

PROTOCOL FOR SCHOOLS AND PARENTS ON FLEXI-SCHOOLING

for admissions from September 2010 and 2011

This applies to:

All Devon County Council maintained schools at primary and secondary phase except for Special Schools.

All parents and carers seeking admission to school or to reach an attendance agreement for a child in their care.

Policy updated:	September 2011
Review date:	November 2010 for 2012-13 and then annually unless a need to review earlier is identified

Description of Policy

This policy provides guidance for schools and parents where a parent wishes to request that their child is educated partly in school and partly elsewhere.

Linked Policies

The In-Year Co-ordinated Admissions Scheme, The Primary Admissions Co-ordinated Scheme, The Secondary Admissions Co-ordinated Scheme.

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Appendix 1 – Equality Impact Needs Assessment is located at
<http://www.devon.gov.uk/index/learningschools/schools/admissions/admissionarrangements/admissions-determined2011.htm>

General Information and Contacts

Date	September 2011
Review date	Annual
Approval	by Cabinet Members of Devon County Council
Key partners	Learning and Development Partnership Devon Association of Secondary Headteachers Devon Association of Primary Headteachers Devon Association of Governors Church of England Diocese of Exeter Roman Catholic Diocese of Plymouth School Admissions Team
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Useful links	Department for Education Office of the Schools Adjudicator School Admissions Code

POLICY

1 Equality Statement

- 1.1 Devon County Council will only commit to policies and practices which will eradicate discrimination and promote equality for all, regardless of age, gender, disability, religion and belief, race and ethnicity and sexual orientation.
- 1.2 This policy will be subject to an Equality Impact and Needs Assessment. This assessment will be integral to all future policy and guidance reviews.

2 Safeguarding Statement

- 2.1 Devon County Council and its partners recognise that safeguarding is everybody's responsibility. Whether their interest is in all young people 'staying safe' in all aspects of our services, or whether they are working in specific areas of vulnerability, all staff will have appropriate training and induction so that they understand their roles and responsibilities and are confident in carrying them out. Settings, schools, children, young people and their parents or carers, or any member of the community should feel secure that they could raise any issues or concerns about the safety or welfare of children and know that they will be listened to and taken seriously. This will be achieved by maintaining an ethos of commitment to safeguarding and promoting the welfare of children and young people. This is supported by a clear child protection policy, appropriate induction and training, briefings on and discussion of relevant factors and refreshed learning in line with current legislation and guidelines.
- 2.2 Devon County Council acts as a Corporate Parent for Children in Care. This means that the local authority has a legal and moral duty to provide the kind of support that any good parents would provide their own children. This policy has been written to comply with this principle.

3 Introduction

- 3.1 This protocol is intended to assist a parent considering whether to request that the education of their statutory-age child is partly at school and the remainder elsewhere.
- 3.2 This protocol is intended to assist schools in their responses to parents who have an arrangement for a child where he or she is to attend part-time at school and receive the remainder of their education at home or elsewhere, organised by the parent. See paragraph 4.4 below.
- 3.3 A request by a parent for the child to receive education in this manner is valid. The school should agree to the request unless there is reason for it to

be refused.

3.4 In deciding whether to agree to a flexi-schooling arrangement, a headteacher may consider:

- safeguarding the child as of paramount importance;
- the appropriateness of the education proposed by the parent away from the school;
- the effect on the school organisation and funding;
- the effect on school resources;
- the effect on school discipline and the morale and motivation of other children on roll at the school.

4 Background

4.1 The responsibility for a child receiving full-time education while he or she is of statutory school age lies with the parent.

4.2 Where a parent educates a child partly at school and partly at home or elsewhere as an expression of parental preference, this is called flexi-schooling.

4.3 Where a parent educates a child entirely at home as an expression of parental preference, this is called elective home education.

4.4 “*Elective Home Education: Guidelines for Local Authorities*” DCSF 2007 gives advice regarding children taught at home in accordance with the wishes of their parents. Paragraph 5.6 is specific to flexi-schooling:

“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 of the time; the rest of the time the child is home educated. 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 headteacher 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 headteachers are made familiar with flexi-schooling and how it may work in practice.

4.5 There are requirements on the school to record the child’s attendance. “*Keeping Pupil Registers: Guidance on applying the education pupil registration regulations*” DCSF 2008 gives advice regarding recording attendance where a child receives flexi-schooling:

114. Flexi-schooling is the term used for a system whereby children are partly educated at school and partly educated elsewhere, usually at home. The nature of home education is that it often does not follow strict timetables or the patterns of a normal school day. The families involved like the

flexibility of having their children undertake educational activities in the evening and at weekends e.g. attending sports clubs as part of a physical education programme. Unlike full-time home education, any agreement between a child's parents and a school for the child to be flexi-schooled is at the headteacher's discretion.

115. Flexi-schooling should not be confused with part-time timetable. In the case of the former, the child must be in full-time education throughout the school-year.

116. Schools must not seek to persuade parents to educate their children in order to avoid exclusion or action for poor attendance. They must follow statutory exclusions guidance if they wish to remove a child from the school and, in the case of poor attendance, address the reasons for the absences.

117. Educational activities that take place outside the normal school day are not recorded in the statutory attendance register (see paragraph 109¹). Off-site activities which take place during the school's normal day (see paragraph 11²) can be recorded as approved educational activity (see paragraph 69³) but only if the activities meet the legislative requirements and the school has received confirmation that the activity took place during the session in question. Sessions which the child is expected to attend the school are marked in the normal way.

- 4.6 A parent may request flexi-schooling on a long-term basis where he or she favours this form of education.
- 4.7 A parent may request flexi-schooling for a short period, when, for example, the child is unable to attend school every day due to illness or injury. Parents should be aware that in this situation it may be of greater benefit for the child to seek link education provision. An Education Welfare Officer's opinion and advice could be sought.

PROCEDURE

5 When a Child is Flexi-Schooled

- 5.1 He or she will already be registered at the school.
- 5.2 On days when he or she attends school, the National Curriculum must be followed as if the child were attending full-time. An academy may vary its education provision from the National Curriculum; references to the National Curriculum should be read as the academy curriculum.
- 5.3 The requirement to follow the National Curriculum will apply to all children except:
- Temporarily, due to exceptional circumstances such as prolonged absence from school on health grounds or family crisis.
 - As a part of a Statement of Special Educational Needs.
 - With the permission of the Secretary of State to allow curriculum development and experiment to take place, for an agreed period.
- 5.4 On days when he or she does not attend school, the child need not follow the National Curriculum.

6 Marking the Attendance Register

- 6.1 Following the Department for education 2011 Summer School Census - Readiness Bulletin No. 3 (LAs), item 6.2, children should be recorded as absent when not in school.

Schools may record the sessions when the child is not in school as 'authorised absences' (Code C).

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

7 Funding

- 7.1 The child will be recorded by the school as attending full-time – with sessions not in school being recorded as absent. Therefore the school will receive full-time funding.
- 7.2 Flexi-schooled children are included in count returns as for other children.

8 Admissions

- 8.1 There is no distinction between children who are to be flexi-schooled and

those who are not. Whatever the degree of attendance, the child will count towards admissions numbers on roll as full-time.

9 Infant Class Size Legislation (ICSL)

- 9.1 There is no distinction between children who are to be flexi-schooled and those who are not. Whatever the degree of attendance, the child will not be an exception to ICSL (sometimes called Key Stage One legislation) solely by being flexi-schooled.

10 Insurance

- 10.1 There is no distinction between children who are to be flexi-schooled and those who are not.

11 Children with a Statement of Special Educational Need

- 11.1 There is no distinction between children who are to be flexi-schooled and those who are not.

12 Children Educated outside their Chronological Age-Group

- 12.1 There is no distinction between children who are to be flexi-schooled and those who are not.

13 When the Home Education is Unsuitable

- 13.1 Neither the LA or 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 are not providing a suitable education as agreed between the school and the parent, the school may ask the parent to take remedial action. If the parent 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 attend at school on a full-time basis.
- 13.2 A school attendance order would not be appropriate as the child is on the roll of a school.

14 The Governing Body of a School

- 14.1 While a governing body may be involved in agreeing and reviewing a general approach to requests for flexi-schooling, it is for the headteacher to consider each request on its own merits.

15 Written Agreements with Parents

15.1 A written and signed agreement must be formulated between the school and parent in order to make expectations clear for all concerned. This will include:

- The normal expected pattern of attendance at school.
- The length of time the agreement is to run before review by the school. Typically this may be one term.
- What flexibility there will be regarding special events which fall outside the normal arrangement such as but not limited to assemblies, trips, productions or performances, sports events, visitors to the school.
- How the register will be marked.
- That the parents must contact the school if the child is absent from a session that they would normally be present at school or at approved educational activity.
- That the school will follow up any unexpected or unexplained absence as it would for other children.
- What the arrangement will be at times of children's assessment.
- That if a parent chooses to employ at his or her own expense another person to educate the child at home, he or she will be responsible for ensuring that person is 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 or her potential and to promote good home-school relationships.
- That the school will notify the Administrator for Elective Home Education at the LA of the flexi-schooling arrangement.
- Under what circumstances and with what notice either party can withdraw from the arrangement.
- How any disputes will be resolved.

16 Extended Schools and the School Day

16.1 A number of schools have introduced a range of services beyond the traditional school day and role. These activities, which may be open to both pupils and non-pupils can include community activities, breakfast clubs, homework clubs, catch-up services provided by partner providers and other agencies. These activities are not compulsory and do not form part of the 380 sessions that schools are expected to be open to all pupils.

16.2 All maintained schools must set the hours of their school day within the Education (School Day and School Year) Regulations 1999 and the Education Act 2002 (s32). These state that the school day must be divided into two sessions with a break in the middle of the day. Those schools which operate a six day week may have up to two days which only have one session. The School Day and School Year regulations do not apply to Pupil

Referral Units and schools that are not maintained by a local authority.

17 Approved Educational Activity away from the School

17.1 Schools may arrange for children to undertake part of their education outside the school premises, including alternative provision arranged by LAs. The child is neither present at school nor absent from education. They should be marked as “present at approved educational activity”. The activity must be educational and meet the individual needs of the child. Examples include:

a. work experience in Year Groups 10 and 11.

b. children’s participation in sporting activities. This can include competing, attending training camps organised by national and regional governing bodies, acting as volunteers and representing the school. It can form a valuable part of a child’s educational and personal development. There may be concerns that a sporting activity is appropriate for a child’s physical development and age. Advice can be sought by a school from the national governing body for the sport.

c. all children who are dual registered can be marked as present at approved educational activity when they attend another school. Similarly, children who attend other educational provision such as further education colleges and specialist providers can be marked in this way.

d. electronic and distance learning is often unsupervised or takes place outside the normal school day and therefore does not meet the regulatory requirements to be treated as approved educational activity. However, some systems are able to verify that the child has logged on at the agreed time and is doing the work set; for example one system identifies who is doing the work using the keystrokes on the computer. Where the school is given robust evidence that a child has done the work during the session in question, it may record the child as “present at approved educational activity”.

17.2 The legislation about approved educational activity is set out in The Education (Pupil Registration) (England) Regulations 2006 and section 114 of Keeping Pupil Registers sets out the Department's guidance on flexi-schooling.

18 Appeals

18.1 There is no appeal against the decision of a headteacher not to agree to a flexi-schooling request.

19 Education Transport

- 19.1 On those days when the terms of a flexi-schooling agreement are that the child will not attend at school, there will be no transport provided where the child is a passenger on education transport.
- 19.2 The school will advise the Education Transport Team of the arrangement, the days on which transport is not required and the duration of the agreement.
- 19.3 Where an agreement ends earlier than planned, it will be the responsibility of the parent to request that the transport provision recommences. A child entitled to transport will not lose his or her place on education transport as a result of a flexi-schooling arrangement.

20 Summary

- 20.1 All requests must be considered by the headteacher on their own merits.
- 20.2 The headteacher will take into account the best interests of the child, together with the likely impact on the discipline, morale and organisation of the school. Of overriding importance is safeguarding the child. No agreement should be reached where a headteacher has concerns that it would put the child at risk of harm while not attending at his or her school.

EMPLOYEE GUIDANCE

21 Guidance for Employees

- 21.1 The Policy is operated by officers of the Schools Admissions Team in co-operation with management and staff in schools. The governing bodies and staff in all schools are requested to support the efficient operation of the Policy by enabling parents to request flexi-schooling and to discuss whether it may be appropriate for the child. Schools may assist by referring families to the School Admissions Team where support may be beneficial.
- 21.2 No advice should be given by school staff or management which a parent may interpret as an indication that a request for a flexi-schooling arrangement may not be made.
- 21.3 Any queries regarding the operation of the Scheme should be referred to the School Admissions Team for advice and support.

Footnotes

1

see Section 16

2

All schools are responsible for setting the hours of the school day but maintained schools must do so within the Education (School Day and School Year) Regulations 1999 and the Education Act 2002 (s32). These state that the school day must be divided into two sessions with a break in the middle of the day. However, schools which operate a six day week (i.e. Monday to Saturday) may have up to 2 days which only have one session. The School Day and School Year regulations do not apply to Pupil Referral Units and schools that are not maintained by a local authority.

3

see Section 17

DETERMINED

Policy History

Date	Summary of change	Contact	Implementation date	Review date
11/2009	Policy formulated	Policy Unit	4/2010	10/2010
3/2010	Policy amended by the insertion or amendment of section 2.2 (corporate parenting), sections 21 (employee guidance) and Appendix 1 (EINA)	Policy Unit		
4/2010	Policy determined by Cabinet Members for 2010 and 2011	Policy Unit	9/2010	11/2010
10/2010	Policy amended: to reflect change of title for the Department for Education At 21.1 the following was deleted from the final sentence: <i>or to the Devon Choice Advice Service</i>	Policy Unit	9/2010	11/2010
11/2010	Policy amended to reflect the academic year 2012-13 At 5.2 reference to an academy varying its education provision from the National Curriculum.	Strategic Support and Policy Officer	9/2011	11/2011
4/2011	Policy determined by Cabinet Members for 2012-13	Strategic Support and Policy Officer	9/2011	11/2011
5/11	Contact details for Elective Home Education amended from Sarah Short to Irene Love and reference to Education other than at School removed from contacts page and section 15.1	Strategic Support and Policy Officer	9/2011	11/2011
6/11	Reference to Anne Whiteley amended to Jennie Stephens, Strategic Director, People Following 2011 Summer School Census - Readiness Bulletin No. 3 (LAs) item 6.2 Amendments were introduced to as the DfE strongly implies that there should be	Strategic Support and Policy Officer	9/2011	11/2011

	no statutory age pupils recorded as part-time and therefore any pupils on a part-time timetable should therefore be marked as absent when they're not in school. One of the main disadvantages to the school of offering 'flexi schooling' is that when the pupil is not in school they must be recorded as absent. The DfE view on 'part-time' timetables no longer allow them the flexibility to record as 'not required to attend'. Unless the pupil is supervised during each session (this cannot be the parent) then it cannot be recorded as 'B' (educated off site).			
9/2011	Policy amended with name of the Strategic Director EINA relocated onto Admission Arrangements website	Strategic Support and Policy officer	9/2011	2012 policy already in place

Determined