Long Buckby Junior School Estranged/Separated Parents Policy

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 do not 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 and personal family problems can have an impact on the children and the schools they 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 our school.

Within our School, we aim to build positive relationships with both parents in the best interests of their children. Research and experience indicate that whenever separated parents make a concerted effort to work well together and in partnership with school staff to support their child in their behaviour and learning, the negative impact on children's overall well-being and academic attainment can be reduced.

We believe that separated parents can work well together in the best interests of their children and together can play a role in their children's education. However, some parents become estranged, and do not 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 child concerned where personal family problems can have an impact on both the children and 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 reasonably 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 e.g. step parent.

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

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.

A child's birth mother (the person who carried the child) has parental responsibility unless it is removed by an adoption order or a parental order following surrogacy.

Where a child's father and mother were married to each other at the time of the child's birth, they each have parental responsibility for the 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. He can, however, subsequently acquire parental responsibility by various legal means, such as:

- Jointly registering the birth of the child with the mother
- By subsequently marrying the child's mother
- Through a 'parental responsibility agreement' between him and the child's mother, which is registered with the court
- By obtaining a court order for parental responsibility

Same-sex partners will both have parental responsibility if they were civil partners at the time of the treatment, e.g. donor insemination or fertility treatment. They can also acquire parental responsibility in the same way that another parent can.

People who are not the child's biological mother or father can also acquire parental responsibility.

Civil partners have parallel rights to married people in terms of parental responsibility. The same provisions for married people apply to them in terms of:

- Acquiring parental responsibility – adoption, agreement with their civil partner or by an order from the court
- Holding parental responsibility

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 their relationship with the child, is considered to be a parent in education law.

Parents as defined above are entitled to share in the decisions that are made about their child and to be treated equally by schools. However, we do expect estranged parents to co-operate and communicate in making these decisions so that the school is not burdened with duplicate communication systems.

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. Where a decision cannot be agreed upon, and in the absence of legal direction, we will respond to the decision of the parent with whom the child mainly resides.

Our Responsibilities

Long Buckby Junior School fully recognises its responsibilities, and our priority is to promote the best interests of the child, working in partnership with all parents.

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. In some cases, parents may be asked to attend meetings at school only when pupils are not on site.

Long Buckby Junior School will maintain its open door policy with all parents. As per school policy, staff 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.

The interests of the child will always be paramount when deciding whether to accommodate a request from an estranged parent.

In any event whereby the parents being estranged is appearing to impact upon the health, wellbeing and safety of a child the matter may be referred to the Northamptonshire Children's Trust.

Our Policy

Many children find parental separation difficult to cope with, especially in the first few weeks and months after one or both of their parents have left the family home. Children may struggle to manage their feelings and emotions and this, in turn may have a detrimental impact upon their concentration, attitude, behaviour and learning. This can impact adversely on punctuality and attendance.

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, arrangements for collecting children and emergencies.

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.

Who should be listed as the Primary Contact on the School's Records?

The Primary Contact will be the parent that the child normally lives with for the majority of the school week. This may vary, for example where a child has shared residency with each parent. We ask parents to update us regularly if shared care arrangements change.

The Primary Contact will be informed/contacted if the school needs to contact someone urgently. In the case of shared residency, we will contact the parent with whom we understand the child to be residing with that day. It is vital that parents keep this information up-to-date.

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. Parents are expected to give names and contact details for everyone who has parental responsibility.

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.

Day to Day Matters

For day to day issues and communications (e.g. absence from school or lateness, sports days), the school's point of contact will be the child's resident parent, unless told otherwise. The non-resident parent will not be contacted.

Meetings to discuss day to day issues will be held with the resident parent. Separate meetings will only be considered in the most exceptional of circumstances.

We would expect both parents to be proactive in keeping up to date with their child's education and school events. This may involve accessing website information, liaising with the resident parent or calling the school for details or clarification. Please note, the school does not have the capacity to check if non-resident parents have not received this information, however it will be supplied on request.

Informing Non-resident Parents

DFE Guidance 'Understanding and dealing with issues relating to parental responsibility' (updated August 2024) states that if a school does not know the whereabouts of a non-resident parent, it should make the resident parent aware that the other parent is entitled to be involved in their child's education and request that information is passed on.

If the resident parent refuses either to share information with the non-resident parent or to provide their contact details, if they have them, so the school can deal with them direct, the school can do nothing more. If the non-resident parent subsequently contacts the school and requests access to information, the school should provide it to that parent direct, after taking reasonable steps to satisfy itself that the individual is, in fact, the child's parent.

A school does not need to seek the consent of a resident parent before recording the contact details of the non-resident parent or sending them their child's educational information. It does not need to ask for a solicitor's letter from a non-resident parent as evidence that they are entitled to access this information. No court order is required before providing statutory information to any parent entitled to receive it.

Access to School Information

All key school information is available on our school's websites (all parents are invited to make regular use of the school's website as it contains all backdated newsletters and has a range of information and links). Parents may receive information via email and/or text.

Newsletters and general school updates are sent via email and/or text to all parents for whom we have up-to-date contact details. These updates contain all the main class/school events, including productions, sports days, parents' evenings and class trips. Diaries are also available on websites.

For parents who do *not* have access to the Internet, alternatively, paper copies of communications may be supplied. Parents should speak to their child's class teacher should they need to make arrangements with the school to receive paper copies of information.

Whenever paper letters are sent home with children they are freely accessible to all on request and if relevant uploaded onto the school websites.

Parent Consultation Evenings

With respect to parent consultation evenings, we would expect parents to communicate regarding these arrangements. These appointments can be time pressured and in order to accommodate all parents, we may need to limit the number of appointments offered for each child. Long Buckby Junior School will consider separate appointments but by prior agreement only or when a court order is in place restricting contacts with both parents.

Performances, School Photographs etc

We expect that parents should liaise and communicate directly with each other in matters requiring parental involvement such as the ordering of school items; tickets for performances and other instances.

Sizes of audiences for performances are restricted by size of venue and health and safety regulations. Our priority is to ensure every child has at least one or two representatives in the audience for at least one performance. Extra tickets per child will only be provided when all children have been offered the minimum set.

Should there be availability, the school office is able to deal with separate requests made by separated, divorced or estranged parents who have parental responsibility.

School Trips and Events

Consent for school trips will be required from either parent on the condition that they have parental responsibility.

If parents do not agree to consent, the school will have to assume consent has NOT been given for an activity or event. We will inform the parent who the child resides with regarding the issue and it will be the parent's responsibility to come to an agreement about consent. Once an agreement has been reached, parents must inform the school in writing by email.

School Reports

A parent, as defined in this policy, has the right to receive progress reports and review pupil records of their children. The exception to this is with regard to GDPR legislation around the age a child must give permission for their records to be shared. In this case, the law would supersede parental right.

If the parents are separated or divorced, progress reports will be sent to both parents.

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 progress reports will be sent to both addresses.

The school can only send copies of the progress reports to the parent with whom the child does not reside if the school has the up to date contact information. It is the responsibility of the non-resident parent to keep their contact information up to date.

Medical Treatment

When a child requires medical treatment, parents will be contacted in the order listed on the school's information management system.

It will be the responsibility of the parent who is contacted, to inform others with parental responsibility

about the incident, unless agreed with the school.

A school may experience an issue when a child has had an accident and consent is needed for emergency medical treatment. Section 3 of the Children Act 1989 states that a person who does not have parental responsibility but nonetheless has care of a child may:

- '…do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare.'

This allows a school to act 'in loco parentis' – that is, in place of a parent – or to seek consent from a parent who may not hold parental responsibility.

It would clearly be reasonable for a school to take a child who needs to have a wound stitched to hospital, but the parents – including the non-resident parent who has asked to be kept informed of events involving the child – should be informed as soon as possible.

Collection of Children from School

CAT Schools will follow their standard agreed procedure in the release of a child or children, as outlined by each specific school.

In the case of separated parents, the school will release a child or children to a parent in accordance with any specific arrangements notified to the school.

We would hope that parents strive to agree on collection arrangements to minimise distress and confusion for their child and to support the school not being drawn into disputes. 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 cannot be reached, the Head Teacher or member of the Senior Leadership Team dealing with the issue may make a decision based upon all relevant information available to him/her.
- The Head Teacher or member of the Senior Leadership Team 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.
- 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.

The 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 we try and reach such an agreement.

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.

Changing a Surname

The Department for Education guidance states: '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, schools should ensure that they do not change the surname without written evidence that consent has been given by the other parent or by anyone else who has parental responsibility for the child. Schools should source this evidence independent of the parent seeking to make the change.'

Regulation 5(1)(a) of the Education (Pupil Registration) Regulations2006 requires a school to record the full name of every pupil in alphabetical order in the admissions register. This means the child's full legal name and not any other name that the child is known by.

To comply with this guidance, all official correspondence relating to a pupil will use their legal name. This includes school reports and examination certificates. To facilitate this, pupils' legal names will be recorded on class registers. However, if a pupil uses a 'preferred name' then this can be used informally in school and teachers will refer to the pupil by this name. For example, pupils can use their preferred name on class exercise books. First names or nick names used must be appropriate. This should be recorded under the student notes section of the school's database (MIS).

Pupils Moving Schools

In the case of separated parents, case law states that all those with parental responsibility must be consulted before important decisions are made, such as removing a child from their school, when they should leave the school or which new school they should attend.

The school must still comply with the Education (Pupil Registration) (England) Regulations 2006 when they receive a request to remove a child from the school register. However, there is no statutory obligation on the school to notify one parent if the other decides to remove their child – that responsibility rests solely with the separated parents. **The school will not become involved in parental conflicts.**

Nonetheless, the child's welfare is paramount, so, if the school is aware that parents are separated and one parent decides to remove their child, staff will ask that parent if the other has been informed and has agreed to this. **If a parent has not informed the estranged parent of the intention to move their child's school, they will be reminded of their responsibility to do this and a note made on the school's systems that the advice was given and when.** If parents are unable to agree lines of communication between themselves on issues involving their child, they need to seek independent legal advice and explore other options. These might include referring the matter to non-court dispute resolution, such as mediation, or to the family court for adjudication.

Court orders

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, where the order does not restrict the sharing of it with non-parties. 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

We recognise that a Court Order can restrict a parent having contact/access to information and we may be bound by this. In this situation we will consult with any relevant external agencies to obtain advice as this may constitute a safeguarding concern. In any situation where the parents being estranged is appearing to impact upon the health, wellbeing and safety of a child the matter will be referred to the Children's Services for advice.

The interests of the child will always be paramount when deciding whether to accommodate a request from an estranged parent.

Equality Impact

The School does all it can to ensure that its policies do not discriminate against pupils or others, either directly or indirectly, in line with any Equality Act 2010 protected characteristics.

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