BURLINGTON JUNIOR SCHOOL

Separated Parents Policy

Written By	**Senior Staff, Site manager, School Office team**
Frequency of Review	**4 years**
Date reviewed and approved by Governing Body	**Summer 2024**
Date of next review	**Summer 2028**
Display on Website	✓
Purpose	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.
Consultation	**Governors** √
	Parents √
	Pupils **x**
	Staff √
Links with other policies	See section 1.1 for list of linked policies

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Statement of intent

Name of 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. Legal framework

1.1. 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
- General Data Protection Regulation
- DfE (2018) 'Keeping children safe in education'
- Children Act 1989

2. Definitions

2.1. Schools have a legal duty to work in partnership with families and to involve all those with parental responsibility in their child's education.

2.2. Parents may be recognised differently under education law and family law. 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 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).

2.3. Parents as defined above must 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.

2.4. Family law defines parental responsibility as the rights, duties, powers, responsibilities and authority that a parent has in relation to a child.

2.5. 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 admission decisions).

2.6. 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.

2.7. 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.

2.8. An LA has parental responsibility if it is named in a child's care order. Civil partners have parallel rights to married couples.

2.9. 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 who 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.

3. Roles and responsibilities

3.1. The headteacher is responsible for:

- Asking parents or guardians 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 pupil 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 pupil moves.
- Ensuring that details of court orders are noted in the pupil's record.
- Ensuring at least one emergency contact per pupil is obtained – where possible, two or more should 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.

3.2. 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 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.
- 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, in writing, the school details of any disputes they have regarding the collecting of children.
- 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.
- Signing leave of absence request forms and, where only one parent has signed, supplying a letter of written consent from the other parent.

3.3. 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.

3.4. The DSL is responsible for:

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

4. Progress reports and pupil records

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

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 the parent 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 and their identity has been verified.

4.5. Parent appointments are for both parents. It is expected that for the good of the child, both parents will want to listen to the teacher information together. The school is not able to offer a split parent consultation as it adds to the teacher workload. If parents are unable to attend parents evening together, then a very brief phone call could be made instead, to one of the parents. Alternatively, one parent can attend one parents' meeting, and the other parent can attend the second parents' meeting later in the school year. Parents can also ask to look at their child's book after school at any time.

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

4.7. 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 and participation in extracurricular activities, the school will arrange a meeting with all parents to assist the parents in resolving the situation.

4.8. The school will maintain an open door policy with both parents and the class teacher will be available to discuss any issues.

4.9. 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.

5. Collecting a child from school

5.1. Where a separated parent has parental responsibility, and needs to take the 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.

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

6. Obtaining consent

6.1. 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.

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.

6.3. 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.

6.4. The school will not become involved in any disagreements between parents; however, the school may suggest that, where parents cannot agree, they seek independent legal advice about obtaining a court order.

7. Name changes

7.1. The school will act in the best interests of the child first and foremost.

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

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

7.4. The school will ensure that the change in surname is supported by written evidence.

7.5. 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 do so.

7.6. 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.

8. Safeguarding

8.1. The school will always have regard to the statutory guidance ‘Keeping children safe in education’.

8.2. 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 child’s life.

8.3. 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.

8.4. Where referrals have been made, the school will consider the level of information to provide to parents on a case-by-case basis.

8.5. The DSL is responsible for safeguarding, including decisions regarding sharing information with parents about safeguarding concerns.

8.6. A child's social worker may collect them from school – in these instances, a prior agreement with the birth parents and/or foster carers depending on the individual circumstances will be in place.

8.7. 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 teachers, foster carers, parents or the children themselves.

9. Information sharing

9.1. 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.

9.2. Under the principles of the 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.

9.3. 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.

9.4. A parent is not entitled to information that the school could not lawfully disclose to the child under the GDPR or in relation to which the child would have no right of access.

9.5. 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.

9.6. 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 itself that the individual is, in fact, the child's parent.

9.7. 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.

10. Governance and administration

10.1. The school will not restrict parent governors' eligibility to nominate, vote or otherwise participate in governor elections to parents holding parental responsibility.

10.2. The school will protect the private data of each parent from any other and avoid inadvertent disclosure.

11. Monitoring and review

11.1. This policy is reviewed every four years by the headteacher.

11.2. The scheduled review date for this policy is June 2028

11.3. Any changes to this policy will be communicated to all staff and parents.