

Separated Parents Policy

1. Aims of the policy

- 1.1. The school recognises that parental separation can be challenging for both parents and children. The school aims to support families whilst ensuring that the best interests of the child remain paramount.
- 1.2. This policy is designed to clarify to all parties what is expected from separated parents and what can be expected from the school and its staff.
- 1.3. Where there are any differences between this policy and any court order, the terms of the court order will prevail.

2. Who is a parent

- 2.1 For the purposes of education legislation, the meaning of the term 'parent' has a meaning that is wider than its 'ordinary' meaning. It includes:
 - the child's natural (biological) parents
 - any other person who has parental responsibility for the child
 - any other person who has care of the child, that is, a person with whom the child lives and who looks after the child.This may therefore include step-parents, grandparents, foster carers or other relatives who care for the child.
- 2.2 All persons meeting the above definition will be subject to the legal obligation that the child receives a suitable full time education.

3. What is parental responsibility and who has it

- 3.1 Parental responsibility is a legal term flowing from the Children Act 1989 and means having all the rights, duties, powers, responsibilities and authority that a parent of a child has by law in relation to that child. Parental responsibility can be shared by a number of people who are able to act independently in respect of the child.
- 3.2 Parents married to each other at the time of a child's birth both have parental responsibility for that child.
- 3.3 If the natural parents of a child were not married to each other when the child was born, the mother automatically has parental responsibility but the natural father does not, unless he has subsequently acquired parental responsibility by registering the birth (after 1 December 2003), a parental responsibility agreement or court order.
- 3.4 Other persons may also acquire parental responsibility, generally following legal proceedings which result in residence orders, adoption orders or care orders being made (in the case of a local authority).

4. The school's approach

- 4.1 Except as specified in this policy, the school will treat everyone with parental responsibility equally.
- 4.2 As defined more specifically in this policy, all those with parental responsibility are entitled to be:

- sent information by the school both of a general nature and in relation to their child
 - informed if special educational provision is made for the child at the school
 - given the opportunity to participate in school activities e.g. vote in elections for parent governors
 - to meet with school staff
 - told about meetings regarding the child.
- 4.3 Disputes between persons sharing parental responsibility over the exercise of their parental rights need to be resolved between those with parental responsibility and/or the courts. It is not for the school to provide advice on domestic arrangements.
- 4.4 The school is not generally a party to court orders which are in place in relation to the family. As such, the school is not responsible for enforcing orders of the court and individuals should seek their own legal advice in the event of any alleged breach of the terms of any order.

5. Informing the school of a change in family circumstances

- 5.1 We encourage parents to tell us at an early stage if there is a change in family circumstances. Whenever possible, staff will be informed of such changes so that suitable support can be offered.
- 5.2 The school will need to be provided with updated contact details, details of agreed arrangements for collecting children and contacts for emergencies. In particular, the school will need to be informed with which parent the child will be primarily resident i.e. who the child will spend more than half of their time living with (known in this policy as the 'resident parent').
- 5.3 Where any court orders are issued which are relevant to the child and the school, a copy of the order should be provided to the school as soon as possible.

6. Contacts

- 6.1 Unless there is a court order or the school has been notified in writing of alternative arrangements, the school will treat the resident parent as the school's main contact and the other natural non-resident parent (if they have parental responsibility and are known to the school) as the school's second contact. Any other person with parental responsibility shall be noted on the school's records in the alphabetical order of their surname.
- 6.2 The school will only accept alternative contacts or an alternative order of contacts which have been:
- agreed by all those with parental responsibility who are known to the school and notified to the school in writing, or,
 - provided by way of a court order.

7. Provision of information

- 7.1 Day to day information about the child will normally be passed to the resident parent or the parent/person collecting the child from school that day. Individuals with parental responsibility are expected to liaise with each other in relation to such information.

- 7.2 Where possible, separated parents should endeavour to attend parent meetings together. Where this is not possible, parents should notify the school in reasonable time so that alternative arrangements can be investigated.
- 7.3 All individuals with parental responsibility will be provided with a copy of the annual written report of a pupil's progress and attainment in the main subject areas taught.
- 7.4 **[Academies only]** Under the principles of the Data Protection Act 1998, children can assume control over their personal information and restrict access to it, should they be of sufficient age or maturity to exercise their will in this matter. This control extends to cover information which is held within a pupil's educational record. When considering whether to respond to parental requests for information about the pupil, the school will consider the following:
- the child's level of maturity and their ability to make decisions about their own information
 - the nature of the personal data being requested
 - any court orders relating to parental access or responsibility that may apply
 - any duty of confidence owed to the child
 - any consequences of allowing those with parental responsibility access to the child's information
 - any detriment to the child if individuals with parental responsibility cannot access this information
 - any views the child has on whether their parents should have access to information about them.

8. Consent

- 8.1 In most cases, the school will accept consent or permission forms relating to the child from any person with parental responsibility for the child, whether or not they are the resident parent.
- 8.2 Where, in the reasonable opinion of the school, the issue requiring parental consent is likely to have a significant impact on the child, the school may require the consent of all those with parental responsibility for the child who are known to the school. Examples of the circumstances where joint consent is likely to be required include:
- withdrawal from sex education or religious education
 - consent to undertake a school visit outside of the United Kingdom

9. Collection of children from school

- 9.1 The school will release a child to any person with parental responsibility, or a person authorised by them, unless alternative arrangements have been notified to the school or the school has safeguarding concerns about sending a child home with a particular parent/person. The school will only accept alternative arrangements which have been:
- agreed jointly by all those with parental responsibility who are known to the school and notified to the school in writing, or,
 - provided by way of a court order.
- 9.2 If a person seeks to remove the child from school in contravention of notified alternative arrangements, the following steps will be followed:
- a member of staff will meet with the parent/person seeking to collect/remove the child and, in his/her presence, telephone the person to whom the child would normally be released and explain the request

- if the person to whom the child would normally be released agrees, the child may be released and the records will reflect that the permission was granted verbally
- unless it is reasonable to comply with the request, the member of staff may have to refuse permission if agreement/consent cannot be obtained
- if there is a belief that a possible abduction of the child may occur or if the parent is disruptive, the police and the local authority will be notified immediately.

10. Requests for a change of pupil name

Informal / known-by name

- 10.1 Where a pupil is deemed by the school to be of sufficient age or maturity and requests that their informal / known-by name is changed, then the school's records will be updated accordingly.
- 10.2 In all other cases, the school will require the written consent of all those with parental responsibility for the child who are known to the school to change the informal / known-by name of the child in the school's records.

Legal name

- 10.3 The school will only change the child's legal name in the school's records on receipt of a change of name deed poll which has been enrolled with the court. This will require the agreement of all persons with parental responsibility.

11. Procedure following contact from absent parents

- 11.1 The school has no legal obligation to make enquiries of those enrolling children at the school on whether other individuals with parental responsibility agree with their decision. On enrolment, we do expect to be provided with the contact details of all those with parental responsibility for the child, if known. Information provided to the school when the child was enrolled will be presumed to be correct unless a court order or original birth certificate proving otherwise is provided to the school.
- 11.2 Where the school is contacted by a parent of a child on roll at the school with whom the school has no previous information (known in this policy as an 'absent parent'), the school will contact the resident parent to confirm whether the person is known to them and whether there is any legal reason why information should not be provided, i.e. a court order.
- 11.3 If no court order exists, the school will contact the absent parent to ask them to confirm their identity and to confirm whether they have parental responsibility for the child. If the absent parent does not have parental responsibility but wishes to have this, the school will advise them to seek their own independent legal advice.