



Inspiring Primaries Academy Trust

Policy for separated (and divorced) parents (M3)

The Board of Trustees adopted this policy on: 11th December 2019
To be reviewed: Autumn 2022 or earlier if required

Rationale and legal position

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 and personal family problems can have an impact on the children and the schools they attend. 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 our Trust schools.

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?

Having parental responsibility means assuming all the rights, duties, powers, responsibilities and authority that a parent of a child has by law (The Children Act 1989). People other than a 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 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) or 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 we need to consider:

- 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. In particular, these entitlements include:

- Appeal against admission decision
- 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.

Each school recognises 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 schools do 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. In respect of a deed poll and using it as evidence of a child's change of name, everyone with parental responsibility needs to have consented to the change of name or there needs to have been a court order. Our schools need to ensure that they see the signed consent of those with parental responsibility or the court order.

Our responsibilities

Our schools fully recognise their responsibilities, and it is our sole wish is to promote the best interests of the child, working in partnership with all parents. If there are any issues or concerns with regard to separated/divorced parents in relation to their child or children at our schools, then we will encourage the parents to resolve any issues around estrangement, contact and access to information without involving the school directly.

Issues of estrangement are civil/private law matters and our schools 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. 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/access to information and will be bound by this. In any event whereby the parents been 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 policy

It is the responsibility of the parents to inform their child/children's school when there is a change in family circumstances. Schools need 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.

We hope and expect that parents, whatever the nature of their separation, will do all they can to communicate with each other and share information from and for the schools, for the benefit of their son/daughter. This also considerably reduces the possibility of errors being made and upset caused. In the event that this may cause difficulty and have a negative effect on the child/children then newsletters, texts and emails can be sent to both parents if this is agreed by the parents and the school together.

Both parents are welcome to parent's evenings. We would expect parents to communicate with each other regarding the arrangements for these.

Information on all the main school events, including productions, sports days, parent's evenings, trips, etc. are available on each school's website. All parents are recommended to use the relevant school website regularly as each one contains a range of communications, information and links.

Occasionally items are given directly to pupils such as notes in their home-school diary. We would expect parents to share these with each other as and when appropriate. We also expect that parents would liaise and communicate directly with each other in matters such as the ordering of school photographs; tickets for performances and other instances.

Those with parental responsibility have 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 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.

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.

In the matter of the release of a child or children, the schools 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. 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 then following steps will occur:

- 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.
- The Executive/Headteacher or other Designated Safeguarding 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 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 or permission is refused, the lead staff member dealing with the issue may make a decision based upon all relevant information available to him/her and may need to take further advice - although the school cannot prevent the other parent collecting the child or children.
- 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 the parent's care - we will seek to prevent this including calling the police. The other parent will be advised to take the necessary action which does not involve the school.
- In circumstances where 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 and the Local Authority notified.