



*St Levan Primary School*  
*where all children SHINE...for life*

# Flexi-Schooling Policy

## September 2022 - 2023

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## Flexi-schooling: The Legal Background

Section 7 of The Education Act 1996 states that:

'The parent of every child of compulsory school age shall cause him/her to receive efficient full-time education suitable to his/her age, ability and aptitude and to any special educational needs he/her may have, either by regular attendance at school or otherwise.'

The right of children to an education is recognised by the European Convention on Human Rights (ECHR), Protocol 1, Article 2:

'Right to education: No person shall be denied a right to an education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions.'

...and the United Nations Convention on the Rights of the Child (UNCRC), Article 28.

This clearly outlines the legal framework whereby education is compulsory but schooling is not. In their latest guidance on school attendance to Local Authorities (LAs), the Department for Education (DfE), states:

'Schools and local authorities should not seek to prevent parents from educating their children outside the school system. There is no requirement for parents to obtain the school or local authority's agreement to educate their child at home. Parents have a duty to ensure their child of compulsory school age receives suitable full time education but this does not have to be at a school.' (DfE, 2022:9).

However, this guidance relates specifically to Elective Home Education (EHE). In their departmental guidance for LAs on EHE, paragraph 1.3, the DfE further states:

'Although children being home-educated are not normally registered at any school, parents sometimes choose to make arrangements for a child to receive part of the total provision at a school - the purpose of this will often be to provide education in specific subjects more easily than is possible at home. Such arrangements are sometimes known as 'flexi-schooling'. Schools are under no obligation to agree to such arrangements, but some are happy to do so. When a child is flexi-schooled, the parents must still ensure that the child receives a suitable full-time education but the element received at school must be taken into account in considering whether that duty is met, just as it should be when a child attends other settings on a part-time basis as described above. Bearing that in mind, this guidance applies as much to children who are flexi-schooled as it does to others who are educated at home.'

Paragraph 10.8 of this same guidance goes on to state:

'Schools are not obliged to accept such arrangements if requested by parents... 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.'

This demonstrates that, unlike EHE which parents have a legal right to do, there is no such legal right to flexi-schooling. An agreement must be reached between home and school and it is on this basis that this policy is written.

### Local context

Cornwall Council has published specific guidance for schools in relation to flexi-schooling: <https://cornwallsecondaryheads.co.uk/documents/%5B210016%5Dflexi-schooling-guidance-2017-18.pdf>

- Cornwall Council firmly believes that full time education within a school environment is the best option for all children and young people to enjoy, achieve and attain to their full potential.
- Cornwall Council assists our school in the awareness of the legal/statutory regulations which must be considered and instituted when discussing with parents/carers their request for flexi-schooling.
- In order for our school to enter into and continue a flexi-schooling arrangement, parents and carers must accept and maintain the rigorous framework of expectations reflected within this policy.
- The initial request must emanate from the parent/carer. The school will not suggest or encourage a family to undertake flexi-schooling.

### Flexi-schooling at St Levan

At St Levan, we recognise the right of parents to choose a suitable education for their child according to the child's needs coupled with the family's philosophical views and values; we welcome all children irrespective of need, background or belief to our school.

Our flexi-schooling provision is predominately aimed at children who are or have been EHE. We will, however, also consider requests from parents whose children are finding formal education in their current setting a challenge that is likely to lead them to school refuse. In all circumstances, each application is considered on a case-by-case basis, even within the same family.

Prospective parents need to be aware that we will not consider any requests for a flexi-schooling place if their child has been excluded or expelled. However, this would not prevent you applying for a normal place.

It is important that prospective parents are aware that schools/academies are not required by law to provide or offer flexi-schooling. Flexi-schooling places at St Levan School are granted at the sole discretion of the head teacher – there are no rights of appeal to Governors, LA, and the DfE or through the legal system if this is declined, varied by the school, or revoked.

If a situation occurs where the flexi-schooling arrangement is varied or revoked, the child would be required to attend for additional days if requested, or in some cases full-time. If a parent disagrees with this, they are free to take their child or children to another school or to de-register and return to EHE; in this instance we would inform the relevant LA of the de-registration and pass records on to that authority so that they can effectively liaise with the family – this is a legal requirement.

## Why does St Levan offer Flexi-schooling?

We wholly believe that children learn in many different ways and we therefore try to provide a rich and varied learning environment that allows children to develop their skills and abilities to their full potential.

Flexi-schooling can expand what we offer to our full-time pupils and enhance the opportunities available to continue learning beyond the classroom that is compatible with individual learning needs, views, values and beliefs.

At St Levan we work to unlock each child's potential by offering equal opportunities to develop children's own individual abilities, interest and personalities.

Pupils, parents and teachers can effectively work together, enhancing the education provision for and by providing access to a bank of knowledge, skills, concepts, attitudes and values of our broad and balanced curriculum. This in turn fosters a lifelong love of learning in a shared, happy, stimulating, secure and safe environment.

Flexi-schooling gives the opportunity for our children to share the positive benefits of different approaches to education delivery and to ensure a healthy respect for personal choice and a clear understanding and acceptance of others and their ideals.

It enables children to develop a responsible and independent attitude towards learning.

St Levan School endeavours to provide access to the tools, new ideas and styles that will ensure children have all the means possible to achieve their potential in terms of academic achievement.

## Our Principles of Flexi-schooling

We see Flexi-schooling as;

- a shared responsibility to educate a child between school and parents/carers

Within which;

- we treat all children fairly and give them equal opportunity to take part in class activities
- we treat all children with kindness and respect
- we praise all children for their efforts and, by so doing, we help to build positive attitudes towards our school and learning in general
- our teachers apply our policies with regard to behaviour and classroom management
- teaching staff make clear the class rules and have high expectations, expecting all children to follow these rules to promote the best learning environment for all
- we conduct all our teaching in an atmosphere of trust and respect for all
- we will share information with parents/carers about what is being taught in school in as much detail as is practicable within constraints such as teacher workload

## Aims

Being a small rural school affords us the ability to offer some opportunities not readily offered elsewhere. Flexi-Schooling is one of these opportunities that works well in our unique, small school, rural environment. We believe there is a demand for flexi-schooling in the local community and it offers parents and children a choice not readily available in our locale.

We believe that people learn in many different ways and we endeavour to provide a rich and varied learning environment that allows children to develop their skills and abilities to their full potential.

## Who can do flexi-schooling?

Flexi-schooling can apply to any pupil – there are no specific criteria. Examples of where requests might be made include:

- for talented young sportspersons so they can benefit from elite coaching and training; or
- for children who are gifted in other areas so that they can benefit from expert tuition; or
- where parents feel that there are areas of their child's education (which may also be in relation to the child's faith and culture) which they wish to provide.

Flexi-schooling should not be seen as applying only to gifted and talented children and every request should be judged on its merits.

## Key Points to Note

Flexi-schooling is a legal option, provided that our Head teacher agrees to the arrangement. This arrangement can be amended or withdrawn by the Head teacher without challenge.

Where we are able to meet a child's needs, we are able to accept children with an Education Health and Care Plan (EHCP), on the understanding that unless the EHCP specifies the need for a flexi arrangement and funding is allocated accordingly, the child will be required to attend on a full-time basis. This ensures that we can meet any statutory duties the EHCP places on our school, regarding its commitment to the child, extending to the appointment of key staff dedicated to the child and to ensure that 'best value' is achieved.

We will not automatically offer flexi-schooling to children with an EHCP that comes with prescribed hours and funding attached unless we are able to meet the child's need, and clear guidance is issued in writing by the commissioning Authority giving explicit permission for a flexi attendance arrangement.

The points above also apply to children who currently attend on a flexi-schooling basis and are found to need the support of an EHCP.

Parents should be aware that flexi-schooling is not to be taken as a means to avoid education or to avoid expulsion, and we will not accept any children on flexi-schooling arrangements who have been expelled. If a parent misleads our Head teacher in this matter and a past exclusion is uncovered, the flexi-school arrangement

will be automatically revoked, and the child in question will be required to attend on a full-time formal basis. In such circumstances, the parents and the child in question will be subject to current statutory expectations relating to attendance etc.

### How should an application for flexi-schooling at St Levan School be made?

If a parent/carer is interested in making a request for a flexi-schooling arrangement, contact must be made directly with the Head teacher of the school so that the proposal may be considered. Each proposal will be considered on its own merits and within its individual context.

Parents/carers do not have a legal right to insist on a flexi-schooling arrangement being agreed by our school; it is entirely at the discretion of the Head teacher, acting with the authority of the governing body, as to whether or not the school is prepared to agree to a flexi-schooling arrangement.

### Memorandum of Understanding for the Provision of Flexi-schooling (MoU)

Parents choosing to flexi-school their child or children are required to sign our Memorandum of Understanding for the Provision of Flexi-schooling (MoU). This document sets out the roles and responsibilities of all parties involved in educating their children. It also focuses on the school's responsibilities for Safeguarding and Child Protection (Please read in conjunction with our Safeguarding and Child Protection Policy).

Parents need to be aware that by choosing to Flexi-school their child or children, that they are therefore accepting that they alone are responsible for any future legal redress their child or children may seek.

The MoU also outlines:

- **Flexi-schooling is an option for any child from Reception to Year Four:** Children in Reception can attend part-time up until the term after they turn five years old. After this, if they wish to attend to part-time, a flexi-schooling agreement must be made.
- **The core attendance requirement of four days:** Monday, Tuesday, Wednesday, and Thursday. These days/attendance patterns are not negotiable. Pupils attending on a flexi basis can attend on Fridays in addition to the core days if parents/carers wish. There is an element of flexibility regarding attendance for special events which fall outside of the normal arrangement such as, but not limited to, assemblies, school trips, school productions, sports events, visitors to the school.
- **How learning will be recorded:** parents are expected to keep records of learning coverage and their child's progress and for this to be shared with school on a regular basis. This should be shared at least termly at the review meetings but more frequent sharing is best practice. It is likely that Ofsted would assess the evidence that parents keep. The format for the recording

is not set by the school but could take the form of a journal, including children's writing, parental observations, reports and photographs.

- **How often the agreement will be reviewed:** Following an initial meeting, usually with the Head teacher, parents and the class teacher meet termly to discuss successes and the child's targets. Parents share examples of home learning during this time and the link between home and school is reinforced. An agreement will be made at this meeting whether or not the arrangement is to continue.
- **How either party can withdraw from the agreement**

Via our website, parents can access:

- Long and medium term plans and our calculation policy
- Information about attainment goals for each school year group
- Links to other external websites that parents can use to support learning

In addition to the above, we will also offer Parent Workshops when possible, to share information about teaching methods in Maths and English.

### Recommended Reading

We recommend that parents considering flexi-schooling review and develop an understanding of how our school operates through reading the policies on the school website.

A list of useful websites also includes:

- Advice and guidance on flexi-schooling from the Centre for Personalised Education:  
<https://www.personalisededucationnow.org.uk/2012/11/28/cpe-pen-flexischooling-guidance/>
- Facebook group comprising flexi-schooling families:  
<https://www.facebook.com/groups/380046592033979/>

### What should parents/carers consider?

The implications of making partial educational provision at home are significant, both in terms of expertise and resources and in the commitment to make a shared provision work.

The education provided at home and at school must together constitute a full-time provision. While there is no statutory curriculum for the home education part of a flexi-schooling arrangement, parents/carers must be mindful of the impact on the child's access to the National Curriculum and the possible fragmentation of the child's learning experience.

The school has an inclusive approach to education and strives hard to work with the wishes and choices of all parents. The school expects parents of children who flexi-school to uphold the school's ethos, values, policies and practice. Strong and reciprocal partnership between home and school is key to a successful and sustainable flexi-schooling arrangement.

Flexi-schooling does not give an alternative means of opting out of an element of the curriculum with which a child, for whatever reason, is uncomfortable.

## What will the Head teacher consider?

Each request will be considered on its own merit.

Each arrangement will last for the duration of the academic year, or shorter depending upon the individual, provided that the terms of the agreement are upheld.

The Head teacher will take into account the best interests of the child; their potential and ongoing educational progress and achievement; their safety, safeguarding and welfare. No agreement will be reached or maintained where our Head teacher has concerns that it would put the children at risk of harm while not attending school. Therefore, when agreeing to a flexi- schooling arrangement our school is certifying that the education is supervised and all reasonable and appropriate measures have been taken to safeguard pupils.

The grounds for agreeing a flexi-schooling place will always be at the discretion of the Head teacher. On application for an initial admission the Head teacher reserves the right to decline a request for a flexi-schooling place.

The Head teacher will also consider the likely impact on the discipline, morale and organisation of the school and the teaching, learning and outcomes of other children already within the class in question.

Current and anticipated level of educational attainment, achievement and progress of the individual pupil and the arrangements for monitoring the learning and progress of the individual pupil wishing to be flexi-schooled.

The appropriateness of the education proposed and maintained by the parents/carers away from school and the continuity of teaching and learning between home and school.

## The Role of the Governing Body of a School

The governing body may be involved in agreeing and reviewing the school's approach to flexi- schooling requests but they will not become involved in individual cases. Governors may have a more formal role if a dispute arises and/or a complaint regarding flexi-schooling provision is made.

Our Governors must satisfy themselves that the Head teacher has fully considered the conditions for agreeing a flexi-schooling agreement and that they are fully conversant with the school attendance statutory guidance when reaching a decision.

## Appeals

There is no appeal against the Head teacher's decision not to agree to a flexi-schooling request or deciding to cease an individual child's flexi-schooling arrangement.

## Insurance

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

## Liability

For activities beyond the sole care and charge of school staff, the parents/carers of flexi-schooled pupils are responsible for their own children when they are educated at home (or offsite venue), even when completing assigned schoolwork.

## When the education being provided at home is not suitable

If it appears to our school that parents/carers are not providing a suitable education or not working with the school to uphold its values, policies and practices 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 the education at home or adherence to the flexi-schooling agreement, the school may withdraw its agreement. The child would then be required to attend at school on a full-time basis.

A school attendance order would not need to be initiated as the child is on the roll of our school.

If a child fails to return to full-time attendance our school will record the absence as unauthorised and refer the case to the Educational Welfare Officer (EWO) in line with school and LA procedures.

## Attendance coding

Formerly, flexi-schooling was coded as an off-site educational activity (absence code B). However, since flexi-schooling was first implemented at St Levan, the DfE has issued new guidance explicitly advising against the use of this code:

'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.' (paragraph 10.8, DfE Guidance for LAs on EHE, 2022).

This is echoed more strongly in the LA guidance:

'Marking the attendance register: Schools should not mark a pupil as attending school using the attendance Code B for off-site education activity unless the school is responsible for supervising the off-site education and can ensure the safety and the welfare of the pupil. Schools are ultimately responsible for the attainment of every child registered on their roll. Whilst being educated at home, parents are responsible for pupils, not schools. Where parents have entered into flexi-schooling arrangements, schools may continue to offer those arrangements. Pupils should be marked absent (authorised) from school during periods when they are

receiving home education (code C).' (Cornwall Council Flexi-schooling Guidance, 2017:7).

Accordingly, pupils who flexi-school at St Levan are marked with code C, reflecting the responsibility of parents, rather than school, for the pupil's welfare and education during the time learning at home.

## Monitoring and review

We are aware of the need to review our Flexi-schooling Policy regularly so that we can take account of new initiatives, changes in the curriculum, developments in technology, or changes to the physical environment of the school.

This procedure/policy and its guidance will always reflect the present and future needs of all stakeholders and to support this we are always open to suggestions for changes and alterations of and to any specific individual provision/requirement to ensure full access to all.

## Implementation of this procedure/policy

We aim to manage the implementation of this procedure/policy with the support and guidance of any relevant body and will be subject to review if legislation dictates.

Signed:

Designation: Sharon Brolly, Chair of Governors

Date:

Signed:

Designation: Mark Francis, Head teacher

Date:

This procedure/policy to be reviewed by Governors during June 2022

Updated from the Flexi-schooling Policy 2019

For references and further reading please contact Jessica Ferguson via the school office.