

# RIVERSDALE PRIMARY SCHOOL

## Separated Parents Policy

Date:

Review Date:

Signed: \_\_\_\_\_ (Governor)

Signed: \_\_\_\_\_ (Headteacher)



## **CONTEXT**

Parental separation can lead to some parents becoming estranged from their child and losing contact with school altogether. When a parent loses contact with their child(ren), this can be traumatic for the child(ren) concerned, as they may worry about their parent's whereabouts and safety, and may blame themselves for relationship breakdown and loss of contact.

Research and experience indicate that whenever separated parents make a concerted effort to work well together and in partnership with school staff to support their child in their behaviour and learning, the negative impact on children's overall well-being and academic attainment can be reduced.

At Riversdale we aim to maintain contact with both parents in the best interests of their children. Therefore, 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.

## **RELATED POLICIES**

This policy should be read in conjunction with:

- Child protection and Safeguarding Policy
- Children Missing from Education Policy
- Staff Code of Conduct

## **WHO IS A PARENT?**

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)**

The information provided to the school when the child was enrolled, detailing which adults 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 regarding the address(es) where the child resides will be presumed to be correct unless a court order proving otherwise is provided to the school.

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

If the parents of a child were not married to each other when the child was born, the mother automatically has parental responsibility; however, the father only has parental responsibility from 1st December 2003 and by jointly registering the birth of the child with the mother. He can, however, subsequently acquire parental responsibility by various legal means.

## **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 their relationship with the child, is considered to be a parent in education law.

This could be shown by:

- Interaction with the school – attending meetings, making phone calls, being on the School’s record as being involved (in whatever capacity) etc.
- Residence with the child where, for all intents and purposes, the person is part of the family, a man or woman married to a parent of a child.

For example:

- Are they listed on school records?
- Does the school have contact details for them?
- Do they meet with teachers/attend parents’ evenings?
- Have they been involved with the measures designed to improve attendance?
- Do they contact the school on behalf of the child 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?
- Is the adult married to the parent of the child?

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 we have cause to believe the person has some involvement with the child’s life – living with the child could be a determining factor as could the other examples outlined above.

***It is therefore those adults who are having significant input in a child’s life who can be classified as “parent”, having “parental responsibility” or who have “care of a child”.***

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:

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

The Governing Body recognises that while the parents of some pupils may be separated, 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 or addresses where the child resides will be presumed to be correct unless a court order proving otherwise is provided to the school.

## **COURT ORDERS**

Our aim is to promote the best interests of the child, working in partnership with all parents unless otherwise directed by a court order. Upon receipt of any Court Order restricting access to a parent the school complies with the order immediately and consults our solicitor if considered necessary. The school is only obliged to comply with an order if it is properly notified and has received a digital or paper 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 preferential rights. Should a parent approach the school requesting to change the child’s surname, both parents will be contacted and legal advice will be obtained.

## **OUR RESPONSIBILITIES**

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

The school will maintain its open door policy with all parents. The class teacher and/or Headteacher will be available by appointment to discuss any 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 and access to information without involving the school directly.

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 extracurricular 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.

## **DISPUTES & DISAGREEMENTS**

Parents are encouraged to resolve contact issues without involving the school directly. The interests of the child will always be paramount when deciding whether to accommodate a request from an estranged parent. Staff will not attempt to mediate or resolve disagreements and disputes between parents.

All disagreements and disputes should, wherever possible, be resolved between the parents and/or their legal representatives, rather than by the school. If, however, 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 to evaluation and services, the school will arrange a meeting with all parents (preferably together, but separately if required) to assist the parents in resolving the situation. The child shall be in focus of these meetings and the occasion should not be used by parents to criticize each other.

## **CHANGES IN FAMILY CIRCUMSTANCES**

In order to safeguard the welfare of children and maintain channels of communication between school and home we ask parents to inform the school office whenever something outside school – such as a change in family circumstances – occurs so that we can sensitively support the child in school.

Many children find parental separation difficult to cope with, especially in the first few weeks and months after one or both of their natural parents have left the family home. Children may struggle to manage their feelings and emotions and this, in turn, may have a detrimental impact upon their concentration, attitude, behaviour and learning. Children's punctuality and attendance can also be adversely affected.

We expect parents to update the school office whenever emergency contact details change for one or both parents and/or there is a new arrangement for collecting children at the end of the school day. We recognise the sensitivity of some situations and all staff are aware of the need for discretion and confidentiality. School staff will be informed on a strict need to know basis so that suitable support can be offered.

## **IN THE MATTER OF THE RELEASE OF A CHILD OR CHILDREN**

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

In the case of separated 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 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 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.
- Riversdale Primary 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 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.

## **ACCESS TO INFORMATION**

All key school information is available on our school's websites Parents may receive information via Weduc.

## **COMMUNICATION BETWEEN SCHOOL AND SEPARATED PARENTS**

Letters and general school updates are sent via weduc to all parents for whom we have up-to-date contact details. These updates contain all the main class/school events, including productions, sports days, parents' evenings and class trips. Consent for school trips will be required from either parent on the condition that they have parental responsibility. Whenever paper letters are sent home with children they are freely accessible to all on request and if relevant uploaded onto the school websites. The school office is able to deal with separate requests for school photographs made by separated, divorced or estranged parents who have parental responsibility.

In all circumstances, we aim to maintain our open-door policy with all parents. Class teachers and/or the Headteacher will be available by appointment to discuss any issues.

## **MEDICAL TREATMENT**

When a child requires medical treatment, parents will be contacted in the order listed on the Data Collection form agreed at the beginning of the year.

## **PARENTS' EVENING MEETINGS**

We would expect parents to communicate with each other regarding these arrangements. Whilst Riversdale School will consider separate appointments for parents at these events by prior agreement this will be subject to availability, or when a court order is in place restricting contact between both parents. The school has no obligation to do so.

Written pupil reports Any person who has parental responsibility for a child has the right to receive a written progress report for their child(ren). These will be provided to separated, divorced or estranged parents who have parental responsibility and for whom the school has up-to-date contact details. If you are not able to collect the report yourself please provide a stamped addressed envelope.

#### **MANAGEMENT OF THE POLICY**

The Headteacher/Designated Safeguarding Officer(s) will familiarise themselves with this policy and ensure all Staff, Governors and Volunteers are aware of the procedures to follow should the need occur.

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