

Separated Parents Policy

Suffield Park Infant and Nursery School



Approved by:

Governing Board

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1. Introduction and Context

This policy summarises the legal framework and Suffield Park Infant and Nursery School (School) in respect of divorced and separated parents. Please note the term ‘school’ refers to both School and Nursery settings. This policy is an attempt to minimise any negative impact on families, children and staff and to clarify to all parties what is expected from separated parents and school staff.

1.1 The definition of a parent for school purposes

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 does not have parental responsibility and who is not a natural parent but has care of the child.

1.2 Who has “Parental Responsibility”?

(The Children Act 1989, amended by the Children and Families Act 2014)

Having parental responsibility means assuming all the rights, duties, powers, responsibilities and authority that a parent of a child has by law. Parental responsibility can be removed in some circumstances.

People other than a child's natural parents can acquire parental responsibility through:

- A step-parent under the terms of a parental responsibility agreement or court order;
- Being granted a Child Arrangements 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);
- The Local Authority if it is named in a Care Order but has a duty to consult with parents;
- Adopting a child.
- A parent by virtue of the human Fertilisation and Embryology Act 2008

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.

Parents as defined above are entitled to share in the decisions that are made about their child and to be treated equally by schools. We aim to collaborate with parents in the best interests of their child/ren in particular, these entitlements include but are not limited to the following: -

- Appeal against admission decisions
- Ofsted & school based questionnaires
- Participate in any exclusion procedure

- Attend parent meetings/school events
- 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 School recognises that while the parents of some children 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(es) where the child resides will be presumed to be correct, unless a court order proving otherwise is provided to the school.

If a child or young person and is under 16 and is living with someone other than a close family relative e.g. a grandparent, then this may be a private fostering arrangement and the local authority will need to be notified. We will notify the local authority if this is found to be the case.

In any event and if at any time it appears that there is not anyone with parental responsibility who is caring for a child or young person who attends the School, or if it is unclear, we will involve the Local Authority to help clarify and resolve. This may mean the provision of support and services for that adult/s in the care of that child or young person.

2. Access to children's school records

In accordance with the ICO Guidance, as a parent, if your child attends a maintained school, you have a right to access your child's educational record. This covers information that comes from a teacher or other employee of the School, the child, or you as a parent, and is processed by or for the school's governing body or teacher, except for information the teacher has solely for their own use. So it will cover information such as the records of the pupil's academic achievements as well as correspondence from teachers, local education authority employees and educational psychologists engaged by the school's governing body. It may also include information from the child and from you, as a parent. Information provided by the parent of another child would not form part of a child's educational record.

You will be able to access all the information about your child if your child is unable to act on their own behalf or gives their permission. As a general guide, a child of 12 or older is expected to be mature enough to make this kind of request.

<https://ico.org.uk/your-data-matters/schools/pupils-info/>

3. Our responsibilities

We fully recognise our responsibilities, and it is our sole wish to promote the best interests of the child, working in partnership with all parents. Class teachers, nursery staff, pastoral staff and/or the Headteacher will be available, by appointment, to discuss any issues or concerns

with regard to separated, divorced or estranged parents, in relation to their child or children at the school.

Parents are encouraged to resolve any issues around estrangement, contact and access to information without involving the 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/ren, or using the school premises for purposes of contact. Further, the School will remain neutral in respect of any issues raised by parents. Staff may signpost to where parents may seek further advice.

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 Headteacher will take account of the views of both parents. Where both parents have been consulted and one withholds consent, the school will err on the side of caution and conclude that consent has not been given. In circumstances where one parent holds PR then that parent's decision is assumed to take precedence. The other parent should seek legal advice if wishes to challenge the other parent's decision.

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 will seek legal advice, or if required Local Authority advice where the Headteacher believes there may be a safeguarding concern. In the event a parent disagrees with the decision made by the school, they may be invited to use the School's Complaints Procedure.

In any situation where separation/divorce/breakdown in parental communication is appearing to impact upon the health, wellbeing and safety of a child the matter will be referred to the Local Authority for advice.

4. Our Policy

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, appropriate 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

Whole school newsletters which include key dates and general school updates will be sent to all parents via email or via Tapestry. 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 regular parents' evenings throughout the year and parents wishing to attend should follow the school process. In the event separated parents do not feel able to attend together, or at the same time, we would expect parents to communicate with each other regarding these arrangements. In the small number of cases where this communication

is not possible, the non-resident parent should contact the Headteacher or Nursery manager to arrange a separate appointment time, which does not coincide with that of the resident parent.

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. In the small number of cases where this communication is not possible, the non-resident parent should contact the Headteacher, who will ensure they have a single point of contact in the School, to support them in these matters.

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, progress reports will be sent to each parent separately, to the addresses provided for the School's records. The School will only be able to send copies of the progress reports to a non-resident parent if they have been provided with the address of that parent.

4.1 Informing non-resident parents

If a school does not know the whereabouts of a non-resident parent, it should make the resident parent aware that the other parent is entitled to be involved in their child's education and request that information is passed on.

If the resident parent refuses either to share information with the non-resident parent or to provide their contact details, if they have them, so the school can deal with them direct, the school can do nothing more. If the non-resident parent subsequently contacts the school and requests access to information, the school should provide it to that parent direct, after taking reasonable steps to satisfy itself that the individual is, in fact, the child's parent.

A school does not need to seek the consent of a resident parent before recording the contact details of the non-resident parent or sending them their child's educational information. It does not need to ask for a solicitor's letter from a non-resident parent as evidence that they are entitled to access this information. No court order is required before providing statutory information to any parent entitled to receive it.

4.2 The release of a child/ren

In the matter of the release of a child/ren, we will follow the standard agreed procedure in the release of a child or children.

In the case of a separated parents the School will release a child or children to a parent in accordance with any specific arrangements notified to the school. If a 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 in will be followed, wherever possible:

- The Headteacher, DSL/ SLP will notify the parent who would normally be collecting the child of the situation.

- 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, will make a decision based upon all relevant information available to him/her.
- The Headteacher, or staff member dealing with the situation, may have to take advice from the Local Authority Safeguarding team or police, before a child/ren or children are released.
- The School cannot prevent a parent from collecting a child/ren, but staff will endeavour to reach an agreement and this may mean keeping the child/ren safe whilst we try and reach such an agreement.
- If there is a Court Order restricting contact, or there is a contravention of any access agreement, the child/ren will not be released and the Headteacher will contact the Local Authority Safeguarding team for advice; the other parent will be advised to take the necessary action, to resolve the matter.
- During any discussion or communication with parents, the child/ren 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 the child/ren may occur, or if the parent is disruptive or aggressive, the police will be notified immediately and the Local Authority Safeguarding team will be contacted, as appropriate.

5. Management of the Policy

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

Disclaimer: This policy is a general guideline and may be subject to change. Specific situations may require individual consideration. This policy does not constitute legal advice. Parents should seek legal advice if they have specific legal concerns.

This policy will be published on School's websites.