



Brunswick Park Primary School

Learning for living through respect, support and challenge

Separated Parents Policy

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1. Statement of intent

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.

Brunswick 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.

Our responsibilities

We fully recognise our responsibilities, and it is our sole wish is to promote the best interests of the child, working in partnership with all parents.

We will maintain our open door policy with all parents, and the class teacher and/or Senior Leader will be available by appointment to discuss any issues or concerns that separated, divorced or estranged parents 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 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.

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 Family Early Help Team or seek advice from MASH (Multi Agency Safeguarding Hub).

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 we may be bound by this. In this situation we will consult with the relevant services to obtain advice as this may constitute a safeguarding concern.

Should there be any disagreement then the school may advise the separated parent to use the Complaints Procedure.

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 relevant services for advice.

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 and we will refer to our Safeguarding Policy in this situation.

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 relevant authorities 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.

2. 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. **Section 576 of the Education Act 1996** defines a 'parent' as:

- All natural parents, whether they are married or not.
- Any person who, although not a natural parent, has parental responsibility for a child or young person.
- Any person who, although not a natural parent, 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 must be treated equally, unless there is a court order limiting an individual's exercise of parental responsibility.

Individuals who have parental responsibility, or care for a child, have the same rights as natural parents. This includes the right to:

- Receive information (e.g. pupil reports, school events etc.).
- 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, appeal against admissions decisions)

The Governing Body 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 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.

***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 person 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'.

3. Head Teacher responsibilities

- The Head Teacher, or her delegate, will ask parents or guardians for the names and addresses of all parents when they register a pupil.
- It is the duty of the Head Teacher or her delegate to ensure that names and addresses of all parents, where known, are included in the admission register and also in pupil records, and are available to the pupil's teachers.
- The Head Teacher or her delegate will ensure that names and addresses of all parents are forwarded to any school to which the pupil moves.
- The Head Teacher or her delegate will ensure that details of court orders are noted in the pupil's record.

4. Parental responsibilities

- Parents of children joining the school are asked to bring documents supporting their identity and residence, including their child's birth certificate. This ensures children are joining the correct year group and also helps the school ascertain who has parental responsibility. Where a birth certificate is not available e.g. documents are with the Home Office, another form of identity containing the child's birth date may be substituted. Examples might be the child's health record or copies of documents from any previous school. It is an expectation that the original birth certificate will be produced as soon as it is available.
- 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 respectfully and fairly.
- 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.
- 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.
- Children's welfare and safety are paramount; where there are issues over access to children, the parent with whom the child resides should contact the school immediately.
- The school holds two parents evenings per term, so can accommodate both parents on separate evenings where necessary.
- The school expects parents to communicate with each other regarding these arrangements.
- 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 instances. The school will not deal individually with these requests in view of the significantly increased workload that they represent.

5. Progress reports and pupil records

- Any parent has the right to receive progress reports and review pupil records of their child.
- 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 they 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.

- Disagreements between parents must be resolved between the parents and cannot be resolved by the school.
- The school will maintain an open door policy with both parents and the class teacher will be available to discuss any issues.
- 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.

6. Collecting a child from school

- Where a separated parent has parental responsibility, and requests to take the child during or at the end of the school day, the resident parent will be contacted in order to ensure that parents are in agreement, providing a non-contact order is not in place.
- The Head Teacher will use her discretion on the decision to allow a child to leave the premises with a non-resident parent.
- In extreme circumstances, if the school holds a genuine belief that a child is at risk of harm, the school will not relinquish the child to the parent/carer until advice has been sought from the local MASH (Multi Agency Safeguarding Hub) team.

7. Obtaining consent

- If parental consent is required for routine outings or activities (e.g. educational visits within school hours, participation in sporting or cultural activities) the school will seek consent from the resident parent. If parental consent is required for special or extraordinary activities (e.g. residential visits, extended day visits) the school will seek consent from the resident parent **unless** we are made aware of a court order requiring consent from another person with parental responsibility.

8. Name changes

- Parents are responsible for resolving potential conflicts about the change of a surname.
- There must be consent from both parents after divorce or separation for registering a change of name of a pupil.
- The school 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.

9. Monitoring and review

This policy is reviewed every two years by the Head Teacher. The scheduled review date for this policy is:

January 2022