

Flexischooling and the Attendance Advice Consultation 2012-13

Applies to ENGLAND only

The address for this pdf is <http://edyourself.org/flexischoolingattendanceconsultation.pdf>

See also <http://edyourself.org/news/index.php#newguidanceflexischooling> and <http://edyourself.org/articles/flexischooling.php>

Summary of responses from

https://www.whatdotheyknow.com/cy/request/consultation_responses_from_the

Alison Sauer made a Freedom of Information request to DfE following this DfE statement "On 1 November 2012, the Government published revised school attendance advice for consultation. The consultation ended on 13 December 2012 and the revised advice was published on 21 February 2013. During the consultation, some respondents were concerned that some schools were using the school attendance "B" code inappropriately. The Government listened to those concerns and has clarified that it is inappropriate for schools to deal with difficulties with in-school behaviour by sending pupils home with work to do for a few days, and treating the pupil as being in approved education off-site."

pdf 11 Fiona Nicholson

I feel it would be extremely helpful to add flexischooling as a specific example to Code B on page 10, since the former Keeping Pupil Registers - Guidance on applying the Education Pupil Registration Regulations has a reference to flexischooling and home education on page 22 which has been missed from the proposed new guidance.

pdf 13 Network for Legal Intervention in Education (28 Midlands LAs)

Some parents who opt to withdraw their child from mainstream schools to EHE use this option as a strategy to avoid prosecution for not ensuring their child attends school regularly or to avoid exclusion. This is at the detriment of the child if the parent is unable to provide a satisfactory education. The LA cannot issue a school attendance order until monitoring visits have recommended the education provided is unsuitable. The child then has an extended period out of mainstream school and it is very difficult to re-integrate back into school. The Department could consider developing a protocol that allows schools to keep the pupil on roll until monitoring visits have established the education at home is satisfactory. On receipt of an EHE request there should be a planned monitoring period, agreed between the LA, School, parent and pupil during which a place is kept open to ensure the pupil can return to school if their education is found to be unsatisfactory. However, an attendance code should be agreed so that neither the school nor the pupil are penalised. The guidance relating to SEN pupils is also unclear, when to remove the pupil from school roll in similar circumstances. The current system allows schools to suggest EHE to pupils who have a poor attendance record or problematic behaviour, immediately following receipt of letter from parents. This is a safeguarding concern.. This is becoming more common place in Academies when the LA do not have any input. It should be compulsory, certainly good practice for there to be an evidence trail between schools/Academies for every child removed from roll. Who monitors pupils on roll at Academies who are subject to part or modified time-tables? This information is not always shared with the LA. Is flexi-schooling still an option available to parents? Parents should not be encouraged to choose Elective Home Education. For some they have not gathered a sense of what it entails before they have sent a letter in to the school or signed a letter. Code B: The use of the B code needs some clarification as some schools, (specifically Academies) interpretation of 'Educated off site' is very broad. E.g. Modified time-tables are widely used, sometimes for re-integrating a pupil following long absence through illness and with the support of the parent and

the school a B code may be appropriate. However, consideration should be given for an alternative code to be used for long term illness. The I and M codes are both authorised absence but this is a little unfair as the pupils attendance rate does not reflect a pupil who is working at home in preparation to return to full time school. Some parents of poor attending pupils or pupils with challenging behaviour are using EHE as a strategy to avoid prosecution or exclusion and potentially could face delays if the parent then decides that they want the young person/child to return to mainstream education; often relationships with the last school has broken down.

pdf 13 Midlands Attendance Network is the same as Telford and Wrekin pdf 49

pdf 18 Birmingham Council Attendance Strategy Group

“...There is no requirement for parents to obtain the school or local authority’s agreement to educate their child at home.” Birmingham City Council embraces the right of parents to educate their child at home. The majority of parents are very caring, educationally proactive people HOWEVER given Birmingham had the Khyra Ishaq case, why are there no safeguards regarding seeing such children and so embrace that their welfare is paramount and to hear from the child direct= the right of the child to have a voice. This safeguarding loophole remains for some children who may be at risk of harm. Given that attendance is now a Child In Need criteria , how do we protect children removed from school as in Kyra’s case. School Attendance Orders (page 17) “If it appears to the local authority that a child...is not receiving a suitable education...” Birmingham would welcome a tighter definition of ‘suitable’.

pdf 19 Somerset Council

Could the B code be clarified further, specifically around the scenario of pupils carrying out work at home and being B coded for this? It is not supervised so the B code should not be used. I have come across this when a child is recuperating from an illness. They are not well enough to attend school but have been set some work, however they should still be I coded rather than B coded.

pdf 20 NASWE

As applying pressure on parents to home educate by way of avoiding exclusion or for poor attendance constitutes an illegal exclusion more emphasis on this would be of benefit. There is no authority for LA’s to acquire attendance information from Academies, Free Schools or Independent schools unless contracts of Traded Services are in place which makes challenge difficult where there are illegal practices such as misuse of coding/illegal exclusions/ non admissions. Emphasis on an Academy’s responsibilities to the LA including reporting on CME/EHE would be helpful. There is no link to the SEN Code of practice with regard to EHE. There is reducing power by the LA to ensure compliance with regard to legal requirements to monitor and address school attendance. Excessive use of the ‘B’ and ‘S’ code nationally in schools already evidences the impact of this

pdf 28 Contact a Family

Guidance rightly emphasises that schools should not pressurise parents to home educate their children, but does not capture the full range of situations where this might happen. Therefore this part should say: Schools should not seek to persuade parents to educate their children at home as a way of avoiding excluding the pupil or because the pupil has a poor attendance record or because they have health or educational needs that the school feels they are unable to meet. There should be clear guidance on when authorised absence is inappropriate. It should not be used e.g. when a pupil has been sent home due to their behaviour without being officially excluded (unlawful), or for a pupil who is placed on a part time timetable. Contact a Family is currently conducting a survey on unlawful exclusions Initial results shows this is a wide spread problem, having a profound impact on school attendance and wider family life. More clarity needed on code to be used for education off site and code for 6th day alternative provision for fixed term exclusion. Should there be two separate codes to avoid confusion? As the Code states in the

FAQ's, part time timetables are not normally appropriate. However if necessary in particular case, there should be a separate code to indicate that pupil is on a part time timetable. Guidance is short on the responsibilities of schools and LA's to support pupils whose poor attendance or behaviour may be due to underlying factors such as SEN/disability or health needs. Many pupils have sporadic or low attendance due to medical needs. Guidance should make it clear that parents already under pressure should not be further punished for their children's low attendance record. And should emphasise the need to work with all agencies to ensure access to suitable education, which for particular pupils, may not necessarily be in full time school. Children with SEN have significantly higher rates of absence than those without SEN. Guidance should mention this link and make clear schools and LA duties to identify and support pupils with SEN/disability.

pdf 31 Somerset Council

Legislation and guidance could be tighter around, term time leave, deeming EHE unsuitable (difficult if people do not have to register this fact and a HUGE potential safeguarding hole). With the roll out of Academies and LAs unable to see their registers there is a lot of 'massaging' of figures and informal exclusions that despite clarity, some academies misuse, 'B' code when they send children home to cool off with a book to read for several days.

pdf 32 Blackburn Darwen EWO

There is no mention of the Children's Commissioner's recent report 'They Never Give Up On You' which identified specific concerns around some schools' illegal use of 'unofficial' exclusions. Because the guidance places an emphasis on pupils who have been 'absent without the schools permission' (i.e. unauthorised absence) there are also concerns around Academies sometimes failing to appropriately challenge parents/carers and/or inform their Local Authority of any pupils who have failed to attend for more than 10 continuous days – even though there could be clear health and/or welfare issues which need addressing. Finally, the section on 'Home Educated Children' fails to acknowledge the potential safeguarding implications and the dangers of such children becoming 'missing from education.' The proposed explanation for use of the 'B' code is confusing and lacks sufficient clarity, but especially in relation to the responsibilities for recording and following-up absent 'guest pupils' attending 'Consortia Schools'. This is a matter of particular concern where Academies establish their own Alternative Provision arrangements.

pdf 36 Worcestershire

Flexi Schooling, there is no mention of this in the draft guidance and where schools mark the non attendance sessions as 'B' they are accepting responsibility for the supervised education off site although they have no knowledge of how this is delivered. This could put Headteachers in a vulnerable position. There is currently an abuse of part time timetables and unsupervised off site education taking place and this guidance will only increase the abuse of roles and responsibilities to take place

pdf 40 Solihull EWOs

Schools should not persuade parents to home educate. This practice already exists, how do you propose to police/respond to these situations – especially re: Academies where there is little or no LA oversight? There is no reference to flexi-schooling, will there be further guidance or is this no longer a possible option?

pdf 43 Leicestershire

code 'B', does the LA have a role or a duty to monitor and challenge schools to ensure whether the off-site education (including flexi-schooling) is supervised and approved?

pdf 45 Cambridgeshire Council

in relation to EHE further guidance would be helpful around what is a suitable full time education

pdf 50 Cheshire West

Policies are conflicting – recent information on flexibility of B code for academies is an example.

pdf 51 AEWB duplicates Worcestershire Council pdf 36 and "a parent" pdf 37 re flexischooling

pdf 52 Leicester City Council

Regarding the section on home educated children on page 8, the guidance would read better if the parent's right to home educate was put in the positive. In place of 'schools and LAs should not seek to prevent parents from educating their children outside the school system', 'parents have a right in law to educate their children outside the school system' would sound more positive – the way the text is written suggests that LAs actively try to prevent home education.

'B' code – the duty of care aspect of this code should be stated. It would however be helpful to parents and LAs if the section on page 17 about School Attendance Orders included reference to cases where parents state their children are home educated but where, on request, there is no information forthcoming about this to enable the LA to satisfy themselves that the child is receiving a suitable education. Also, the legal basis of this (including caselaw) should be included as a reference. The guidance provides an opportunity which should not be missed to emphasise the careful consideration required around use of the 'B' code in respect of the duty of care the school has for the pupil.

pdf 53 Essex

Previous guidance stated that schools should notify LA as soon as they become aware of parent intention to home educate. It now states schools should let LA know on receipt of the notification. The previous guidance enabled the LA to contact family before removing from roll if they had concerns to safeguard the child's education. The guidance states that there is no requirement for parents to obtain the school or LA agreement to educate their child at home. Does this mean that the LA no longer need to grant permission for pupils with SEN who are on roll at a special school to be removed from roll? Flexi schooling needs to be included in the guidance as some schools are allowing pupils to work from home and recording as 'B'. Flexi schooling should be a formal contract between the school and parent as some schools use this as an adhoc measure to address behaviour and using the 'B' code so it does not affect their attendance figures.

pdf 54 Norfolk

There is no reference to flexi-schooling within the document which if part of the menu of options for education needs to be included.

pdf 55 Northumberland

Whilst the codes are clearly explained, the application of these codes by schools is still not being appropriately used and with particular reference to the 'B' code. What sanctions, if any, can be imposed on those schools who 'abuse' this code?

pdf 57 Newcastle

There needs to be far more detail about the conditions that must be met before pupils can be removed from roll. The brief statements without context are likely to lead to illegal deletions. The section on Home Education should make reference to the regulations relating to the removal from

roll of a registered pupil at a special school.

pdf 62 Bradford

B Code – minimal information and no clarity over who the off site provider approved by the school can be. Schools have been known to send pupils home with work to be supervised by a parent. The guidance should detail those circumstances when the code should NOT be used. This code is often used to disguise illegal exclusions.

pdf 63 Rotherham Education Welfare

Who will challenge schools who act against the guidance for school attendance - ie for code B, CME protocols and removing pupils from a school roll before appropriate investigation of the circumstances has taken place?

pdf 65 Lancashire

B code: we feel that guidance as to when the B code should not be used would be useful (e.g. alternative provision on the same premises, agreed part time timetables, study leave, pupil review days, etc.)

pdf 72 Hounslow

In terms of 'Children Missing Education' the advice does not reflect Hounslow's 'Off roll' or 'safeguarding procedures'. Specific information is needed to ensure safeguarding measures are taken before the deletion of a pupil from a school register is completed. With regards to specific codes, the following can be noted; B – The advice states the 'provider of the alternative activity notifies the school of any absences' but it is not clear what the time frame is for this. It is felt that more specific guidance is needed in line with safeguarding procedures.

pdf 81 National Children's Bureau (NCB)

This section needs to be strengthened to include reference to the use of illegal exclusions. Illegal exclusions have significant safeguarding implications as they deny the child access to the alternative education provision they would have been offered if they had have been formally excluded. They also deny a child their right to education.