



## **Thorpe Acre Infant School**

# **Separated Parents Policy**

Approved by : Chair of Governors  
Date : September 2022  
Next review due by : September 2025

Reaching High, Learning and Growing Together

### **Safeguarding Statement**

At Thorpe Acre Infant School, we respect and value all children and are committed to providing a caring, friendly and safe environment for all our pupils so they can learn, in a relaxed and secure atmosphere. We believe every pupil should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by, or invited to deliver services at Thorpe Acre Infant School. We recognise our responsibility to safeguard all who access school and promote the welfare of all our pupils by protecting them from physical, sexual and emotional abuse, neglect and bullying.

### **GDPR Statement**

The school has arrangements in place to ensure that all personal data records held by the school are obtained, processed, used and retained in accordance with the eight rules of data protection (based on the Data Protection Acts).

### **Equality Impact Statement**

We have carefully considered and analysed the impact of this policy on equality and the possible implications for pupils with protected characteristics, as part of our commitment to meet the Public Sector Equality Duty (PSED) requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.

### **Contents**

1. Introduction
2. Definitions and rights
3. Schools' responsibilities
4. Parents' responsibilities
5. Consent
6. Changing a surname
7. Monitoring

## **1. Introduction**

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 child'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. Thorpe Acre Infant School (TAI) recognises that children from families whose parents are separated, or are undergoing separation, may experience difficult or traumatic changes during their time at school and this can have a negative impact on the child and on the school. The school will make every effort to work in partnership with parents to provide the pastoral support pupils' might need to continue to feel safe and supported at school during this time.

This policy is an attempt to minimise any impact, clarify to all parties what is expected from separated parents and what can be expected from the school.

## **2. Definitions and Rights**

This policy takes into account the following legislation:

- Children and Families Act 2014
- Child Arrangement Order (Sc8 Children act 1989)
- Human Fertilisation and Embryology Act 2008
- Private Fostering Arrangements (Children Act 1989, Private Fostering Regulations 2011)
- Special Guardianship Order (Regulations 2005 & 2016).

The definition of a parent for school purposes is much wider than for any other situation. Under section 576 of the Education Act (1996), a "parent" in relation to a child is defined as:

- The biological parents of a child, whether they are married or not
- Anyone, who although not a biological parent, has parental responsibility for a child
- 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

### **Who has "Parental Responsibility"? (The Children Act 1989)**

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 granted a Child Arrangements Order
- In the case of step-parents, in agreement with the child's mother (and other parent if that person also has parental responsibility for the child) or as a result of a court order
- Being appointed a Guardian
- Being granted a Special Guardianship Order

- 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
- A parent by virtue of the human Fertilisation and Embryology Act 2008
- 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.

### **What does having “care” of a child mean”?**

A person typically has care of a child if they are the person with whom the child lives, either full or part time, and who looks after the child, irrespective of their biological or legal relationship with the child (e.g. foster carer or family and friends’ carer who has been delegated responsibility for taking day-to-day decisions about the child but does not have parental responsibility).

A person who is not the biological parent of a child, who does not have parental responsibility for the child, and with whom the child no longer lives is unlikely to be recognised as a “parent”.

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 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 the school has 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”.

## **Rights of Separated Parents**

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: -

- Receive information about their child
- Request to see their child's educational record
- Participate in statutory activities (e.g. governor elections)
- Be informed about meetings involving their child (e.g. parents' evenings; exclusion hearings)
- Be asked to give consent (e.g. school trips; sharing photos on the school website).
- Appeal against admission decisions
- Complete Ofsted & school based questionnaires
- Participate in any exclusion procedure

The Governing Body recognises 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, the school does not have the power to act on the request of one parent to restrict another. The information provided to the school when the child is admitted, 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(es) where the child resides will be presumed to be correct unless a court order proving otherwise is provided to the school.

If a child is living with someone other than a close family relative e.g.- grandparent, then this may be a private fostering arrangement and the local authority will need to be notified. The school will notify the local authority if this is found to be the case.

If at any time it appears that the person caring for a child does not have parental responsibility, or if it is unclear, the school will involve the Local Authority to help clarify and resolve. This may mean the provision of support and services for the adult/s in the care of that child.

## **Resident Parents**

When parents separate, the resident parent is the parent the child lives with most of the time. If a child lives with each parent for an equal amount of time, both parents count as resident parents.

## **3. School's Responsibilities**

TAI School fully recognises its responsibilities, and it is our sole wish to promote the best interests of the child. The interests of the child will always be paramount when deciding whether to accommodate a request from an estranged parent.

However, it must be recognised that it is **not** the school's responsibility to get involved in disputes between the parents of pupils following breakdowns in relationships or to act as mediator between parents.

Issues of estrangement is a civil/private law matter and it is **not** up to the school to decide, where the parents have separated or divorced, whether an absent parent should have contact with the child at school. TAI 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 may be referred to the Local Authority for advice.

TAI School will ask for copies of court orders from the parents, or their solicitors, so that school records may be kept up to date. Such orders will not be relied upon as they may be changed without the school being notified. If a parental dispute does arise, the school may obtain a copy of any relevant order, together with an assurance that the relevant order remains valid.

The information provided to school when the child is admitted to school will be presumed to be correct unless official documentation proving otherwise is provided to the school.

For day-to-day matters, e.g. absence or lateness, our point of contact will be the child's resident parent. The non-resident parent will not be informed, unless they specifically request the information.

School will **not** provide parents with updates regarding collection unless there are safeguarding concerns, in which case the school will follow school protocols.

Under Education Law, the school will not be able to limit the amount of information another parent gets nor prevent another parent attending school events.

The school will, however, prevent a parent exercising their rights if:

- There is a court order relating to the child
- There is a change of circumstance which means someone no longer has parental responsibility.

The school reserves the right to refuse entry to, or enter into communication with, parents who are abusive; aggressive or use inappropriate language towards any member of staff.

Newsletters and general school updates are available to all parents via the school's website; Weduc communication system and via email. These updates will contain all the main events within school including productions, sports days, parents' evenings etc. Occasionally letters are sent to individual classes/pupils regarding subject specific trips/events. We would expect parents to communicate these messages to each other as and when appropriate.

We will hold a yearly parent evening for your child. These dates are on the school website. We would expect parents to communicate with each other regarding these arrangements. Whilst TAI School will consider separate appointments for parents at these events by prior agreement only, or when a court order is in place restricting contact between both parents, the school has no obligation to do so.

We expect that parents should liaise and communicate directly with each other in matters such as the ordering of school photographs; tickets for performances, enrichment activities 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 the parent at the address in the school's records specifying where the child resides with the expectation that they will share the report with the other parent.

If the child is subject to a joint Child Arrangements Order and the school's records formally capture that the child resides at two addresses, then progress reports will be sent to both addresses. This also includes information relating to attendance and exclusions, unless outside agency advice has been sought and it is felt that it would be detrimental to the child to communicate this information to the parent the child no longer resides with. The school will send copies of the progress reports to a parent with whom the child does not reside only if that parent submits a written request.

**In the matter of the release of a child or children during the school day:**

TAI School will follow the standard agreed procedure in the release of a child or children. In the case of separated parents, TAI School will release a child or children to a parent or named contact, in accordance with any specific 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, Designated Safeguarding Lead or Deputy Safeguarding Lead will meet with the parent seeking to collect/remove the child and, in his/her 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 it will be recorded that permission was granted in this instance.
- In the event that the parent to whom the child would normally be released cannot be reached, the staff member dealing with the issue may make a decision based upon all relevant information available to him/her.
- The 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.
- TAI School cannot prevent the other parent collecting the child or children but we will endeavour to reach an agreement and this may mean keeping the child or children safe whilst TAI School tries and reach such 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 advised to take the necessary action which does not involve the school.
- During any discussion or communication with parents, the child or children may be supervised by an appropriate member of school staff in a separate room.
- In circumstances if there is a belief that a possible abduction of the child may occur, or if the parent is disruptive or aggressive, the police will be notified immediately and the Local Authority notified.

#### **4. Parents' responsibilities**

Where there is a parental dispute, parents are encouraged to keep school fully informed of what is happening. 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. It is the responsibility of the parents to:

- Inform TAI School when there is a change in family circumstances
- Come to arrangements between themselves regarding contact and drop-off/ collection from school
- Inform the school of the arrangements in place. If parents are unable to do this they should seek their own legal advice and apply to the court for an order
- Provide the school with any court orders that may affect school life, e.g. child arrangement orders, that may prohibit one parent from collecting the child or having direct or indirect contact with them in school
- Provide the school with contact details for everyone who has parental responsibility for a child including name and address, and a telephone number for each resident parent
- Provide the school with evidence of who has parental responsibility e.g. birth certificate
- Keep the school up to date with contact details; arrangements in place for collecting children and arrangements in place for emergencies.

#### **5. Consent**

It is **not** the school's job to get parents to agree, and it is not the school's responsibility to get involved in disputes between parents about consent, rather parents may wish to consider seeking independent legal advice or use a mediator.

If parents cannot agree on whether to give consent, the school will treat it as if consent has **not** been given.

#### **6. Changing a Surname**

A change of a child's name is private law and should be resolved between parents. A child's surname cannot be changed on school records without written evidence that consent has been given by both parents and/or anyone who has parental responsibility.

#### **7. Monitoring arrangements**

The Headteacher/Safeguarding Designated Lead and Deputy Safeguarding Lead will familiarise themselves with this policy and ensure all staff, Governors and volunteers are aware of the procedures to follow should the need occur. The policy will be made available to parents/carers and published on our school website

This policy will be reviewed and approved by the governing body every 3 years or sooner if there are any changes to the Education Law which impact on this policy.