

# Lea and Garsdon CE Primary School

## Separated Parents Policy

This policy has been written following the DFE document:  
'Understanding and dealing with issues relating to parental responsibility'  
January 2016

***Healthy trees bearing good fruit - Matthew 7 v 17***



### ***Our Vision***

*To develop children who are healthy in body and mind, enjoy life and fulfil their potential so that they have a positive impact on the world.*

### ***Our Core Values***

1. *Kindness*
2. *Wellbeing*
3. *Gratitude*
4. *Individuality*
5. *Community*
6. *Inspiration*

**Policy adopted by the Governors on \_\_\_\_\_**

**Chair of Governor's Signature: \_\_\_\_\_**

**Headteacher's Signature: \_\_\_\_\_**

This policy was drawn up with reference to similar policies for other CE Primary Schools.

This Separated Parents Policy has been drawn up following discussion with staff and governors and consultation with parents. It will be reviewed and shared every two years with parents and staff.

## Separated Parent Policy

Research and experience have shown that separated parents can become particularly estranged, especially during the initial stages of the split. This is very often traumatic for any children concerned and unfortunately these personal family problems can have an impact on the schools the children attend.

This policy is primarily an attempt to minimise any impact on the welfare and learning of a pupil. It also aims to clarify to all parties what is expected from separated parents and what can be expected from the school and its staff.

### Our Responsibilities as a School

Lea and Garsdon CE Primary School fully recognises its responsibilities, and it is our sole wish to promote the best interests of the child, working in partnership with all parents. Parents (as defined at **Appendix A**) 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 and receive copies of school reports, newsletters, invitations to school events, school photographs relating to their child and information about school trips.
- Being eligible to participate in parent governor's elections

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. The school policy in relation to Court Orders is set out at **Appendix B**. In particular, the school does not have the power to act on the request of one parent to restrict another.

### Administration

The Headteacher will:

- Ask parents or guardians for contact details, including names and addresses, of all parents when they register a pupil;
- Ensure that names and addresses of all parents, where known, are included in the admission register and also in pupil records and are available to the pupil's teachers;
- Ensure that the school has details of who to contact in the case of an accident or medical emergency;
- Ensure that contact details, including names and addresses, of all parents are forwarded to any school to which the pupil moves;
- Ensure that details of Court orders are noted in a pupil's record.

Schools should also be mindful to protect the private data of each parent from any other and avoid inadvertent disclosure. **For example:** annual attendance registers generally include the resident parent's address or the school may copy one parent into what they have sent the other, thereby disclosing their email or postal address.

This is particularly important given that some parents will have been, or may be at risk of being, a victim of domestic violence.

### **Changes in Parental Responsibility**

It is the responsibility of the parents to inform 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.

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.

### **School Communications**

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 with regard to separated/divorce estranged parents may have in relation to their child or children at the school.

Newsletters & general school updates can be sent to all parents via email. These updates will contain all the main events within school, including productions, sports days, parent's evenings, class trips, etc. This information will also be displayed on the website. Occasionally letters are sent to individual classes. These are paper copies only and not sent via email. Where these letters are important communications from the school two copies will be given to children with separated parents. Otherwise, e.g. for flyers and non-school promotional material we would expect parents to communicate these messages to each other as and when appropriate.

### **Parents Evenings, Progress Reports and Pupil Records**

We hold two parents evening appointments per child each year, where all parents are welcome. We would expect parents to communicate with each other regarding these arrangements. It is in the best interest of the child for both parents to attend the same parent teacher meeting, however the school will consider a second appointment at another mutually agreeable time if there are difficulties in parents attending the same appointment.

Any parent 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, with two paper copies being sent via the child or if emailed, emailed to each parent.

If the child is subject to a joint residence order and the school's records formally capture that the child resides at two addresses, then progress reports will be sent to both addresses.

The school will, however, send paper copies of the progress reports to a parent with whom the child does not reside if that parent submits a written request.

### **Procedure for Releasing a Child**

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 Head Teacher or designated teacher will meet with the parent seeking to 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 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 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 consent cannot be obtained.
- 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.

### **Access to Information**

All parents can have equal access to all school information via our email system, or alternatively request in writing additional copies of communications which are not available on the school website.

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. We hope that by working together with parents we can achieve the best possible outcomes for our pupils.

The Headteacher will review the effectiveness of the procedures within this policy in relation to individual cases. Information will be shared with the relevant authorities where there are Safeguarding concerns.

### **Obtaining Consent**

Where we need parental consent to outings and activities the Headteacher will seek the consent from the residential parent unless the decision is likely to have a long term and significant impact on the child, or the non-resident parent has requested to be asked for consent in all such cases. Where we seek consent from both parents we will assume consent has not been given unless both parents consent.

### **Seeking Consent following Accident or Injury**

If a child has an accident and needs consent for emergency medical treatment the school will act 'in loco parentis' if a parent is not available to take the child for this treatment and will inform all parents of events involving the child as soon as possible.

## **Safeguarding**

We will follow the statutory guidance as set out in Keeping Children Safe in Education. If a child is in immediate danger or is at risk of harm a referral should be made immediately to children's social care and or the police as appropriate. We will consider on a case by case basis the level of information (if any) that is provided to parents where referrals have been made. Information sharing will always be in the best interest of the child.

## **Changing a Surname**

A change of surname is a private law matter and should be resolved between parents. Where the parents have divorced, schools should ensure that the surname by which a child is known should not be changed without written evidence (independent of the parent seeking to make the change), that consent has been given by the 'other parent' or by anyone else who has parental responsibility for the child.

Regulation 5(1) (a) of the Education (Pupil Registration) Regulations 2006 requires a school to record the full name of every pupil in alphabetical order in the admissions register. This is generally interpreted to be the child's full legal name and not any other name that the child is known by.

However, there may be circumstances where a name change has already been effected by the school and it would not be in the best interests of the child, who might be known by a new name, to refer back to a different name. Ultimately it is a matter of policy for the school to decide but the best interests of the child must be the paramount consideration when making a decision.

Where a child is subject to a special guardianship order there are particular considerations in cases where a school receives a request to use a different surname for a pupil.

Section 14C (3) of the Children Act 1989 (CA 1989) states that:

*'While a special guardianship order is in force with respect to a child, no person may cause the child to be known by a new surname...without either the written consent of every person who has parental responsibility for the child or the leave of the court.'*

Schools must therefore decline requests from special guardians for a child to be known by a different surname unless the above criteria are met.

## **Disagreements between parents**

Disagreements between parents must be resolved between the parents and cannot be resolved by the school or local authority. In the event that the parents are unable to agree with one another on decisions regarding their child's educational programme, the school will arrange a meeting with both parents (preferably together or separately if required) to attempt to assist the parents to resolve the situation and if it cannot be resolved the school will advise the aggrieved parent to pursue the matter through the Family Court.

## **Conclusion**

The welfare of the child must be the paramount consideration for schools. In the event of a concern being raised where the school is unclear how to act, independent legal advice should be sought to ensure that a parent's rights and responsibilities are not infringed and the actions of the school are compliant with education law.

## **Complaints in Relation to the Application of this Policy**

Should there be any disagreement then the school may advise the separated parent to use the school's Complaints process.

This Policy for Separated parents should be read in conjunction with all school policies including:

- Child Protection Policy
- Assessment for Learning Policy
- Positive Behaviour for Learning Policy
- Administration of Medications

## Appendix A: Definitions of a 'Parent'

The **definition of a parent for school purposes** is much wider than for any other situation.

The Education Act 1996 section 576 defines a parent as:

- All natural (biological) parents, including those that are not married;
- Any person who has parental responsibility but is not a natural parent e.g. this could be a step parent, 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, amended by the Children and Families Act 2014) 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 child arrangement order determining that the child should live with him or her, or if the court determines that a parent should only spend time with the child, the court may also decide to grant parental responsibility.
- In the case of a step-parent in agreement with the child's mother (and other parent if that person also has parental responsibility for the child) or as the result of a court order.
- 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.
- A parent by virtue of the human Fertilisation and Embryology Act 2008.

Where a child's father and mother were married to each other at the time of the child's birth they each have parental responsibility for the child. Where parents are not married to each other the child's father can gain parental responsibility;

- By registering the child's birth jointly with the mother;
- By subsequently marrying the child's mother; or
- Through a 'parent responsibility agreement' between him and the child's mother which is registered with the court; or
- By obtaining a court order for parental responsibility.

In addition, a local authority can acquire parental responsibility if it is named in the care order for a child.

More than one person can hold and exercise parental responsibility for a child. The parental responsibility of one party does not stop simply because another person is also given it. So, in some cases several people may be regarded as being the 'parent' of a child.

Parental responsibility can be removed in some circumstances.

### **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 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 to a child's life who can be classified as "parent", having "parental responsibility" or who have "care of a child".

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(es) where the child resides will be presumed to be correct unless a court order proving otherwise is provided to the school.

### **Key Effects of a Father Acquiring Parental Responsibility**

- He becomes a parent for the purpose of adoption legislation and can therefore withhold consent to an adoption.
- He can object to the child being accommodated in local authority accommodation and remove the child from local authority adoption.
- He will automatically be a party to care procedures.
- He can appoint a guardian
- **He can give valid consent for his child's medical treatment**

- **He has the right to access the child's health records**
- **He can withdraw a child from sex education and religious education and make representation to school concerning his child's education;**
- His consent is required if the child's mother seeks to remove the child from the jurisdiction
- **He can sign a child's passport application and object to the granting of a passport**
- He has sufficient rights in relation to a child to invoke the international abduction rules;
- He can consent to the marriage of a child aged 16 or 17

Type of Relationship	Who has this relationship?	Further information
<b>Parent</b>	<p>All natural parents, including those not married</p> <p>Anyone who has parental responsibility (see below)</p> <p>Any person who has care of a child (see below)</p> <p>Parents may be separated, but they are still a parent unless this is restricted by a court order.</p> <p>The school does not have the power to act on request of one parent to restrict another</p>	<p>All parents are entitled to a share in the educational decisions made around the child and the school must treat them equally.</p> <p>Parents have equal rights to receive information from the school around the educational life of the child. However, there is an expectation that certain information will be communicated between the parents without involving the school (see policy for more details)</p>
<b>Parental Responsibility</b>	<p>Child's natural mother under all circumstances.</p> <p>Child's natural father if married to the mother at the child's birth or, if not married, being on the child's birth certificate (from 1 February 2003 onwards).</p> <p>If not covered by the above, child's natural father who has established parental responsibility by legal means.</p> <p>Another adult who has established parental responsibility by legal means e.g. adoption or a residency order.</p> <p>A legally appointed guardian e.g. Local Authority named on a care order.</p> <p>Being named on an Emergency Protection Order, although this usually limits the parental responsibility to taking reasonable steps to safeguard or promote the child's welfare.</p>	<p>The information received by the school on admission detailing whether parents have parental responsibility for the child will be presumed to be correct unless an original birth certificate or court order is produced to the school proving otherwise.</p> <p>Similarly 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.</p>
<b>Care of a Child</b>	Any adult with whom the child resides and who	Having care of a child confers similar rights to

	<p>looks after the child, irrespective of the blood or legal relationship.</p> <p>This can be shown by interaction with the school e.g. attending meetings, phone calls, being on the school record as involved with the child (in whatever capacity).</p> <p>Residence with the child where to all intents and purposes the person is part of the family.</p> <p>Being married to the other parent</p> <p>Examples below will help establish this relationship:</p> <ul style="list-style-type: none"> <li>• Are they listed on school records?</li> <li>• Does the school have contact details for them?</li> <li>• Do they meet with teachers/attend parents' evenings?</li> <li>• Have they been involved with the measures designed to improve attendance?</li> <li>• Do they contact the school on behalf of the child when s/he is ill?</li> <li>• Do they live with the child?</li> <li>• How long has the school known of them being connected with the child?</li> <li>• Does the adult bring/collect the child to/from school?</li> <li>• Is the adult married to the parent of the child?</li> </ul>	<p>those of a parent.</p>
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## Appendix B: Court Orders

The Governing Body recognise that while the parents of some pupils may be divorced or estranged, 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 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(es) where the child resides will be presumed to be correct unless a court order proving otherwise is provided to the school.

At Lea and Garsdon CE Primary School, 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 copy for its files, and only to the extent that it relates to the school. The school also has no responsibility for enforcing any court order. 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.

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. The school will not pass on messages, presents etc. from an estranged parent or grandparent.

Unfortunately in extreme circumstances outside agencies may be involved in a family breakdown. In these circumstances the school will work fully with other professionals to support the welfare of the children.

### Court Orders and Parental Responsibility

Court orders under section 8 of the Children Act 1989 (often called section 8 orders) settle areas of dispute in relation to the exercise of parental responsibility or a child's care or upbringing, and can limit how an individual exercises their parental responsibility.

There are two types of section 8 orders which can be made to address particular issues:

- A **prohibited steps order** imposes a specific restriction on the exercise of a responsibility. This means that no step specified by the Court, which a parent could take in meeting his/her parental responsibility, can be taken without the consent of the Court.

**For example:** one parent wants to take the child abroad for an extended period or prevent the child from attending a form of religious worship, against the wishes of the other parent.

- A **specific issue order** is an order giving direction for the purpose of determining a specific question which has arisen, or may arise, in connection with any aspect of parental responsibility.

**For example:** an order allowing one parent to agree to a pupil changing school against the wishes of the other parent.

A **child arrangements order** is also a section 8 order and sets out the arrangements relating to who a child is to live with and when, and arrangements relating to who a child is to spend time with or otherwise have contact with. It replaces the former residence and contact orders.

Parents should therefore ensure that schools are provided with a copy of the most recent Court order in place, so that the school's duties in respect of child safeguarding are supported.

Schools should note that a Court order limiting a parent's exercise of their parental responsibility does not necessarily prevent or restrict a school from continuing to carry out their duties under education law (see below for examples).

While such cases are rare, in very limited circumstances, the Court can also make an order to terminate parental responsibility (that has been acquired) under section 4(3) of the Children Act 1989.

More information about Court orders and pre-proceedings is available online.