to ensure that the child has access to a full curriculum. Equally, the child cannot be disapplied from assessment arrangements simply because flexible attendance has been agreed.

Recording attendance for flexi-schooled children

Consistent with the 2019 DfE guidance on 'Elective Home Education', on the days the child is being educated by the parent outside of school, the school should use the 'C' code (authorised absence) to record attendance.

Schools may be concerned that use of the 'C' code as authorised absence will have a detrimental

effect in an Ofsted inspection. 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 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.

Monitoring flexi-schooling arrangements

The school retains the responsibility for the child's progress and for tracking that progress. It is good practice to schedule in periodic liaison between the school and the parent so that the topics being covered in school can be explained. The school may wish to provide additional resources, but this is not expected.

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 EHE).

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.

Flexi-schooling agreements

To ensure that expectations and arrangements are clear for both parties, where flexi schooling is agreed it is best practice to have a written agreement between the school and parent/carer.
Such an agreement may include:

- the expected pattern of attendance at school.
- the rationale for why the flexi-schooling arrangement is in the best interests of the child.
- participation in special events which fall outside normal arrangements.
- how attendance will be recorded.
- 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 special educational needs and associated provision including how any high needs funding, if a child has an EHC Plan, 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.
- 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
- arrangements for regular planning and review meetings between parent/carer and school to ensure the child attains and makes good progress.
- 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, typically in line with the school's complaints procedure.

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

Where a child has an Education Health and Care Plan, good practice is to consider a request for flexi-schooling via an Annual Review.

Flow Chart for Flexi Schooling Process

Parent/s to contact the Headteacher to discuss making a request for flexi schooling. Headteacher to meet with the parent following such request.

Inform the Director of Inclusion of the request for a discussion regarding flexi schooling.

Parent to place flexi schooling request formally in writing to the Headteacher. Headteacher to review safeguarding and SEND context in discussion with Transform Trust.

Headteacher/parent meeting to consider key questions outlined within flexi schooling request to make an informed decision. Transform Trust to be consulted with regarding the final decision. The agreement identifies monitoring and review arrangements if flext schooling request is agreed.

YES

Using information obtained, Headteacher agrees and outlines the agreement in writing to the parent/s and informs the Director of Inclusion.

NO

Using information obtained, Headteacher disagrees. Headteacher to formally notify parents in writing.

If appropriate, Headteacher to contact SEND team about potential flexi schooling arrangements and discuss the request with the SEND case worker.

End of process

No right of appeal by parents

Headteacher and SENCO to arrange /hold an annual review of the EHCP to inform proposed adjustments to provision, review to note the benefits of flex schooling arrangemetns which can be considered by the LA.

With parents, Headteacher to draw/sign the Flex schooling agreement. Copy to be signed by Headteacher and parents.

Agreement to identify:

Timetable school/ home days

length of agreeemnt

Date of first review

Curriculum to be covered by school and by home

Ending the flexi schooling agreement

Parent is able to determinate agreement during the academic year

Ending the flexi schooling agreement

Headteacher may stop the arrangement and will notify the parents in writing if such a decision is reached

Example of possible wording to a response for an initial request for Flexi Schooling

Dear

I am acknowledging your request for us to consider a Flexi-Schooling for **XXX.** At this point I would like to outline the processes we have for such a request. In line with Transform Trust's guidance on Flexi schooling, I would like to have an initial conversation with you to better understand your thoughts and reasons for requesting flexi schooling. As a school, we believe that the best education for your child is with us, so it will be helpful, at this point, to see if there is anything more we can be doing in school to ensure your child is happy and receiving the best possible education.

If, after this conversation, you still want to formally request a flexi schooling agreement, we would need you to put your proposal into writing. In your formal request letter, there are a number of specific details that would need to know at this stage of the request.

In order for us to act in the best interests of the child, please could you provide the following information:

- More detail about the reasons for this request and how Flexi-Schooling would beneficial to your child.
- The proposed duration of the Flexi-Schooling.
  - Is this a short-term proposal or longer?
  - Would there be a plan to gradually increase **XXX's** time in school from your proposed starting point?
- The proposed timetable for each day – which part of the day would **XXX** be spending in school. Or which days?
- Which subjects would you intend to deliver and which would you expect to remain with us?
  - We would remain responsible to **XXX's** attainment and progress and **X** would need to sit statutory end of Key Stage tests in English and Maths in Year 6, the results of which we would be accountable for.
  - Would you be anticipating that we would be delivering these core subjects each day?
- The proposed structure and content of other subjects: You would not need to deliver the National Curriculum at home, but we teach in a cross curricular way at **XXX,** so subjects are closely linked. For example, much of our writing curriculum is based on the content of other subjects, such as History, Geography and PSHE. Would you be able to deliver our subject content and knowledge in a way that enable **XXX** to follow-up on this in other subjects such as English, for example?

Once I have received your formal request for flexi schooling with the information detailed above, we will arrange a meeting to discuss the request in more detail.

In the meantime, please feel free to contact us regarding anything relation to **XXX's** education at our school

Yours