



Flexi-Schooling

Guidance for Schools, Parents & Carers

September 2024

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WCC Flexi-Schooling Guidance			
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Purpose:

The purpose of this guidance is to support Headteachers to give full and appropriate consideration to parental requests for a flexi-schooling arrangement.

Parents and carers are fully entitled to ask schools about possible arrangements for flexi-schooling and, as a first step, should make a formal request to the school that their child spends part of the week attending school and the rest of it being electively home educated. There is, however, no parental entitlement to flexi-schooling and the decision rests entirely with the Headteacher. There is also no appeal process or role for the LA (Local Authority) in making this decision.

Pupils already on roll would continue to remain on roll, therefore school responsibilities towards flexi-schooled pupils are the same as for all pupils e.g. safeguarding, monitoring attendance, following up absence, delivering the national curriculum or the school curriculum.

The advice of the LA is that Headteachers should agree to accommodate flexi-schooling only in circumstances when it can be demonstrated beyond reasonable doubt that such arrangements are consistent with:

- The needs and welfare of the child.
- The provision of efficient education and the efficient use of school resources.
- The enhanced educational benefit of the child concerned.
- The limitation of the risk of exposure to subsequent claims against the local authority and the school.
- The avoidance of an unreasonable additional workload for members of staff at the school.

Schools are also encouraged to read the following information and guidance [specific information extracted below]:

DfE Guidance 2019 - [Elective home education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/elective-home-education)

WCF Elective Home Education Policy 2023 – [Elective Home Education Policy](#)

Legislative Context and Other Related Documents:

Elective home education, DfE guidance for local authorities, April 2019:

1.3 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.

6.7 It should be borne in mind that there are alternatives which fulfil the parents' s.7 duty other than full-time education at home: these include flexi-schooling.

10.7 Although most children educated at home have all the provision made at home, or alternatively partly at home and partly in other ways such as attendance at privately-run part-time tuition

settings, it is not essential that this be so. Some children who are educated at home most of the time are also registered at school and attend school for part of the week – perhaps one day a week. The purpose of this is usually to ensure the provision in specific subjects is satisfactory, although it can also help in other ways such as socialisation. If a child is of compulsory school age he or she must, overall, be receiving full-time education even if components of it are part-time.

10.8 Schools are not obliged to accept such arrangements if requested by parents. If they do, then time spent by children being educated at home should be authorised as absence in the usual way and marked in attendance registers accordingly. 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. 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.

Elective home education – DfE guidance for parents, April 2019:

1.3 Although children being home educated are not normally registered at any school or college, you may choose to make arrangements for a child to receive part of his or her total education at a school (‘flexi-schooling’) - or at an FE college or other 16-19 provider if the child is aged 14 or above. The purpose of this will often be to provide education in specific subjects more easily than is possible at home. Schools and colleges are under no obligation to agree to such arrangements, but some are happy to do so.

6.3 Children who are being educated at home sometimes attend other settings to supplement that home education. If you wish your child to attend a state or independent school part-time for this purpose you should discuss this with the school concerned. The school is under no obligation to accept such an arrangement. If your child does undertake this form of ‘flexi-schooling’, you will need to get absences from school which occur when your child is being educated at home authorised by the school in the same way as parents of full-time pupils do for other planned absence. Then the school should mark him or her in the attendance register as being on authorised absence when not at school.

Elective home education - Draft departmental guidance for local authorities, October 2023:

10.7 Although most children educated at home have all the provision made at home, or alternatively partly at home and partly in other ways such as attendance at privately-run part-time tuition settings, it is not essential that this be so. Some children who are educated at home most of the time are also registered at school and attend school for part of the week, known as flexi-schooling. Flexi-schooling is not considered EHE as children remain on a school roll. The purpose of this is usually to ensure that the provision in specific subjects is satisfactory, although it can also help in other ways such as socialisation. If a child is of compulsory school age they must, overall, be receiving full-time education even if components of it are part-time.

10.8 Schools are not obliged to accept such arrangements if requested by parents. If they do, children should be given leave of absence by the school in the usual way for any periods when it has been agreed they will be educated at home. 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 they are at home. 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. 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. Whilst the parent will have responsibility for the child's welfare when at home, and any education provider who is teaching the child at the time (at home or elsewhere) will have a duty of care, it's important for local authorities to be reminded that their duties in relation to the safety and welfare of children apply to all children in their areas, including those who are flexi-schooled. It is good practice for schools to inform local authorities on instances of flexi-schooling so that they can be aware in the context of their broader education and safeguarding responsibilities.

Responsibilities:

The responsibility to ensure that a child receives full time education while they are of statutory school age lies with the parent/carer with parental responsibility.

The Education Act 1996 states that the parent/carer of every child of compulsory school age shall cause him or her to receive efficient, full-time education suitable to their age, ability and aptitude and to any special educational needs they may have, either by regular attendance at school or otherwise.

The responsibility for setting up and monitoring the suitability of the flexi-schooling agreement lies with the school and not the Local Authority. The LA is responsible for making arrangements to find out so far as possible whether children are receiving suitable full-time education.

Local authorities also hold an overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area so in support of this we ask all schools comply with this guidance, which applies to all children of compulsory school age who live within the Worcestershire County Council area.

What is Flexi-schooling:

Flexi-schooling is not the same as Elective Home Education or a Part-Time/Reduced Timetable. Parents/carers who request flexi-attendance are asking for a pattern of provision, which will involve both attendance at school, as well as times when the child will receive educational provision at home. The child will always be on the roll of a school.

Flexi-schooling is also different from temporary part-time attendance arrangements which the school/parent/carer may seek to make. Such arrangements must be monitored and reviewed with the intention that the child be returned to full time attendance as soon as possible. Flexi-schooling is full time, although the provision may be split.

When a school initiates an arrangement whereby the total hours of education provided are less than those provided to the majority of the peers of the pupil in that setting, with parental agreement, this would be a reduced timetable.

When it is a parent who initiates consideration of a reduced timetable combined with elective home education, if agreed by the Headteacher, this is flexi-schooling.

When a school initiates a reduced timetable in school, in conjunction with alternative provision to support the pupil, which then constitutes a full-time offer, this is neither a flexi-schooling arrangement nor a reduced timetable.

Arrangements for flexi-schooling can only be made at the request of a parent or carer with parental responsibility. This is an arrangement that cannot be initiated by the school.

Whilst there is a legal right to a school placement and to Elective Home Education, there is no legal right to flexi-schooling. Headteachers can refuse to agree to such requests. There is also no right of appeal against the decision of a Headteacher not to agree a flexi-schooling request.

Requesting a flexi-schooling agreement:

If a parent/carer is interested in making such a request, the Headteacher of the child's actual or prospective school must be contacted so that the proposal may be considered [see flowchart in Appendix 1].

Guidance for Headteachers - some considerations when making a decision on flexi-schooling:

When considering a flexi-school application the Headteacher must take into consideration the additional vulnerabilities of the child and family. This should involve views from other external partners e.g Social Care, All Age Disability Service, Education Engagement Team, Youth Justice Service etc. The views of the child/young person must also be considered. A multi-agency meeting may also be needed to discuss the request.

Where risks are identified by external partners, or the school, the headteacher has the right to refuse a flexi-schooling application. If concerns are raised whilst a child is already flexi-schooled the headteacher has the right to terminate the agreement with immediate effect.

When considering a flexi-school arrangement the Headteacher must consider the benefits of the agreement and potential risks not only to the child's education but to the child's welfare and wellbeing. The Headteacher must also consider the current attendance of the individual and where concerns have previously been raised around attendance this should be identified as a risk and the headteacher may refuse the request on this basis.

Flexi-schooling may be considered as part of a reintegration plan when a child has been previously 'Electively Home Educated (EHE)' and wants to return to school. The headteacher will follow the same process as outlined in the flowchart (Appendix 1) along with an agreement and regular reviews.

The education provided at home and at school must together constitute full-time. Whilst there is no statutory curriculum to be followed at home, parents/carers must discuss with the school the topics being covered and those being missed during flexi schooling periods. This enables parents / carers to complement the schoolwork at home and cover missed topics in their own way should they feel this is appropriate.

There is no opt-out for schools regarding the National (Academy) curriculum based on a flexi-schooling proposal, although the child is not attending all school sessions, the school will need to ensure that the child has appropriate access to the National (Academy) curriculum. Flexi-schooling should not be seen as a means of opting out of an element of the curriculum with which a child, for whatever reason, is uncomfortable. Furthermore, the child cannot be dis-applied from assessment/exam arrangements simply because flexible attendance has been agreed.

Schools should work closely with parents/carers who have requested flexi-schooling to ensure that parents/carers are aware of the National (Academy) curriculum aspects delivered in school, to help aid the education at home. Effective assessment must take place across both the school and home-schooling elements of the child's education.

The child may find that their limited attendance can make it difficult to create/maintain strong relationships with peers and may experience an element of social exclusion as a result. Parents and schools should work together to consider these concerns and how these might be overcome. Flexi-schooling children attending school for half days, rather than being out of school for a full day, provides the opportunity to spend lunchtime at school, allowing them to have playtime with their friends and access the social aspects of the lunch period. Play dates after school and at weekends can also be a way to develop and nurture friendships with other children, including those who attend the school.

If a child moves to a different school, there will be no guarantee that flexi-schooling will be able to continue. This will be a decision that the Headteacher of the new school will be required to make.

Looked after children:

DfE Statutory Guidance makes clear that the Virtual School Headteacher is the educational advocate for looked after children just as parents are to other children. Looked after children cannot be flexi-schooled without the agreement of Worcestershire County Council, via the Virtual School Headteacher, as Corporate Parent for that child - [Promoting the education of looked-after and previously looked-after children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/promoting-the-education-of-looked-after-and-previously-looked-after-children)

Pupils with an EHCP:

Where a child has an Education Health and Care plan (EHCP), the school must ensure the SEN caseworker (or wider SEN team) is contacted at the earliest opportunity and also present at any multi-agency meeting. Flexi-schooling arrangements should not be entered into for a pupil with an EHCP without the prior agreement of the Worcestershire County Council SEND Case Officer (or wider team). Following agreement, and if the headteacher decides to go ahead, the SEN caseworker will continue to monitor progress through the usual annual review process.

Upon receipt of a parental request, any other stakeholders involved with the child should be consulted prior to any decision being made. It is also anticipated that an Annual Review will be held.

Independent/Private Schools:

There has been no specific guidance published by the Government in relation to fee-paying schools. The overall position for fee-paying schools in terms of the legal framework and registration

requirements, is the same as for state-funded schools. The only additional consideration is regarding the fees that will be paid under a flexi-schooling arrangement.

Recording flexi-schooling arrangement in a school's register:

It is important to note that in the event of a flexi-schooling arrangement being agreed, any sessions where the pupil is receiving education at home must be recorded as 'authorised absences' within the school's register – this is likely to be the 'C' code. Sessions that the pupil is expected to attend school should be coded in the same way as for all other pupils and absence followed up using established procedures.

[DfE Elective Home Education Guidance 2019](#) states "*Pupils who are being flexi-schooled should be marked as absent from school during the periods when they are receiving home education.*" It is also not appropriate for schools to mark the register as "approved off-site activity" for the time the pupil is being flexi-schooled as the school has no supervisory role in the child's education at such times and has no responsibility for the welfare of the child while he or she is at home.

Although there may be concerns that such absence may have a detrimental effect for the purpose of Ofsted inspection, other LAs and schools have found this not to be the case; schools with significant flexi-schooling numbers in other parts of the country have received good outcomes from Ofsted inspections. Please note 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. Schools are held to account through inspection for the performance of pupils, and that includes any who attend the school as part of a programme of flexi-schooling.

The school will receive full funding for flexi-schooled pupils and they must be included on all census returns. All pupils must be recorded as full-time on school MI systems and the same duties upon schools in relation to all pupils being added to the admission register and pupils being removed from roll apply.

Documenting Flexi-schooling agreements:

In all cases where flexi-schooling is agreed, the school should have a written and signed agreement with the parents/carers so that expectations and arrangements are clear for both parties. Such an agreement is expected to include:

- the normal expected pattern of attendance at school - this will be monitored by the school in line with the whole school attendance policy.
- the rationale for why the flexi-schooling arrangement is in the best interests of the pupil concerned.
- procedures for flexibility around special events which fall outside the normal arrangement.
- how the register will be marked.
- that the school will follow up any unexpected or unexplained absence in the same way as it does for other children.
- arrangements at times of assessment.
- that parents/carers take responsibility for any additional adults working with their child when not in school (e.g. tutors). If they use a private tutor, they remain responsible for the welfare and education of their child. It is recommended that parents/carers check the tutor's

identity and qualifications, take up appropriate references and ensure that the tutor has a recent Disclosure and Barring Service (DBS) disclosure certificate that they are satisfied with. Parent/carers should monitor the teaching and learning and the progress their child makes.

- that parents/carers assume full financial responsibility for the child's educational provision which is not at school, including the cost of any external assistance used such as tutors, parent groups or part-time alternative provision.
- agreement on who will meet the cost of exam entries. These are the responsibility of the parent (especially additional subjects) but the school is strongly encouraged to support with some or all of the costs.
- agreement of which exams the child can sit at school.
- details of fees if attending an independent school
- details of any special educational needs and associated provision.
- arrangements for regular planning and review meetings between parent/carer, school, EHE Officer and any other relevant professionals (eg Social Worker, SEN caseworker, Health) to ensure the child achieves his/her potential and to promote good home/school relationships. Each review will also collect the voice of the child/young person.
- clarity about the circumstances under which and with what notice either party can withdraw from the arrangement.
- details of when the flexi-school agreement will be reviewed.
- safeguarding and wellbeing of the child will be reviewed throughout the arrangement.
- the arrangements for the resolution of any disputes (usual processes are for disputes to be resolved at the most informal level possible, but ultimately any complaints will need to be considered by the Headteacher first and then the Governing Body as set out under the school's complaints procedure).

Monitoring flexi-schooling:

Schools must notify WCC of any pupils who are educated in Worcestershire and are flexi-schooled. Schools can do so by completing the Part Time Timetable and Flexi-Schooling Notification Form on the CHS portal and ticking the flexi-schooling box (only one notification needs to be completed per academic year). The EHE team will liaise directly with parents and school to agree a collaborative way of working to review the suitability of education in place. If a pupil lives outside of Worcestershire, WCC will inform the appropriate Local Authority, but it is recommended school also make contact as well to discuss how the collaborative approach with the resident LA is going to work.

Half termly review dates should be written into the flexi-school agreement between school and parents/carers. The school should advise the EHE team of the first review and then every 12 months thereafter to ensure there is a joined-up approach. The EHE Team will also contact parents directly to review the suitability of education in place outside of school.

If it appears to the school / EHE team that the flexi schooling arrangement is not working, the school will liaise with parents/carers to try to address this (with support from the EHE team where necessary). If any safeguarding or welfare concerns are raised by the school or external partners the flexi-school agreement will be terminated immediately.

If the Headteacher and/or the EHE team does not feel the suitability threshold for the education overall has been met and the situation cannot be rectified, this will result in the Headteacher ceasing

the Flexi-Schooling arrangement. This is at the Headteacher's discretion and there is no right to appeal this decision. The notice period for this will be documented in the original flexi-schooling arrangement but is not expected to take more than 4 weeks. The child would then be required to attend school on a full-time basis.

If parents/carers wish to cease the flexi-schooling arrangement and revert to full-time schooling then the notice period for this will be documented in the original flexi-schooling arrangement but ideally should only be 1 week.

Attendance:

Attendance of all flexi-schooling children will be closely monitored in line with the whole school attendance policy. If a child does not attend on the specified days as agreed the school will follow safeguarding processes identified in the safeguarding and attendance policy e.g. phone calls home, home checks etc. Flexi-schooled children with poor attendance will trigger a review which may result in the flexi-schooling agreement being terminated.

Safeguarding:

The safeguarding of any child should always be of paramount importance. Therefore, any decisions should be taken with any known and existing safeguarding concerns in mind. Where a child attends another setting on those days when not in school, it is incumbent on the parent to ensure the adequacy of the safeguarding arrangements in operation at this setting. The Head Teacher should, however, still act in response to any concerns that arise and follow the schools normal safeguarding procedures.

In Conclusion:

The decision to embark upon a period of flexi-schooling should never be taken lightly. It should only be considered when the reasons for doing so are entirely positive. A parent/carer must be confident that he or she can meet the educational needs of the child fully and a school must understand and accept the fact that, if arrangements are agreed upon, the school will retain the responsibility for the child's progress and any absences incurred. It has been shown though that such arrangements, kept under review, can work well.

SCHOOL PROCESS FLOW CHART

