Holy Trinity CE Primary School

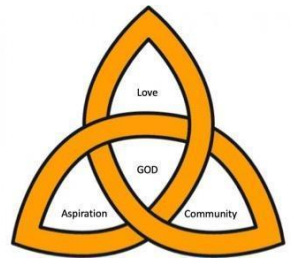
# Separated Parents Policy

## Vision

Our vision is that children are nurtured to love learning, love one another and love God.

***'Love learning, love one another, love God.'***

"I have come so that you might have life – life in all its fullness." John 10:10




## Pupils' Voice

Policy drafted by: Emily Evans Sept 24

Reviewed by: Governors

Next Review: September 2027

**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 / 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, amended by the Children and Families Act 2014, states that:

*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:*

- *A step-parent under the terms of a parental responsibility agreement or 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*

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 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 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".

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
- Participate in any exclusion procedure
- Attend parent meetings/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.

If a child or young person is under 16 and is living with someone other than a close family relative, e.g. grandparent, 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. The school's policy on private fostering is included within the Safeguarding policy which can also be found on our school website.

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.

**School Responsibilities in Relation to Separated Parents**

The school fully recognises its responsibilities, and it is the school's sole wish is to promote the best interests of the child, working in partnership with all parents. The school will therefore maintain its 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 estranged parents that they 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 the school directly.

Issues of estrangement is a civil/private law matter and the 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. The school recognises 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 will consult with the Local Authority to obtain advice as this may constitute a safeguarding concern.

Should there be any disagreement, the school may advise the separated parent to use the school's Complaints Policy and 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.

**School Expectations of Separated Parents**

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.

The school encourages parents to say 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. The school 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 will be sent to all parents via the school's email or text system. These updates will contain all the main events within school, including: productions, sports days, parents' evenings, class trips, etc. Key dates of events in school and copies of weekly newsletters and other letters can also be found on the school website (https://holytrinityschool.org.uk/).

The school will hold parent meetings twice a year and will send a letter home for parents to book a time to see their child's teacher. The school expects parents to communicate with each other regarding these arrangements. The school will consider separate appointments but by prior agreement only or when a court order is in place restricting contacts with both parents.

The school 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.

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, a copy of progress reports will be sent for each parent. These will either be sent home with the child to be shared with both parents, or they will be sent directly to parents at the address that the school has on record at that time.

**Releasing Children at the End of the School Day**

The school will follow the standard agreed procedure in the release of a child or children. In the case of separated parents, the school will release a child or children to a parent in accordance with any specific arrangements notified to the school in writing. Parents/carers will be asked to provide these on admission (including details of anyone other than a 'parent' who will be regularly collecting) to the school and are asked to advise the school of any changes to these.

If one parent seeks to remove the child from school in contravention of the notified arrangements (without the school being advised of the change by the parent that the school was expecting to release the child/ren to), the following steps will be followed:

- The Headteacher, Designated Deputy or Safeguarding Designated Lead 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 to 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 cannot be reached, the Headteacher or staff member dealing with the issue may make a decision based upon all relevant information available to him/her.
- The Headteacher 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.
- The School cannot **prevent** the other parent collecting the child or children but the school will endeavour to reach an agreement and this may mean keeping the child or children safe whilst it tries to 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.
- During any discussion or communication with parents, the child or children will be supervised by an appropriate member of school staff in a separate room.
- In circumstances where an agreement cannot be reached, there is a belief that a possible abduction of the child may occur or if the parent is disruptive, the police will be contacted and the Local Authority notified subsequently.

**Management of the Policy**

The Headteacher/Designated Deputy/Designated Safeguarding Lead will familiarise themselves with this policy and ensure that all staff, governors and volunteers are aware of the procedures to follow should the need occur.

The policy will be reviewed every 3 years and made available to parents by publication on the school website and via hard copy on request.