



Full Governors

08.07.26

Signed

Separated Parents Policy

Statement of intent

Portway Infant 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.

This policy has been created to help minimise the educational impact on an affected child 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.

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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 'Keeping children safe in education'
- Children Act 1989
- Freedom of Information Act 2010

This policy operates in conjunction with the following school policies:

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

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., 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

An 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 child 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.

Roles and Responsibilities

The headteacher is responsible for:

- Asking for the names and addresses of all parents when they register a pupil.

- Ensuring that names and addresses 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 and addresses of all parents are forwarded to any school to which the child moves.
- Ensuring that details of court orders are noted in the pupil's record.
- Ensuring at least one emergency contact per child is obtained – where possible, two or more will be obtained.
- Where the address 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.

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 child is not released to named individuals.
- Where parents have joint custody, informing the school of the details of any disputes they have regarding the collecting of their child from school, in writing.
- 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.

The parent with whom the child resides is responsible for:

- Contacting the school immediately where issues to the access of their child arise.

The designated safeguarding lead (DSL) is responsible for:

- Ensuring pupils are safe and happy at school.
- Making decisions regarding sharing information with parents about safeguarding concerns.
- Referring a child to the relevant support services, where required.

Progress reports and child records

Any parent or person with parental responsibility has the right to receive progress reports and review child records of their child unless a court order is in place that expressly amends this right to their child's information.

If the pupil's 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 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 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 and their identity has been verified.

Parent disputes

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 child at all times.

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.

In the event that a pupil's parents are unable to agree with one another on decisions regarding their child's educational programme, including, but not limited to placement and participation in extracurricular activities, the school will arrange a meeting with all parents to assist them in resolving the situation.

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 and/or governing board about parent disputes, where required. 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 will be notified immediately.

Collecting a child from school

The school expects that the parents will collect their child from school and that parents will contact the school with regards to who may collect their child from school if this is not the case.

Where a separated 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.

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.

- **Leave of Absence**

If **either** parent with parental responsibility and custodial/residential rights requests a leave of absence, **both** parents will receive notification of the school's decision.

- **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 issues.

The school will assert that it does not need parental consent to provide SEND provision for 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 child 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 child is being used as a tool for control.

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 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 it the name is only used informally, e.g., by teachers, and is not amended on any school systems, official documentation or databases.

Changes to records

The school will not remove a parent's details from the school records unless a court order is in place to this effect. 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.

Details of all known parents will be retained unless a court order instructs otherwise.

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 child 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 child 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 child 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 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 the DSL.

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, children and young adults can assume control over their personal information and restrict access to it from 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.

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.

To ensure we are fair to all parents, we will communicate as follows,

- Permission for activities will be accepted from either parent with PR and only one parent with PR needs to give consent.
- A copy of the child's end of year school report will be sent home with pupils. Parents with PR who do not live with the child or who are not collecting that child on that day, may make a request for a copy via the school office.
- A parent, as defined in this policy, has the right to receive progress reports at Parents' Evenings and review the child records of their children. This also includes information relating to attendance and exclusions, unless outside agency advice has been sought and it is felt that it would be detrimental to the child to communicate this information as described.

- We expect that parents should liaise and communicate directly with each other in matters such as the ordering of school photographs, tickets for performances, enrichment activities and other instances.
- We expect that, wherever possible, separated parents attend their child's parents' evening appointments together. We cannot offer two appointments as a matter of course for all separated couples. The school will consider separate appointments when a court order is in place restricting contact between both parents. However, the school has no obligation to offer this arrangement. In these cases, separate appointments will only be on request **and** if the parents' evening schedule permits two meetings.
- 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.

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. We believe that this policy clearly sets out the position of the school.

Governance and administration

The school will not restrict parent governors' eligibility to nominate, vote or otherwise participate in governor elections to parents holding parental responsibility. The school will protect the private data of each parent from any other and avoid inadvertent disclosure.

Lisa McSherry

Headteacher

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