

THUNDERSLEY PRIMARY SCHOOL

Separated Parents Policy



Member of staff Responsible	<i>Emma Dawson</i>
Policy produced	<i>September 2017</i>
Policy agreed/last reviewed	<i>December 2017</i>
To be reviewed	<i>Autumn 2020</i>
Other Policies Related	
Other Paperwork Attached (appendix)	

Introduction and Context

Research and experience have shown that separated/divorced 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/divorced parents and what can be expected from the school/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)

Having parental responsibility means assuming all the rights, duties, powers, responsibilities and authority that a parent of a child has by law.

The following people have or can acquire parental responsibility:

- *The biological mother*
- *The father, if he was married to the child's mother when the child was born or has since married her*
- *The father, if he was not married to the child's mother when the child was born but now has a Child Arrangements Order, a Court Order which gives him PR or a formal "Parental Responsibility Agreement" with the mother*
- *Unmarried fathers registered as the child's father at the time of birth (if on or after 1st December 2003)*
- *A person who has adopted a child*
- *A civil partner whose name appears as the other parent on the child's birth certificate*
- *A civil partner, if the partnership was in place at the time of fertility treatment*
- *A civil partner who has applied for parental responsibility*
- *Someone who holds a Child Arrangements Order*
- *A guardian of the child*
- *A Local Authority if it is named in the Care Order for a child*
- *Someone 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)*

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. Any individual who has care of a child is considered to be a parent in Education Law.

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 the individual lives with the child and takes care of them.

Parents are entitled to share in the decisions that are made about their child's education and schools must treat all parents equally, unless there is a Court Order limiting an individual's exercise of parental responsibility. In particular, these entitlements include:-

- the right to appeal against admission decisions
- completing Ofsted and school based questionnaires
- participating in any exclusion procedure
- attendance at parent meetings/school events
- receiving an Annual Report.

The Governing Body recognises that while the parents of some pupils may be separated/divorced 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.

Our Responsibilities

Thundersley Primary School fully recognises its responsibilities, and it is our sole wish to promote the best interests of the child, working in partnership with all parents.

Thundersley Primary School will maintain an 'open door' policy with all parents. The class teacher and/or Headteacher will be available by appointment to discuss any issues or concerns that separated/divorced parents may have in relation to their child or children at the school.

Parents should resolve any issues around estrangement, contact and access to information without involving Thundersley Primary School.

Issues of estrangement are Civil/Private Law matters 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.

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 extra-curricular activities, and consent to evaluation and services, the school will request that parents agree matters between themselves and inform the school of the final decision. If parents are unable to come to an agreement, the school will advise that they revert to the Family Court. Requests for information from parents will be dealt with in accordance with the Data Protection Act 1998.

School Policy and Arrangements

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.

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. We will, however, recognise the sensitivity of some situations and maintain the level of confidentiality requested by parents as far as possible.

Newsletters and general school updates can be sent to all parents via letters, emails and texts. These updates will contain all the main events within school, including; productions, Sports Days, Parent Consultation evenings, class trips, etc. Occasionally letters are sent to individual classes. We would expect parents to communicate these messages to each other as and when appropriate.

We will hold *twice yearly Parent Consultation evenings*. Dates of these are on the newsletter and we would expect parents to communicate with each other regarding these arrangements. One appointment will be arranged for each child, unless it is not in the child's interest. If this is the case, the Headteacher will consider separate appointments, if this is requested by parents, in advance of the Parent Consultation date.

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

Parents are entitled to receive an Annual Report of their child's progress. If the parents are separated or divorced, Progress Reports will be sent to the parent at the main address in the school's records specifying where the child resides with the expectation that he/she will share the Report with the other parent.

On written request (email to admin@thundersley.essex.sch.uk), the school will send copies of the Progress Reports to a parent with whom the child does not reside only if that parent provides the school with a stamped, addressed envelope.

In the Matter of the Release of a Child or Children

The school will follow the standard agreed procedure in the release of a child or children.

In the case of separated/divorced parents the school will release a child or children 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 Headteacher, designated Deputy or Safeguarding Designated Lead will meet with the parent seeking to collect/remove the child and, in his/her presence, 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 and the records will reflect that the permission was granted verbally.
- In the event that the parent to whom the child would normally be released to 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 the child or children but we will endeavour to reach an agreement and this may mean keeping the child or children safe whilst the school try and reach such an agreement.
- If there is a Court Order restricting contact or it is in contravention of any access agreement, the child or children 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 or children will be supervised by an appropriate member of school staff in a separate room.
- In circumstances where it is believed that the child is in immediate danger or is at risk of harm the school will immediately notify the police and/or the Local Authority as appropriate.