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Monks Orchard Primary School

How the school will deal with issues arising with separated parents

September 2018

Introduction and Context

At Monks Orchard Primary School, we are committed to promoting the best interests of the child, working in partnership with all parents, unless otherwise directed by a court order. Research and experience show 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 can become estranged, and may not work together in the best interests of their child/children, especially during the initial stages of their separation. This can be traumatic for the children concerned and personal family problems may have an impact on the child and on the school.

This policy summarises the legal framework around separated parents, as it impacts on schools. It sets out how we will try to minimise any impact from parental separation on the children, to clarify to all parties what is expected from separated parents and what can be expected from the school/staff.

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, 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:

- being a step-parent under the terms of a parental responsibility agreement or court order;
- 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;
- being 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 if the child was born on, or after 1 December 2003 and if the father jointly registered the birth of the child with the mother.

Parents, as defined above, are entitled to share in the decisions that are made about their child and to be treated equally by schools.

The information provided to the school when the 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.

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 is under 16 and is living with someone other than a close family relative eg- grandparent then this may be a private fostering arrangement and the local authority will need to be notified.

If at any time, it is unclear who has parental responsibility for a child or young person who attends the School, we will involve the Local Authority to help clarify and resolve the issue. This may include the involvement of Children and Family Services.

Communication with the school

The school recognises that, while the parents of some pupils may be separated, all parents are entitled to access to information, and involvement in decisions, about their child's education, unless a court order is in place stating otherwise. The school does not have the power to act on the request of one parent to restrict another's entitlement.

Though we aim to work with all parents, it is impractical for the school to contact multiple parents about all events, trips, incidents, to seek permissions, etc. The school will therefore communicate through the primary carer only.

We define the primary carer as; the person with whom the child resides for the majority of the time and who provides the majority of care for that child.

It is the primary carer's responsibility to share relevant information and invitations with the other parent/s.

We hold parents' evenings within the school year. We expect parents to communicate with each other regarding arrangements for these meetings. The school will consider separate appointments but only by prior arrangement. A request for separate appointments may be denied if the school cannot facilitate the request.

We expect parents to liaise with each other in matters such as the ordering of school photographs, tickets for performances and other instances.

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 annual reports will be sent to both addresses.

If, for any reason, the above is not possible, the school will endeavour to liaise with all parents to produce a written communication agreement, outlining clearly how information and other arrangements will be communicated to all parties. Until and unless a communication agreement is in place, the school will continue to communicate through the primary carer.

The school's responsibilities

We fully recognise our responsibilities; the welfare of the child is at the heart of all we do and we will always prioritise the child's interests above those of the parents.

We will maintain our open door policy with all parents, and the class teacher and/or Head Teacher will be available, by appointment, to discuss any issues or concerns parents may have in relation to their child or children's education. However we will not provide additional updates or reports, beyond our usual scheduled parents' meetings and reports, unless directed to do so by the court or Children and Family Services.

The Head Teacher and Senior Leadership Team maintain the right to discontinue any or all of this policy, if it is deemed to be significantly against the child's best interests.

Court orders or orders banning parents from the school site may also require the school to discontinue any or all of this policy.

Parents' Responsibilities

Parents should resolve issues around estrangement, contact and access to information without involving the school directly. Issues of estrangement are a civil/private law matter 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.

Should there be disagreement between separated parents; the school may advise the parent/s to contact solicitors, the police or Children and Family Services.

It is the responsibility of the parents to inform the school when there is a change in family circumstances. We must be kept up to date with contact details, arrangements for collecting children and emergencies. We will, however, recognise the sensitivity of some situations and, as far as possible, will maintain the level of confidentiality requested by parents.

Appendix 1

Releasing a child or children of separated parents from school

Arrangements for releasing a child from school must be agreed by all parents, in writing, in advance.

The School cannot prevent a parent collecting a child, unless there is a court order restricting contact or it would be in contravention of any access agreement.

If one parent seeks to remove a child from school in contravention of the agreed arrangements, and the parent who normally collects the child has not consented, we may refuse to release the child while we endeavour to reach an agreement. However, we will not mediate between parents.

- A member of the Senior Team will meet with the parent seeking to collect/remove the child, telephone the parent who normally collects the child and explain the request.
- If the parent who normally collects the child gives their consent, the child may be released and the records will reflect that consent was granted verbally.
- If the parent who normally collects the child cannot be reached, or refuses to give their consent, the member of the Senior Team dealing with the issue will make a decision on further action based upon all relevant information available at the time; this will be in the best interests of the child.
- The member of the Senior Team may decide to refuse to release the child if agreement/consent cannot be obtained and may need to seek further advice before a child is collected/released.
- 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.
- If school staff believe that a possible abduction of the child may occur or if the parent is disruptive, the police and/or Children and Family Services will be notified immediately.