Hillborough Junior School

Separated Parents Policy

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1. Introduction

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 the children and the schools they 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.

This policy takes into account the government's explanation of Parental Rights and Responsibilities and the Department for Education's (DfE) guidance Understanding and dealing with issues relating to parental responsibility.
Government guidance outlines what is parental responsibility and who can obtain it.

The basis of the advice within this policy is with regards to children who have already been admitted to the school.

The person with parental responsibility who applied for the child's admission should have involved all others with parental responsibility in making the decision to apply. They should

have provided the school with details of all those with parental responsibility for the child. Where this has not happened the school welcomes direct contact from those with parental responsibility providing their own details. However, the school shall not be held responsible for excluding a parent or person with parental responsibility if the information has not been provided to them.

If parents separate whilst their child already attends the school, the parents must notify the school immediately so that the school can ensure continuing contact with both parents and, in the event of an acrimonious separation, endeavour to accommodate each parent separately in terms of communications and attendances at the school.

2. Definition of a 'parent'

The definition of a 'parent' for school purposes is much wider than for any other situation. Section 576 of The Education Act 1996 defines a parents as:

- **All biological parents**, whether 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 for 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. For example, this may be a foster carer or family and friends carer who do not have parental responsibility but have been delegated the responsibility for taking day-to-day decisions about the child.

Parents, as defined above, are entitled to share in the decisions about their child's education and to be treated equally by the school. In particular, these entitlements include, but are not limited to, the following:

- Receiving copies of school reports
- Having access to the child's school records
- Attending parent consultation meetings
- Receiving newsletters

- Invitations to school events
- Information about school trips
- School photographs relating to their child
- Participation in any exclusion procedure
- Dealing with any medical issues that arise and/or vaccinations that may be offered

The school recognises that whilst parents of some pupils may be separated, divorced or estranged, they are still entitled to the above and this entitlement cannot be restricted without a Court Order.

3. Parental Responsibility

Parental responsibility is defined in The Children's Act 1989 and means the rights, duties, powers, responsibilities and authority that a parent has for their child. In addition to a child's natural parents, it can be acquired by:

- 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)
- Adopting a child

The information provided to the school when a child was enrolled detailing who has 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. The school will be reliant on such information being provided as accurate and true. The information provided regarding the address(es) where the child lives will be presumed to be correct unless the school is provided with a copy of a Court Order setting out arrangements for where the child should live.

Every parent with parental responsibility for a child has an equal right to be engaged with decisions regarding their education. Unless there is a Court Order limiting an individual's exercise of parental responsibility, the school must treat all parents equally and must provide them with the same information.

Where contact has been limited by a Court Order, the parent still has the right to receive information about the child and be involved in decisions regarding their education and welfare, unless a Court Order restricts what information they can receive or removes their parental responsibility. School will not remove a parent's contact details without such a Court Order being in place or a parent asks for their **own** contact details to be removed.

4. Court Orders

If there is a Court Order in place, the school will always act in ways to ensure, as best it can, that no Court Order is breached. The school can only be expected to comply with an Order if it is properly notified and has received digital or sealed paper copy for its files, and only to the extent that it relates to the school. A letter from a solicitor is not sufficient.

The school has no responsibility for enforcing any Court Order but it will endeavour to ensure that if there are restrictions in place with regards to the collection of a child, such restrictions are adhered to.

In the event that the school is not informed of the existence of such an Order, the parents will be treated equally by the school. If there is an order in place and neither the parents and/or those with parental responsibility inform the school then, if there is any breach of such Order, the school will not be held responsible and/or liable.

5. Disputes and Disagreements

Hillborough Junior School hopes that parents and all those with parental responsibility will support the school in working together for the benefit of their children.

It is important to note that any dispute between parents sharing these rights will need to be resolved between themselves. In all cases where parents and/or those with parental responsibility cannot agree on various issues, parents should seek independent legal advice as to the options available to resolve those issues, either by agreement or by obtaining a Court Order.

Parents should seek to resolve contact issues without involving the school. The school will not mediate, 'take sides' or act as an intermediary between parents who do not

communicate with each other. School will not be used as a base for any contact arrangements.

Where consent is required for activities or outings, the school will seek to gain it from the resident parent (the parent who the child resides with) unless:

- The activity is likely to have a long-term and significant impact on the child
- The non-resident parent has asked you to seek their consent in all such cases.

If parents do not agree on whether to give consent the school will treat it as if consent hasn't been given. It is not the school's position to try and get parents to agree and the school will not get in the middle of any disputes between parents about consent. In all cases the school will advise parents to seek legal advice or use a mediator.

6. Change in Family Circumstances

It is the responsibility of the parents to inform Hillborough Junior 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 emergency contacts.

Parents are encouraged to tell school 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. However, the school will recognise the sensitivity of some situations and maintain the level of confidentiality requested by parents as far as possible.

7. Releasing Children

On being admitted to the school, and unless notified to the contrary, the school will release children to either parents and/or those with parental responsibility and/or those with care of the child. Local arrangements may be made with the Class Teacher e.g. if an older brother or sister is collecting or children are able to walk home (Year 5 and 6 only).

In the case of separated parents, if one parent seeks to remove the child from school in contravention of the agreed arrangements, and the parent to whom the child would normally be released has not consented, the following steps will be followed:

- The Head Teacher or a member of the Senior Leadership Team will speak with the parent seeking to collect/remove the child and then contact the parent 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 Head Teacher or senior staff member dealing with the issue may make the decision based upon all relevant information available.
- The Head Teacher or senior staff member may have to refuse permission if agreement/consent cannot be obtained and may need to take advice before a child is collected/released.
- Hillborough Junior School cannot prevent the other parent from collecting the child but we will endeavour to reach an agreement and this may mean keeping the children safe whilst an agreement is reached.
- 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 a possible abduction of a child may occur or if the parent is disruptive, the police should be notified immediately along with the Local Authority.

8. Communication

Hillborough Junior School fully recognises its responsibilities, and its sole aim is to promote the best interests of the child, working in partnership with all parents.

We recognise that, while the parents of some children 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.

- Hillborough Junior School will maintain its open door policy with all parents. The Family Workers, Class Teachers, SENDCo, Senior Leaders and/or Head Teacher will be available by appointment to discuss issues or concerns with regard to separated/divorced/estranged parents may have in relation to their child or children at the school.
- Parents will be encouraged to resolve any issues around estrangement, contact or access to information without involving the school directly.
  Issues of estrangement are civil/private matters and Hillborough Junior 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 extracurricular activities, and consent for evaluation or services, the school will arrange a meeting with all parents (preferably together or separately if needed) to attempt to assist the parents to resolve the situation; if it cannot be resolved the school may refer to the relevant department of the Local Authority. In some situations if both parents do not consent (e.g. term time leave of absence), the school will treat it as if consent hasn't been given.
- Newsletters and general school updates will be sent to all parents via email. It is imperative that we have the most up to date contact details. These updates will contain all the main events within school, including productions, sports days, parents consultation meetings, class trips etc. This information is also available on the website.
- Hillborough Junior School holds twice yearly parent consultation evenings. We would expect parents to communicate with each other regarding these arrangements. Separate meetings can be made if communication is not possible or should there be a Court Order in place preventing the parties from contacting each other. The non-resident parent should contact the school to arrange an appropriate appointment.
- We expect that parents should liaise and communicate with each other in matters such as ordering school photographs; tickets for performances and other instances. Where this is not possible the parents should contact the school to make appropriate arrangements.
- We expect that parents should liaise and communicate directly with each other in matters such as payments for school dinners and trips etc. Parents must then inform the office of who to contact should any queries arise. Our Family Workers may be

able to assist those parents who have a Court Order restricting contact and communication.

- A parent as defined in this policy, has the right to receive a written progress report and review pupil records of their children. Reports will be sent electronically to parents. Arrangements should be made with school and up to date contact details given if non-resident parents wish to receive the report electronically.

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.

9. Management of the Policy

The Head Teacher and Senior Leaders will familiarise themselves with this policy and ensure that staff, governors and volunteers are aware of the procedures to follow should the need arise.

The policy will be made available to parents and published on the school website.