



"Loving and Learning for Life, as Jesus taught us."

Leonard Stanley C of E Primary School

Separated Parents Policy

Title: Separated Parents Policy

Person(s) who created policy: SLT

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Review Frequency: biennially

Date for next review: January 2027

This policy has been written in line with LA guidelines and in accordance with the Christian ethos of our school, our recognition of British values, an awareness of our position in the Global community and taking account of all current Safeguarding and Child Protection guidance.

Introduction and Context

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.

This policy is an attempt to minimise any impact, clarify to all parties what is expected from separated parents and what can be expected from the school / staff.

The definition of a parent for school purposes

This is much wider than for any other situation. The Education Act 1996 defines a parent as:

- All natural parents, including those that are not married;
- *Any person who has parental responsibility but is not a natural parent e.g. a legally appointed guardian or the Local Authority named in a Care Order;*
- *Any person who has care of a child i.e. a person with whom the child resides and who looks after the child irrespective of the relationship*

Who has "Parental Responsibility"? (The Children Act 1989)

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 a such a case is limited to taking reasonable steps to safeguard or promote the child's welfare)*
- Adopting a child.

If the parents of a child were not married to each other when the child was born, the mother automatically has parental responsibility; however, the father only has parental responsibility from 1st December 2003 and by jointly registering the birth of the child with the mother. He can, however, subsequently acquire parental responsibility by various legal means.

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 man or woman 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”.

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
- Participate in any exclusion procedure
- Attend parent meetings/school events
- Have access to school records, receive copies of school reports, newsletters, invitations to school events, school photographs relating to their child and information about school trips.

The Governing board recognise 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.

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. 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.

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. 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.

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.

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 would not expect to send emergency text messages to non-resident parents, which give information on cancelled activities and reminders.

- All diary dates, Newsletters, and Head Teacher's letters are available on our website at <https://www.leonardstanley.gloucs.sch.uk>
- All school communication (newsletters, trip letters, activity letter, for example) shall be sent to both parents providing we have e-mail addresses for both parents via Edulink
- All attainment information including school reports shall be sent to both parents via e-mail, providing we have an e-mail address for both parents
- We would not expect to send emergency text messages to non-resident parents, which give information on cancelled activities and reminders.
- We will hold one parent's evening appointment per child, two times a year, where both parents are welcome and we expect parents to communicate with each other regarding these arrangements. Unfortunately the school is unable to offer individual

appointments as the school does not have the capacity to support this. Under exceptional circumstances, please speak to the Headteacher.

- We expect parents to liaise and communicate directly with each other in matters such as the ordering of school photographs; tickets for performances and other instances.
- Should an un-named parent 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.

Collecting a child from school

All children are released to parents by class teachers, OOSC staff or other staff members in the event of after school clubs.

The school (and all class teachers) hold a list who has permission to collect children at the end of the day. This includes siblings, other family members or children who have permission to walk home unsupervised.

It is expected that if an alternative adult will collect a child, the parent will inform the school. This includes children going on play-dates.

If an estranged parent, who has PR but not on the agreed list, collects a child we would be unable to prevent the parent collecting but we would inform the parent who has day to day custody.

If an estranged parent who has no PR / court order attempts to collect a child, they will be refused and the parent with PR or the police will be notified.

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 make a decision based upon all relevant information available to him/her.

Review

This policy will be reviewed biennially.