



# The CARE Federation



## Separated Parent Policy

Agreed by Governing Body: Autumn 2024

To be reviewed: Autumn 2027

Group Responsible: SLT

## 1. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Education Act 1996
- Data Protection Act 2018
- UK General Data Protection Regulation
- DfE (2024) 'Keeping children safe in education 2024'
- DfE (2023) [Understanding and dealing with issues relating to parental responsibility](#)
- Children Act 1989
- Government guidance: [Parental rights and responsibilities](#) and who can have it
- Freedom of Information Act 2010

This policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy
- Data Protection Policy
- Collecting Children from School Policy
- Parent Code of Conduct
- Special Educational Needs and Disabilities (SEND) Policy

## 2. Introduction

At The CARE Federation, we aim to maintain contact with both parents in the best interests of their child(ren). This policy aims to minimise any impact and to clarify to all parties what is expected from separated parents and what can be expected from the School.

The basis of the advice within this policy is with regards to a child or children who have already been admitted to the School.

The person(s) with parental responsibility who applied for the child's admission should have involved all others with parental responsibility in making the decision to apply. They should have provided the School with details of all those with parental responsibility for a child. Where this has not happened the School welcomes direct contact from those with parental responsibility providing their own details. However, the School cannot be held responsible for excluding a parent or person with parental responsibility if the information has not been provided to them.

If parents separate whilst their child already attends the School, the parents must notify the School immediately so that the School can ensure continuing contact with both parents and, in the event that the parents have separated on an acrimonious basis the School will endeavour to accommodate each parent separately in terms of communications and any attendances at the School.

### 2. Definition of "parent"

Schools have a legal duty to work in partnership with families and to involve all those with parental responsibility in their child's education.

The definition of a "parent" for School purposes is much wider than for any other situation. Section 576 of The Education Act 1996 defines a parent as:

- All biological parents, whether they are married or not

- Any person who, although not a biological parent, has parental responsibility for a child or young person - this could be an adoptive parent, a step-parent, guardian or other relative
- Any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child. For example, this may be a foster carer or family and friends carer who do not have parental responsibility but have been delegated the responsibility for taking day-to-day decisions about the child.

Parents, as defined above, are entitled to share in the decisions about the child's education and to be treated equally by Schools. Unless there is a court order limiting an individual's exercise of parental responsibility. 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.

Family law defines "**parental responsibility**" as the rights, duties, powers, responsibilities and authority that a parent has in relation to a child.

Individuals who have parental responsibility, or care for a child, have the same rights as biological parents.

In particular, these entitlements include, but are not limited to, the following:

- Receiving copies of school reports
- Having access to school records
- Attending parent meetings
- Receiving newsletters
- Invitations to school events
- Information about school trips
- School photographs relating to their child
- Participation in any exclusion procedures
- Dealing with any medical issues that arise and/or vaccinations that may be offered.

The School recognises that whilst the parents of some pupils may be separated, divorced or estranged, they are still entitled to the above and this entitlement cannot be restricted without a Court order. If the parents are involved in proceedings before the Court directly relating to the child(ren), the parents should seek the Court's permission to disclose the Court order(s) made to the School. In addition, and should the Courts so require, the School will be willing to provide a letter setting out any information that is specified in a Court order.

An LA has parental responsibility if it is named in a child's care order. Civil partners have parallel rights to married couples.

Under section 8 of the Children Act 1989:

- A prohibited steps order imposes a restriction whereby no steps which a parent could take within their parental responsibility may be taken without the court's consent.

- A specific issue order gives directions for determining a specific question in connection with an aspect of parental responsibility.
- A child arrangements order sets out living arrangements and arrangements for whom a child is to spend time or have contact with.
- A care order is where the LA limits the role that parents can play in their child's life and schooling.
- Terminating parental responsibility means the court can make an order under section 4(3) of the Children Act 1989 to terminate parental responsibility.

For the purpose of this policy, a **“resident parent”** is defined as the parent with whom the pupil primarily lives, if a joint residency arrangement is not in place. A **“non-resident parent”** is a parent with whom the child does not primarily live.

### **3. Court orders**

At The CARE Federation, our sole wish is to promote the best interests and welfare of the child, working in partnership with all parents and/or those with parental responsibility. If there is a Court order in place, the school will always act in ways to ensure, as best it can, that no Court order is breached. The school can only be expected to comply with an order if it is properly notified and has received a sealed digital or paper copy for its files, and only to the extent that it relates to the school.

The school has no responsibility for enforcing any Court order but will endeavour to ensure that if there are restrictions in place with regards to the collection of a child, such restrictions are adhered to.

In the event that the School is not informed of the existence of such an order, the parents will be treated equally by the School. 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

### **4. Disputes and disagreements**

The CARE Federation hopes that parents and all those with parental responsibility will support the School in working together for the benefit of their children.

Parents should seek to resolve contact issues without involving the school. The school will not mediate, “take sides” or act as an intermediary between parents who do not communicate with each other.

The school will expect all parents to understand and adhere to the Parent Code of Conduct. Disagreements between parents will be resolved between the parents and will not be resolved by the school. The school will ensure that it focusses on the welfare and education of the pupil at all times.

The school will ensure all parents are treated equally unless there is a court order in place limiting a parent's ability to make educational decisions, participate in school life or receive information about their child. Where one parent makes a claim that a court order against another parent is in place, the school will ask for evidence of the court order and ensure that the order is valid.

In the event that a pupil's parents are unable to agree with one another on decisions regarding their child's educational programme, including, but not limited to placement and participation in extracurricular activities, the school will arrange a meeting with all parents to assist them in resolving the situation.

The school will maintain an open door policy with parents and the class teacher will be available to discuss any issues that are relevant to the school and/or their child's education and welfare.

The school will seek advice from the LA and/or governing board about parent disputes, where required. In extreme circumstances, if there is a belief that a possible abduction of the child may occur or if the parent is disruptive, the police will be notified immediately.

In the event that a parent's action or proposed action contravenes the school's ability to act in their child's best interests, the school will make efforts to resolve the problem with the parent but will avoid becoming involved in any conflict. The school will decide whether it is appropriate to accept or decline requests for action from one or more parents.

In cases where the school is unable to resolve the conflict between separated parents, the aggrieved parent will be advised to pursue the matter through the family court. The school may also suggest that they seek independent legal advice about obtaining a prohibited steps order or specific issue order which sets out exactly what decisions each parent can make in respect of their child.

The school will be mindful that making child arrangements via the family courts following a separation can be stressful, and entrench conflict in families which can have a negative impact on a pupil. The school will not become directly involved in such issues; however, it will approach the situation sensitively and point parents towards the government's '[Get help with child arrangements](#)' guide.

## **5. Changes in family circumstances**

We ask parents to inform the School whenever something outside School – such as a change in family circumstances – occurs so that we can sensitively support the child in School. We expect parents to update the School 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, in particular if there is any Court order that has been made.

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.

## **6. The release of child(ren)**

On being admitted to the School, and unless notified to the contrary, the school will release children to either or both parents and/or those with parental responsibility and/or those with care of the child. 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 head of school or designated deputy will meet with the parent seeking to remove the child and then 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 (such agreement to immediately be confirmed by an email to ensure there is record on the school's files), the child may be released and the records will reflect that the permission was granted.
- In the event that the parent to whom the child would normally be released to cannot be reached, the head of school or designated deputy dealing with the issue may make a decision based upon all relevant information available to him/her.
- The head of school or designated deputy may have to refuse permission if consent cannot be obtained.
- During any discussion or communication with parents and/or those with parental responsibility, the child may be supervised by an appropriate member of school staff in a separate room.
- In extreme circumstances if there is a belief that a possible abduction of the child may occur or if the parent is disruptive, the Police will be notified immediately.

### **7. Communication between school and separated parents**

Bulletins, newsletters and general updates are sent via email to all parents and/or those who have parental responsibility for whom we have up-to-date contact details. These updates contain all the main class/School events, including parents' evenings, productions, sports days and class outings and events.

The school is able to deal with separate requests for invitations to School events and performances made by separated, divorced or estranged parents who have parental responsibility. However, the School would be grateful if parents could communicate directly on such matters if they can, although in some instances the School recognises that this may not be possible should there be a Court order in place preventing the parties from contacting each other. The school will try to comply with requests; however, in certain circumstances, and as stated above, it will not always be possible, for example when a Court order preventing contact with the child or each other is in place.

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

### **8. School trips and activities**

If parental consent is required for outings or activities, the school will seek consent from the resident parent, unless the decision is likely to have a long-term and significant impact on the child or the non-resident parent has requested to be asked for consent in all such cases.

In cases where the school considers it necessary to seek consent from both parents, it is possible that one gives consent and the other withholds it. In such cases, the school will assume that parental consent has not been given.

Where the school requires urgent consent because a child needs emergency medical treatment, the Children Act 1989 allows the school to act in place of a parent (in loco parentis) or to seek consent from a parent that does not have parental responsibility.

## **9. SEND provision**

The school will ensure it focusses on the best interests of the pupil. In line with the Special Educational Needs and Disabilities (SEND) Policy, the school will ensure it identifies and addresses any SEND.

The school will seek parental consent where it feels that a pupil needs to attend an external agency or service to support their SEND. In this case, consent from the pupil's primary caregiver will be sought, unless explicitly stated otherwise.

Where there is a dispute between the pupil's parents about the provision of SEND support, the school will consider the wider implications of the dispute, the pupil's welfare, and whether there is a potential safeguarding issue present, e.g. the pupil is being used as a tool for control.

## **10. Parents' evening appointments**

Whenever requested, we will offer separate parents' evening appointments for separated, divorced or estranged parents who have parental responsibility.

## **11. Written pupil reports**

Any person who is known to the School to have parental responsibility for a child has the right to receive written progress reports for their child. 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.

## **12. Name changes**

A parent can only change their child's name (forename and/or surname) either by both parents providing a letter confirming such consent and bearing wet signatures or by an order of the Court. Unless either of the above are provided, the child will be known and addressed by their birth name as recorded on their birth certificate.

The School is under no obligation to do so but they may, effect an informal change of name if that is requested by the parent(s) for example (a) verbally addressing a child (b) name on books etc. It is important to note that the School database, unless changed by an order of the Court, will reflect the child's name at birth. In addition, and as stated, any informal change of name addressing the child is at the School's complete discretion after the School has taken into account all of the circumstances.

## **13. Changes to records**

The school will not remove a parent's details from the school records unless a court order is in place to this effect.

Where a court order to this effect is in place, the school will ensure it seeks evidence of this. In an emergency situation, the school may accept written confirmation from a solicitor as evidence.

Details of all known parents will be retained unless a court order instructs otherwise.

## **14. Access to School information**

Key information is available on The CARE Federation' website. Parents may also receive information via email.

For parents who do not have access to the internet paper copies of communications may be requested from the School.

## **15. Safeguarding**

The school will always have regard to the statutory guidance 'Keeping children safe in education' and enact its safeguarding procedures in line with its Child Protection and Safeguarding Policy. The school will always put the best interests of the pupil first.

"Child abduction" is the unauthorised removal or retention of a child and can be considered as such even if the child is removed or retained by somebody with parental responsibility. The school will ensure it acts accordingly in the event that a pupil is considered to be abducted by a parent, including calling the police.

While parental responsibility is not given to a foster parent or key worker in residential care, the school will engage and work with these individuals, who are often the most influential and important people in the pupil's life.

If the school believes a pupil is in immediate danger or at risk of harm, it will immediately make a referral to children's Services or the police, as appropriate.

Where referrals have been made, the school will consider the level of information to provide to parents on a case-by-case basis.

The DSL is responsible for safeguarding, including decisions regarding sharing information with parents about safeguarding concerns. A child's social worker may collect them from school – in these instances, a prior agreement with the pupil's birth parents and/or foster carers depending on the individual circumstances will be in place.

Schools will not permit social workers to enter the school premises to collect children to attend care review meetings or go to contact meetings without the prior agreement of teachers, foster carers, parents or the children themselves.

## **16. Information sharing**

Information sharing will always be in the best interests of a pupil. The school will work closely with children's social care to consider next steps if it has reason to believe sharing information with a parent will potentially put a child at greater risk of harm.

The school will balance the requests of parents with their statutory duties – having parental responsibility does not allow a parent to obstruct the school from carrying out its duties under legislation.

Under the principles of the UK GDPR and the Data Protection Act 2018, children and young adults can assume control over their personal information and restrict access to it from the age of 13.

Parents are, however, permitted to request access to, or a copy of their child's educational record, even if the child does not wish them to access it – this applies up until the age of 18.



A parent is **not** entitled to information that the school could not lawfully disclose to the child under the UK GDPR or in relation to which the child would have no right of access.

If the school does not know the location of a non-resident parent, it will ensure the resident parent is aware that the other parent is entitled to be involved in their child's education. If a resident parent refuses to share information with the other parent, and also refuses to provide the non-resident parent's contact details to the school, the school can do no more.

If a non-resident parent contacts the school and requests access to information, the school will provide it to that parent directly, after taking reasonable steps to satisfy that the individual is, in fact, the child's parent.

The school will not seek the consent of the parent with whom the child resides before recording the contact details of the non-resident parent or sending them their child's prescribed statutory educational information.

### **17. Pupils moving school**

In the case of separated parents, the school will ensure that those with parental responsibility are consulted before the decisions are made in respect of:

- Removing a pupil from the school.
- When a pupil should leave the school.
- Which new school a pupil should attend.

The school will comply with the Education (Pupil Registration) (England) Regulations 2006 when it receives a request to remove a pupil from the school register; however, the responsibility to notify one parent if the other decides to remove their child rests solely with the separated parents. Staff may, however, ask the parent making the decision to remove their child if the other has been informed and has agreed to this.

The school will not become involved in conflicts relating to pupils being removed from the school, and parents will be advised to seek independent legal advice or other options such as referring the matter to non-court dispute resolution, e.g. mediation, or to the family court for adjudication.

### **18. Governance and administration**

The school will not restrict parent governors' eligibility to nominate, vote or otherwise participate in governor elections to parents holding parental responsibility.

The school will protect the private data of each parent from any other and avoid inadvertent disclosure.

### **19. Monitoring and review**

This policy is reviewed every 3 years by the SLT.

The scheduled review date for this policy is Autumn 2027.

Any changes to this policy will be communicated to all staff and parents.