



**WOKINGHAM
BOROUGH COUNCIL**

Flexi-schooling Guidance

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Executive Summary

Wokingham Borough Council is committed to ensuring the right of every child to a full-time education is realised. For the vast majority of children and young people within the Borough, the Council believes that full-time education within a school setting offers the best option for them to achieve and fulfil their potential.

However, the Council recognises the right of all parents to choose alternative methods for their child to engage in effective, full-time and suitable education – including requesting the agreement of flexi-schooling arrangements with school.

Flexi-schooling is where parents choose to make arrangements for their child to receive part of their total educational provision at school and part at home. Any request for flexi-schooling arrangements must come from parents and **should not** be suggested or encouraged by a head teacher, member of school staff, or local authority officer.

Wokingham Borough Council has no formal or statutory role in determining flexi-schooling arrangements. The responsibility for decisions relating to flexi-schooling rests with schools. However, schools should refer to this guidance when considering applications made by parents and/or developing any policy related to flexi-schooling – to ensure that all relevant considerations have been taken into account.

This guidance is not a policy in itself, but should be used to form the basis of any flexi-schooling policy developed by schools. It should also be read in conjunction with Wokingham Borough Council's Elective Home Education Policy.

Any questions or concerns about the contents of this guidance should be raised with the Quality Assurance and Policy Team via email at:

ImpactAndInspectionTeam@wokingham.gov.uk

Context

This guidance is underpinned by national legislation and guidance:

- [Education Act 1996](#)
- [The Education \(Pupil Registration\) \(England\) Regulations 2006](#)
- [Special Educational Needs and Disability Regulations 2014](#)
- [The School Admission \(Infant Class Sizes\) \(England\) Regulations 2012](#)
- [Education Act 2002 \(Sections 90, 92 and 93\)](#)
- [Elective Home Education, Department for Education Guidance \(April 2019\)](#)
- [Elective Home Education, Department for Education Guidance for Parents \(April 2019\)](#)

It should be read in conjunction with other local procedures:

- [Elective Home Education Policy](#)
- *Relevant policies/procedures developed by school*

This guidance applies to all Wokingham Borough maintained schools, academies, free schools, special schools and pupil referral units. The term 'schools' should be taken to mean the aforementioned educational settings. The term 'parents' should be taken to mean parents, carers, or those with parental responsibility for the child. References to 'home education' should be taken to be education provided at home, or somewhere other than school. References to the 'National Curriculum' should be taken to include any variations implemented by an academy.

1. Introduction

Flexi-schooling is where parents choose to make arrangements for their child to receive part of their total educational provision at school and part at home.

All parents have the right to request the agreement of flexi-schooling arrangements with school, however all requests must come from parents and **should not** be suggested or encouraged by a head teacher, member of school staff, or local authority officer.

This guidance aims to:

- Clearly set out the statutory requirement for full-time education.
- Form the basis of any flexi-schooling policy developed by schools.
- Outline statutory requirements which should be considered by schools when discussing a request for flexi-schooling with parents.
- Assist schools in their responses to parents who request flexi-schooling arrangements.
- Assist parents who are considering whether to request flexi-schooling arrangements for their compulsory school age child.

2. The Law and Relevant Guidance

All children have the right of fair access to an effective full-time education which is suitable to the child's age, ability, aptitude and any special educational needs they may have. Overall legal responsibility for a child's education rests with their parents, however there is no legal requirement for a child to attend a formal educational setting.

Some parents may therefore choose to request flexi-schooling arrangements, meaning that, if agreed, the child would receive part of their total educational provision at school and part at home. Flexi-schooling is usually chosen by parents as a means of their child receiving education in specific subjects at school more easily than is possible at home.

Flexi-schooling should not be confused with elective home education (EHE). Parents have a legal right to choose to educate their child at home, however they do not have a legal right to insist on flexi-schooling arrangements being agreed by any school. There is no legal obligation for schools to agree to flexi-schooling arrangements. The final decision on whether to agree flexi-schooling arrangements rests with the head teacher, acting with the authority of the Governing Body.

Where flexi-schooling arrangements are agreed, parents must still ensure that the child receives a suitable full-time education, however the element of education received in school must be taken into account when considering whether the parents' duty under Section 7 of the Education Act 1996 has been met. ***It is important to note that the school has no supervisory role in the home element of educational provision and also has no responsibility for the pupil's welfare during the times where they are being educated at home.***

Flexi-schooling arrangements can apply to any pupil and there are no specific criteria. A common example of when parents will request flexi-schooling arrangements is when their child has a particular sporting talent and flexi-schooling would enable them to benefit from elite coaching during what, for many pupils, would be school time. However, requests for flexi-schooling are not solely limited to gifted and talented children and every request should be judged on its merits.

Schools are advised to use this guidance to develop their own flexi-schooling policies and procedures.

3. Flexi-schooling Applications

Where parents are interested in making a request for a flexi-schooling arrangement, contact should be made directly with the head teacher of the child's current or prospective school so that the proposal can be fully considered.

4. Considerations for Parents

The implications of sharing educational provision between home and school are significant, both in terms of expertise and resources and in the commitment to making shared provision work.

The education provided at home and school should together constitute full-time provision. There is no statutory requirement for home education to follow the National Curriculum – this is the same for the home element of flexi-schooling. However, parents will need to be mindful of the impact on the child's access to the National Curriculum through school and the possible fragmentation of their learning experience.

Flexi-schooling does not offer an alternative means of opting out of an element of the curriculum with which a child, for whatever reason, is uncomfortable. It is unlikely to succeed if the reasons for choosing it are negative and/or the choice is motivated by the desire to avoid difficulties in respect of certain subjects, teachers, peers, aspects of school discipline or attendance.

Parents should consider that their child may find limited attendance at school makes it difficult to maintain strong relationships with peers and they may experience a degree of social exclusion/isolation as a result.

Where a flexi-schooling pupil moves to a different school, there is no guarantee that the flexi-schooling arrangements can continue. A new request for flexi-schooling arrangements would need to be made to the head teacher of the new school – which they would be under no obligation to agree to.

5. Considerations for Head Teachers

When considering requests for flexi-schooling arrangements, head teachers should take into account the best interests of the child.

Wokingham Borough Council advises head teachers to consider the following when making their decision as to whether flexi-schooling arrangements should be agreed:

- Safeguarding and welfare of the child are of paramount importance, therefore a thorough risk assessment should be undertaken before any agreement is reached about flexi-schooling arrangements. Where there are concerns that the child may be at risk of harm while not in school, flexi-schooling arrangements **should not** be agreed.
- Where the child falls within a vulnerable category, consideration should be given to consulting the relevant team at Wokingham Borough Council (see **Section 6**).
- The child's current and anticipated levels of educational attainment.
- Arrangements for monitoring the child's progress.

- How the home and school elements of proposed education will interlink to constitute a full-time education.
- The additional demands and workload of teaching and administrative staff.
- The effect on school discipline and the morale and motivation of other pupils.
- A flexi-schooled child remains on the school roll, therefore this could deny a full-time place to another prospective pupil.
- How any possible impacts on attendance recording and overall school attainment/progress figures will be managed.

6. Additional Considerations for Vulnerable Pupils

Wokingham Borough Council requests that schools give due consideration to pupils who fall within particular vulnerable categories before agreeing to flexi-schooling arrangements, such as Children in Care, children subject to a Child in Need or Child Protection Plan and children with Special Educational Needs and Disabilities (SEND), including those with an Education, Health and Care Plan (EHCP). Where this applies, the school must consult with Wokingham Borough Council Children's Social Care, the Virtual School, or SEND Team, as appropriate, before agreeing to any flexi-schooling arrangements.

Where a child has an EHCP and flexi-schooling is agreed, the duty to review the child's EHCP on an annual basis, or sooner if appropriate, still applies.

7. Role of the Governing Body

The Governing Body (or Proprietor of an academy) may be involved in agreeing and reviewing the school's approach to flexi-schooling, but they should not become involved in individual cases. This is because some governors may have a more formal role if a dispute arises and/or a complaint is made, therefore any prior involvement could constitute a conflict of interest or lead to bias during subsequent investigations.

Governors should satisfy themselves that the head teacher has fully considered the points highlighted above when reaching decisions around flexi-schooling.

8. Written Agreements

Where flexi-schooling arrangements are agreed, it is good practice for the school to formulate a written agreement with parents to ensure that expectations are clear for all concerned. This should be signed and a copy kept by the school. The agreement should set out:

- The days/times when the child will attend school.
- Agreed times when parents will be responsible for the child's safety and welfare, to ensure clarity around safeguarding duties and responsibilities.

- The requirement for parents to contact the school if the child is absent from a school session that they would normally attend.
- How the school will follow up any unexpected/unexplained absence, as it does for other pupils.
- How attendance will be recorded.
- Any flexibilities regarding special events which fall outside of the normal flexi-schooling arrangement (e.g. assemblies, school trips, school productions/performances, sporting events and visitors to the school).
- The provision that parents will implement during the home education element of flexi-schooling.
- The arrangements for pupil assessment and entrance to public examinations.
- Details of any confirmed or perceived special educational needs and associated provision.
- The frequency of planning meetings between parents and school to ensure the child fulfils their potential.
- The review date for the flexi-schooling arrangements (*Wokingham Borough Council advises that the arrangements should be reviewed on a termly basis, as a minimum*).
- The circumstances under which either party can withdraw from the arrangement, including the notice period required.
- How any disputes will be resolved.

9. Appeals

There is no right of appeal against a head teacher's decision to decline a flexi-schooling request. Equally, there is no right of appeal against a head teacher's decision to cease a child's existing flexi-schooling arrangement.

10. National Curriculum

Where a child is registered at a school, on days where they attend school the National Curriculum must be followed as if the child were attending school full-time. The requirement to follow the National Curriculum will apply to all children, except:

- Temporarily, due to exceptional circumstances (e.g. prolonged absence from school due to health reasons or family crisis).
- As part of an Education, Health and Care Plan (EHCP).
- With the permission of the Secretary of State to allow curriculum development and experiment to take place, for an agreed period.

On days when the child receives education at home, there is no legal requirement for that element to follow the National Curriculum.

11. Attendance Recording

There is no attendance code specific to flexi-schooling and the Department for Education does not propose to institute one. Where flexi-schooling arrangements are agreed by a school, the time a pupil spends being educated at home should be recorded as authorised absence and marked in attendance registers using the 'C' code.

It is not appropriate to mark the home education element as 'approved off-site activity' (using the 'B' code) unless the school is responsible for supervising the off-site education and can ensure the safety and welfare of the pupil while off-site. The school has no supervisory role in the child's education during the times where they are being educated at home – and also has no responsibility for the welfare of the child during the home education element of their provision.

When absence occurs on days when the child is due to attend school, schools should follow up the absence in the usual way, in line with school policy.

12. Ofsted Inspections

Having flexi-schooling numbers does not in itself mean that outcomes from Ofsted inspections will be poorer. Where appropriate, schools should be ready to discuss the arrangements they have in place to manage the requirements of flexi-schooling pupils with Ofsted inspectors.

Schools are held to account through inspection for the performance of pupils. This includes any pupils who attend the school as part of flexi-schooling arrangements.

13. School Transport

Where a child uses school transport arranged by Wokingham Borough Council, the school must advise the Council of the flexi-schooling arrangement – to include the days on which transport is not required and the duration of the agreement.

Should flexi-schooling arrangements end earlier than planned, it is the responsibility of parents to request that school transport provision is reinstated. A child who is entitled to school transport will not lose that entitlement as a result of a flexi-schooling arrangement.

14. Admissions

There is no distinction between children who are flexi-schooled and children who are not. Whatever the degree of attendance, the child will count towards admissions numbers on roll as full-time.

The same applies to Infant Class Size Legislation (ICSL), which is sometimes referred to as Key Stage One legislation. Therefore, any child being flexi-schooled will not constitute an exception to ICSL.

15. School Funding

The agreement of flexi-schooling arrangements will not impact the funding payable to schools in respect of that child. The child should be recorded by the school as attending full-time, with sessions not in school recorded appropriately. Schools will therefore receive full-time funding for flexi-schooling pupils.

Flexi-schooling pupils should be included in count returns in the same way as all other children.

16. Insurance

There is no distinction between children who are flexi-schooled and children who are not.

17. Children Educated Outside their Chronological Age Group

There is no distinction between children who are flexi-schooled and children who are not.

18. When Home Education is Unsuitable

If it appears to the school that parents are not providing a suitable education during the home element of provision, the school may ask parents to take remedial action. Where parents refuse to do so, or concerns about the suitability of home education continue, the school may withdraw its agreement to the flexi-schooling arrangement. Where this occurs, the child would then be required to attend school on a full-time basis. A School Attendance Order would not need to be initiated in these circumstances as the child would already be on roll at a school.

If a child fails to return to full-time attendance, school should mark the absence as unauthorised and refer the case to the Education Welfare Service, in line with the school's policy.