



# Hollinsclough C of E Academy

## Protocol on Flexi-Schooling: 2016

### Mission Statement

*'To encourage the enthusiasm and joy of learning through a creative curriculum and a holistic approach to education that reflects Christian values and supports our community. We guarantee accessibility and availability to all.'*

### ***Developing potential***

#### **Equality Statement**

We 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.

#### **Safeguarding Statement**

Our academy and its key stakeholders recognise that safeguarding is everybody's responsibility. Whether their interest is in all young people 'staying safe' in all aspects of our provision, or whether they are working in specific areas of vulnerability, all of our staff will have appropriate training and induction so that they understand their roles and responsibilities and are confident in carrying them out.

Our school staff, pupils and their parents or carers, or any member of the community should feel secure that they can 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 our Child Protection and Safeguarding policy, appropriate induction training, briefings on, and discussion of relevant factors and refreshed learning in line with current legislation and guidelines.

#### **Introduction**

This document is intended to extend guidance to any parent considering whether to request the option of educating their statutory-age child via a Flexi-schooling approach.

This document provides a baseline approach our Principal will take using a range of appropriate responses to questions parents who wish to have a Flexi-schooling arrangement for a child with our school. The remainder of their child's education will be organised and managed by the parent and this could be at home or elsewhere (additional support for home based education can be provided by our school if requested).

A request by a parent for the child to receive education in this manner is a valid legal request and is only granted with the agreement of our Principal; there is no right of appeal to any one individual or body if our Principal declines a request. In light of this our Principal will give good consideration to such an arrangement based on the following considerations;

- safeguarding the child as of paramount importance
- the appropriateness of the education proposed by the parent away from the school
- any existing EHCP (Education, Health and Care Plan(s)) (former Statements of Educational need), and / or the possibility of such from information provided, noted or assessed, both prior to, and after enrolment
- 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
- the full completion of the Memorandum of Understanding for Flexi-schooling

#### **Background**

It should be noted that the responsibility for a child receiving full-time education while he or she is of statutory school age lies solely with the parent or carer.

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.

Where a parent educates a child entirely at home as an expression of parental preference, this is called Elective Home Education.

**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 of those guidelines 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 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 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.***

There are requirements on the school to record the child's attendance.

## **Keeping Pupil Registers: Guidance on applying the education pupil registration regulations - 2008**

gives advice regarding recording attendance where a child receives flexi-schooling:

- *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.*
- *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.*
- *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.*
- *Educational activities that take place outside the normal school day are not recorded in the statutory attendance register (see paragraph 1092). Off-site activities which take place during the school's normal day (see paragraph 113) can be recorded as approved educational activity (see paragraph 694) 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.*
- *If the child was not undertaking educational activity, he or she should be recorded as authorised absence using Code C. If the school is notified the child was ill, attending a medical or dental appointment, on a family holiday or was absent for some other reason, then the appropriate attendance code should be used. Schools should therefore make arrangements to exchange attendance information with the family.*
- *A parent may request flexi-schooling on a long-term basis where he or she favours this form of education.*
- *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**

### **When a Child is Flexi-Schooled**

He or she will be registered at our school.

On days when the child attends school, the National Curriculum will be followed as if the child were attending full-time.

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 an ECHP (former 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.
- On days when he or she does not attend school, the child need not follow the National Curriculum.

### **Marking the Attendance Register**

It should be noted that the marking of an attendance register is a statutory requirement, but how or what codes are used is advisory only. Currently most if not all schools use the accepted codes, doing so in a manner that suits their own schools or academies.

The nature of Flexi-Schooling is such that the register can be marked for attendance using two additional codes, these being either B or C coded

#### **Coding explanation;**

- **B code** = Educated offsite( at home, not dual registered) attending or carrying out an educational activity that meets the requirements of our school under the national curriculum – this code receives an authorised absence mark – this code does not have a negative impact on the school attendance figures.
- **C code** = Other authorised circumstances – used if parents / children follow their own education format or divert from the recommendation of staff when schooled at home – this code is an authorised absence mark it does not impact on the child or parents, but it will have a negative impact on the schools attendance figures

The **B code** is used in most cases given that our Principal will have approved the Flexi-schooling arrangement, following discussions with the parent or carer to formulate a learning plan for the child or children.

The general guidance for the B code and be technically summarised in the following manner when applying it;

- the activity had been approved by an authorised person on behalf of the Principal or Governing Body

- the activity takes place during the school session in question
- the activity was educational in nature
- the person supervising the activity at the time had been authorised by the Principal or Governing Body

If it is felt that any of the four conditions above cannot be met, then our academy would mark the child using the C code – authorised absence.

These sessions will form part of the number of possible sessions and the absence and attendance figures in the Attainment and Achievement tables.

A regular review is built into any Flexi-schooling arrangement made by our school to ensure adherence to all aspects of the agreement – it should be noted that each agreement to Flexi-schooling is unique to each child even within the same family group, including twins.

### **Funding**

In the past our local authority received a full credit for each pupil registered at our school, even though they may only be actually at school for part of the time (not part-time and notwithstanding any under 5s funded by hours). Upon conversion to an Academy all schools convert on 'as is' basis and given that the financing structure still supports non-academy mainstream in the same way as our school was prior to conversion we would expect this to continue; this may however be open to future adjustment by the EFA (Education Funding Agency).

### **Historical information related to the funding of Flexi-schooling places**

In the recent past there had been some confusion in some LA's whereby they have been (incorrectly) recording such pupils as part time and so not receiving full funding credit for them. However, the DfE have now clarified with LAs that these pupils should be recorded as full time.

### **Funding Basis**

Both historically and currently funding that our academy receives from the DfE / EFA is determined by our local authority's local schools funding formula. This is governed by school funding regulations.

For information, a local authority may weight pupil numbers according to any or all of the following factors:

- age, including weighting according to key stage or year group;
- in the case of pupils aged under five, their exact age when admitted to the school;
- in the case of pupils aged under five, hours of attendance;
- whether a pupil has special educational needs;
- whether the pupil is at key stage 4, and is accessing practical and applied learning;
- whether the pupil, although registered at a school, is also attending an institution within the further education sector or a course delivered by any training provider;
- whether the pupil is in an infant class (in cases where an infant class is not taken into account as an additional factor under paragraph 33 of Schedule 3);
- whether the pupil is registered at more than one maintained school

Where a child is recorded as attending part-time, (not through a Flexi-schooling agreement) the school may receive part-time funding.

The child will be recorded as Flexi-schooling if the school is responsible / involved in the provision or assistance of education at home. In this case, the child will be recorded as attending full-time.

Flexi-schooled children are included in count returns as for other children.

### **Admissions**

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

### **Infant Class Size Legislation (ICSL)**

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

### **Insurance**

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

### **Children with a Statement of Special Educational Need**

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

***It should be noted that the following caveat will need to be applied in all cases where an EHCP (former Statement of Educational Need) is place;***

*Our school is more than willing to accept children with an EHCP. However, to ensure that our academy is able to meet any current or future **Statutory Duty** the EHCP may place on our academy, children who fall into this category would be required to attend school on a full-time basis and would therefore not be offered a Flexi-*

*schooling option. This approach can be varied if the body issuing the EHCP can provide written confirmation that a Flexi-schooling provision would be in the best interests of the child concerned.*

*This approach will also apply to children who currently attend on a Flexi-schooling basis and are found to need the support of an EHCP. (Please see Memorandum of Understanding, as a flexi-schooling place is only offered if this is accepted).*

### **Children Educated outside their Chronological Age-Group**

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

### **When Flexi-schooling is seen to be Unsuitable**

Where we choose to permit Flexi-schooling it should be noted that there is NO statutory duty on our academy to monitor the quality of the home education provided by the parent / carer. However, if it becomes apparent to our staff / Principal that the parents approach to the arrangement is actually of a detriment to the child or children, our Principal;

- may require that the original arrangement be reviewed to accommodate possible changes
- Would, if the parent consistently declined a review, withdraw from flexi-schooling arrangement and require the child to attend on a full-time basis. At this stage should a parent refuse to attend full time a school attendance order may become appropriate, unless the parent de-registered their child or children to return to Elective Home Education. If the child were to leave under these circumstances the school is required to inform the LA who would then make contact with the parent to discuss any future support.

### **Governing Body**

While our Governing Body approve of the Flexi-Schooling method, it is offered at the sole grace and favour of our Principal; who will consider each request on its own merits and then either to approve, or decline a Flexi-Schooling arrangement.

### **Flexi-School Memorandum of Understanding**

A written and signed agreement will be made between the school and parent(s) in order to make expectations clear for all concerned.

This will include:

- The minimum expected pattern of attendance at school is three (3) days (Tuesday, Wednesday and Thursday). This ensures that the child or children gain maximum benefit from both school attendance and the Home-Education element; in addition the academy is able to fulfil Safeguarding and Child Protection requirements of EWO (Education Welfare Officers) and the local Safeguarding Boards.
- The length of time the agreement will run before review is required, would form a key part of developing the agreement with a review no later than 12 months and internal reviews on a half-termly basis to monitor impacts on all stakeholders.
- It is made clear from the outset that the child or children who Flexi-school are welcome to attend more frequently than agreed and that special events which fall outside the agreement such as but not limited to assemblies, trips, productions or performances, sports events and visitors to our school will be open to them to take part in as though they were a full time attendee/
- How the register will be marked. (Use of either the B or C code)
- the requirement for parents to contact our school if the child is going to be absent from an agreed session or activity they would normally be present at.
- our school following up any unexpected or unexplained absence as it would for other children.
- What the arrangement will be at times of assessment and the requirement to attend and participate in ALL Statutory Assessment Tests (SATs).
- That if a parent chooses to employ (at their own expense) another person to educate the child at home during the Home-Education element of the Flexi-schooling arrangement understand that they themselves are responsible for ensuring that the person in question is suitable to have access to children.
- Any perceived Additional Educational Needs and associated provision.
- Recommended regular planning meetings between parent and academy to ensure the child achieves their potential and to promote good home-school relationships.
- That our school may notify the Elective Home Education department 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

## **Extended Schools and the School Day**

Our academy will from time to time promote after-school clubs. These activities are not compulsory and do not form part of the normal day to day sessions that our academy is required to provide. All activities are open to all pupils.

Our school sets the hours of the school day in accordance with 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.

## **Approved Educational Activity away from the School**

Schools may arrange for our children to undertake part of their education outside the school premises, including alternative provision arranged by other approved bodies. 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.

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.

## **Appeals**

There is no appeals process available to parents or carers following a decision by our Principal to not agree to, or to remove a flexi-schooling arrangement

## **Education Transport**

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.

We will, if required, advise the Education Transport Team of the arrangement, and the days on which transport is not required and the duration of the agreement.

Where an agreement ends earlier than planned, it will be the responsibility of the parent to request that the transport provision recommences. A child will not lose his or her place on education transport as a result of a flexi-schooling arrangement, but may lose it if the de-register and then reapply at a future date.

## **Summary**

A request to flexi-school is specific and individual, and is therefore considered by our Principal on its own merits.

Our Principal will take into account the best interests of the child, together with the likely impact on the discipline, morale and organisation of the academy. Of overriding importance is safeguarding the child. No agreement will be offered where our Principal has concerns that it would put the child at risk of harm while not attending our academy.

## **General Guidance**

The Governing Body and staff in school are required to support the efficient operation of the Flexi-schooling approach by enabling parents to request the option of flexi-schooling and to discuss whether it may be appropriate for their child.

No advice should be given by school staff or governors to which a parent may interpret as an indication that a request for a flexi-schooling arrangement may not be made.

## **Implementation of this protocol**

Our academy will manage implementation of this protocol with the support and guidance of outside agencies if required.

## **General**

This protocol 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.

Signed...



Designation: Chair of Governors Date... July 2016

Signed...



Designation: Headteacher Date... July 2016