



## **Separated Parents Policy**

### **Introduction and Background to Policy**

Research and experience have shown that separated parents can work well together in the best interest 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 is an attempt to minimise any impact and to clarify to all parties what is expected from separated parents and what can be expected from the school/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 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 the 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 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; however, the father only has parental responsibility from

1<sup>st</sup> December 2003 and by jointly registering the birth of the child with the mother. He can, however, subsequently acquire parent responsibility by various legal means.

Parents as defined above are entitled to share in the decisions.

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

Having care of a child or young person means that the 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 he/she 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 the 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. In particular, these entitlements include:

- Appealing against admission decisions
- Completing Ofsted and 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 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 the other.

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 Market Weighton Infant 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 to accommodate a request from an estranged parent.

Change in parent responsibility:

- It is the responsibility of the parents to inform the 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.
- Newsletters and general school updates can be sent to all parents via email or texts. These updates will contain all the main events within school, including productions, sports days, parent's evenings, class trips etc. Occasionally letters are sent out as a paper copy only. We would expect parents to communicate these messages to each other as and when appropriate. All correspondence from the school to parents is published on the school website under "Virtual Office" – "Letters".
- **We will hold one parent's evening appointment per child**, where all parents are welcome. We would expect parents to communicate with each other regarding these arrangements. The school will only consider separate appointments if there is a court order in place restricting parents attending the same meeting.
- 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. The school **will not deal individually** with these requests in view of the significantly increased workload that they represent.

Any parent has the right to receive progress reports and to review pupil records of their children. If the parents are separated or divorced, progress reports will be sent to the parent and the address in the school's record specifying where the child resides with the expectation that he/she 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 addresses.

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.

Disagreements between parents must be resolved by the parents and cannot be resolved by the school or the Local Authority. In the event that the parents are unable to agree with one another on decisions regards their child's education the school will arrange a meeting with all parents (preferably together or separately if required) to attempt to assist the parents resolve the situation and if it cannot be resolved may refer the matter to the relevant department of the Local Authority.

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 deputy 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 to 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 the 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.

All parents are recommended to regularly use the school's website – it contains all back dated newsletters and has a range of information and links.

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.

Policy author	S.Kay-Wood
Date written	September 2016
Date policy reviewed	
Date policy approved by the Governing Body	September 2016
Date staff notified	September 2016
Date of next review	Autumn 2017