

Is Flexischooling Legal in England?

The simple answer is yes, although lots of people, including teachers, parents and school governors, believe that it isn't.

What is flexischooling?

Flexischooling is an arrangement whereby children of compulsory school age receive their education partially at school, and partially elsewhere under the supervision of their parents.

Is flexischooling the same as part time education?

No, part time education is only allowed in law as a temporary solution to a specific problem (usually for medical or mental health reasons or for integrating a pupil into a new situation).

Flexischooling is different. Flexischooling provides children with a full time education although not all of it will occur in school. It can be a temporary or permanent arrangement and may be requested for a wide variety of reasons.

Under what circumstances is flexischooling allowed?

Schools may agree to parental applications for flexischooling regardless of the qualifications of the parents or their reasons for choosing flexischooling. Legally flexischooling can commence when a private arrangement is reached between the school and the parent where the school is satisfied that the child will receive a suitable, full time education overall.

Will flexischooling affect the school's funding?

No, because the funding is currently applied to a place at a school not the number of hours the child attends. Therefore, schools currently receive the same funding for flexischooled pupils as they would for a child receiving all of his/her education in school.

What if the child has special educational needs?

Flexischooling is a legal and viable option for all children regardless of SEN, even if the child has an EHC plan or SEN statement, or attends a special school. Sometimes flexischooling is written into the plan as the appropriate provision for the child.

Does the National Curriculum apply?

Yes, to the school based part but not necessarily the non-school based part. In law, the national curriculum does not apply to the non-school based part of the education of a flexischooled child unless this was part of the arrangement/agreement between the school and the parent.

What about SATs?

SATs are a statutory requirement for schools so the normal rules apply and the child will be expected to sit them all.

What about safeguarding?

Safeguarding is the responsibility of the parents or of any person acting in loco parentis. Essentially, whilst the child is at school the school is responsible for safeguarding. At all other times the parent is responsible unless the child is being cared for/educated by somebody else. For example, if a child is at Cubs or Brownies then the leaders are responsible for safeguarding.

The school cannot legally be held responsible for the welfare of the child in the part of the school day where the child is by agreement not in school but with his or her parents. During this arrangement the school merely relinquishes the safeguarding duty back to the parent.

How is Flexischooling recorded in the register?

Where the child is part time educated at school and part time electively home educated (i.e., with neither oversight nor approval from the school) then the registration mark used is "C" - authorised absence - for the non-school sessions. Naturally this affects the attendance figures of the school, which can be problematic, but Ofsted takes the stance that so long as the pupils are educated that is what is important.

It is the position of The Centre for Personalised Education that the code for Approved Education Offsite (most commonly referred to as the B code) can be used for the non-school based part of flexischooling provided the conditions in The Education (Pupil Registration) (England) Regulations 2006 regulation 6(4) are met.

The Education (Pupil Registration) (England) Regulations 2006 regulation 6(4)

(4) An approved educational activity is either—

(a) an activity which takes place outside the school premises and which is—

(i) approved by a person authorised in that behalf by the proprietor of the school;

(ii) of an educational nature, including work experience under section 560 of the Education Act 1996(1) and a sporting activity; and

(iii) supervised by a person authorised in that behalf by the proprietor or the head teacher of the school; or

(b) attendance at another school at which the pupil is a registered pupil.

How does Ofsted view flexischooling?

Despite concerns raised by some schools concerning using absence codes, no school is known to have been criticised for allowing flexischooling. The schools we are aware of that have the majority of the children on roll subject to a flexischooling arrangement have been praised by Ofsted for their provision and meeting of the children's individual needs. The April 2019 Elective Home Education Guidance supports this position.