

BURTON CHURCH of ENGLAND PRIMARY SCHOOL



Separated Parents Policy

Issue date: July 2019; April 2024
Date adopted:
Review Date: July 2022; April 2024; April 2027 (or in light of new guidance)
Signed by:
Approval committee: Governing Body

1. Introduction

Parental separation can lead to some parents becoming estranged from their child and losing contact with school altogether. When a parent loses contact with their child(ren), this can be traumatic for the child(ren) concerned, as they may worry about their parent's whereabouts and safety, and may blame themselves for relationship breakdown and loss of contact.

At Burton C of E Primary School, we aim to maintain contact with both parents in the best interests of their children. Research and experience indicate that whenever separated parents make a concerted effort to work well together and in partnership with school staff to support their child in their behaviour and learning, the negative impact on children's overall well-being and academic attainment can be reduced.

This policy aims to minimise any impact and to clarify to all parties what is expected from separated parents and what can be expected from the school and its staff. It has been written in line with DfE guidance on Parental Rights.

2. Definition of "parent"

The definition of a "parent" for school purposes is much wider than for any other situation. The Education Act 1996 defines a parent as:

- all natural parents, including those that are not married;
- any person who has parental responsibility but is not a natural parent, e.g. a legally appointed guardian acting in *loco parentis* or the Local Authority named in a Care Order;
- any person who has care of a child, i.e. a person with whom the child resides and who looks after the child irrespective of the relationship.

What does having "care of a child" mean?

Having care of a child or young person means that a person who the child lives with and who looks after the child, irrespective of their relationship with the child, is considered to be a parent in education law.

This could be shown by:

- Interaction with the school – attending meetings, making phone calls, being on the School's record as being involved (in whatever capacity) etc.
- Residence with the child where, for all intents and purposes, the person is part of the family, a man or woman married to a parent of a child.

For example:

- Are they listed on school records?
- Does the school have contact details for them?
- Do they meet with teachers/attend parents' evenings?
- Have they been involved with the measures designed to improve attendance?

- Do they contact the school on behalf of the child when s/he is ill?
- Do they live with the child?
- How long has the school known of them being connected with the child?
- Does the adult bring/collect the child to/from school?
- Is the adult married to the parent of the child?

It would not be appropriate to assume that someone having a “casual” relationship with the parent of a child necessarily has ‘care of the child’ unless we have cause to believe the person has some involvement with the child’s life – living with the child could be a determining factor as could the other examples outlined above.

It is therefore those adults who are having significant input in a child’s life who can be classified as “parent”, having “parental responsibility” or who have “care of a child”.

Parents, as defined above, are entitled to share in the decisions that are made about their child and to be treated equally by schools. In particular, these entitlements include:

- appealing against admission decisions;
- Ofsted and school-based questionnaires;
- participation in any exclusion procedure;
- attending parent meetings/school events;
- having access to school records and receiving copies of school reports, newsletters, invitations to school events, school photographs relating to their child and information about school trips.

The Governing Body recognises that while the parents of some pupils may be separated, divorced or estranged, they are still entitled to the above and this entitlement cannot be restricted without a specific court order. In particular, the school does not have the power to act on the request of one parent to restrict another.

3. Parental responsibility

The information provided to the school when the child was enrolled detailing which adults have parental responsibility for the child will be presumed to be correct unless a court order or original birth certificate proving otherwise is provided to the school. Similarly, the information provided regarding the address(es) where the child resides will be presumed to be correct unless a court order proving otherwise is provided to the school.

Burton Primary school will seek to ascertain the status of a non-resident parent before sharing information with them. If the school is unable to obtain this information, or if there is a court order in place regarding the child, the school should seek legal advice before sharing any information with that parent.

The information provided to the school when the child was enrolled detailing whether parents have parental responsibility for the child will be presumed to be correct unless a court order or original birth certificate proving otherwise is provided to the school.

Similarly, the information provided on the address or addresses where the child resides will be presumed to be correct unless a court order proving otherwise is provided to the school.

4. Court orders

At Burton Primary, our sole wish is to promote the best interests of the child, working in partnership with all parents unless otherwise directed by a court order.

Upon receipt of any court order restricting access to a parent, the school retains the right to consult the Local Authority before taking immediate action. The school is only obliged to comply with an order if it is properly notified and has received a digital or paper copy for its files, and only to the extent that it relates to the school.

In the event that the school is not informed of the existence of such an order, neither parent will have preferential rights. Only a Court Order stating the arrangements is deemed to be valid; a letter from a solicitor is not sufficient.

5. Disputes and disagreements

Parents are encouraged to resolve contact issues without involving the school directly. The interests of the child will always be paramount when deciding whether to accommodate a request from an estranged parent.

Burton Primary School staff will not attempt to mediate or resolve disagreements and disputes between parents. All disagreements and disputes should, wherever possible, be resolved between the parents and/or their legal representatives, rather than by the school or Local Authority.

If, however, parents are unable to agree with one another on decisions regarding their child's educational programme, including but not limited to placement, participation in extracurricular activities, and consent to evaluation and services, the school will arrange a meeting with all parents (preferably together, but separately if required) to assist the parents in resolving the situation.

6. Changes in family circumstances

In order to safeguard the welfare of children and maintain channels of communication between school and home we ask parents to inform the school office whenever something outside school – such as a change in family circumstances – occurs so that we can sensitively support the child in school.

Many children find parental separation difficult to cope with, especially in the first few weeks and months after one or both of their natural parents have left the family home. Children may struggle to manage their feelings and emotions and this, in turn may have a detrimental impact upon their concentration, attitude, behaviour and learning. Children's punctuality and attendance can also be adversely affected.

We expect parents to update the school office whenever emergency contact details change for one or both parents and/or there is a new arrangement for collecting children at the end of the school day.

We recognise the sensitivity of some situations and all staff are aware of the need for discretion and confidentiality. School staff will be informed on a strict need to know basis so that suitable support can be offered.

Administration

It is the responsibility of the parents to inform Burton Primary School when there is a change in family circumstances. The school needs to be kept up to date with contact details, arrangements for collecting children and emergencies.

- Parents of children joining the school are required to bring in their child's birth certificate. This ensures children are joining the correct year group and also helps the school ascertain who has parental responsibility
- The parent with residency is required to provide details of all persons with parental responsibility on the child's data sheet, on entry to the school. These details include names, addresses, telephone numbers, and email.

Where the school already has the name and contact details of separated parents, each parent will be recorded on the MIS (Arbor) and can update this information as necessary through the parent portal.

- In cases where only one parent has signed the acceptance of a place and we hold no details of other persons with parental responsibility, the other parent will not automatically be consulted or receive information relating to their son/daughter.

Should the un-named parent seek information or access to his/her child, the school will always inform the main carer of this and ensure no court order is in place preventing this. For the avoidance of doubt, we will seek written confirmation from the main carer. Proof of identity of the non-resident parent will always be required in these cases.

7. The release of child(ren)

The school will release children to parents in accordance with arrangements notified to the school. If one parent seeks to remove the child from school in contravention of the notified arrangements, and the parent to whom the child would normally be released has not consented, the following steps will be followed:

- The Headteacher or member of SLT will meet with the parent seeking to remove the child and, in her/his presence, telephone the parent to whom the child would normally be released and explain the request.
- If the parent to whom the child would normally be released agrees, the child may be released and the records will reflect that the permission was granted orally.
- In the event that the parent to whom the child would normally be released to cannot be reached, the Headteacher or staff member dealing with the issue may make a decision based upon all relevant information available to her/him.
- The Headteacher or staff member may have to refuse permission if consent cannot be obtained and may need to take advice before a child or children are collected / released.

- We recognise that we cannot prevent the other parent collecting the child or children, unless there are serious safeguarding concerns, but we will endeavour to reach an agreement and this may mean keeping the child or children safe whilst we try and reach an agreement.
- If there is a Court Order restricting contact or it is in contravention of any access agreement, the child or children will not be released into their care and the other parent will be advised to take the necessary action which does not involve the school.
- During any discussion or communication with parents, the child will be supervised by an appropriate member of school staff in a separate room.
- In extreme circumstances if there is a belief that a possible abduction of the child may occur or if the parent is disruptive, social services and the Police should be notified immediately.

8. Access to school information

All key school information is available on the Burton Primary School website (all parents are invited to make regular use of the school's website as it contains all backdated newsletters and has a range of information and links).

Parents may receive information via email or via our parent app Marvellous Me. All parents can access this information without having to share information with an estranged partner. As long as there are no court orders preventing the sharing of such information, all parents can have their details added to Arbor and receive communications from school.

For parents who do *not* have access to the Internet, paper copies of communications may be requested from the school office.

9. Communication between school and separated parents

The DfE advice notes that, for day-to-day purposes, the school's main point of contact is likely to be the child's resident parent. It is anticipated that in the majority of cases this information will be shared between all interested parties. We will always try to accommodate information requests from estranged parents but this would need to be managed and reviewed with reference to additional requirements made on staff time and their workload.

We recognise that, while the parents of some pupils may be divorced or separated, both have a right to be informed of, and involved in, their child's education. **However, we expect that parents, whatever the nature of their separation, will do all they can to communicate with each other and share information from and for the school, for the benefit of their child.** It is assumed that the parent with whom the child principally resides will keep the other parent informed.

- Newsletters and general school updates are sent via email and/or text to all parents for whom we have up-to-date contact details. These updates contain all the main class/school events, including productions, sports days, parents' evenings and class trips.
- Whenever paper letters are sent home with children they are also posted on the school website and are freely accessible to all.
- We expect that parents should liaise and communicate directly with each other in matters such as the **ordering** of school photographs; tickets for performances and other instances.

- The school office is able to deal with separate requests for school photographs and tickets for performances made by separated, divorced or estranged parents who have parental responsibility, who are unable to make these arrangements themselves -e.g due to a court order restricting contact between parents
- We expect that parents should liaise and communicate directly with each other in matters such as **payment** for school dinners, trips, Breakfast Club and After-school clubs. Parents must then inform the office of who to contact should any queries arise.

For day to day issues such as absence from school or lateness, our point of contact is most likely to be the child's resident parent. We are not obliged to keep a non-resident parent informed, unless they specifically request the information.

In all circumstances, we aim to maintain our open-door policy with all parents. Class teachers and/or the Headteacher will be available by appointment to discuss any issues.

The interests of the child will always be paramount when deciding whether to accommodate a request from an estranged parent. We recognise that a Court Order can restrict a parent in having contact/access to information and we may be bound by this. In this situation we may consult with the Local Authority to obtain advice if there is a safeguarding concern.

10. Parents' evening appointments

- We will hold twice yearly **parent consultation** evenings. We would expect parents to communicate with each other regarding these arrangements. Where there is a virtual option, this will allow parents to attend the same meeting without having to physically be in the same room.
- We will consider separate appointments but by prior agreements only or when a court order is in place restricting contacts with both parents.

11. Written pupil reports

Any person who has parental responsibility for a child has the right to receive a written progress reports for their child(ren). These will be provided to separated, divorced or estranged parents who have parental responsibility and for whom the school has up-to-date contact details. Reports are sent home electronically and therefore, providing we have an email address for all parties, both parents will receive a copy.

12. Consent/ Parental Permission

For all day to day decision our main point of contact will be the child's resident parent. We will, as a matter of policy, seek and accept decisions and consents given by the resident parent unless:

- The activity is likely to have a long-term and significant impact on the child or
- A non- resident parent with parental responsibility has specifically requested that they be consulted.

We are not required to seek consent for activities and trips which take place within the school day and are considered part of the curriculum. We will however always notify parents of these activities.

A change of a child's name is a private family law matter and should be resolved between parents. We will not change a child's legal surname in our records without written evidence that consent has been given by both parents and/or anyone who has parental responsibility; or legal documentation is provided.

It is always best for the child if parents agree on a change of school. We do not have a statutory obligation to notify one parent if the other decides to remove their child. It is the responsibility of the separated parents to discuss this issue. However, with the welfare of the child at the forefront of our decisions, if we became aware that parents are separated, and one parent decides to remove their child, we may ask that parent if the other has been informed and agrees to the move and may flag to the LA where parents are separated and communication is difficult.

What to do if parents don't agree on whether to give consent

In the event that the parents are unable to agree with one another on decisions regarding their child's educational programme, including but not limited to placement, participation in extracurricular activities, and consent to evaluation and services, the school will arrange a meeting with all parents (preferably together or separately if required) to attempt to assist the parents to resolve the situation.

If a resolution cannot be agreed the school may refer the matter to the relevant department of the Local Authority. We would treat the decision as if consent **has not** been given if parents can't agree on whether to consent to something. For example, if 1 parent consents to the child's picture being used on your school's website, and another doesn't, we would act as if consent wasn't given.

13. Contact

Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving Burton Primary School directly.

Whilst we will do all we can to support children impacted by separated parents, issues of estrangement are civil/private law matters and Burton Primary School cannot be involved in providing mediation, helping an estranged parent to communicate with their child or children, or using the school premises for purposes of contact.

In any event whereby the parents being estranged is appearing to impact upon the health, wellbeing and safety of a child the matter will be referred to the Local Authority for advice.