Dunnington C of E VA Primary School

Separated Parents Policy

We Care, We Believe, We Succeed – Together

Our Christian Vision

'Encourage one another and build each other up' (1 Thessalonians 5: 11)

Our Vision is to place the child at the heart of everything we do. It is to work together, where everyone encourages each other to be a partner in learning.

We aim to provide a safe, happy, caring and stimulating community, where every child is given the opportunity to reach their true potential and to celebrate their successes. Within our learning environment, children will:

- develop a thirst for knowledge, they will be encouraged to raise questions and develop their thinking and learning skills.
- develop physically, emotionally and spiritually, ensuring they are equipped for the ever-changing and demanding world in which we live.

In our school we will:

- respect each other's beliefs
- care for each other and the environment
- connect with the wider community

In learning and teaching we will set high standards and aspire for excellence in everything we do, ensuring that our curriculum is relevant and purposeful. We are determined to create an inclusive culture of learning where all children are challenged in their thinking, discover their talents, achieve to the best of their abilities and become motivated and resilient life-long learners.

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Policy Approved by	Emma Daniell
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Signed By Chair of Governors (Emma Daniell)	
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Contents

Subject	Page Number
1) Introduction	2
2) Legal framework	4
3) Roles and Responsibilities	4
4) What Does the School Expect of Parents?	5
5) Collecting a Child from School	7
6) SEND Provision	8
7) Name Changes	8
8) Safeguarding	8
9) Information Sharing	9
10) Pupils Moving School	10
11) Governance and Administration	10
12) Public Sector Equality Duty (Equality Act 2010)	10

1. Introduction

Dunnington C of E 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. We will make every effort to work with parents to promote the welfare of children.

This guidance 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. 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 '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, irrespective of what their relationship is with the child, is considered to be a parent in education law
- 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 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. The School and its staff must remain impartial and cannot provide references or letters of support to a parent or carer involved in any dispute.

Individuals who have parental responsibility for, or care for, a child, have the same rights as natural parents. Some of these include the rights to:

- receive information (e.g. pupil reports, school events etc.);
- participate in activities (e.g. elections for parent governors);
- give consent (e.g. school trips);
- be involved in meetings concerning the child (e.g. participate in an exclusion procedure, appeal against admission decisions).

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

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

The **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 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.

2. Legal Framework

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

- Education Act 1996
- Children and Families Act 2014
- Data Protection Act 2018
- General Data Protection Regulation
- DfE (2024) "Keeping Children Safe in Education 2024

- DfE (2024) 'Understanding and Dealing with Issues Relating to Parental Responsibility'.
- Children Act 1989.
- The Education (Independent School Standards) Regulations 2014
- Freedom of Information Act 2010

3. 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 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 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.
- [New] Ensuring staff are appropriately trained to respond to parental disputes.

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 pupil is not released to named individuals.
- Where parents have shared care of their child (also known as 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.
- Signing leave of absence request forms and, where only one parent has signed, supplying a letter of written consent from the other parent.
- Contacting the school immediately where issues to the access of their child arise.

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.What Does the School/. Expect of Parents?

Parental Responsibility

- Parents of children joining the school are asked to bring their child's birth certificate. This ensures children are joining the correct year group and also helps the school ascertain who has parental responsibility.
- 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 equally.
- Where there is a court mandated restraining order in place, a copy needs to be retained by the school, which will put in place measures to ensure the child is not released to a named individual.
- Parents who have joint custody of the child/ren 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 and, where there are issues over access to children, the parent with whom the child resides should contact the school immediately.
- We will invite both parents to attend separate parent consultation appointments for their child.
- We would expect 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.

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.

Progress Reports and Pupil Records

- Any parent has the right to receive progress reports and review pupil records of their child/children.
- If the parents are separated or divorced but co-parent, progress reports will be sent to each parent.
- 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 or Local Authority.
- 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 both 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 relevant department of the Local Authority.

The school is responsible for the data it holds and will therefore process requests for pupil information in line with the Data Protection Act 2018 and the Freedom of Information Act 2010. Where a court order is in place that expressly states a parent is not entitled to their child's pupil information, the school will uphold the court's instruction.

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 and education of the pupil at all times.

The school will ensure all parents are treated equally unless there is a court order in place limiting a parent's ability to make educational decisions, participate in school life or receive information about their child. 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 both 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 that are relevant to the school and/or their child's education and welfare.

The school will seek advice 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.

In the event that a parent's action or proposed action contravenes the school's ability to act in their child's best interests, the school will make efforts to resolve the problem with the parent but will avoid becoming involved in any conflict. The school will decide whether it is appropriate to accept or decline requests for action from one or more parents.

In cases where the school is unable to resolve the conflict between separated parents, the aggrieved parent will be advised to pursue the matter through the family court. The school may also suggest that they seek independent legal advice about obtaining a prohibited steps order or specific issue order which sets out exactly what decisions each parent can make in respect of their child.

The school will be mindful that making child arrangements via the family courts following a separation can be stressful and entrench conflict in families which can have a negative impact on a pupil. The school will not become directly involved in such issues; however, it will approach the situation sensitively .

5. Collecting a Child from School

Where a separated parent has parental responsibility and there is no court order in place, and requires 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 with the arrangement.

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 ther discretion on the decision to allow a child to leave the school building with a non-resident parent if it was felt that there was a child protection issue.

Obtaining Consent

If parental consent is required for outings/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.

6. 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.

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

7. 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 surname.
- There must be the consent of both parents after divorce or separation for registering a change of name of a child or children.
- Schools should 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 a case 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 effected 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 may decide on the policy regarding this, 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.

8. 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 pupil 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 pupil 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 pupil 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 Designated Safeguarding Lead (DSL) in each School . 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.
- The school will always have regard to the statutory guidance 'Keeping children safe in education'.
- 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.
- 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 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 teachers, foster carers, parents or the children themselves.

9. Information Sharing

Information sharing will always be in the best interests of a pupil. The school will work closely with children's social care to consider next steps if it has reason to believe sharing information with a parent will potentially put a child at greater risk of harm.

- 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 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 GDPR or in relation to which the child would have no right of access.
- Under Part 6 of the Schedule to the Education (Independent School Standards) Regulations 2014, academies must provide parents with an annual written report of each registered pupil's progress and attainment in the main subject areas taught (except that no report need be provided where the parent has agreed otherwise)
- 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 itself 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.

10. Pupils moving school

In the case of separated parents, the school will ensure that those with parental responsibility are consulted before the decisions are made in respect of

- Removing a pupil from the school.
- When a pupil should leave the school.
- Which new school a pupil should attend.

The school will comply with the Education (Pupil Registration) (England) Regulations 2006 when it receives a request to remove a pupil from the school register; however, the responsibility

to notify one parent if the other decides to remove their child rests solely with the separated parents. Staff may, however, ask the parent making the decision to remove their child if the other has been informed and has agreed to this.

The school will not become involved in conflicts relating to pupils being removed from the school, and parents will be advised to seek independent legal advice or other options such as referring the matter to non-court dispute resolution, e.g. mediation, or to the family court for adjudication.

11. 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.

12. Public Sector Equality Duty (Equality Act 2010)

In preparing or amending this policy, the author has given due regard to the Public Sector Equality Duty; that, is they have considered any potential impact on people who share certain protected characteristics. These protected characteristics are defined as: race, disability, sex, age, religion or belief, sexual orientation, pregnancy and maternity and gender reassignment.