



The Spire Church of England Learning Trust

Separated Parents' Policy 2023 - 2024

This policy is reviewed and updated by Rachel Bourne and is approved annually by the Trust Board

Reviewed: September 2023

Next Review Date: September 2024

In collaboration with



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 as well as their parents. At The Spire Trust we recognise that while some parents may be divorced or separated, both have a right to be informed of, and involved in, their child's educational progress.

*For the purposes of this policy the terms child, children or pupils refers to all pupils below the age of 18

Aims

- Many of the pupils in our care are members of families where parents have separated before they came to the school and many other pupils go through changes in family circumstances during their time with us. We aim to support our pupils wherever we can with the issues that a separation may bring.
- We wish to ensure the school continues to work with families and fully involve all those with parental responsibility, in the best interests of the child, after parents separate.
- We will remain neutral in difficult family circumstances and will not act upon the request of one parent to restrict the other parent's involvement – this would only be done where there is a specific court order.
- Our pupils' welfare and well-being are central to all we do and if we have any concerns about a child we will try and involve all adults with parental responsibility where possible.

Purpose

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. The definition of a parent for school purposes is much wider than for any other situation.

What is 'Parental Responsibility'? (Sometimes referred to as 'PR')

Parental Responsibility is defined in s 3(1) Children Act 1989 as being:

"All the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property".

The term 'Parental Responsibility' attempts to focus on the parent's duties towards their child rather than the parent's rights over their child.

Who has 'Parental Responsibility'?

A mother automatically has parental responsibility for her child from birth.

A father usually has parental responsibility if he's either:

- married to the child's mother
- listed on the birth certificate (after a certain date, depending on which part of the UK the child was born in)

You can apply for parental responsibility if you do not automatically have it.

For births registered in England and Wales, if the parents of a child are married when the child is born, or if they've jointly adopted a child, both have parental responsibility. They both keep parental responsibility if they later divorce.

Unmarried parents

An unmarried father can get parental responsibility for his child in one of three ways:

- jointly registering the birth of the child with the mother (from 1 December 2003)
- getting a parental responsibility agreement with the mother
- getting a parental responsibility order from a court

Our process

The Trust recognises that while the parents of some pupils may be separated they have certain entitlements which 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 the entitlements of another.

The information provided to the school when the child is admitted, 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.

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 which may be used in emergencies.

We encourage parents to tell us at an early stage if there is a change in family circumstances. We will endeavour to notify relevant staff of such changes so that support can be offered to pupils where required. We recognise the sensitivity of some situations and aim to maintain the level of confidentiality requested by parents as far as possible.

School staff aim to treat all adults with parental responsibility for a child equally, unless a court order limits an individual's exercise of parental responsibility. Everyone who has parental responsibility has a right to receive certain information about their child. This is the case whether they live with the child or not. There is no requirement for school to inform one parent about communications with the other parent.

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. (There is more detail on this later in the policy.)

Our responsibilities

The Trust fully recognises its responsibilities, and it is our sole wish to promote the best interests of the child, working in partnership with parents, as outlined in our 'Early Help statement'.

Parents will be 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 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.** 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 consult with the relevant external providers to obtain advice as this may constitute 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 **Worcestershire Children First** for advice.

Contact Arrangements

- Where there are issues over access to children, any adult with parental responsibility for the child should contact the school office 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 when they are issued. These will be shared with all relevant staff so we can be aware and monitor
- 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 Head Teacher (or designated safeguarding lead) is able to use discretion (in the case of an unexpected or unusual request) and might therefore 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. For this reason ALL parents, as defined above, MUST be included on the child's school contact form.

Information Sharing

To ensure we are fair to all parents, we will communicate in this way:

- There is an expectation from school staff that both parents will work together to share information about their child. It is assumed that the parent with whom the child principally lives (resident parent) will keep the other parent (non-resident) informed. If this is not happening you should make a specific request in writing for separate communication.
- Some letters (those with a reply slip – e.g. trip permissions) are sent via parent pay. The vast majority of correspondence is emailed and all parents with parental responsibility (whose contact information we hold) will have this information sent to them. Letters and information about events will also be available on the school website. Some information will not fall into this category (e.g. recognition postcards sent by post).
- Permission slips for activities will be accepted from either parent with parental responsibility and only one parent with parental responsibility needs to give consent.
- A copy of the Annual School Report will be sent to all parents with parental responsibility (whose contact information we hold).
- A parent, as defined in this policy, has the right to receive progress reports and review the pupil records of their children. If the parents are separated or divorced, termly progress reports will be sent to both parents where contact details have been provided to school. This also includes information relating to attendance and exclusions, unless outside agency advice has been sought and it is felt that it would be detrimental to the child to communicate this information to the parent the child no longer resides with.
- We expect that parents should liaise and communicate directly with each other in matters such as the ordering of school photographs; tickets for performances, enrichment activities and other instances.
- We expect that, wherever possible, separated parents attend their child's Parents' Evening appointments together however the school will consider separate slots if this is not possible, which can be booked easily by each parent via Epraise.
- In case of an accident or emergency, we will phone the parent with whom the child mainly resides or the priority phone number held on our system. Priority contacts should be parents or grandparents that are within reasonable distance to the school.
- All parents are able to access ParentMail and Epraise for key information from school, regardless of whether they are resident or non-resident. It is therefore essential that parents' details are provided accurately and updated promptly and that both parents are named as priority contacts.

Management of the process

The Head Teacher/ Designated Safeguarding Lead will familiarise themselves with this process and ensure all staff, governors and volunteers 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 students will receive a copy of this policy as part of the new student induction pack

Further information and support can be found on the following websites:-

Harmony at Home is Worcestershire's approach to the Reducing Parental Conflict (RPC) initiative in partnership with the Department for Work and Pensions (DWP) and organisations from our multi-agency reference group. Parental conflict, which can range from a lack of warmth and emotional distance, right through to swearing and shouting, is known to be a risk factor for poor child outcomes, particularly when conflict is frequent, intense and poorly resolved. There is growing understanding and awareness of the need to address and reduce parental conflict that sits below a domestic abuse or violence threshold.

<https://www.worcestershire.gov.uk/harmonyathome>

GOV.UK Guidance and Support on Parental Rights and Responsibilities:

<https://www.gov.uk/parental-rights-responsibilities>

Amendments in yellow made during review September 2023 – to assist author with next review

Page no	Section	Heading	Text approved
None			None