Much Birch C of E Primary School

Separated Parents Policy



'We will flourish and reach our God given potential'

I am the vine; you are the branches. If you remain in me and I in you, you will bear much fruit. **John 15:5**

All members of our whole school community are able to realise their God-given potential, enabling them to become equal, caring and active citizens whilst upholding true Christian values. We treat others, as we would like to be treated, with dignity and respect. Everyone is encouraged to flourish with hope and high aspirations

Review date Autumn Term 2027

Head teacher Mrs B Davies

Chair of Governors Rev. Mark

Research and experience have shown that separated parents can work well together in the best interests of their children and together can 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 child concerned where personal family problems can have an impact on both the children and the schools the children attend.

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 / staff.

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 **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 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.

If the parents of a child were not married to each other when the child was born, the mother automatically has parental responsibility.

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?

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 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
- completing Ofsted & school based questionnaires
- participating in any exclusion procedure
- attendance at parent meetings/school events
- having 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 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 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.

Court Orders

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.

Administration

It is the responsibility of the parents to inform Much Birch 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 advised 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. These details include names, addresses, telephone numbers, and email. Parents are requested to update these data sheets annually.

  Where the school already has the name and contact details of separated parents, each parent will be requested to complete the data sheet during the annual data collection.

- 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.

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 Communication

Much Birch 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 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.

- Much Birch Primary School will maintain its open door policy with all parents. The class teacher, SENCO, deputy head and/or Executive Head Teacher will be available by appointment to discuss any issues or concerns with regard to separated/divorced/ estranged parents may have in relation to their child or children at the school.

- Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving school directly.

  Issues of estrangement are civil/private law matters and Much Birch 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 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 *may* arrange a meeting with all parents (preferably together or separately if required) to attempt to assist the parents to resolve the situation; if it cannot be resolved the school may refer the matter to the relevant department of the Local Authority.

- **Newsletters & general school email 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. We would expect parents to communicate these messages to each other as and when appropriate or to arrange with the school to ensure they are on the circulation list. Newsletters/blogs are also available on the school website.

- We hold twice-yearly **parent consultation** evenings. We would expect parents to communicate with each other regarding these arrangements.

- 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.

- We expect that parents should liaise and communicate directly with each other in matters such as **payment** for school dinners, trips, and after-school clubs. Parents must then inform the office of who to contact should any queries arise.

- 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, **unless otherwise arranged**, one report will be sent home with the child.

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 / Legal services to obtain advice if there is a safeguarding concern.

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 for advice.

Collecting a child from school

Much Birch Primary School will follow the standard agreed procedure in the release of a child or children:

- Changes and updates to the end of day arrangements can be made by contacting the school office.
- In the case of separated parents Much Birch Primary School will release a child or children to a parent 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 Executive Head Teacher or a member of the Senior Leadership Team 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 the records will reflect that the permission was granted verbally.

- In the event that the parent to whom the child would normally be released to can not be reached, the Executive Head Teacher or senior staff member dealing with the issue may make a decision based upon all relevant information available to them.

- The Executive 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.

- Much Birch Primary 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 Much Birch Primary School try 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.

- In 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 and the Local Authority notified.

Management of the Policy

The SLT and Designated Safeguarding Leads 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 and published on our school website.