



## SEPARATED PARENTS POLICY

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**APPROVED BY GOVERNORS: Spring Term 2023**  
**POLICY TO BE REVIEWED: Autumn Term 2024**

At Valewood Primary School, we aim to promote the best interests of the child, working in partnership with all parents and carers, where possible. This policy is an attempt to clarify to all parties what is expected from separated parents and what can be expected from the school and our staff.

Research and experience have shown that separated parents can work well together in the best interests of their children and, together, can play a key role in their children's education.

However, some parents become estranged and, unfortunately, do not work together or in the best interests of their children, especially during the initial stages of their separation.

This, we appreciate, is often traumatic for any child concerned, where personal, family problems can have an impact on both the children and the school the children attend.

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### **Who has 'parental responsibility'?** **(The Children Act 1989)**

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 **biological 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 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.

Having parental responsibility means assuming all the rights, duties, powers, responsibilities and authority that a parent of a child has by law. 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.

### **Notification from Families re: Parental Responsibility**

In order to help us to look after children whilst they are in our care, Valewood staff are required, on our admissions forms, to ask parents and carers to provide certain information, such as name of both parents/carers, address, contact details etc.

We are also required to ask who has parental responsibility for the child.

This is important because it allows the school to be sure who has the right to make decisions about a child's education and medical treatment.

However, this is a very specific legal term and many parents may be unaware of how it is applied:

- All mothers automatically have parental responsibility.
- If a child's parents were married at the time of the birth, both parents automatically have parental responsibility.
- For children born from the 1st December 2003, where the father's name is on the birth certificate, the father and mother will both have parental responsibility.
- In all other cases, fathers are required to officially obtain parental responsibility.
- Parental responsibility cannot be lost, except by legal adoption, although it does not guarantee contact.

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

In particular, these entitlements include:

- Appeal against admission decisions;
- Ofsted & school-based questionnaires;
- Participation in any exclusion procedure;
- Attendance at parent meetings/school events;
- Access to school records and copies of school reports, newsletters, invitations to school events, school photographs relating to their child and information about school trips.

This entitlement cannot be restricted without a specific Court Order.

The school does not have the power to act simply on the request of one parent to restrict another.

The school will not seek to make judgements about individual circumstances but will treat both parents equally, unless there is a specific ruling in existence.

Staff will never pass judgement on either parent to the child.

We will maintain our open-door policy with all parents, and the class teacher and/or Headteacher will be available by appointment to discuss any issues.

The school is under no obligation to inform the resident parent of the absent parent contacting the school. Any such information will be given at the discretion of the Headteacher.

### **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, someone who is 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.'

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 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 rights superior to the other. Only a Court Order stating the arrangements is deemed to be valid; a letter from a solicitor is not sufficient.

### **School Communications**

The school recognises 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 expected by the school that the parent with whom the child principally resides will keep the other parent informed. We do, however, recognise that communication between parents is not always possible.

If an estranged parent wishes to receive information from the school such as progress reports or wishes to attend parent and teacher consultation meetings they should contact the school in writing with a specific request for separate communication.

We would not expect to send emergency text messages to absent parents, which give information on cancelled activities and reminders.

Should an un-named parent seek information or access to his/her child, the school will always inform the main carer of this to check parental responsibility and ensure no court order is in place. 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.

Disagreements between parents must be resolved between the parents and cannot be resolved by the school or Local Authority.

### **Collecting a Child from School**

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 usual arrangements, and the parent to whom the child would normally be released has not notified the school of any change the following steps will be followed:

- Where a separated parent, who has parental responsibility and no Court Order in place, wishes to take the child during or at the end of the school day, the resident parent will be contacted in order to ensure that they are in agreement with the arrangement.
- 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. If the parent opposes the other parent wanting to take the child then the school will advise that without a Court Order we cannot prevent them from doing so.
- 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 will make a decision based upon all relevant information available to him/her.
- 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, the Police should be notified immediately.

All parents can have equal access to all school information via our Arbor & Whole School Dojo messaging systems, or alternatively request in writing additional copies of communications which are not available on the school website (all parents are recommended to regularly use the school's website – it contains all back-dated newsletters and has a range of information and links).

We will maintain our open-door policy with all parents, and the class teacher and/or Headteacher will be available by appointment to discuss any specific issues.

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Additional guidance for families can be found at:

<https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility>