



Separated Parents Policy

**Policy ratified by the Staffing & Community Committee
Autumn Term 2022**

Review Date: Autumn Term 2024 (or as required)

Policy Owner: Rachel Davies, Headteacher

EXTERNAL POLICY

If you have any questions about this policy please contact info@grovepark.hounslow.sch.uk

Statement of intent

Grove Park Primary School recognises that children from families whose parents are separated, or are undergoing separation, may go through traumatic changes during their time at school. With this in mind, we will make every effort to work with parents to promote the welfare of children. This policy has been created to minimise any impact and to clarify to all parties what is expected from separated parents and what can be expected from the school and its staff.

1. Definitions

1.1. Who has parental responsibility?

A child's birth mother (the person who carried the child) has parental responsibility unless it's removed by an adoption order or a parental order following surrogacy.

Where a child's father and mother were married to each other at the time of the child's birth, they each have parental responsibility for the child. Where the parents were not married to each other at that time, the child's father can gain parental responsibility:

- by registering the child's birth jointly with the mother
- by subsequently marrying the child's mother
- through a 'parental responsibility agreement' between him and the child's mother which is registered with the court
- by obtaining a court order for parental responsibility

People who are not the child's biological mother, father or second female parent can also [acquire parental responsibility](#).

Where two female parents have a child through fertility treatment, the mother's female partner is treated in the same way as a father. She has parental responsibility if she is married to or in a civil partnership with the mother at the time of the treatment (or if the two women agree in writing that she will be the child's second parent). She can also acquire parental responsibility in the same way that a child's father can.

People who are not the child's biological mother, father or second female parent can also acquire parental responsibility: <https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility#acquireparentalresponsibility>

Civil partners have parallel rights to married people in terms of parental responsibility. The same provisions for married people apply to them in terms of:

- acquiring parental responsibility - adoption, agreement with their civil partner or by an order from the court
- holding parental responsibility

You can apply for parental responsibility if you don't automatically have it.

Births registered in England and Wales

If the parents of a child are married when the child is born, or if they've jointly adopted a child, both have parental responsibility. They both keep parental responsibility if they later divorce.

Unmarried parents

An unmarried father can get parental responsibility for his child in 1 of 3 ways:

- Jointly registering the birth of the child with the mother (from 1 December 2003);
- Obtaining a parental responsibility agreement with the mother;
- Obtaining a parental responsibility order from a court;

Schools have a legal duty to work in partnership with families and to involve all those with parental responsibility in their child's education. Section 576 of the Education Act 1996 defines a 'parent' as:

- All biological parents, whether they are married or not;
- Any person who, although not a biological parent, has parental responsibility for a child or young person – this could be an adoptive parent, a step-parent, guardian or other relative;
- Any person who, although not a biological parent, has care of a child or young person (a person with whom the child lives and who looks after the child).

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

In line with DfE guidance, for day-to-day purposes (e.g. lateness or non-attendance), the school's main point of contact will be the child's resident parent unless the non-resident parent specifically requests this information in writing to the Headteacher.

1.4. Individuals who have parental responsibility, or care for a child, have the same rights as biological parents e.g.:

- Receiving information (e.g. pupil reports, school events etc.);
- Participating in activities (e.g. elections for parent governors);
- Being involved in meetings concerning the child (e.g. participate in an exclusion procedure, appeal against admission decisions).

2. School's responsibilities

2.1. The Headteacher has the overall responsibility and duty to ensure that:

- The school promotes the best interests of the child, working in partnership with all parents;
- The school has an Admissions Officer with delegated responsibilities to create and update pupil records on SIMS;
- Parents or guardians are asked for the names and addresses of all parents when they register a pupil;
- Names and addresses of all parents, where provided, are included in the admission register and also in pupil records;
- Names and addresses of all parents are forwarded to any school to which the pupil moves;
- Details of court orders are noted in the pupil's record file;
- Contact details of all parents, where provided, are included on Parentmail.

Issues of estrangement are 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. 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 will consult with the relevant external providers to obtain advice as this may

constitute 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 referred to Hounslow Children's Services for advice.

3. Parental responsibilities

3.1. Parents are responsible for informing the school when there is a change in family circumstances. We recognise the sensitivity of such situations and we will maintain 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.

3.2. Where there is a court mandated restraining order in place, a copy needs to be retained by the school, which will put measures in place to ensure the child is not released to named individuals.

3.3. Parents who have joint custody of the child are requested to keep the school informed, in writing, of any disputes they have with each other regarding the collection of children.

3.4. Children's welfare and safety are paramount, where there are legal issues over access to children, the parent with whom the child resides should contact the school immediately.

3.5. The school holds one Parent Teacher appointment per child, where both parents are welcome. The school will consider separate appointments but by prior agreements only or when a court order is in place restricting contacts with or between both parents. The school expects parents to communicate with each other regarding these arrangements.

3.7. Parents are expected to liaise and communicate directly with each other in matters such as the ordering of school photographs, tickets for performances and other such instances. The school cannot deal individually with these requests in view of the significantly increased workload that they represent.

3.8. It is the responsibility of parents to communicate with each other about decisions they have made with regard to their child's education (e.g. consent for a school trip made on Parentmail). If there are circumstances that prevent this e.g. a restraining order between parents, then the paperwork outlining this must be given to the school.

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

3.10. As a school we understand that issues around family breakdown and separation can be fraught. However, we expect parents to be courteous and respectful at all times in their dealings with school.

4. Progress reports and pupil records

4.1. Any parent has the right to receive progress reports and review pupil records of their child. This does not automatically include safeguarding reports.

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

4.3. 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.

4.4. 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 to the Headteacher.

4.5. Disagreements between parents must be resolved between the parents and cannot be resolved by the school.

4.6. 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 or Children's Services will be notified immediately.

5. Contact Arrangements and Collecting a child from school

5.1. Where a separated parent has parental responsibility and requests to take the child during, or at the end of the school day, the school will endeavour to ascertain as far as possible that parents are in agreement, providing a non-contact order is not in place.

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

5.3. Where there are issues over access to children, any adult with parental responsibility for the child should contact the school immediately to discuss these.

5.4. Court orders preventing an individual's access to a child or detailing contact arrangements which could involve the school should be provided to the school immediately. These will be shared with all relevant staff. Where there is a court restraining order in place, the school will put measures in place to ensure the child is not released to a named individual

5.5. Should a parent (unnamed on SIMS and/or in the Pupil's Record File and therefore parental responsibility unknown to the school) seek information or access to his/her child, the school will only provide once the resident parent has clarified the situation.

5.6. 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.

6. Obtaining consent

6.1. If parental consent is required for outings or activities, the school will seek consent on Parentmail or from the resident parent (if a paper permission slip or verbal permission is required), unless the decision is likely to have a long-term and significant impact on the child or the non-resident parent has requested, in writing, to be asked for consent in all such cases.

6.2. 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.

7. Informing non-resident parents

We follow the DfE Guidance (September 2018) on: Understanding and dealing with issues relating to parental responsibility:

7.1. In cases where the school does not know the whereabouts of a non-resident parent, resident parents must be aware that the other parent is entitled to be involved in their child's education and we request that information about the child is passed on.

7.2. If the resident parent refuses to share information with the other parent and also refuses to provide contact details so that the school can deal direct with the non-resident parent, the school can do nothing more. We do recognise, however, that the resident parent might be genuinely unaware of the non-resident parent's whereabouts.

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

7.4. Schools are not required to seek the consent of the parent with whom the child resides before either recording the contact details of the non-resident parent, or sending them their child's prescribed statutory educational information. There is also no requirement for the school to request a solicitor's letter from a parent who does not live with the child, as evidence that they are a parent entitled to educational information about their child. Nor does a school need a court order directing them to provide statutory information to any parent who is entitled to it.

8. Name changes

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

8.2. There must be consent in writing from both parents after divorce or separation for registering a change of name of a pupil.

8.3. 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.

8.4. 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.