

Sandhurst Primary School



Separated Parents Policy January 2023

At Sandhurst Primary School we believe in excellent progress and experiences for all in a safe and caring environment.

Last review date:	January 2023
Next review date:	January 2026
Approved by: Date:	Rebecca Dove, Headteacher Sophie Smith, Chair of Governors Date: 04.01.2023

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 intended to minimise any impact, clarify to all parties what is expected from separated parents, other adults who have care of the child, and what can be expected from the school and its staff.

The definition of a **parent** for school purposes 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) states that having parental responsibility means assuming all the rights, duties, powers, responsibilities and authority that a parent of a child has by law.

In addition to a child's natural parents, other adults can acquire parental responsibility through:

- Being granted a Residence Order
- Being appointed a Guardian
- Being named in an Emergency Protection Order
- Adopting a child.

If the parents of a child are not married to each other but have jointly registered the birth both parents have parental responsibility. If the father is not jointly registered it is also possible for him to subsequently acquire parental responsibility by various legal means.

What is meant by "having care of a child"?

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 also considered to be a parent in education law.

In determining whether an adult 'has care of a child' the school will consider a variety of factors including:

- Do they contact the school on behalf of the child i.e. 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?
- Are they involved in day to day interaction with the school?
- Are they listed on school records, does the school have contact details for them?
- Do they attend meetings about the child?
- Have they been involved with the measures designed to improve attendance?

Please note, 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 (copies of these documents will be kept on the child's file). Similarly, the information provided on the address(es) where the child resides will be presumed to be correct. 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, arrangements for collecting children and emergencies.

If a child or young person 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 have a separate policy on private fostering which we will also refer to in this situation.

AIMS

This policy aims to cover arrangements for parents who are separated and also additional adults who are classified as a parent.

We recognise that divorce or separation can be a difficult situation and aim not to put any additional stress on the family concerned. The child is our main priority and we hope parents will make every effort to recognise this and support us and their child. Our aim is to work with all parties to promote positive family involvement.

Evidence shows that after separation, children do best when those around them cooperate, provide stability, and avoid conflict. However, we also understand that this is not always possible and parents can become estranged.

We recognise that separated, divorced or estranged parents have a right to be informed of and involved in their child's educational progress.

School and Parent Responsibilities

Communication will usually take place between the school and the primary carer/s of the child. In other words, the parent/carer with whom the child lives the majority of the time (this is usually at the address at which the parent claims universal child benefit). Communication can be divided into 'day to day', electronic communication and more formal written communication.

- Day to day communication e.g. phone calls, first aid slips, queries about attendance or meal payments

- Electronic communication e.g. trip emails/texts, Parent/Carer updates, newsletters, school announcements, permission slips, school photographs, important dates (please note that the majority of these are also available on the school website).
- Written reports e.g. SEN assessments, Headteacher letters, End of Year School Reports

We expect that, in most cases, separated parents will find their own way of sharing this information with each other and so we do not routinely provide this information to both separated parents. However, if parents share parental responsibility, we will aim to inform both parents if a referral to an external agency is intended to be made. If both parents do not agree, the school will decide if it is in the best interests of the child to progress with the referral.

However, separated or estranged parents can choose to 'opt in' to receiving the electronic and written information described above. 'Opting In' will be done in consultation with both parents and, if necessary, a member of the Senior Leadership Team (SLT). There may be circumstances in which exceptions to this arrangement are agreed.

In terms of Parent / Carer Consultation Meetings, we expect parents to communicate with each other in order to arrange a single appointment so as not to impact on the workload of the class teacher. However, in exceptional circumstances, the school will consider separate appointments, by arrangement with a member of the SLT.

The school aims to be open, welcoming and transparent to all parents. The Class Teacher, Senior Leaders or Headteacher will be available by appointment to discuss any issues or concerns parents may have in relation to their child or children at the school. However, we hope that separated, divorced or estranged parents understand that the school cannot be expected to 'take sides' nor 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.

Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving the school directly.

Parental decisions regarding a child's education are expected to be made jointly or by the primary carer. In the event that the parents disagree with one another on decisions regarding their child's education (e.g. placement, participation in extracurricular activities, consent for external services) the school will, where possible, try to resolve the situation with both parents. This may be done separately, together or possibly with the help of another family member.

If this is not possible, the interests of the child will always be paramount for the school when deciding a course of action. In exceptional circumstances, it may be appropriate for one or more parent to apply for a Court Order. If it is felt that the actions of either/both parents are significantly affecting the health, wellbeing or safety of the child, the matter may be referred to the Local Authority for advice as this may constitute a safeguarding concern.

Collection Arrangements

The school will follow the standard agreed procedure in the release of a child. In the case of separated parents, the school will release a child to a parent in accordance with any specific arrangements notified to the school.

If one parent seeks to remove the child from school in contravention of the notified arrangements, and the parent to whom the child would normally be released has not consented the following steps will be followed;

- The Head Teacher, Designated Deputy or Safeguarding Designated Lead will meet with the parent seeking to collect/remove the child and then telephone the parent to whom the child would normally be released and explain the request.
- If the parent to whom the child would normally be released agrees, the child may be released.
- In the event that the parent to whom the child would normally be released cannot be reached, the Headteacher or staff member dealing with the issue, may make a decision based upon all relevant information available to him/her.
- The Headteacher or staff member may have to refuse permission if agreement / consent cannot be obtained and may need to take advice before a child or children are collected / released.
- The School cannot prevent the other parent collecting a child but the school will endeavour to reach an agreement and this may mean keeping the child safe whilst it tries and reach such an agreement.
- If there is a Court Order restricting contact or it is in contravention of any access agreement, the child will not be released into their care and the other parent advised to take the necessary action which does not involve the school.
- During any discussion or communication with parents, the child will be supervised by an appropriate member of school staff in a separate room.
- In circumstances where there is a belief that the child may be at risk of harm or if the parent is disruptive, the school may contact the police and/or the LA Social Care Team.