

Separated Parents Policy



The Cottesloe School

Policy Type:	Non-statutory
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1. Introduction

The purpose of this policy is to clarify to all parties what is expected from separated parents and what can be expected from the school/staff. It also serves to clarify the legal and educational framework within which the school operates in relation to the separation of parents, ensuring that the school acts in the best interests of the child.

This policy is written in accordance with the Education Act 1996, Children's Act 1989, the latest DfE Guidance and guidance from Buckinghamshire County Council (links available below):

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

<https://schoolsweb.buckinghamshire.gov.uk/family-services/reducing-parental-conflict-practitioners-toolkit/separating-or-separated-parents/>

The Cottesloe School recognises that children being separated from either their mother or father is not uncommon, and that separated parents can work well together in the best interests of their children. Separated parents play an important role in their children's education. However, some parents become estranged and are unable to work together as effectively. This can be a worrying time for parents who want to stay involved in their child's education, and for the children themselves. Many of the students in our care are members of families where parents have separated before they came to the school and many other students go through changes in family circumstances during their time at the school.

We aim to support families wherever we can with the issues that a separation may bring. We wish to ensure the school continues to work with families and fully involve all those with parental responsibility in the life of the school, in the best interests of the child, after parents separate. We will remain neutral in difficult family circumstances and will not police one parent for another.

2. Definitions

Who is a parent?

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 for Education 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.

The Children's Act (1989) further defines parental responsibility:

- All mothers automatically have parental responsibility;
- If the parents of a child were married/in a civil partnership at the time of birth, both parents automatically have parental responsibility;

- For children born after 1 December 2003 to unmarried parents, where the father's name is on the birth certificate, both the mother and father would usually have automatic parental responsibility.

Resident parents

When parents separate, the resident parent is the parent the child lives with most of the time. If a child lives with each parent for an equal amount of time, both parents count as resident parents. The school will note the resident parent/s on the student's record on the school's database (MIS).

What is parental responsibility?

Having parental responsibility means assuming all the rights, duties, powers, responsibilities and authority that a parent of a child has by law. 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); or
- Adopting a 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'.

Each person with parental responsibility for a child is entitled to:

- Receive information about their child
- Request to see their child's educational record
- Participate in statutory activities (like parent governor elections)
- Be informed about meetings involving their child (such as parents' evenings or an exclusion hearing)

This means that one parent cannot prevent others with parental responsibility from doing any of the things listed above.

The information provided to the school when the child is admitted, 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.

It is the responsibility of the parents to inform the school when there is a change in family circumstances. The school needs to be kept up to date with contact details which may be used in 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 to students. We will, however, recognise the sensitivity of some situations and maintain the level of confidentiality requested by parents as far as possible.

There is an expectation from school staff that both parents will work together to share information about their child. It is assumed that the parent with whom the child principally lives,

will keep the other parent informed. If this is not happening, a separated parent should make a specific request in writing for separate communication.

Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving the school directly. Issues of estrangement is a civil/private law matter and the 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.

As a school we understand that issues around family breakdown and separation can be fraught. However, we expect parents to be courteous and respectful at all times in their dealings with school.

3. Responsibilities of the School

The school recognises that while the parents of some students may be separated they have certain entitlements which cannot be restricted without a specific court order. Schools do not have the power to act on the request of one parent to restrict the other parent's involvement. Schools will only do so if there is a specific court order that requires this, or there is a change of circumstances which means someone no longer has parental responsibility (for instance, if the child's mother and stepfather divorce, the step-father may lose parental responsibility unless there is an agreement that says otherwise).

The school will treat all adults with parental responsibility for a child equally, unless a court order limits an individual's exercise of parental responsibility. Everyone who has parental responsibility has a right to receive information about the child. This is the case whether they live with the child or not. There is no requirement for the school to inform one parent about communications with the other parent.

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:

- admission decisions;
- Ofsted & school-based questionnaires;
- participation in any exclusion procedure, including notice of suspension or expulsion;
- be informed about, and attend, parent meetings
- access to educational records, such as reports and attendance,
- receive newsletters and invitations to school events,
- school photographs relating to their child

We recognise that a court order can restrict a parent in having contact/access to information and we may be bound by this.

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 Children's Services for advice.

4. Contact Arrangements

For day-to-day issues, such as absences, the school will contact the resident parent/s.

Where there are issues over access to children, any adult with parental responsibility for the child should contact the school immediately to discuss these. Court orders preventing an individual's access to a child or detailing contact arrangements which could involve the school should be provided to the school as soon as any are issued. These will be shared with all relevant staff so we can monitor these. Where there is a court restraining order in place, the school will put measures in place to ensure the child is not released to a named individual.

Where a separated parent has parental responsibility but is not the parent with whom the child usually resides and there is no court order in place, the school is required to allow the child home with them; however, the Headteacher (or a member of the school's safeguarding team) 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.

Should a parent (unnamed on the child's data sheet and therefore parental responsibility unknown to the school) seek information or access to their child, the school will provide no information or access and inform the resident parent of this to clarify the situation.

5. Information Sharing

The vast majority of correspondence is emailed and all parents with parental responsibility (whose contact information we hold) will have this information sent to them. General letters and information about events will also be available on the school website.

Permission slips for activities will be accepted from either parent with parental responsibility and only one parent with parental responsibility needs to give consent. For trips and activities, the school would normally seek the consent of a resident parent.

A parent, as defined in this policy, has the right to receive the student's school reports and review the student records of their children. All parents with parental responsibility can have an online account which accesses the student's school record. If the parents are separated or divorced, progress reports will be available to both parents via their online account. This also includes information relating to attendance and exclusions, unless outside agency advice has been sought and it is felt that it would be detrimental to the child to communicate this information to the parent the child no longer resides with.

We expect that parents should liaise and communicate directly with each other in matters such as the ordering of school photographs; tickets for performances, enrichment activities and other instances.

We expect that, wherever possible, separated parents attend their child's parent consultation together and we cannot offer two appointments. This would only be in the event of a court order in place restricting contact between both parents. However, the school has no obligation to offer this arrangement.

In case of an accident or emergency, we will phone the parent with whom the child mainly resides (or the priority phone number held on our MIS system; or the parent with whom the child is residing on that day if we hold that information) although of course, depending on the severity of need and other constraints on staff time, we would try and contact both parents.

Under the principles of the General Data Protection Regulations 2018 (GDPR) and the Data Protection Act 2018 (the DPA 2018), children and young adults can assume control over their personal information and restrict access to it from the age of 13.

However, parents are entitled 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 until the child reaches the age of 18. A parent is not, however, 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.

Please also refer to our Safeguarding and Data Protection Policies.

6. Changing a surname

The Department for Education guidance states: 'A change of surname is a private law matter and should be resolved between parents. Where one parent seeks to change the surname by which their child is known, schools should ensure that they do not change the surname without written evidence that consent has been given by the other parent or by anyone else who has parental responsibility for the child. Schools should source this evidence independent of the parent seeking to make the change'.

To comply with this guidance, all official correspondence relating to a pupil will use their legal name. This includes school reports and examination certificates. To facilitate this, pupils' legal names will be recorded on class registers. However, if a pupil uses a 'preferred name' then this can be used informally in school and teachers will refer to the pupil by this name. For example, pupils can use their preferred name on class exercise books. First names or other names used must be appropriate. This should be recorded under the student notes section of the school's database (MIS).

7. 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, where the order does not restrict the sharing of it with non-parties. 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

We recognise that a court order can restrict a parent having contact/access to information and we may be bound by this. In this situation we will consult with any relevant external agencies to obtain advice as this may constitute a safeguarding concern. In any situation where the parents being estranged is appearing to impact upon the health, wellbeing and safety of a child the matter will be referred to the Children's Services for advice. The interests of the child will always be paramount when deciding whether to accommodate a request from an estranged parent.

8. Children Moving School

The Department for Education states: in the case of separated parents, case law states that all those with parental responsibility must be consulted before important decisions are made, such as removing a child from their school, when they should leave the school or which new school they should attend.

The School must still comply with the [Education \(Pupil Registration\) \(England\) Regulations 2006](#) when they receive a request to remove a child from the school register. However, there is no statutory obligation on a school to notify one parent if the other decides to remove their child – that responsibility rests solely with the separated parents.

Nonetheless, the child's welfare is paramount, so, if the school is aware that parents are separated and one parent decides to remove their child, we may wish to ask that parent if the other has been informed and has agreed to this.

The school will avoid becoming involved in parental conflicts. If parents are unable to agree on lines of communication between themselves on issues involving their child, they may wish to seek independent legal advice and explore other options. The school may consider it appropriate to make an early help referral. Early help means providing support as soon as a problem emerges at any point in a child's life. Where a child would benefit from coordinated early help, an early help inter-agency assessment should be arranged. [Working together to safeguard children](#) provides detailed guidance on the early help process.

9. Equality Impact

The Cottesloe School does all it can to ensure that its policies do not discriminate against pupils or others, either directly or indirectly, in line with any Equality Act 2010 protected characteristics.

10. Support for Families

Additional support for families can be found here:
<https://naccc.org.uk/for-parents/links-for-parents/>