



SEPARATED PARENTS POLICY

Date adopted: May 2023

History of most recent policy reviews

Date (4 Years)	Review	Governor Committee with responsibility
May 2023	New policy based on model policy from The School Bus	Quality of Education committee

Agreed Next Review Date: May 2027

Contents:

Statement of intent

1. [Legal framework](#)
2. [Definitions](#)
3. [Roles and responsibilities](#)
4. [Progress reports and pupil records](#)
5. [Parent disputes](#)
6. [Court Orders](#)
7. [Collecting a child from school](#)
8. [Obtaining consent](#)
9. [Name changes](#)
10. [Changes to records](#)
11. [Safeguarding](#)
12. [Information sharing](#)
13. [Governance and administration](#)
14. [Monitoring and review](#)

Statement of intent

Air Balloon Hill Primary School recognises that pupils from families whose parents are separated, or are undergoing separation, may experience unique challenges during their time at school that can affect their welfare and attainment. With this in mind, we make every effort to work with separated parents to promote the welfare of their child. Our vision is that, where parents are separated, both parents feel welcomed by the school and involved in their child's education (unless there are legal reasons preventing this). We also recognise that there can often be challenging issues arising out of parental separation and these can sometimes impact upon children.

This policy has been created to help minimise the educational impact on an affected pupil due to a family separation. We also aim to clarify to all involved parties what is expected from them and what can be expected from the school and its staff.

1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Education Act 1996
- Data Protection Act 2018
- UK General Data Protection Regulation
- DfE (2022) 'Keeping children safe in education'
- Children Act 1989
- Freedom of Information Act 2010

This policy operates in conjunction with the following school policies:

- Safeguarding and Child Protection Policy
- Data Protection Policy
- Special Educational Needs and Disabilities (SEND) Policy

2. Definitions

Schools have a legal duty to work in partnership with families and to involve all those with parental responsibility in their child's education.

Parents may be recognised differently under education law and family law. Section 576 of the Education Act 1996 defines a “**parent**” as:

- All birth parents, whether they are married or not.
- Any person who, although not a birth parent, has parental responsibility for a child or young person.
- Any person who, although not a biological parent and has no parental responsibility, has care of a child or young person (a person with whom the child lives and who looks after the child).

Parents as defined above will be treated equally, unless there is a court order limiting an individual's exercise of parental responsibility. 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.

Family law defines “**parental responsibility**” as the rights, duties, powers, responsibilities and authority that a parent has in relation to a child.

Individuals who have parental responsibility, or care for a child, have the same rights as birth parents. This includes the right to:

- Receive information relating to their child's education, e.g. pupil reports.
- Participate in activities, e.g. elections for parent governors.
- Give consent, e.g. for school trips.
- Be involved in meetings concerning the child, e.g. participate in an exclusion procedure.

Any disputes regarding whether a person is a pupil's parent, within the meaning of section 576 of the Education Act 1996, will be decided by the courts.

Non-biological parents can acquire parental responsibility through:

- Adopting a child.
- Being appointed a guardian.
- Being named in an emergency protection order.
- Being granted a child arrangements order stating the child should live with them.
- The agreement of a child's mother (and other parent if that person also has parental responsibility).
- A court order.

The Local Authority (LA) has parental responsibility if it is named in a child's care order.

Civil partners have parallel rights to married couples.

Under section 8 of the Children Act 1989:

- A prohibited steps order imposes a restriction whereby no steps which a parent could take within their parental responsibility may be taken without the court's consent.
- A specific issue order gives directions for determining a specific question in connection with an aspect of parental responsibility.
- A child arrangements order sets out living arrangements and arrangements for whom a child is to spend time or have contact with.
- A care order is where the LA limits the role that parents can play in their child's life and schooling.
- Terminating parental responsibility means the court can make an order under section 4(3) of the Children Act 1989 to terminate parental responsibility.

For the purpose of this policy, a “**resident parent**” is defined as the parent with whom the pupil primarily lives, if a joint residency arrangement is not in place. A “**non-resident parent**” is a parent with whom the child does not primarily live.

3. Roles and responsibilities

The school is responsible for:

- Asking for the names, addresses and contact details of pupils and all parents when they register a pupil.
- Ensuring that names, addresses and contact details of all parents, where known, are included in the admission register and also in the pupil's records, and are available to the pupil's teachers.
- Ensuring that names, addresses and contact details of all parents are forwarded to any school to which the pupil moves.
- Ensuring that details of court orders are noted in the pupil's record.
- Ensuring at least two emergency contacts per pupil is obtained – where possible, three or more will be obtained.

- Where the address and contact details of a non-resident parent is unknown, telling the resident parent that the non-resident parent is entitled to be involved in their child's education and request that information is passed on to them.
- Ensuring pupils are safe and happy at school.
- Making decisions regarding sharing information with parents about safeguarding concerns.
- Referring a pupil to the relevant support services, where required.

Parents are responsible for:

- Providing their child's birth certificate upon admitting their child to the school.
- Informing the school when there is a change in family circumstances. The school recognises the sensitivity of these situations and will maintain all confidentiality requested by parents as far as possible. The school will also not make judgements about individual circumstances, and both parents will be treated equally.
- Where there is a court-mandated restraining order in place, providing the school with a copy, which will put measures in place to ensure the pupil is not released to named individuals.
- Where parents have joint custody, informing, in writing, the school of the details of any disputes they have regarding the collecting of their child from school.
- Attending parents' evening appointments for their child – the school expects parents to communicate with each other regarding this.
- Liaising and communicating directly with each other in matters such as the ordering of school photographs, tickets for performances and other instances. The school will not deal individually with these requests in view of the significantly increased workload that they represent so ask that one request is made.
- Being courteous and respectful at all times in their dealings with the school and staff.

The parent with whom the pupil resides is responsible for:

- Contacting the school immediately where issues to the access of their child arise.
- Notifying the school of any specific collection arrangements for their child (for example, which parent will be responsible for collection on each day and any ad hoc changes to these arrangements)
- Completing Leave of Absence Request Forms for any absences relating to their child, even absences that the non-resident parent is requesting.

4. Progress reports and pupil records

Any parent has the right to receive progress reports and review pupil records of their child unless a court order is in place that expressly amends this right to their child's information. This does not automatically include safeguarding records or medical/external professionals reports.

Where a court order is in place that expressly states a parent is not entitled to their child's pupil information, the school will uphold the court's instruction.

If the pupil's parents are separated or divorced, progress reports will be sent to the parent noted in the school's records specifying where the child resides, with the expectation that the parent will share the report with the other 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 parents.

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 and their identity has been verified.

Parents have the right:

- Be invited to school events
- Receive information relating to their child's education, e.g. pupil reports.
- Participate in activities, e.g. elections for parent governors.
- Give consent, e.g. for school trips.
- Be involved in meetings concerning the child, e.g. participate in an exclusion procedure.

To ensure we are fair to all parents, we will communicate to both parents via email (using Arbor) where we have email address information for each parent). Information about school events will also be available on the school website and in the weekly school newsletter. Permission for school trips will be accepted from either parent with Parental Responsibility.

Wherever possible, separated parents should attend their child's Parents' Evening appointment together as we are unable to offer 2 separate appointments as a matter of course to all separated parents. We appreciate that there will be exceptional circumstances where this is not possible and we are happy to discuss this on an individual basis.

In case of an accident or emergency, we will phone the parent with whom the child mainly resides (or the priority phone number held on our system; or the parent with whom the child is residing on that day if we hold that information) although of course, depending on the severity of need and other constraints on staff time, we would try and contact both parents

5. Parent disputes

The school expects all parents to be courteous and respectful to staff and other parents/carers and pupils whilst on site.

Disagreements between parents will be resolved between the parents and will not be resolved by the school. The school will ensure that it focusses on the welfare of the pupil at all times.

Parents should seek to resolve contact issues without involving the school. The school will not mediate, 'take sides' or act as an intermediary between parents who do not communicate with each other. There is no requirement for the school to inform one parent about communications with the other parent.

Issues of estrangement are a civil/private law matter and the school cannot be involved in providing mediation, helping an estranged parent communicate with their child or children, or

using the school premises for the purposes of contact. School staff should not be asked by a separated parent to monitor their child on days spent with their former partner/ as this is not something we can do (any concerns we do have for pupils welfare will be shared with both parents). We recognise that a Court Order can restrict a parent in having contact/access to information and we may be bound by this.

The school will ensure all parents are treated equally unless there is a court order in place. Where one parent makes a claim that a court order against another parent is in place, the school will ask for evidence of the court order and ensure that the order is valid.

The school will maintain an open door policy with parents and the class teacher will be available to discuss any issues.

The school will seek advice from the LA about parent disputes, where required. In extreme circumstances, if there is a belief that a possible significant safeguarding situation (e.g. abduction of the child) or if the parent is disruptive, the police will be notified immediately.

6. Court Orders

We always seek to promote the best interests of the pupil, working in partnership with all parents and/or those with parental responsibility. If there is a Court order in place, the School will always act in ways to ensure, as best it can, that no Court order is breached.

The School can only be expected to comply with an order if it is properly notified and has received a sealed digital or paper copy for its files, and only to the extent that it relates to the School. The School has no responsibility for enforcing any Court order but will endeavour to ensure that if there are restrictions in place with regards to the collection of a child, such restrictions are adhered to.

In the event that the School is not informed of the existence of such an order, the parents will be treated equally by the School. If there is an order in place and neither the parents and/or those with parental responsibility inform the School then if there is any breach of such order, the School cannot be held responsible and/or liable.

7. Collecting a child from school

We ask parents to inform the School whenever something outside School – such as a change in family circumstances – occurs so that we can sensitively support the child in School.

We expect parents to update the School whenever emergency contact details change for one or both parents and/or there is a new arrangement for collecting children at the end of the school day, in particular if any Court order has been made.

Parents must contact the school where there are any changes to who may collect their child from school.

Where a non-resident parent has parental responsibility, and needs to collect their child during or at the end of the school day, the resident parent will be contacted to ensure that parents are in agreement, providing a non-contact order is not in place.

The school will not permit the child to be collected by a parent for whom a non-contact order is in place. Where a child arrangements order is in place, the school will be vigilant for breaches of this order in terms of parents collecting their child, e.g. if a parent collects their child on a day they have not been allocated.

The headteacher will use their discretion on the decision to allow a child to leave the premises with a non-resident parent.

Should a parent (unnamed on the pupil's records and therefore for whom parental responsibility is unknown to the school) seek information or access to his/her child, the school will only provide this once the resident parent has clarified the situation and proof of Parental Responsibility and their ID been confirmed.

8. Obtaining consent

School trips and activities

If parental consent is required for outings or activities, the school will seek consent from the resident 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.

In cases where the school considers it necessary to seek consent from both parents, it is possible that one gives consent and the other withholds it. In such cases, the school will assume that parental consent has not been given.

Where the school requires urgent consent because a child needs emergency medical treatment, the Children Act 1989 allows the school to act in place of a parent (in loco parentis) or to seek consent from a parent that does not have parental responsibility.

SEND provision

The school will ensure it focusses on the best interests of the pupil. In line with the Special Educational Needs and Disabilities (SEND) Policy, the school will ensure it identifies and addresses any SEND in its pupils.

The school will assert that it **does not** need parental consent to provide SEND provision to a pupil. The school will inform the pupil's parents that such a decision has been made.

The school will seek parental consent where it feels that a pupil needs to attend an external agency or service to support their SEND. In this case, consent from the pupil's primary caregiver will be sought, unless explicitly stated otherwise.

Where there is a dispute between the pupil's parents about the provision of SEND support, the school will consider the wider implications of the dispute, the pupil's welfare, and whether there is a potential safeguarding issue present, e.g. the pupil is being used as a tool for control

9. Name changes

The school will act in the best interests of the child first and foremost.

Parents are responsible for resolving potential conflicts about the change of a surname.

The school will only act to change a pupil's name on its records once consent from both parents has been received and will ensure that the change in surname is supported by appropriate written evidence.

A separated parent who has parental responsibility, but no longer lives with the child, may refuse to consent to changing the child's surname. In such cases, the parent wishing to change the child's name would need to apply to the courts for permission to do so.

In circumstances where a name change has already been affected by the school and it is in the interest of the child, who might be known by a new name, to refer back to a different name, the school will make a decision holding the best interests of the child under paramount consideration.

Informal name changes

The school will assert that it is under no legal obligation to accept informal name change requests from parents, also called 'known as' names, unless ordered to do so by a court.

Where the school accepts an informal name change without the order of a court, it will ensure the name is only used informally, e.g. by teachers or on school books. The pupil's 'legal name' will not be amended on any school systems, official documentation or databases. It is important to note that the school database, unless it is changed by an order of the Court, will reflect the child's name at birth.

10. Changes to records

The school will not accept instruction from a separated parent to ask for another parent's details to be removed from the school records unless a court order is in place to this effect.

Details of all known parents will be retained unless a court order instructs otherwise. Where a court order to this effect is in place, the school will ensure it seeks evidence of this. In an emergency situation, the school may accept written confirmation from a solicitor as evidence.

11. Safeguarding

The school will always have regard to the statutory guidance 'Keeping children safe in education' and enact its safeguarding procedures in line with its Child Protection and Safeguarding Policy. The school will always put the best interests of the pupil first.

"Child abduction" is the unauthorised removal or retention of a child and can be considered as such even if the child is removed or retained by somebody with parental responsibility. The

school will ensure it acts accordingly in the event that a pupil is considered to be abducted by a parent, including calling the police.

While parental responsibility is not given to a foster parent or key worker in residential care, the school will engage and work with these individuals, who are often the most influential and important people in the pupil's life.

If the school believes a pupil is in immediate danger or at risk of harm, it will immediately make a referral to children's social care or the police, as appropriate.

Where referrals have been made, the school will consider the level of information to provide to parents on a case-by-case basis.

The Designated Safeguarding Lead (DSL) is responsible for safeguarding, including decisions regarding sharing information with parents about safeguarding concerns.

A child's social worker may collect them from school – in these instances, a prior agreement with the pupil's birth parents and/or foster carers depending on the individual circumstances will be in place.

Schools will not permit social workers to enter the school premises to collect children to attend care review meetings or go to contact meetings without the prior agreement of teachers, foster carers, parents or the children themselves.

12. Information sharing

The school will balance the requests of parents with their statutory duties – having parental responsibility does not allow a parent to obstruct the school from carrying out its duties under legislation.

Under the principles of the UK GDPR and the Data Protection Act 2018, no child in this school can assume control over their personal information and restrict access to it, as they will not have attained the age of 13.

Parents are, however, permitted to request access to, or a copy of their child's educational record, even if the child does not wish them to access it – this applies up until the age of 18.

A parent is **not** entitled to information that the school could not lawfully disclose to the child under the UK GDPR or in relation to which the child would have no right of access.

If the school does not know the location of a non-resident parent, it will ensure the resident parent is aware that the other parent is entitled to be involved in their child's education. If a resident parent refuses to share information with the other parent, and also refuses to provide the non-resident parent's contact details to the school, the school can do no more.

If a non-resident parent contacts the school and requests access to information, the school will provide it to that parent directly, after taking reasonable steps to satisfy that the individual is, in fact, the child's parent.

Having undertaken the necessary steps to confirm a non resident parents identity, the school will not seek the consent of the parent with whom the child resides before recording the contact details of the non-resident parent or sending them their child's prescribed statutory educational information.

13. Governance and administration

The school will not restrict parents eligibility to nominate, vote or otherwise participate in parent governor elections to parents holding parental responsibility.

The school will protect the private data of each parent from any other and avoid inadvertent disclosure.

14. Monitoring and review

This policy is reviewed **every 4 years**.

The scheduled review date for this policy is **May 2027**

Any changes to this policy will be communicated to all staff and parents.