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**Southampton City Council**

**Inclusion Services**

**Flexi-Schooling Guidance 2022\23**

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| --- |
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### PURPOSE

Parents and carers are fully entitled to ask schools about possible arrangements for flexi-schooling and, as a first step, should formally request 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 no appeal process or role for the LA.

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.

The purpose of this guidance, therefore, is to support Headteachers in giving full and appropriate consideration to parental requests.

### SCOPE

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

**Children not in School**

The Schools Bill is currently going through Parliament and when given royal assent will place a duty upon the local to maintain a register of Children not in School (CNIS) which must then be available to the DfE. One element of the register is children registered as a pupil at a relevant school but it has been agreed by that school that they can be absent for some or all of the time and receive some or all of their education otherwise than at a relevant school.

This includes flexi-schooled children so schools must report any agreements in place via the council [website](https://www.youtube.com/watch?v=r8DolY9-0b0).

### GUIDANCE COMMITMENTS

* Constructive and transparent discussions will help to ensure all parties feel they have been listened to and that final decisions are understood.
* Flexi-schooling arrangements will only be successful if schools and parents can agree to work together in a positive and collaborative manner, with a shared focus on the needs and welfare of the child.
* Consultation with other professionals, services or stakeholders involved with the child will ensure a holistic approach is taken to decision making.
* Safeguarding considerations should have a high profile in decision making.

### LEGISLATIVE CONTEXT AND OTHER RELATED DOCUMENTS

Working together to improve school attendance 2022

This document makes no reference to flexi schooling.

* **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.*

### DIFFERENCE BETWEEN FLEXI-SCHOOLING & REDUCED TIMETABLES

When a school initiates an arrangement whereby the total hours of education provided are less 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.

### PUPILS WITH AN EHCP

Flexi-schooling arrangements should not be entered into for a pupil with an EHCP without the prior agreement of the Southampton City Council SEND Case Officer.

Upon receipt of a parental request, any other stakeholders involved with the child should be consulted prior to any decision being made.

In response to a parental request for flexi-schooling, it is anticipated that an Annual Review would be held.

### GUIDANCE FOR HEADTEACHERS

Headteachers should consider individual parental requests for flexi-schooling on their merits and should listen constructively to the reasons given by parents and give consideration to the full range of factors in this document, consulting with LA services as required e.g. EHE, SEND, School Admissions, Educational Psychology, Inclusion Officer for pupils with medical needs, along with any current professionals involved with supporting the child.

### Issues to consider

* The needs and welfare of the child.
* The advice of other professionals involved with the child, particularly if the child is subject to CP or CIN planning.
* Whether a flexi-schooling arrangement would be in opposition to any safeguarding plans for the child.
* The reasons for the flexi-schooling request e.g. it may be to allow time to focus on a special ability, such as music, sport etc.
* The provision of efficient education and the efficient use of school resources.
* Any identified special educational needs and approaches/resources/strategies to meet these.
* If a flexi-schooling arrangement is agreed, the child will take up a school place, or remain on the school roll in the place currently allocated to them. As such, a flexi-schooled pupil could deny a full-time place to another prospective pupil.
* Schools are funded for flexi-schooled children on the same basis as a full-time pupil on roll, so should consider the amount of time the child would be in school.
* As the child is on roll the school must satisfy the requirements of the National Curriculum or, for academies, the appropriate broad and balanced curriculum.
* What impact a flexi-schooling arrangement might have on both classroom and whole-school management. For example, additional demands and workloads on teaching and administrative staff.
* If flexi-schooling is requested due to a medical condition, are appropriate arrangements in place in school to support the pupil?
* Any specialist or individual provision the child is receiving in school.
* Whether the proposed programme of activity for which flexi-schooling is being requested is likely to enhance the child’s educational development. Parents would not have to follow the national curriculum.
* Will a time-limited flexi-schooling arrangement support the child’s successful transition into the school?
* Will critical aspects of the curriculum/teaching in school be missed and how could this be addressed?
* The school continues to be legally responsible for the child’s education whilst on the roll of the school.
* The current and anticipated level of educational attainment.
* Any potential impact upon the development and maintenance of secure peer social relationships.
* Academic performance (e.g. SATs and GCSEs) may be lower if the full curriculum has not been covered although, conversely, it may also be improved.

It is strongly recommended that any flexi-schooling arrangement is time-limited.

### Flexi-schooling agreed by Headteacher

Following a meeting with parents the Headteacher should provide parents with formal, written confirmation of the agreement reached. A suggested template is included in this guidance to support schools. This confirmation should be signed by the Headteacher and parents and a copy sent to:

* The Children Not in School Manager.
* The SEND Team if the child has an EHCP.
* The Social Worker if the child is subject to CP or CIN planning.

### Flexi-schooling not agreed by Headteacher

Following a meeting with parents the Headteacher should write to parents to confirm their decision, stating that there is no right of appeal.

It would be good practice to provide the reasons for the decision.

### When flexi-schooling should not be agreed

* Where a Headteacher has concerns that it would put the child at risk of harm while not attending school.
* As a long term measure to avoid elective home education.
* As a means of circumventing our local reduced timetable protocol.
* If it becomes evident that the arrangements being sought can be made outside of normal school hours, or, are more to do with accommodating the needs of the parents (eg where they might have unusual working patterns) rather than those of the child.

There have been cases where schools have promoted flexi schooling, with the best of intentions, for children disengaged from their education who are school refusers, to prevent them being removed from roll where there are existing concerns. Whilst it may be good practice to explore this strategy:

* It should be formally agreed by parents and the school.
* It is not appropriate if the pupil remains a school refuser and should be ceased.
* If the parent does not agree and has written an appropriate deregistration letter the law requires the pupil to be removed from roll.

### Children not on the school roll

Occasionally, schools may be approached to enter into a flexi-schooling arrangement for a pupil not on their roll.

See [***Admissions***](#_ADMISSIONS) section and the [***Process Flow Chart***](#_SCHOOL_PROCESS_FLOW) at the end of this document.

### What might a flexi-schooling agreement include?

If agreed, the Headteacher should provide parents with formal, written confirmation of the agreement reached and the list below contains examples of what could be included:

* Basis for entering into a flexi-schooling arrangement.
* Start date.
* Objectives and expectations of the school and parents.
* The days/times when the child will attend school and the times.
* During which sessions the child will be electively home educated and the parent responsible for the child’s safety. To ensure clear safeguarding duties are met, for example, explicit travel arrangements should be agreed.
* Contact and liaison arrangements between the school and the home.
* Any impact on public examinations and what has been agreed.
* Provision that parents will put in place during elective home education sessions.
* Access by parents to school resources.
* A statement to confirm that the school holds no safeguarding responsibility for the child during the times that they are electively home educated.
* Access to records.
* That if a parent chooses to employ, at his or her own expense, another person to educate their child during sessions of elective home education, they will be responsible for ensuring that this person is suitable to have access to children and will be able to provide evidence to this effect to the Headteacher.
* Details of review, we would recommend after no longer than a half term.
* Under what circumstances and with what notice either party can withdraw from the arrangement e.g. if the child does not attend at agreed times in school, during disputes when agreement cannot be reached or if the agreement is not being adhered to and what withdrawal would mean.
* A reminder that parents remain responsible in law for ensuring that their child receives efficient full time education suitable to age, ability, aptitude and any special education needs they may have during sessions when they are electively home educated.
* Arrangements for special events which fall outside the normal arrangement such as, but not limited to assemblies, trips, productions or performances, sports events.
* The requirement for parents to contact the school if the child is absent from a session when they would normally be present at school.

### ADMISSIONS

### Admissions Code

There is no distinction between children who are, or are to be, flexi-schooled and those who are not. Whatever the degree of part time attendance, the child will count towards admissions numbers on roll as if they were full time.

Pupils admitted as part of a flexi-schooling arrangement are not exempt from the statutory School Admissions Code[[1]](#footnote-1) and normal admission procedures should be adhered to, including oversubscription criteria.

### New in-year admissions

A time-limited flexi-schooling arrangement can be an appropriate strategy to support children returning to school in certain circumstances e.g.

* Those who are recovering from a long illness, so they can return to school on a gradual basis and this should be referenced in an Individual Healthcare Plan.
* Those who were previously electively home educated who need a phased return into the classroom.

### New Year R admissions

There are no legal sanctions that can be used to enforce attendance until a child reaches compulsory school age, which is on the first of the following dates after their 5th birthday:

31 December

31 March

31 August

The Southampton City Council Schools Admissions Team offer places for children to start in Year R each September and this is an offer of a full-time place.

If all Reception pupils at the school are expected to attend daily, then absences cannot be coded using the “X” (sessions that non-compulsory school age children are not expected to attend).

Having accepted the place, some parents express concern that their child is not ready to attend school on a full-time basis and may approach the school to request that they attend on a part-time basis. In considering individual cases schools should take into account that parents are able to:

* Request (ideally at the time of application) to decelerate their child’s entry to school to the following academic year when they may re-apply. A form is available on the SCC website.
* Request deferred entry, which keeps the place available for their child to start once they have reached compulsory school age, but the child must be on roll before the end of the academic year in which they could have started.

### ATTENDANCE

Schools must[[2]](#footnote-2) maintain an accurate attendance register for all pupils at the school.

### 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.

### Sessions when the pupil is electively home educated

These sessions should be coded using “C”. This code indicates that absence has been authorised.

### CHILDREN MISSING EDUCATION

The DfE guidance[[3]](#footnote-3) places a duty upon schools in relation to all pupils being added to the admission register and pupils being removed from roll. These duties also apply to flexi-schooled pupils.

### SCHOOLS INFORMATION MANAGEMENT SYSTEMS (SIMS)

### Admission register

Schools are also required[[4]](#footnote-4) to maintain an admission register. All pupils (regardless of their age) must be placed on both registers (admissions and attendance) and any school who fails to comply with these regulations is guilty of an offence.

Pupils who are flexi-schooled should therefore be added to school information management systems as registered pupils.

### Registration status

The law allows for dual registration of pupils at more than one school but flexi-schooled pupils who are also electively home educated should be recorded as single registration status.

### Census

All pupils on school information management systems on census date will be counted in the school census. Schools will be funded for flexi-schooled pupils in the same way as for all other pupils.

Dual registered pupils automatically appear on the school census of both schools therefore flexi-schooled pupils who are also electively home educated should be recorded as single registration status.

### Part-time

Flexi-schooled pupils should not be flagged using the *pupil part-time indicator* in SIMS.

DfE guidance[[5]](#footnote-5) states that compulsory school-aged pupils on a part-time timetable should be recorded as full-time. This applies to flexi-schooled pupils.

### STATUTORY CENSUS RETURNS TO THE DFE

Termly census returns should contain details of *all pupils on the register on census* *day*. This includes flexi-schooled pupils[[6]](#footnote-6). All pupils will then be funded by the DfE in the usual way.

### EDUCATION SKILLS AND FUNDING AGENCY

*General further education colleges and sixth-form colleges (colleges) are able to enroll and receive funding from the Education and Skills Funding Agency (ESFA) for students aged 14- to 16-years-old.[[7]](#footnote-7)* This applies to **full-time** provision.

For home electively educated children this would appear to represent a flexi-schooling arrangement, however, **schools that also provide education for sixth form pupils who are over compulsory school** **age are not able to access this funding stream**.

This is because FE colleges provide education for those over compulsory school age and include sixth form colleges and specialist colleges. Children enrolled at schools, however, are funded via the school census.

### RESULTS

The results of all pupils on roll at key dates, regardless of whether they are flexi-schooled or not, will be attributed to the school.

### REPORTING

When an incoming file from a school via our B2B process indicates that a child has been newly enrolled on a single registration basis, the previous provision of the child is then automatically end dated.

It is important therefore that schools report any flexi-schooling cases to the Children Not in School Manager on 023 8083 3889. We can then ensure that their records on the LA database accurately reflect the child’s education provision.

### CONTACTS

|  |  |  |  |
| --- | --- | --- | --- |
| Children Not in School ManagerInclusion Officer for pupils with medical needsAdmissions & School Place Planning ManagerSEND Team ManagerEWS Team Manager | Elliot NolanZoe SnowKirsty ReltonKerica Hunt | Elliot.nolan@southampton.gov.ukzoe.snow@southampton.gov.ukkirsty.relton@southampton.gov.ukKerica.hunt@southampton.gov.uk | 8083 38898083 30988083 27138083 20598083 4229 |

### GOVERNANCE

This guidance will be implemented by schools, supported by local authority officers.

It will be monitored by the Inclusion Services Team and reviewed on an annual basis at the end of the summer term.

### SUBSTANTIVE CHANGES

|  |  |
| --- | --- |
| Children Not in School | This paragraph is new to alert schools to the fact that flexi-schooled pupils will be included in the CNIS Register and to remind schools to report cases to the LA. |
| When flexi schooling should not be agreed. | Clarification has been added about removal from roll requirements and when flexi schooling should not be in place or should be ceased. |
| Flexi-schooling agreement | A suggested template has been included in this guidance to support schools. |

### SCHOOL PROCESS FLOW CHART

An existing parent requests a flexi-schooling arrangement for their child

New parent has approached the school to consider a flexi-schooling arrangement

Parent advised to apply formally to the Admission Authority for the school.

Headteacher to meet with the parent to discuss the reasons for the request.

School does not have space in the chronological year group for the child

Headteacher has consulted stakeholders and agrees:

* HT must provide parent with written confirmation of flexi-schooling, including details of what has been agreed.
* HT and parent to sign this agreement.

No changes to SIMS.

**HT notifies Children Not in School Manager (023 8083 3889), SEND if the child has an EHCP & Social Worker if CP or CIN.**

School has space in the chronological year group for the child

Headteacher has consulted stakeholders and does not agree.

HT must provide parent with letter confirming that they are unwilling to enter into a flexi-schooling arrangement, outlining their reasons.

HT meets with parent and invites or consults relevant stakeholders.

**Child added to waiting list**

Headteacher has followed the guidance & agrees:

* HT must provide parent with written confirmation of flexi-schooling, including details of what has been agreed.
* H and parent to sign this agreement.

**HT notifies Children Not in School Manager (023 8083 3889), SEND if the child has an EHCP & Social Worker if CP or CIN.**

Headteacher has followed the guidance does not agree.

HT must provide parent with letter confirming that they are unwilling to enter into a flexi-schooling arrangement, outlining their reasons.

**Parent to decide whether to withdraw their child for EHE or leave them on roll.**

**Pupil remains on roll**

**Parent to decide whether:**

* **To take up the place on a full-time basis.**
* **Continue with full-time EHE.**
* **Make other plans for their child’s education provision if they are not EHE.**

**Pupil enrolled:**

* **Added to SIMS as single registration with correct NCY.**
* **Included in next census return.**
* **Child follows national\school curriculum.**
* **Attendance coded as “C” during sessions when electively home educated.**
* **Attendance coded in the same was as for all pupils during sessions expected to attend school.**

### SUGGESTED FLEXI-SCHOOLING AGREEMENT

 **ADD SCHOOL LOGO**

|  |  |  |
| --- | --- | --- |
| **Names of children** | **DOB** | **NCY** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**CONTEXT**

Due to (add reason\s) parents have requested a flexi-schooling arrangement which the Headteacher, governors and the Trust are happy to facilitate and support. This arrangement will (add what it will achieve).

There are no safeguarding plans or court orders in place with which this arrangement would conflict.

No impact upon public examinations.

Depending on ages – any transition issues?

The school has no concerns about the ability of the parents to meet the educational needs of their children.

Following discussions with parents and the Headteacher, this document provides all parties with formal, written confirmation of the agreement reached.

**START DATE**

|  |  |
| --- | --- |
| Date arrangement will start: |  |
| Review arrangements: |  |

**TIMETABLE AGREED**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Child** | **Monday** | **Tuesday** | **Wednesday** | **Thursday** | **Friday** |
|  | am | pm | am | pm | am | pm | am | pm | am | Pm |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |

Is this flexible depending upon any contextual factors?

This timetable should say EHE when not in school

Full sessions or specific times?

**PROVISION**

As the children remain on roll (add school name) must ensure that an appropriate broad and balanced curriculum is in place.

What learning will school deliver?

What learning will parents deliver?

Are the children in line with national expectations?

Any professionals involved with children? Any specialist or individual provision the child is receiving in school?

Any identified special educational needs and approaches/resources/strategies to meet these.

Provision that parents will put in place during elective home education sessions?

Who is delivering at home?

Will critical aspects of the curriculum/teaching in school be missed and how could this be addressed?

Arrangements for special events which fall outside the normal arrangement such as, but not limited to assemblies, trips, productions or performances, sports events.

Access by parents to school resources.

Arrangements for occasions when parents cannot EHE

**EXPECTATIONS**

Of school and parents

**CONTACT ARRANGEMENTS**

SPOC?

Absences – children unwell for example

Occasions when parents may be unwell etc

**AGREEMENT**

**Parent**

We confirm and understand that during the times that our children do not attend school we are legally responsible for their education provision, as outlined above and their safety and wellbeing.

For the duration of this agreement they will be recorded as electively home educated but will also remain on the admission register of the school.

 Signed by parents Date

**School**

The school understands that they continue to be legally responsible for the child’s education whilst on roll and will not remove them from the admission register whilst this agreement is in place.

 Signed by Headteacher Date

A copy of this signed agreement should be sent to the Children Not in School Manager via Anycomms using the children missing education option.

1. School Admissions Code. DfE. December 2014 [↑](#footnote-ref-1)
2. The Education (Pupil Registration)(England) Regulations 2006 and subsequent updates [↑](#footnote-ref-2)
3. Children Missing Education. DfE statutory guidance. September 2016 [↑](#footnote-ref-3)
4. The Education (Pupil Registration)(England) Regulations 2006 and subsequent updates [↑](#footnote-ref-4)
5. School census 2018 to 2019. October 2018 [↑](#footnote-ref-5)
6. School Census 2018 to 2019. DfE. October 2018 [↑](#footnote-ref-6)
7. [www.gov.uk](http://www.gov.uk) Full-time enrolment of 14-16 year olds in further education and sixth form colleges [↑](#footnote-ref-7)