

Flexi-schooling

What is Flexi-schooling?

An increasing number of parents are requesting a more flexible use of schools, and head teachers have the authority to agree flexi-schooling to accommodate their wishes. In a flexi-schooling arrangement children are registered as pupils at the school and attend part-time, but spend other parts of the week being educated off site by their parents. This arrangement is a matter for the head teacher, rather than the local authority, to negotiate with parents.

Legal Aspects of Flexi-schooling

In England flexi-schooling is covered by the Education (Pupil Registration) (England) Regulations 2006. Regulation 6(1)(a)(iii) instructs schools to indicate on the register when children are attending an approved educational activity off site. Regulation 6(4) defines an approved educational activity as an activity which takes place outside the school premises and which is approved by a person authorised by the proprietor of the school. It must be of an educational nature, including work experience and sporting activities, and must be supervised by a person authorised by the proprietor or the head teacher of the school. Part time education provided at home in agreement with the head teacher of the school meets these criteria.

The School should mark the register Code B "educated offsite". If the register is marked Code C "authorised absence", this will count towards the school's global absence scores. (See "Further Information" for attendance legislation.)

In Wales flexi-schooling is covered by the Education (Pupil Registration) Regulations 1995 as amended by the Education (Pupil Registration) (Amendment) Regulations 1997. Regulation 7(1)(a) instructs schools to indicate on the register when children are attending an approved educational activity. Regulation 7(4A)(a) defines an approved educational activity in the same terms as Regulation 6(4) in the English regulations above.

In Scotland, flexi-schooling can probably take place on the same basis, but the situation is slightly less clear as the Pupil Registration Regulations 2006 do not apply in Scottish law. We know of families in Scotland who have obtained permission for flexi-schooling at the discretion of the head teacher.

Children being educated within a flexi-schooling arrangement are in the same position as any registered pupil with regard to insurance cover; they also attract full or part funding for the school.

DCSF Guidance

The Department for Children, Schools and Families (DCSF) published their new guidelines for Local Authorities in November 2007. This has a section on flexi-schooling, which states:

5.6 "Flexi-schooling" or "flexible school attendance" is an arrangement between the parent and the school where the child is registered at school and attends the school only part time; the rest of the time the child is home educated (on authorised absence from school). This can be a long-term arrangement or a short-term measure for a particular reason. "Flexi-schooling" is a legal option provided that the head teacher at the school concerned agrees to the arrangement. 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.

Further information is available in the DCSF's guidance Keeping Pupil Registers. (See DCSF Attendance web site in "Further Information")

This document states, on page 15:

Approving off-site, supervised educational activities

75. Only schools can approve educational activities and authorise the use of the "present at approved educational activity". Clearly, this approval is implicit where the school has been involved in making the arrangements. Schools can approve activities arranged by others, including parents, if they believe the activity satisfies the regulatory requirements. In considering any request to approve an activity, the school should consider

- a. the nature of the activity;
- b. the benefits to the pupil;
- c. the effect on the child's general education;
- d. the amount of time requested; and
- e. the timing of the activity.

Approving the activity does not imply

agreement to pay for it.

76. The pupil must be supervised whilst undertaking the activity by someone authorised to do so by the school. When considering whether to authorise someone as a supervisor, schools must consider whether the person has the necessary skills, training, experience and knowledge to make the activity a successful, worthwhile and safe experience for the pupil. If they are concerned that the person is not suitable as a supervisor, they can decline to approve the activity.

77. It is helpful, particularly during truancy sweeps, if schools give pupils a "pass" which confirms that they have a legitimate reason to be out of school during normal school hours on a day that the school is open.

From a Head Teacher's Perspective

It should be emphasised that flexi-schooling is not a right, but a matter of persuading the head teacher that it will be advantageous for all.

To be successful in an application for flexi-schooling it is useful to see it from the head teacher's perspective, so that you can be equipped with information to counter their concerns.

The head teacher is unlikely to have come across it before so is likely to be sceptical. You will need good reasons about why it will be successful.

It is helpful for families to be well informed before approaching the school. They may wish to be armed with copies of research work into the success of home education or examples of other families where flexi-schooling has been successful.

Before initiating negotiations with the school, it is also helpful to consider the implications of flexi-time schooling for all parties concerned, and to think about any appropriate practical arrangements that would be necessary. Be prepared to promote the various advantages, and to consider and avoid the various disadvantages there may be, for the child, the family and the school.

The head teacher may be concerned about the effects on the school's SATs scores, as the child is only obliged to follow the National Curriculum while at school and not while being educated at home under a flexi-school arrangement. In May 2008 Education Otherwise queried with DCSF Public Communications Unit whether flexi-schooled

children were still obliged to take SATs and received the following reply : "I can confirm that a pupil in a flexi-school arrangement is required to take the National Curriculum tests (sometimes known as SATs)."

This hurdle can be overcome if the school is made aware of the educational value of home education, particularly the types of home education that are most different from a school-at-home model.

Any family wishing to arrange flexi-schooling would be wise to bear in mind that absence scores and attendance targets are extremely important for the school.

There may be concern about the register being marked with an absence, so reassurance would be needed that the register can be marked with Code B "educated offsite", which does not affect the global absence score. The head teacher may feel there is no "robust evidence of learning" in the non-school sessions and that the register should only be marked with Code C "authorised absence", which would ultimately affect the school's Ofsted rating.

Another area of uncertainty is how much funding the school will receive for the part-time pupil. Previously flexi-schooling meant that the school still had full funding but the DCSF now say:

"...the Department has not made any changes and this is not set to change. However, the Local Authority may decide to provide a school pro rata funding for the days the pupil is actually attending school. It is for LAs to fund schools through a local formula."

They go on to explain how the school might appeal against such a decision:

"if the school considers that the formula delivers insufficient resource in meeting the needs of the school, then the governing body may wish to bring its views about the local funding formula to the attention of the authority or alternatively, the school representative on the local Schools Forum."

In the negotiations for flexi-schooling the family may wish to involve the local authority to back up their views or to clarify things for the head teacher.

EO's Government Policy Group would be happy to help with up to date information and may be able to provide information to your school or local authority. (Contact details in "Further Information")

Practical Arrangements

The following information regarding the practical arrangements is provided by Kate Oliver, whose children practised flexi-time schooling. These ideas are based on their experience, and are particularly suitable for a formal agreement between the school and family, but may not be necessary with a more informal arrangement.

Once the principle of flexi-time schooling has been agreed with the school, a statement of intent can be negotiated. This can formalise aspects such as:

- details of expected school attendance;
- participation in special school events outside the agreed flexi-time school hours;
- the same access for flexi-time parents to school records, reports, teachers, etc. and the same statutory rights as for full-time parents;
- access to LA reports on the home element of the deal for both parents and the school;
- conditions for termination of the agreement by either side.

Examples of Flexi-Schooling

One group of home educators negotiated an arrangement with a local secondary school, where the head teacher is sympathetic to the needs of home educated children, to enable a group of young people to register at the school for tutor support but to use distance learning materials to study at home. The funding the school received for the registered pupils was used to buy NEC course materials and also to pay for regular tutorials, marking of assignments, marking of mocks, exam fees, etc.

Another example is of a home educated 15 year old with no formal study experience who wanted to study for a First Diploma in Horse Care, a post-16 Access course equivalent to the 4 GCSEs required to enrol on a National Diploma in Horse Management. The local Agricultural College accepted her onto the course but then found out that there was a problem accessing the funding. The College suggested that the parents approach the local secondary school that she would attend, if she was not home educated, and ask for her to be registered as a pupil there but for her funding to be diverted to the Agricultural College to fund the course there. The school's head teacher was sympathetic and supportive of the plan, and the family, school and college worked together to

organise this.

Parents of another child in Year 11 who found school unbearable arranged with the head for the child to remain registered at school but to begin a self directed programme of study at home. The school paid for him to attend adult education evening classes for GCSE Maths, English, Biology and Science, and provided extra tutor support in the form of one-to-one tutorials with staff after school whenever he felt he needed it. He also studied for Art and IT GCSEs by working at home and seeing a tutor after school for extra support and to work on exam coursework. He gained 6 GCSEs and went on to College. He still found the structured learning programme difficult to conform to and left. Instead he joined an adult course to train as an outdoor education instructor. He feels that his experience of self directed flexi-schooling enabled him to regain his self confidence to take an alternative path through further education.

Advantages and Disadvantages

Flexi-schooling can provide a good combination of the individual and the group; of democracy and authority; of parental independence and co-operation with the school.

The **advantages for children and parents** include:

- children can benefit from mixed-age learning;
- parents can retain responsibility for their children's education and remain as educators of their children beyond the age of five, both in the home and participating in the school;
- parents can continue to learn with their children to a greater degree;
- parents can work in co-operation with the school;
- parents can undertake flexible working themselves (e.g. job-share).

The **advantages for the LA and teachers** include:

- the accompanying change in ethos is beneficial: for example partnership between parents and teachers;
- children are more highly motivated while at school for shorter hours;
- properly managed, the resource savings of fewer pupils and the greater resources per pupil in school at any one time could be far-reaching.

It may help to be aware of additional more general arguments against flexi-schooling that you may have to counter, although full awareness of these means any problems can largely be overcome with close co-ordination between parents and school.

Possible **disadvantages to the children** may include:

- being seen as eccentric;
- loosening friendship ties within school;
- unfinished project work;
- missing out on the explanation of new concepts.

Possible **difficulties for parents** may be:

- maintaining close communication with the teacher(s);
- being aware of the standards required at school.

Finally, **the difficulties for the LA and teachers** might include:

- disrupted project work;
- individual attention needed if crucial explanations are missed;
- recording work achieved other than at school may require extra input;
- communicating with parents.

All of these difficulties can be avoided with close communication and understanding between the parents and the school.

Further Information

EO Government Policy Group

Email: governmentpolicy@education-otherwise.org
PO Box 325, Kings Lynn PE34 3XW

DCSF Attendance Team

Email: Corinne.Kelly@dcsf.gsi.gov.uk
www.dfes.gov.uk/schoolattendance/legislation/

DCSF Home Education Guidelines

<http://tinyurl.com/2qxypf>
Hard copies available via Denise Hunter, Elective Home Education Team, DCSF; and Independent Schools Partnerships and Strategy

Statutory Instrument 2006 No.1751

The Education (Pupil Registration) (England) Regulations 2006

www.opsi.gov.uk/si/si2006/uksi_20061751_en.pdf
<http://tinyurl.com/6jfsrl>

Keeping Pupil Registers

www.dcsf.gov.uk/schoolattendance/uploads/Legislation%20-%20Keeping%20Pupil%20Registers%20MAY2008.pdf <http://tinyurl.com/6ax3wy>

Absence and Attendance Codes Guidance October 2007

www.dcsf.gov.uk/schoolattendance/uploads/Absence%20Data%20-%20Absence%20and%20Attendance%20Codes%20May2008.doc
<http://tinyurl.com/6jq8zn>

Books

Teaching Tomorrow, Adcock, J., Educational Heretics Press

Flexi-schooling, Meighan, R., Educational Heretics Press

Flexi-time Schooling, Oliver, K., Human Scale Education, 2000

Free Range Education, Dowty, T. (ed), Hawthorn Press, 2000 (available from EO web site)

Web Sites

www.education-otherwise.org
www.edheretics.gn.apc.org
<http://flexitimeschooling.org/fts.pdf>
www.home-education.org.uk

This leaflet is from the Education Otherwise Information Leaflet Series.

This series is only a guide, not an authoritative statement of law or procedures

(Updated June 2008)

Education Otherwise Association Ltd, PO Box 325, Kings Lynn, PE34 3XW Reg. Charity No. 1055120

A company limited by guarantee in England and Wales No. 01917107

Helpline No. 0845 478 6345

www.education-otherwise.org

Registered Office: 41 St Mary's Street, Ely, Cambs. CB7 4HF