



ST JOHN'S

PRIMARY SCHOOL

REDHILL

Separated Parents Guidance 2022

This school is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment

Introduction

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 are unable to work together as effectively, compromising the best interests of their children, especially during the initial stages of their separation. This is often traumatic for any children concerned.

St John's Primary School recognises that children from families whose parents are separated, or are undergoing separation, may experience difficult or traumatic changes during their time at school. With this in mind, we will make every effort to work in partnership with parents to promote the welfare of children. We aim to support families wherever we can with the issues that a separation may bring.

Our aim is to work with all parties to promote positive family involvement. The child is our main priority and we hope parents will make every effort to recognise this and support their child and us.

We will remain neutral in difficult family circumstances and will not police one parent for another. The welfare and well-being of all our children is central to all we do and if we have any such concerns about a child, we will involve all adults with parental responsibility.

This guidance has been created to minimise any adverse impact of separation on pupils' learning and wellbeing and to clarify to all parties what is expected from separated parents and what can be expected from the Trust and its schools.

At St John's Primary School, we have a legal duty to work in partnership with families and to involve all those with parental responsibility in their child's educational progress.

Definitions

Schools have a legal duty to work in partnership with families and to involve all those with parental responsibility in their child's education. Section 576 of the Education Act 1996 defines a 'parent' as:

- All natural parents, whether they are married or not
- Any person who, although not a natural parent, has parental responsibility for a child or young person
- Any person who, although not a natural parent, has care of a child or young person (a person with whom the child lives and who looks after the child)

Parents as defined above must be treated equally, unless there is a court order limiting an individual's exercise of parental responsibility. 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.

Who has parental responsibility?

- All mothers automatically have parental responsibility
- If the parents of a child were married/in a civil partnership at the time of birth, both parents automatically have parental responsibility
- For children born after 1 December 2003 to unmarried parents, where the father's name is on the birth certificate, both the mother and father would usually have automatic parental responsibility
- In all other cases, parents seeking parental responsibility rights can acquire them through various legal means

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

Individuals who have parental responsibility, or care for a child, have the same rights as natural parents. This includes the right to:

- Receive information (e.g. pupil reports, school events etc.)
- Participate in activities (e.g. elections for parent governors)
- Give consent (e.g. for school trips)
- Be involved in meetings concerning the child (e.g. participate in an exclusion procedure, appeal against admission decisions)

Responsibilities of parents

- Parents of children joining the school are requested to bring into school their child's birth certificate. This ensures children are joining the correct year group and also helps the school ascertain who has parental responsibility
- It is the responsibility of parents to inform the school when there is a change in the family's circumstances. We recognise the sensitivity of such situations and we will maintain confidentiality requested by parents as far as possible. The school will also not make judgements about individual circumstances, and both parents will be treated equally
- The school needs to be kept up to date with contact details, arrangements for collecting children and emergencies. School needs to hold at least 2 contacts per child to phone in an emergency
- 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. This will be reviewed only in exceptional circumstances
- The parent with whom the child resides (the main carer) is responsible for making all payments to the school for dinners, educational visits and residential visits. The school will not pursue the non-resident parent for payments, the main carer is expected to collect any money from the non-resident parent

- Where there is a court order in place, a copy needs to be retained by the school. We will put measures in place to ensure the child is not released to any individuals named in the court order as persons who do not have parental responsibility
- Parents who have joint custody of the child are requested to keep the school informed, in writing, of any disputes they have with each other regarding the collection of children
- If a leave of absence request form is received and signed by only one parent, the school will endeavour to seek confirmation that the other parent is aware
- Children's welfare and safety are paramount, where there are issues over access to children, the parent with whom the child resides should contact the school immediately
- The school's policy is to hold one parents evening appointment per child, where both parents are welcome. Separated parents may request alternate appointments and the school will endeavour to accommodate this, wherever possible. Parents are expected to communicate with each other regarding these arrangements. We hope parents can make amicable arrangements to accommodate this.

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:

- appeals against admission decisions
- Ofsted & school-based questionnaires
- participation in any exclusion procedure
- attendance at parent meetings/school events
- access to school records, copies of school reports, newsletters, invitations to school events, school photographs relating to their child and information about school trips

Responsibilities of the school

- Will ensure that the school has arrangements in place to ask parents or guardians for the names and addresses of all parents when they register a pupil
- That names and addresses of all parents, where known, are included in the admission register and also in pupil records, and are available to the pupil's teachers
- That names and addresses of all parents are forwarded to any school to which the pupil moves
- That details of court orders are noted in the pupil's record
- The school will send routine school information, general letters and newsletters to the parent with whom the child resides. In the case of shared access, this will be sent to the parent with whom the child resides for the majority of the time. If the non-resident parent also wants the communication they need to inform the school in writing
- All diary dates, newsletters, and general letters will be emailed to both parents
- Parents are responsible for providing a correct email address
- Both parents are entitled to receive the annual report and review their child's pupil records. The annual report will be sent to the parent with whom the child resides with the expectation that he/she will share the report with the other parent. The school will send a copy of the annual report to the non-resident parent if a written request is submitted
- Both parents are legally entitled to collect their child from school unless a court order is provided that states otherwise. In all cases, the school will be mindful of its safeguarding responsibilities and may use its discretion not to send a child home with a particular parent
- The school will always reserve the right to refuse entry or enter into communication with parents who are abusive and use inappropriate language or aggressive behaviour towards any member of staff

- Where the address of a non-resident parent is unknown, the Headteacher will tell the resident parent that the non-resident parent is entitled to be involved in their child's education and request that information is passed on to them

Annual Written Report and pupil records

Any parent has the right to receive the annual written report and review pupil records of their child. If the parents are separated or divorced, the report will be handed/sent to the parent and address noted in the school's records specifying where the child resides with the expectation that they 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 the report will be handed/ sent to both parents. The school will hand/send copies of the report to a parent with whom the child does not reside if that parent submits a written or electronic request for this to happen.

Any parent can request a meeting with the class teacher if they have concerns about the academic progress, social or emotional wellbeing of their child.

Collecting a child from school

Where a separated parent has parental responsibility, and requests to take the child during or at the end of the school day, the resident parent will be asked to confirm that they are aware of this, providing a non-contact order is not in place. The Headteacher will exercise discretion on the decision to allow a child to leave the premises with a non-resident parent.

Obtaining Consent for Off Site Activities

If parental consent is required for outings or activities, the school will seek consent from the resident parent, unless the decision is likely to have a long-term and significant impact on the child or the non-resident parent has requested to be asked for consent in all such cases. In cases where the school considers it necessary to seek consent from both parents, it is possible that one gives consent and the other withholds it. In such cases, the school will assume that parental consent has not been given.

Name changes

Parents are responsible for resolving potential conflicts about the change of a surname. There must be consent from both parents after divorce or separation for registering a change of name of a child. The school will ensure that the change in surname is supported by written evidence. A separated parent who has parental responsibility, but no longer lives with the child, may refuse to consent to changing the child's surname. In such cases, the parent wishing to change the child's name would need to apply to the courts for permission to do so.

In circumstances where a name change has already been implemented by the school and it is in the interest of the child, who might be known by a new name, to refer back to a different name, the school will make a decision holding the best interests of the child under paramount consideration.

Disputes and disagreements

Disagreements between parents must be resolved between the parents and cannot be resolved by the school.

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 and participation in extracurricular activities, the school will assist by facilitating a meeting with all parents if it will assist the parents in resolving the situation.

Where, in the reasonable opinion of the school, the issue requiring parental consent is likely to have a long term and significant impact on the child, the school may require the consent of all those with parental responsibility for the child who are known to the school. An example of the circumstances where joint consent is likely to be required includes the decision to withdraw a child from sex education or religious education within the school curriculum.

The school will maintain an open door policy with both parents and will be available to discuss any issues. In extreme circumstances, if there is a belief that a possible abduction of the child may occur or if the parent is threatening, the police will be notified and advice will be sought.

Contact Arrangements

- Where there are issues over access to children, any adult with parental responsibility for the child should contact the school immediately to discuss these
- Court orders preventing an individual's access to a child or detailing contact arrangements which could involve the school should be provided to the school immediately any are issued. These will be shared with all relevant staff so we can monitor these
- Where there is a court restraining order in place, the school will put measures in place to ensure the child is not released to a named individual
- Where a separated parent has parental responsibility but is not the parent with whom the child usually resides and there is no court order in place, the school is required to allow the child home with him or her; however, the Headteacher (or designated safeguarding lead) is able to use discretion (in the case of an unexpected or unusual request) and would seek clarification from the resident parent before allowing the child to leave the premises
- Should a parent (unnamed on the child's data sheet and therefore parental responsibility unknown to the school) seek information or access to his/her child, the school will provide no information or access and inform the resident parent of this to clarify the situation

Management of the Process

The Headteacher will familiarise themselves with this process and ensure all staff and governors are aware of the procedures to follow should the need occur.

The process will be made available to parents and published on our school website. All parents of new children will receive a copy of this policy as part of the induction pack.

Approved by: _____ **Date: Summer 2022**

Next review due by: Summer 2025