

Communicating with parents policy

This policy takes into account the following legislation:

- Children and Families Act 2014
- Child Arrangement Order (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).

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Introduction and Context

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 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 children concerned where personal family problems can have an impact on the child and on the schools the children attend.

This policy summarises the legal framework in respect of separated parents. 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 and staff.

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 or young person 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. Parental responsibility can be removed in some circumstances.

People other than a child's natural parents can acquire parental responsibility through:

- 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 granted a Child Arrangements Order
- Being appointed a guardian
- Being granted a Residence 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)
- Being granted a Special Guardianship Order
- 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. 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 what their relationship is with the child, is considered to be a parent in education law.

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'.

Parents as defined above are entitled to share in the decisions that are made about their child and to be treated equally by schools. We aim to collaborate with parents in the best interests of their child/ren in particular, these entitlements include:

- Appeal against admission decisions
- Ofsted & school-based questionnaires
- Attend parent meetings and school events
- Have 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 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. 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. On admission the parents must complete an admissions form, which will include assigning priority to the contacts given. Unless told otherwise in writing, the parental contact with priority '1' will be the **nominated contact**.

If a child or young person and is under 16 and is living with someone other than a close family relative, then this may be a private fostering arrangement and the local authority will need to be notified. We will notify the local authority if this is found to be the case and we have a separate policy on private fostering which we will also refer to in this situation.

In any event and if at any time it appears that there is not anyone with parental responsibility who is caring for a child or young person who attends the school, or if it is unclear, we will involve the local authority to help clarify and resolve. This may mean the provision of support and services for that adult/s in the care of that child or young person.

Our responsibilities

We fully recognise our responsibilities, and it is our sole wish is to promote the best interests of the child, working in partnership with all parents.

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 or concerns with regard to separated, divorced, or 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 our school directly.

Issues of estrangement are a civil/private law matter and our 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 will 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.

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 or access to information and we may be bound by this. In this situation we will consult with the local authority to obtain advice as this may constitute a safeguarding concern.

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

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 referred to the local authority for advice.

Our Procedure

It is the responsibility of the parents to inform the school when there is a change in family circumstances. This should be in writing and addressed to the headteacher. The school must 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. This should include where there is a change to the nominated, or 'priority 1', contact. 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

Newsletters & general school updates will 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. Occasionally letters are sent to individual classes or pupils. We would expect parents to communicate these messages to each other as and when appropriate.

We hold termly pupil progress meetings and annual reviews. Invitations will be sent to the nominated contact only. We would expect parents to communicate with each other regarding these arrangements. The school will consider separate appointments but by prior agreements only or when a court order is in place restricting contacts with both parents.

We expect that parents should liaise and communicate directly with each other in matters such as tickets for performances 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 nominated

parent at the address in the school's records specifying where the child resides with the expectation that he/she will share the report with the other parent.

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 attending parent/teacher meetings they should contact the headteacher in writing with a specific request for separate communication.

In the event of an emergency or medical enquiry we will contact only the nominated parent by text or telephone. We would not expect to send emergency text messages or make telephone calls to absent parents and would expect the nominated parent to pass on this information. We expect that parents should liaise and communicate with each other directly.

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.

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.

The headteacher and designated safeguarding lead will ensure all staff, governors and volunteers are aware of the procedures to follow should the need occur.

This policy will be made available to parents and published on our school website.