



Separated Parents Policy

Adopted by Ashby Willesley Primary School on:	April 2023
This policy will be reviewed	As policies, procedures and regulations are updated.
Version	1.0

For the purpose of this policy, the 'Head Teacher' refers to the Executive Head teacher, Head teacher or Head of School.

This policy takes into account the government's explanation of [Parental rights and responsibilities](#) and the Department for Education's (DfE) guidance [Understanding and dealing with issues relating to parental responsibility](#)

Government guidance outlines [what is parental responsibility](#) and who can obtain it.

1. Introduction

At Ashby Willesley Primary School, 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.

2. Definition of 'parent.' (The Education Act 1996)

For the purposes of education law (Section 576 of the Education Act 1996), the DfE considers a 'parent' to include:

- 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.

3. What is 'Parental Responsibility?'

Having parental responsibility means assuming all the rights, duties, powers, responsibilities and authority that a parent of a child has by law.

A person with parental responsibility can make decisions about the child's upbringing and is entitled to information about their child.

4. Who has Parental responsibility

Government guidance outlines [what is parental responsibility](#) and who can obtain it.

5. Court Orders and parental responsibility

Court orders under section 8 of the Children Act 1989 (often-called section 8 orders) settle areas of dispute in relation to the exercise of parental responsibility or a child's care or upbringing, and can limit how an individual exercises their parental responsibility.

Parents may first need to seek the permission of the court to share information with school.

Upon receipt of any court order restricting access to a parent, the school retains the right to consult the Local Authority before taking immediate action. The school is only obliged to comply with an 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. Only a Court Order stating the arrangements is deemed to be valid; a letter from a solicitor is not sufficient.

6. Parents sharing decisions

Parents, as defined in the policy, are entitled to share in the decisions about the child's education and to be treated equally by Schools. In particular, these entitlements include, but are not limited to, the following:

- receive information – such as pupil reports
- participate in statutory activities – such as voting in elections for parent governors
- be asked to give consent - such as to the child taking part in school trips
- be informed about meetings involving the child - such as a governors' meeting on the child's exclusion

All parents can [receive information about the child](#), even though, for day-to-day purposes, Ashby Willesley's main contact will be the parent with whom the child lives on school days and in priority order on the admissions form.

Ashby Willesley Primary School recognises that whilst the parents of some pupils may be separated, they are still entitled to the above and this entitlement cannot be restricted without a Court order.

7. Administration

For day-to-day purposes, Ashby Willesley's main contact will be the parent with whom the child lives on school days and in priority order on the admissions form unless advised otherwise in writing.

Admission to school

- Ashby Willesley Primary School will request the names and address of all parents.
- Any court order will be noted in pupil's record.
- Parents of children joining the school are required to bring in their child's birth certificate. This ensures children are joining the correct year group and also helps the school ascertain who has parental responsibility.

- The parent with residency is required to provide details of all persons with parental responsibility on the child's data sheet. These details include names, addresses, telephone numbers, and email. Parents are requested to update these data sheets annually.
- It is the responsibility of the parents to inform Ashby Willesley 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.
- 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 son/daughter.
- 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.

Obtaining Consent

Where we require consent for outings and activities, consent will be sought from the resident parent.

Non-resident parents may request to be asked for consent in all cases by making a written request to the office.

Medical Treatment

Ashby Willesley School will do what is reasonable in all circumstances for the purpose of safeguarding or promoting a child's welfare. If parental contact cannot be made, the school will act in loco parentis, in place of the parent.

Changing name

A change of surname is a private law matter and should be resolved between parents. Where one parent seeks to change the surname by which their child is known, Ashby Willesley will require written evidence that consent has been given by the other parent or by anyone else who has parental responsibility for the child. Ashby Willesley will require evidence independent of the parent seeking to make the change.

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.

School Communication

Ashby Willesley Primary School fully recognises its responsibilities, and it is our sole wish to promote the best interests of the child, working in partnership with all parents. We recognise that, while the parents of some pupils may be separated, both have a right to be informed of, and involved in, their child's education. However, we expect that parents, whatever the nature of their separation, will do all they can to communicate with each other and share information from and for the school, for the

benefit of their child. It is assumed that the parent with whom the child principally resides will keep the other parent informed.

Ashby Willesley Primary School will maintain its open door policy with all parents. The class teacher, Key Stage Lead, SENCO and/or Head Teacher will be available by appointment to discuss any issues or concerns with regard to separated/divorced/estranged parents may have in relation to their child or children at the school.

Newsletters and general school updates

Weduc messages will be sent to all parents who we have an email address for and who have signed up. These updates will contain all the main events within school, including; productions, sports days, parent's evenings, class trips, etc. We would expect parents to communicate these messages to each other as and when appropriate or to arrange with the school to ensure they are on the circulation list. This information is also available on the school website.

Parent Consultations

We hold twice yearly parent consultation evenings. We would expect parents to communicate with each other regarding these arrangements.

We will consider and offer separate appointments where necessary but hope that where possible, parents can attend appointments together in the best interest of their child(ren).

End of Year Progress Reports

Ashby Willesley send out a report at the end of the academic year. 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, unless otherwise arranged, one report will be sent home with the child. A second report is available by request via the School Office. The office will send the second report to the non-resident parent if that parent sends a written request and contact details.

Photographs and School Payments

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.

We expect that parents should liaise and communicate directly with each other in matters such as payment for school dinners, trips, Breakfast Club and After-school clubs. Parents must then inform the office of who to contact should any queries arise.

Collecting a child from school

- Parents complete the End of Day Arrangement section on the admissions form. This records who has been authorised by the parent to collect their child.
- Changes and updates to the End of Day Arrangement form can be made throughout the year by contacting the school office.
- In the case of separated parents Ashby Willesley Primary School will release a child or children to a parent in accordance with any specific arrangements notified to the school in writing.

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 Teacher or a member of the Senior Leadership Team 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 can not be reached, the Head Teacher or senior staff member dealing with the issue may make a decision based upon all relevant information available.
- The Head Teacher or staff member may have to refuse permission if agreement/consent cannot be obtained and may need to take advice before a child or children are collected / released.
- Ashby Willesley Primary School cannot prevent the other parent collecting but will endeavour to reach an agreement and this may mean keeping the child safe whilst trying to reach such an agreement.
- 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.
- 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.

8. Disputes and disagreements

Ashby Willesley Primary School hopes that parents and all those with parental responsibility will support the school in working together for the benefit of their children.

It is very important to note that any dispute between parents sharing these rights will need to be resolved between them. In all cases where parents and/or those with parental responsibility cannot agree on various issues, parents should seek independent legal advice as to the options available to resolve those issues, either by agreement or by obtaining a Court order.

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.

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 the Local Authority for advice.

Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving Ashby Willesley Primary School directly.