

# Section 3



Understanding Social Emotional Mental Health and Reducing Exclusions

## Flexi-schooling Guidance for Schools

All children are entitled to a suitable, full-time education and for the majority of children this will be achieved within a school environment. We recognise however, that parents/carers may choose other ways for their child or young people to engage in effective, full-time, and suitable education. One way could be for them to request for a school to agree a flexi-schooling arrangement.

The decision on whether to approve a request for flexi-schooling must be made by the Headteacher of the school who has received the request. This advice has been produced by the Attendance, Exclusions and Licensing Team to provide guidance to schools who may need to respond to requests from parents who are considering flexi-schooling as an option for their child. This document clarifies what is meant by the term flexi-schooling and aims to support conversations between parents and schools about this approach to education.

It is recommended that school staff read this advice along with the DfE [Elective home education: departmental guidance for local authorities \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/406212/elective-home-education-departmental-guidance-for-local-authorities.pdf) (April 2019) which includes further guidance on this subject.

Schools may also wish to signpost parents to [Elective home education: guide for parents \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/406212/elective-home-education-guide-for-parents.pdf) if they become aware that they are considering flexi-schooling or elective home education for their child.

## What is flexi-schooling?

The responsibility for a child receiving full-time education while he or she is of statutory school age lies with the parent or carer. Where a parent/carer educates a child through a pattern of provision partly at school and partly at home or elsewhere, as an expression of parental preference, this is known as flexi-schooling.

The [DfE guidance](#) states:

*“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*

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*parent 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.”*

Flexi-schooling arrangements are not the same as elective home education nor a temporary reduced timetable arrangements that a school may put in place in exceptional cases, to support a child’s reintegration back into school.

## **How should a request for flexi-schooling be made?**

Flexi-schooling should not be confused with elective home education. Parents/carers have a legal right to choose to home educate their child, but parents/carers do not have a legal right to insist on a flexi-schooling arrangement being agreed by the school.

Arrangements for flexi-schooling can only be made at the request of a parent or carer with parental responsibility. This request must emanate from the parent/carer; it is not for a Headteacher, a member of school staff or an officer of the Local Authority to suggest or encourage a family to undertake flexi-schooling.

Whilst a parent/carer may request that their child is flexi-schooled, it is entirely at the Headteacher’s discretion, acting with the authority of the governing body, as to whether or not the school is prepared to agree to a flexi-schooling arrangement.

If a parent/carer wishes to make a request for a flexi-schooling arrangement, contact should be made directly with the Headteacher of the child’s current or prospective school so that the proposal may be considered.

The responsibility for the flexi-school arrangement lies between the school and the parent, not the Local Authority. The school will need to work with parents to plan how the arrangement will work and address any issues which arise.

## **What factors should be considered?**

Schools are not obliged to accept flexi-schooling arrangements if requested by a parent, however, all requests must be considered by the Headteacher on their merits. The Headteacher should take into account the best interests of the child, their educational progress and achievement, safety and well-being, together with the likely impact on the wider school community.

When deciding whether to agree to a flexi-schooling arrangement, it will be helpful for a Headteacher to consider the following:

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- Safety and welfare of the child is of paramount importance. No agreement should be reached where a Headteacher has concerns that a flexi-schooling arrangement might put the child at risk of harm whilst not attending school.
- Flexi-schooling is unlikely to succeed if the reasons for choosing it are negative and the choice is motivated by the desire to avoid difficulties around certain subjects, teachers, peers, aspects of schools' discipline or attendance itself.
- The wishes and feelings of the child.
- The potential impact on the child's ability to maintain strong relationships with peers and staff due to their reduced attendance at school.
- Current and anticipated level of educational attainment, achievement and progress of the individual pupil and the arrangements for monitoring the learning and progress of the individual pupil.
- Whether the arrangements being sought can be made outside of normal school hours.
- The appropriateness of the education proposed by the parent away from the school, the impact on the child's access to the school curriculum and the possible fragmentation of the learning experience.
- Whether the flexi-schooling education provided at home and that provided at school together constitutes a full-time education provision as required.
- If arrangements are agreed, the school will retain the responsibility for the child's progress and any absences incurred because of the decision to participate in a flexi-schooling arrangement.
- The effect on the wider school community.

The Governing Body may be involved in agreeing and reviewing the school's approach to flexi-schooling requests but they should not become involved in individual cases, as some governors may have a more formal role if a dispute arises and/or a complaint is made.

Governors should satisfy themselves that the Headteacher has fully considered the points highlighted above and are fully conversant with the school attendance guidance, [Working together to improve school attendance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/362222/Working_together_to_improve_school_attendance.pdf) when reaching a decision.

## Is there a right of appeal against a decision?

There is no parental right of appeal against the decision of a Headteacher not to agree to a flexi-schooling request or if a Headteacher decides to cease flexi-schooling arrangement.

## Should a written agreement be in place?

In all cases where a flexi-schooling arrangement is agreed, it is strongly recommended that a written and signed agreement is put in place between the school and parent/carer, in order to make expectations clear for all concerned. Each agreement should be bespoke to the individual child and the arrangement requested but should include:

- The normal, expected pattern of attendance at school.
- Arrangements for regular planning and review meetings between the parent/carer and school to ensure the child achieves his/her/their potential and to promote good home/school relationships.
- 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.
- The responsibility of parents/carers regarding attendance at those sessions the child is expected to be in school.
- How 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.
- Arrangement that if the parent/carer chooses to employ other people to educate their child at home, they will be responsible for making sure that those whom they engage are suitable to have access to children and will be responsible for meeting all costs related to this decision.
- Details of any special educational needs and associated provision.
- Clarity about the circumstances under which and with what notice either party can withdraw from 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 Governing Body as set out under the school's complaints procedures).

Parents should also be made aware that if the child moves to a different school, there can be no guarantee that flexi-schooling would be able to continue. A fresh request for a flexi-schooling arrangement must be made to the Headteacher of the new school. It would then be a decision for that Headteacher to make.

## How should the attendance register be marked?

[DfE statutory guidance](#) is clear that if a school approves a flexi-schooling arrangement for one of its pupils, Code C (leave of absence for exceptional circumstance) is the appropriate code to use for the sessions that the pupil is not expected to attend because they are being educated at home.

The guidance is clear that "...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." This means that schools must not use code B (off-site educational activity) for a flexi-schooling arrangement.

Similarly, the guidance is clear that code C2 (leave of absence for a compulsory school age pupil subject to a part-time timetable) must not be used.

When an absence occurs on days when the child is due to attend school, schools should follow up the absence and code these absences in the usual way, in line with the school's attendance policy and national guidance.

## What should a school do if the education being provided at home does not appear to be suitable and/or the arrangement does not appear to be in the best interests of the child?

The school should keep any flexi-schooling arrangement under regular review with the parent(s) and take account of the child's views in order to identify any issues at the earliest opportunity. If it appears that parents are not providing a suitable education as agreed, the school should ask the parent/carer to take remedial action to improve the education that they are providing. If the parent/carer declines to do so, or if the school is still concerned about the education being provided at home, the school may withdraw its agreement to the flexi-schooling arrangement. The child would then be required to attend at school on a full-time basis.

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If a child fails to return to full-time attendance once the agreement has ended, the school should leave the absence unauthorised and follow their usual procedures for following up absences.

## **Will flexi-schooling arrangements be considered as part of an Ofsted inspection?**

Schools are held to account through inspection for the performance of all pupils and that will include pupils who attend the school as part of a programme of flexi-schooling. Schools who have flexi-schooled pupils should be ready to discuss with Ofsted inspectors the arrangements they have in place to deal with the requirements of these pupils and ensure that they are appropriately safeguarded. Schools should be able to evidence their overarching approach to flexi-schooling as well as individual plans and arrangements for each flexi-schooled pupil. The use of the C code will require schools to provide a clear narrative behind weaker attendance data.

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### **Contact information**

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