



## Policy Document

Subject	Separated Parents Policy
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## SEPARATED PARENTS POLICY

### Context

Research and experience have shown that separated parents can work well together in the best interests of their children and together can 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 child concerned where personal family problems can have an impact on both the children and 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.

At Ashwell Primary School, we aim to promote the best interests of the child, working in partnership with all parents where possible. This policy is an attempt to clarify to all parties what is expected from separated parents and what can be expected from the school and its staff.

### Who is a parent?

It is important to be aware that parents may be recognised differently under education law, than under family law. 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 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.

### Parental Responsibility (Family Law)

In order to help us to look after children whilst they are in our care, Ashwell staff are required, at the admissions stage, to ask parents to provide certain information, such as the name of both parents, address, contact details etc. They are also required to ask who has Parental Responsibility for the child. This is important because it allows the school to be sure who has the right to make decisions about a child's education and medical treatment. However, this is a very specific legal term and many parents may be unaware of how it is applied:

- All mothers automatically have Parental Responsibility.
- If a child's parents were married at the time of the birth, both parents automatically have Parental Responsibility.
- For children born from the 1st December 2003 where the father's name is on the birth certificate, the father and mother will both have Parental Responsibility.
- In all other cases, fathers are required to officially obtain Parental Responsibility.
- Parental Responsibility cannot be lost, except by legal adoption, although it does not guarantee contact.

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;
- Participation in any exclusion procedure;

- Attendance at parent meetings/school events;
- Access to school records and copies of school reports, newsletters, invitations to school events, school photographs relating to their child and information about school trips.

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.

### **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 do, however, recognise that communication between parents is not always possible. If an estranged parent wishes to receive information from the school such as progress reports or attend parent/ teacher meetings they should contact the school in writing with a specific request for separate communication.

We would not expect to send text messages to absent parents, which give information on matters such as cancelled activities or reminders.

### **School responsibilities**

For day-to-day purposes, the school's main contact is the parent with whom the child lives on school days.

We will maintain our open-door policy with all parents, and the class teacher and/or Headteacher will be available by appointment to discuss any issues or concerns. 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 Headteacher.

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.

Should a parent not known to the school 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.

### **Estrangement / Contact**

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

Issues of estrangement are a civil/private law matter and our 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.

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

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 arrange a meeting with all 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 interests of the child will always be paramount when deciding whether to accommodate a request from an estranged parent. We recognise that a Court Order can restrict a parent in having contact/access to information and we may be bound by this. In this situation we may consult with the Local Authority to obtain advice if there is a safeguarding concern.

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 Local Authority for advice.

### **Leave of Absence and Term-Time Holiday Requests**

When a parent submits a request for a leave of absence or term-time holiday, the school will ensure that the response to the request is communicated to all parents who hold parental responsibility, as recorded on the school's Management Information System (MIS). This is to ensure that both parents are fully informed of any decisions made regarding attendance and leave during term time.

### **Disputes and Disagreements**

The school's main contact is the parent with whom the child lives on school days. Decisions made by that parent for routine matters including but not limited to: participation in extra-curricular activities, drop off / collection arrangements, school meals and consent to evaluation and services will be respected.

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 education the school will not arbitrate but will ask parents to resolve the issues between themselves and return to the school with the solution. In cases where there is continued conflict and this cannot be resolved, we would advise the parents to seek independent legal advice.

### **Our Policy and Expectations**

It is the responsibility of the parents to inform Ashwell 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 & general school updates can be sent to all parents via letters, and email. These updates will contain all the main events within school, including; productions, sports days, parent's evenings, class trips, etc. We would expect parents to communicate these messages to each other as and when appropriate or to arrange with the school to ensure they are on the circulation list.

We will hold twice yearly parent consultation evenings. We would expect parents to communicate regarding these arrangements.

Ashwell School will consider separate appointments but by prior agreement only or when a court order is in place restricting contacts with both parents.

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.

A parent, as defined in this policy, has the right to receive progress reports and review pupil records of their children. If the parents are separated or divorced, unless otherwise arranged, progress reports will be sent to the parent at the 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.

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 the parent with whom the child does not reside only if that parent submits a written request.

### **Collecting a child from school**

Ashwell School will follow the standard agreed procedure in the release of a child or children.

In the case of separated parents, Ashwell 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 notified the school of any changes or consented, the following steps will be followed:

- The Headteacher or a member of the Senior Leadership Team 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 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.
- Ashwell 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 Ashwell 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 if there is a belief that a possible abduction of the child may occur or if the parent is disruptive, the police should be notified immediately and the Local Authority notified.

The following documents have been considered in the production of this policy:

<https://www.gov.uk/parental-rights-responsibilities/what-is-parental-responsibility>

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