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**Guidance for Schools on the use of Flexi Schooling**

**June 2019**

**This guidance is intended to protect both student and school, should flexi-schooling be requested by a parent.**

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.

**What are parents’ duties 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 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.
* Some parents/carers may decide to provide a suitable education by educating their children 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.

**What is flexi-schooling?**

* 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.
* 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 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 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 cited above can be viewed in full here: https://www.gov.uk/government/publications/elective-home-education

* 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 reintegrating 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 every day, is receiving full-time education.
* 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.
* Whist 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.

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

* 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.
* 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.

For further advice, and to discuss any particular circumstances, you can contact the Access and Inclusion team by email: [accessandinclusion@newcastle.gov.uk](mailto:attendanceservice@newcastle.gov.uk) or by phone: 0191 277 4500.