



Separated Parents Policy

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1. Aims

At Ravenscroft Primary School, we aim to promote the best interests of the child, working in partnership with all parents where possible. This policy is an attempt to clarify to all parties what is expected from separated parents and what can be expected from the school and its staff.

2. Who is a parent?

It is important to be aware that parents may be recognised differently under education law, than under family law. Section 576 of the Education Act 1996 states that a 'parent', in relation to a child or young person, includes any person who is not a parent (from which can be inferred 'biological parent') but who has parental responsibility, or who has care of the child.

For the purposes of education law, the department considers a 'parent' to include:

- 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 and does not have parental responsibility, has care of a child or young person

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

3. Parental Responsibility (Family Law)

In order to help us to look after children whilst they are in our care, Ravenscroft staff are required at the admissions interview to ask parents to provide certain information, such as the name of both parents, address, contact details etc. They are also required to ask who has Parental Responsibility for the child. This is important because it allows the school to be sure who has the right to make decisions about a child's education and medical treatment. However, this is a very specific legal term and many parents may be unaware of how it is applied:

- All mothers automatically have Parental Responsibility.
- If a child's parents were married at the time of the birth, both parents automatically have Parental Responsibility.
- For children born from the 1st December 2003 where the father's name is on the birth certificate, the father and mother will both have Parental Responsibility.
- In all other cases, fathers are required to officially obtain Parental Responsibility.
- Parental Responsibility cannot be lost, except by legal adoption, although it does not guarantee contact.

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 decisions;
- Ofsted & school-based questionnaires;
- Participation in any exclusion procedure;
- Attendance at parent meetings/school events;
- Access to school records and copies of school reports, newsletters, invitations to school events, school photographs relating to their child and information about school trips.

This entitlement cannot be restricted without a specific court order. The school does not have the power to act simply on the request of one parent to restrict another.

4. Court Orders

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. 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.



Only a Court Order stating the arrangements is deemed to be valid; a letter from a solicitor is not sufficient.

5. School Communications

The school recognises that, while the parents of some pupils may be divorced or separated, both have a right to be informed of, and involved in, their child's education. However, we 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 school, for the benefit of their child. It is assumed that the parent with whom the child principally resides will keep the other parent informed.

We do, however, recognise that communication between parents is not always possible. If an estranged parent wishes to receive information from the school such as progress reports or attend parent/ teacher meetings they should contact the school in writing with a specific request for separate communication.

We would not expect to send text messages to absent parents, which give information on matters such as cancelled activities or reminders.

6. School Responsibilities

For day-to-day purposes, the school's main contact is the parent with whom the child lives on school days.

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 or concerns. The school is under no obligation to inform the resident parent of the absent parent contacting the school. Any such information will be given at the discretion of the Head Teacher.

The school will not seek to make judgements about individual circumstances but will treat both parents equally unless there is a specific ruling in existence. Staff will never pass judgement on either parent to the child.

Should a parent not known to the school seek information or access to his/her child, the school will always inform the main carer of this to check Parental Responsibility and ensure no court order is in place. For the avoidance of doubt, we will seek written confirmation from the main carer. Proof of identity of the non-resident parent will always be required in these cases.

7. Estrangement / Contact

Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving our School directly.

Issues of estrangement are a civil/private law matter and our 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.

8. Disputes and Disagreements

The school's main contact is the parent with whom the child lives on school days. Decisions made by that parent for routine matters including but not limited to: participation in extracurricular activities, drop off / collection arrangements, school meals and consent to evaluation and services will be respected.

Disagreements between parents must be resolved between the parents and cannot be resolved by the school or local authority. In the event that the parents are unable to agree with one another on decisions regarding their child's education the school will not arbitrate but will ask parents to resolve the issues between themselves and return to the school with the solution. In cases where there is continued conflict and this cannot be resolved, we would advise the parents to seek independent legal advice.



9. Collecting a child from school

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 usual arrangements and the parent to whom the child would normally be released has not notified the school of any change the following steps will be followed:

- Where a separated parent, who has parental responsibility but is not the parent with whom the child usually resides and there is no court order in place, wishes to take the child during or at the end of the school day, the school is required to allow the child home with him or her; however, the Head teacher (or designated safeguarding lead) is able to use discretion (in the case of an unexpected or unusual request) and would seek clarification from the resident parent before allowing the child to leave the premises. 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. If the parent opposes the other parent wanting to take the child then the school will advise that without a court order we cannot prevent them from doing so.
- 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 will decide based upon all relevant information available to him/her.
- 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.

10. Legal Framework

This policy has due regard to relevant legislation and statutory guidance including, but not limited to, the following:

<https://www.gov.uk/parental-rights-responsibilities/what-is-parental-responsibility>

<https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility>



Appendix A

(Suggested procedure) for all staff to follow to ensure there is no breach of data protection.

On answering the telephone

If asked if a child/ren are registered in the school, (in the case of an absent parent or parent the school staff has never met) "I am sorry we cannot disclose information about children over the phone. If you would like to request information please write to the school. You will be asked to provide photographic proof of your identity (e.g. passport, driving licence) and proof of your relationship to the child/ren. If available, please also include a copy of one of the following documents: Child's birth Certificate, Marriage certificate, Parental responsibility Agreement."

If the children are not in the school we will give the same answer as above.

If we have met the parent, who is now no longer living with the family and he/she requests information, we ask them to make the request in writing.

In person

If a parent unknown to the school arrives at the school unannounced, asking for confirmation that children are at the school we would say that we cannot give any information about any child without documents proving the identity of the person asking. We would ask them to put their request in writing to the school together with photographic evidence (e.g. passport, driving licence) of their identity and relationship to the child/ren.

The request should be referred to the appropriate officers within the LA who should ascertain the right of this person to this information and whether any restrictions would prevent this.