

**REPORT TO EDUCATION & CHILDREN'S SERVICES COMMITTEE –
21 MARCH 2019**

**MEMBER PROMOTED ISSUE - DETAILED ANALYSIS OF FLEXI-
SCHOOLING**

1 Recommendations

The Committee is recommended to:

- 1.1 Consider the Member Promoted Issue as attached in Appendix B; and**
- 1.2 Consider and comment on the report “A Detailed Analysis of Flexi-Schooling” as attached in Appendix A.**

2 Background / Discussion

- 2.1 Under the Scheme of Governance, a Member Promoted Issue, “A Detailed Analysis of Flexi-Schooling”, was submitted by Councillor Alison Evison to the Director of Business Services on 10 January, 2019. This is attached as Appendix B.
- 2.2 In response, officers have prepared a background report entitled, “A Detailed Analysis of Flexi-Schooling”, which is attached as Appendix A.
- 2.3 The Committee is invited to consider the issues raised and determine whether it wishes to progress the matter further.
- 2.4 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report. Their comments are incorporated within the report and they are satisfied that the report complies with the Scheme of Governance and relevant legislation.

3 Scheme of Governance

- 3.1 The Committee is able to consider this item in terms of its remit for Education in Part 2A – List of Committee Powers, E.1.1.b and E.3.4 and in terms of the Member Promoted Issue Guidance in Part 4F of the Scheme of Governance. The Committee has power to scrutinise and review the effectiveness of Council policy implementation and Council service delivery in respect of any function within its remit in terms of Part 2A – List of Committee Powers, E.6.1.



4 Implications and Risk

- 4.1 An equality impact assessment is not required at this stage as the issue is being brought for initial consideration and there is no impact upon persons with protected characteristics arising from this report.
- 4.2 There are no staffing and financial implications.
- 4.3 The following Risks have been identified as relevant to this matter on a Corporate Level: ACORP007 Social risk (e.g. population changes, poverty and social inequality, demographic changes) and ACORP010 Environmental challenges (e.g. climate change) *link to Corporate Risk Register*. The following Risks have been identified as relevant to this matter on a Strategic Level: ECSR002 Developing excellence and equality, ECSSR003 Embedding GIRFEC and ECSSR004 Support inclusive, healthy and vibrant communities *link to Directorate Risk Registers*.

Laurence Findlay
Director of Education and Children's Services

Report prepared by Rhona Jarvis Quality Improvement Officer Parental Engagement
18 February, 2019



APPENDIX A - DETAILED ANALYSIS OF FLEXI-SCHOOLING

1. Background

Across Scotland there is variation in policy and practice with regard to flexi-schooling. Some local authorities refer to flexi-schooling within the context of a Home Education Policy whilst others have no reference to flexi-schooling. References to flexi-schooling usually include a statement from the Scottish Government guidance on Home Education 2004 (revised 2007) section 3.6.

There is limited evidence of a clear and definitive definition of what is understood by flexi-schooling. Another confusion is caused by differences in the legislative contexts of the English and Scottish education systems making it difficult for parents and professionals to seek clarification.

2. A Definition of Flexi-Schooling¹

Definitions of flexi-schooling vary across the UK and worldwide. Also known as flexible school attendance, flexi-schooling is a way in which children can attend school part-time. Proponents of the scheme say it allows children to forge closer bonds with their parents, learn about subjects which pique their interest in-depth, and have the opportunity to broaden their minds outside the traditional classroom experience.

Opponents of flexi-schooling state this can be confusing for children, put them at a disadvantage when it comes to making school friends and taking standardised exams, and put undue pressure on parents, many of whom know nothing about teaching.

3. Advantages of Flexi-Schooling²

Perceived advantages vary according to the reason for the request to flexi-school some of which include:

- Allows parents the opportunity to spend more time with their children.
- Gives children the opportunity to learn more in-depth than they might at school, with more out-of-school trips and individual adult attention.
- Gives younger or less mature children more time to adjust to school. Some parents feel their children are not ready to start full-time school when others do, and believe this gives them a time to catch up with their peers.

¹ <http://www.gettherightschool.co.uk/what-flexischooling.html>

² <http://www.gettherightschool.co.uk/what-flexischooling.html>



- Allows children who are recovering from a protracted illness the freedom to start school again on a gradual basis.
- Gives children who were home-schooled and want to eventually return to school full-time a way to do this slowly. Often, children who have been home-schooled find the transition to full-time school difficult to make, and flexi-schooling provides them with an easier transition period.
- Can be supportive to pupils with additional support needs who may benefit for focussed support from parents or alternative interventions.

4. Disadvantages of Flexi-Schooling

Some of the disadvantages can include:

- Unfair on other children. Children/young people who attend school full-time might resent the fact that their peers do not have to attend five days a week, and get to participate in other activities such as museum and zoo outings while they are in the classroom.
- Harder for child to re-adjust to school. Children/young people who find it difficult to adjust to school might find it even harder if they are allowed to spend several days a week at home with a parent.
- Can affect the children's attainment especially if they are not taught in the same way that the school teaches in preparation for assessments/exams.
- Can make it difficult for children to forge strong friendships at school as they may be absent when friendships are first formed.
- Can become boring if a lot of imagination and creativity is not put into teaching and learning.
- Can be perceived as inequitable as only feasible where parent is available and can provide resources/funding for activities.
- Could create a two-tier system between families who can afford to put such arrangements in place, and families who cannot.
- Can be an additional workload for teachers in coordination and delivery of the agreed school curriculum.
- Raises parental expectation and may lead to an increase in parental dissatisfaction.



It is important to note that there are already arrangements in place to support flexible schooling in relation to children/young people with additional support needs through the GIRFEC assessment and planning processes, in which parents are involved. Aberdeenshire Council guidance on Home Education 2008 does not include any reference to flexi-schooling.

<http://asn-aberdeenshire.org/wp-content/uploads/2017/08/Learning-Pathways-Plus-Guidance-September-2017-VS-3.3.pdf>

5. Research Findings

In Scotland there is no expressed provision within our legislation which deals with the issue of 'flexi-schooling', as the law here expects children to either receive their education through regular attendance at school or by other means³ and not a mixture of both.

That being said as stated in Janys M. Scott's book "Education Law in Scotland (2nd Edition)" a 'flexi-schooling' arrangement could however still be facilitated by an education authority or school if they were willing to treat such absences as authorised absences from school.

Best practice would suggest however that a request does need to be considered by the education authority and cannot simply be ignored, as S.28 of the Education (Scotland) Act 1980 at the very least would have relevance here: *"In the exercise and performance of their powers and duties under this Act, the Secretary of State and Education.*

Authorities shall have regard to the general principle that, so far as is compatible with the provision of suitable instruction and training and the avoidance of unreasonable public expenditure, pupils are to be educated in accordance with the wishes of their parents", where the school does not feel that the proposal is sufficient in terms of meeting the educational needs of the child or this would lead to further costs to the public purse then these would be grounds for refusal.

This view is echoed somewhat in the Scottish Government [guidance](#) which has been issued in terms of home schooling, which contains the following section on the provision of 'flexi-schooling': *"local authorities may occasionally receive a request to withdraw a child part time from school e.g. for a child to attend school only on certain days, or for certain subjects. The feasibility of each request should be considered on its own merit, whilst taking into consideration that under Section 28 of the Education (Scotland) Act 1980, 'so far as is compatible with the provision of suitable instruction and training and avoidance of unreasonable expenditure, pupils are to be educated in accordance with the wishes of their parents'. Ultimately, however, it is a decision for each local authority and school as to whether they can support such an arrangement"*.

³ S.30 of the Education (S) Act 1980 – Duty of Parents to Children – Education.



This supports the view that such requests should be considered on their own merits and that the circumstances involved are likely to be key.

As stated previously the most important things which we need to consider in terms of such a proposal are the views of the parents and perhaps even the child themselves, whether or not the proposal does meet the educational needs of the child in question⁴ (*this to me would also involve consideration of S.2 of the Standards in Scotland's Schools etc. Act 2000, as to whether or not the proposal is directed to the development of the personality, talents and mental and physical ability of the child or young person to their fullest potential and also the provisions contained within the Curriculum for Excellence*) and also the costs of the proposal and the effect that this would have on the public purse.

Parties seeking such an arrangement would be best advised to provide as much evidence at the outset as to how such an arrangement meets the educational needs of their child and their proposals in terms of how these are to be met, as this of course allows the education authority to fully consider the request.

The Scottish Government guidance referred to above also includes a flowchart detailing what the education authority should consider in terms of request to withdraw a child from school for the purpose of home schooling, this is largely in line with the view expressed above, the flowchart would also therefore seem to be relevant in terms of any proposals put forward for 'flexi-schooling', this can be found on page 15 of the [guidance](#).

If there is no issue with the proposal in terms of the above then the education authority should consider allowing the arrangement in line with their duty in terms of S.28 of the Education (Scotland) Act 1980.

If the education authority does not feel that the proposal is acceptable in terms of the tests outlined then they may refuse the request, if the child is already within the school system, the parent could not simply proceed with the proposal and cause their child not to attend school as this would of course be in breach of S.35 of the Education (Scotland) Act 1980 which provides: "*Where a child of school age who has attended a public school on one or more occasion fails without reasonable excuse to attend regularly at the said school, then, unless the education authority have consented to the withdrawal of the child from the school (which consent shall not be unreasonably withheld), his parent shall be guilty of an offence against this section*".

⁴ S.2(2) of the Standards in Scotland's Schools etc. Act 2000.



Furthermore on looking at the legislation, if such an arrangement was to be treated as a withdrawal from school, then S.37 of the Education (Scotland) Act 1980 would seem to have relevance: *“(1) Where a child of school age ... has attended such a school and has been withdrawn therefrom with the consent of ... the education authority, then, if the authority are not satisfied that the parent is providing sufficient education for him suitable to his age, ability and aptitude, it shall be the duty of the authority so serve a notice on the parent requiring him within such time as specified in the notice (not being less than seven or more than fourteen days from the service thereof) either (a) to appear (with or without the child) before the authority and give such information as the authority may require regarding the means, if any, he has adopted for providing education, (b) in the option of the parent, to give such information to the authority in writing. (2) If a parent on whom a notice has been served in pursuance of subsection (1) above fails to satisfy the authority that he is providing efficient education for the child suitable to his age, ability and aptitude or that there is a reasonable excuse for his failure to do so, the authority shall make an attendance order in respect of the child in accordance with the provisions of Section 38 of this Act”*, in terms of the aforementioned guidance issued by the Scottish Government this step should only be invoked where the issues cannot be resolved through ongoing dialogue or assistance, nevertheless the education authority would seem to have the power to call in such arrangements where it is deemed necessary to do so.

Ultimately this is something which would need to be assessed on a case by case basis and is not something which the education authority can really provide a blanket 'yes' or 'no' to as the ultimate decision will depend on the proposal put forward and the overall costs etc. involved.

Laurence Findlay
Director of Education and Children's Services

Report prepared by Rhona Jarvis Quality Improvement Officer Parental Engagement
18 February 2019



APPENDIX B - MEMBER PROMOTED ISSUE FORM

SUBMITTED BY MEMBER

Alison Evison

WARD

North Kincardine

FULL DESCRIPTION OF THE ISSUE TO BE PROMOTED: DETAILED ANALYSIS OF FLEX-SCHOOLING

Some parents have asked for flexi-schooling to be an option in Aberdeenshire.

This would allow them to develop an individualised programme of education for their child in consultation with their local primary school and in the best interests of their child. Within the principles of GIRFEC, flexi-schooling would enable parents to opt for a combination of provision, which, for example, could involve a number of days each week in school and a day or two in alternative provision such as outdoor learning or in Home Schooling.

This option would be a radical departure from current practice, but it is one which merits proper analysis and reasoned consideration of both the potential benefits and disadvantages.

It is only after such analysis that a proper judgement on this matter can be formed and appropriate policy developed.

IS THIS ISSUE CONNECTED OR RELATED TO ANY OTHER PROJECT CURRENTLY BEING PROGRESSED, PLEASE OUTLINE:

Not to my knowledge.

HAS THIS ISSUE ARISEN AS THE RESULT OF ANY REPRESENTATION BY CONSTITUENTS OR OTHER PARTIES, PLEASE IDENTIFY ANY INTERESTED PARTIES:

Yes – several parents in Kincardine and Mearns.

HAS THIS ISSUE BEEN CONSIDERED IN THE PAST AND IF SO, WHEN AND BY WHOM (OFFICER OR COMMITTEE):

Not in detail.

I have raised this with the Director, Laurence Findlay, who commented that flexi-schooling is recognised in Moray but he could find no detailed analysis of the option in Aberdeenshire. It would seem appropriate that this analysis is carried out.

IF AN ISSUE PARTICULAR TO AN AREA, HAS THE AREA MANAGER BEEN CONSULTED, IF SO WHEN AND WHAT WAS THE OUTCOME?

N/A

SIGNED: Alison Evison

DATED: 10 January 2019