



Separated Parents Policy

May 2022

UN Convention on the Rights of the Child

Article 3: Best interests of the child

The best interests of the child must be a top priority in all decisions and actions that affect children.

Version Control

Version	Date	Notes	Reviewed / updated / amended by
1	January 2022	Original Policy	J De Saulles J Handley R Enwonwu
	May 2022	Approved at 25.05.2022 Staff and Student Welfare Committee Meeting	

Introduction and Context

Research and experience have shown that separated parents can work well together in the best interests of their children and can together play a role in their children's education. However, some parents become estranged and do not work together, or in the best interests of their children; especially during the initial stages of their separation. This is very often traumatic for any children concerned and personal family problems can have an impact on the child and schools the children attend.

This policy is an attempt to minimise any negative impact on the child, clarify to all parties what is expected from separated parents and what can be expected from Howard Primary and our staff.

It's important that schools and local authorities are aware that parents may be recognised differently under education law, than under family law. Section 576 of the Education Act 1996 states that a 'parent', in relation to a child or young person, includes any person who is not a parent (from which can be inferred 'biological parent') but who has parental responsibility, or who has care of the child.

For the purposes of education law, the department considers a 'parent' to include:

- all biological parents, whether they are married or not
- any person who, although not a biological parent, has parental responsibility for a child or young person - this could be an adoptive parent, a step-parent, guardian or other relative
- any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.¹

Who has parental responsibility?

Having parental responsibility means assuming all the rights, duties, powers, responsibilities and authority that a parent of a child has by law (The Children Act 1989). People other than a child's natural parents can acquire parental responsibility through:

- Being granted a Residence Order
- Being appointed a Guardian
- Being named in an Emergency Protection Order (although parental responsibility in a such a case is limited to taking reasonable steps to safeguard or promote the child's welfare)
- Adopting a child.

If the parents of a child were not married to each other when the child was born, the mother automatically has parental responsibility; however, the father only has parental responsibility from 1st December 2003 and by jointly registering the birth of the child with the mother. He can, however, subsequently acquire parental responsibility by various legal means.

Where a court has subsequently removed parental responsibility from a parent, Howard Primary School will require court documentation stating this.

Care of a child

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 what their relationship is with the child, is considered to be a parent in education law. This could be shown by: interaction with Howard Primary (attending meetings, making phone calls, being on Howard Primary's record as being involved in whatever capacity) or 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 we need to consider:

- Are they listed on school records?
- Does Howard Primary 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 Howard Primary School on behalf of the child when s/he is ill?
- Do they live with the child?
- How long has Howard Primary 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 to 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: -

- Appeal against admission decisions
- Ofsted & school based questionnaires
- Participate in any exclusion procedure
- Attend parent meetings/school events
- Have access to school records, receive copies of school reports, newsletters, invitations to school events, school photographs relating to their child and information about school trips.

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

The information provided to Howard Primary School when the child was enrolled detailing whether parents have parental responsibility for the child will be presumed to be correct. Where there is an indication that a parent does not have parental responsibility, a court order or original birth certificate proving otherwise must be provided to Howard Primary School. Similarly, the information provided on the address(es) where the

child resides will be presumed to be correct unless a court order or proof of address proving otherwise is provided to Howard Primary School.

Our responsibilities

Howard Primary School fully recognises its responsibilities, and it is our sole wish is to promote the best interests of the child, working in partnership with all parents.

We will maintain our open-door policy with all parents, and the class teacher and/or Head Teacher will be available by appointment to discuss any issues or concerns which either parent may have in relation to their child or children at Howard Primary School.

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

Issues of estrangement are a civil/private law matter and Howard Primary School will not be involved in providing mediation, helping an estranged parent to communicate with their child or children, or using Howard Primary School premises for purposes of contact. School and local authority staff must treat all parents equally, unless a court order limits a parent's ability to make educational decisions, participate in school life or receive information about their children. In most circumstances, the question schools must ask themselves when making decisions is not just whether the parent holds parental responsibility but whether they are a parent under education law.³

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 will consult with the Local Authority.

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.

Informing Non Resident Parents

In cases where a school does not know the whereabouts of a non-resident parent, it should make the resident parent aware that the other parent is entitled to be involved in their child's education.

If the resident parent refuses to share information with the other parent and also refuses to provide contact details so that Howard Primary School can deal directly with the non-resident parent, then the school can do nothing more. It should be noted, however, that the resident parent might be genuinely unaware of the non-resident parent's whereabouts.

If the non-resident parent subsequently contacts Howard Primary School and requests access to information, the school should provide it to that parent directly, after taking reasonable steps to satisfy itself that the individual is, in fact, the child's parent.

Schools are not required to seek the consent of the parent with whom the child resides before either recording the contact details of the non-resident parent, or sending them their child's prescribed statutory educational information. There is also no requirement for a school to request a solicitor's letter from a parent who does not live with the child, as evidence that they are a parent entitled to educational information about their child. Nor does a school need a court order directing them to provide statutory information to any parent who is entitled to it.

School Policy

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

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. We will, however, recognise the sensitivity of some situations and maintain the level of confidentiality requested by parents as far as possible.

Newsletters and general school updates can be sent to all parents via e-mail if we are given e-mail details. These updates will contain all the main events within school, including: productions, sports days, parent's evenings, class trips, etc. Occasionally letters are sent to individual classes. We would expect parents to communicate these messages to each other as and when appropriate.

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.

A parent as defined in this policy has the right to receive progress reports and review pupil records of their children. If the parents are separated or divorced, progress reports will be sent to both parents separately. If Howard Primary School records that the parents live at separate addresses, then progress reports will be sent to both addresses.

Howard Primary School will send copies of the progress reports to a parent with whom the child does not reside unless this parent has declined to receive this information in writing.

In the case of separated parents, Howard Primary School will release a child or children to a parent in accordance with any specific arrangements notified to the school. Howard Primary School **cannot** prevent a person with parental responsibility collecting the child or children unless there is a court order in place specifying otherwise and the school has received a copy of that court order.

If one parent (A) seeks to remove the child from school in contravention of the notified arrangements and the parent to whom the child would normally be released (B) has not consented then following steps will be followed:-

- During any discussion or communication with parents, the child or children will be supervised by an appropriate member of school staff in a separate room.
- The Head Teacher, designated deputy or Safeguarding Designated Lead will meet with the parent (A) seeking to collect/remove the child and, in his/her presence, telephone the parent (B) to whom the child would normally be released and explain the request.
- If the parent to whom the child would normally be released (B) agrees, the child may be released and the records will reflect that the permission was granted verbally.
- In the event that the parent to whom the child would normally be released (B) cannot be reached, the Head Teacher or staff member dealing with the issue may make a decision based upon all relevant information available to him/her.
- The Head Teacher or staff member may have to refuse permission if agreement/consent cannot be obtained and may need to take advice before a child or children are collected / released.
- In circumstances where there is a belief that a possible abduction of the child may occur, or if the parent (A) is disruptive, the police should be notified immediately.

Management of the Policy

The Head Teacher/Safeguarding Designated Lead(s) will familiarise themselves with this policy and ensure all Staff, Governors and Volunteers are aware of the procedures to follow should the need occur.

This policy will be reviewed every three years or sooner if necessary.

Signed: _____

Print Name: _____

Date: _____