Separated Parents Policy

Approved by governors: March 2025
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This policy is applicable to Pevensey and Westham Church of England Primary School and Little PAWS Nursery.

Introduction and Context

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, sometimes parents become estranged, and are unable to 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 children concerned where personal family problems can have an impact on the child and on the schools the children 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.

Who has "Parental Responsibility"? (The Children Act 1989)

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

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 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 what their relationship is 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 to 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 school 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.

Upon the child being enrolled at Pevensey and Westham School, parents are required to provide the school with parental information, including who had parental responsibility via Arbor. This will be presumed to be correct unless evidence to the contrary is provided.

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.

Court Orders

The school is only obliged to comply with a court order if it is properly notified and has received a 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 rights superior to the other. 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 cannot be held responsible and/or liable. Only a court order stating the arrangements is deemed to be valid; a letter from a solicitor is not sufficient.

Administration

It is the responsibility of the parents to inform Pevensey and Westham 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. Upon enrolment to the school, the parent with residency is required to provide details of all persons with parental responsibility on the child's Arbor profile. These details include names, addresses, telephone numbers, and email. Parents are requested to update their own details as and when changes occur. Where the school already has the name and contact details of separated parents, each parent will be requested to update their own details.

In cases where only one parent has signed the acceptance of a place and we hold no details of other persons with parental responsibility, the other parent will not automatically be consulted or receive information relating to their child.

Should the un-named parent seek information or access to his/her child, the school will always ask for proof of identity of the non-resident parent and will confirm that the parent has parental responsibility. The school will not automatically advise the other parent of this request, due to confidentiality.

We encourage parents to tell us 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. We will, however, recognise the sensitivity of some situations and maintain the level of confidentiality requested by parents as far as possible.

Our Responsibilities
The school fully recognises its responsibilities, and it is our primary aim **to promote the best interests of the child**, working in partnership with all parents.

Communication between Parents
We recognise that, while the parents of some pupils 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, regardless of their separation, will communicate with each other and share information from and for the school for the benefit of their child. This includes parents communicating with each other in relation to any absences from school. The parent with whom the child primarily resides is expected to keep the other parent informed unless a legitimate reason prevents this, in which case the school must be notified.

Issues between parents
Parents will be encouraged to resolve any issues around estrangement, contact, and access to information without involving the school directly. The school will remain neutral and will not mediate or act as an intermediary between parents who do not communicate with each other. Issues of estrangement and contact are civil/private law matters (unless they involve matters requiring criminal or child protection intervention), and the school cannot be involved in providing mediation, helping an estranged parent communicate with their child, passing on gifts or letters or using the school premises for purposes of contact.

In all cases where parents and/or those with parental responsibility cannot agree on various issues, parents should seek independent legal advice regarding the options available to resolve those issues, either by agreement or by obtaining a court order.

Consent
For activities and outings, the school will seek consent from the **resident parent**. Where parents can't agree on whether to give consent and if a school considers it necessary or has been specifically asked to seek consent from both parents, the school will treat it as if consent **hasn't** been given. The school will avoid becoming involved in any disagreement between parents surrounding consent, in which case parents should seek independent legal advice about obtaining a prohibited steps order or specific issue order setting out exactly which decisions each parent can make in respect of their child.

Communication between school and parents
Newsletters and general school updates will be sent to all parents via Arbor (email and in-app messages). These updates will contain all the main events within the school, including productions, sports days, parents' evenings, and class trips. This information may also be available on the school Facebook page. Occasionally, Arbor messages are sent to individual classes. Parents are expected to liaise with the school office to ensure they are correctly set up on Arbor.

If a parent feels they are not receiving all relevant messages they should contact the school who will aim to address in a timely manner.

Meditracker notifications of first aid or medication being administered are sent to the main contact held on Arbor. Parents are expected to communicate these messages to each other as appropriate.

The school will maintain an open-door policy with all parents. The class teacher and/or Senior Leadership Team will be available by appointment to discuss any issues or concerns separated, divorced or estranged parents may have in relation to their child or children at the school.

Parent consultation evenings
We will hold twice-yearly parent consultation evenings. Parents are expected to communicate with each other regarding these arrangements and attend together or alternate who attends each time, sharing the information with the other parent. The school will consider separate appointments only by prior agreement with the headteacher where there is a specific reason why a joint appointment would not be appropriate or when a court order is in place restricting contact with both parents.

Financial matters
Parents should liaise and communicate directly with each other regarding the ordering of school photographs, tickets for performances, payment for school dinners, trips, PaWS Xtra and other after-school clubs. Parents must inform the office of who to contact should any queries arise.

Attendance concerns
The school may consider issuing a penalty warning notice to parents where there are attendance concerns including holidays taken in term time. Where there is evidence that this is only linked to an individual parent, only that parent will receive a penalty warning notice.

School reports
A parent, as defined in this policy, has the right to receive progress reports and review pupil records of their children. Children receive a printed copy of their school report to take home in a secured envelope. Parents are expected to communicate the information contained within school reports with each other. Where the school is aware that parents are estranged, the school will endeavour to post a separate report. It is the responsibility of the parent to request an additional school report be sent to them.

School Events
Schools are private property and people do not have an automatic right to enter. However, parents, carers (and those with parental responsibility), have an 'implied license' to come on to school premises at certain times such as sports days. All parents are expected to behave in an acceptable way towards each other, other members of the community and members of staff. Where parents are estranged and both attending a school event at the same time, they are expected to take measures to avoid any hostilities to ensure that nothing impacts on the wellbeing of children or the smooth running of the event.

SEND support
Where there are concerns around SEND for a child, the school expects parents to communicate with each when completing any referrals or parent views. At the request of parents, school will provide copies of any additional needs plans that are in place to support the child.

Safeguarding and Wellbeing
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 from having contact/access to information, and we may be bound by this. In this situation, we will consult with the Local Authority to obtain advice, as this may constitute a safeguarding concern.

In any event where the estrangement of parents appears to impact the health, wellbeing, and safety of a child, the matter will be referred to the Local Authority for advice.

In the matter of the release of a child or children
Pevensey and Westham School will follow the standard agreed procedure in the release of a child or children:

- On Arbor, parents must provide the names and phone number of all emergency contacts. This records who has been authorised by the parent to collect their child.
- Changes and updates to the emergency contacts can be made throughout the year by contacting the school office.

- Staff will release children to the named adults on Arbor only, unless the school have previously been notified by the parent of a change in who is to collect on a specific day. For older pupils in Year 5 and 6, pupils may be released to meet an adult independently. Parents must notify the school of this in writing.

In the case of separated parents Pevensey and Westham 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, deputy headteacher or Designated Safeguarding Lead 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.
- Pevensey and Westham 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 tries and reach such an agreement. If the school at any point have safeguarding concerns about the other parent collecting, this will take precedence and the school will not release the child, but will contact the Local Authority's safeguarding team. This could include a child presenting as distressed at being collected by the other parent.
- 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.

Management of the Policy

The Headteacher and Designated Safeguarding Lead 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

Related policies and guidance:

- Understanding and dealing with issues relating to parental responsibility
- Children Act 1989 and 2004
- Education Act 1996
- Special Educational Needs and Disability (SEND) Code of Practice
- Keeping Children Safe in Education (KCSIE)
- Behaviour in Schools Guidance
- Suspension and Permanent Exclusion Guidance
- Child Protection Policy
- Managing aggressive behaviour from parents and visitors' policy
- Code of Conduct for staff

Useful Resources:

One Plus One:
https://www.oneplusone.org.uk/news/new-app-offers-free-support-for-separating-parents

Between Us:
https://www.betweenus-app.com/