

# Valley Primary School

Beckenham Lane, Bromley, BR2 0DA

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## WORKING WITH SEPARATED PARENTS POLICY

### Contents

1. Aims	4
2. Legislation	4
3. Definitions	4
4. School's Role and Responsibilities	5
5. Leave of Absence Requests	6
6. Responsibilities of Parents	8
7. Parental Conflict	8
8. Release of Children	9
9. Links with Other Policies	9

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## 1.Aims

The policy aims to show how staff at Valley Primary School will continue to work with families, in the best interests of children, after parents separate. Schools have a legal duty to work in partnership with families and to involve all those with parental responsibility in their child's education.

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 where personal family problems can have an impact on the child and on the schools the children attend.

This policy summarises the legal framework in respect of separated parents. 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 Valley Primary School.

Schools must treat all parents equally, unless a court order limits an individual's exercise of parental responsibility. (DfE guidance) This obligation on schools continues even when family circumstances change, for example, relationships between parents break down. It is generally in the best interest of children if parents and schools can work together. Everyone who has parental responsibility has a right to receive information about the child. This is the case whether they live with the child or not. There is no requirement to inform one parent about communications with the other parent.

## 2.Legislation

This policy takes into account the following legislation:

- Children and Families Act 2014
- Child Arrangement Order (Sc8 Children act 1989)
- Human Fertilisation and Embryology Act 2008
- Private Fostering Arrangements (Children Act 1989, Private Fostering Regulations 2011)
- Special Guardianship Order (Regulations 2005 & 2016)

## 3.Definitions

**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;*

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- *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 or young person i.e. a person with whom the child resides and who looks after the child irrespective of the relationship*

**Who has “Parental Responsibility”?** (The Children Act 1989, amended by the Children and Families Act 2014)

*Having parental responsibility means assuming all the rights, duties, powers, responsibilities and authority that a parent of a child has by law. Parental responsibility can be removed in some circumstances.*

People other than a child's natural parents can acquire parental responsibility through:

- In the case of step-parents, in agreement with the child's mother (and other parent if that person also has parental responsibility for the child) or as a result of a court order
- Being granted a Child Arrangements Order;
- Being appointed a Guardian;
- Being granted a Residence Order;
- 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);
- Being granted a Special Guardianship Order;
- Adopting a child.
- A parent by virtue of the human Fertilisation and Embryology Act 2008

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 and 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:**

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- 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. We aim to collaborate with parents in the best interests of their child/ren in particular, these entitlements include: -

- Appeals against admission decisions
- Ofsted & school based questionnaires
- Participation in any exclusion procedure
- Attendance at parent meetings/school events
- Having access to school records, receiving copies of school reports, newsletters, invitations to school events, school photographs relating to their child and information about school trips.

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. 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.

If a child or young person and is under 16 and is living with someone other than a close family relative e.g.- grandparent, then this may be a private fostering arrangement and the local authority will need to be notified.

In any event and if at any time it appears that there is not anyone with parental responsibility who is caring for a child or if it is unclear, we will involve the Local Authority to help clarify and resolve.

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## 4. Roles and Responsibilities

### Governors

The Governing Body recognise that while the parents of some pupils may be divorced or estranged, both have a right to be informed of and involved in their child's educational process.

### The school

At Valley Primary School we wish to promote the best interests of the child, working in partnership with both parents, unless directed by a court order. In the event that the school is not informed of such action, neither parent will have rights superior to the other except as detailed below.

Newsletters and general school updates can be sent to all parents. These updates will contain all the main events within school, including; productions, sports days, parent's evenings, class trips, etc. Occasionally letters are sent to individual classes. We would expect parents to communicate these messages to each other as and when appropriate. All parents are recommended to regularly use the schools' website which contains back dated newsletters and has a range of information and links regarding school business.

We will hold one parents evening appointment per child, where both parents are welcome. We would expect parents to communicate with each other regarding these arrangements. Wherever possible it is preferable for both parents to attend the same meeting at the same time, however, we do recognise that there may be circumstances where this may not be possible and alternative arrangements may need to be made

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.

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, progress reports will be sent to the parent at the address in the school's records specifying where the child resides with the expectation that he/she will share the report with the other parent.

If the child is subject to a joint Child Arrangements 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 will send copies of the progress reports to a parent with whom the child does not reside only if that parent submits a written request.

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When there is a dispute concerning issues other than those relating to the child's educational programme, if both parents have parental responsibility but:

- There is a court order prescribing who should have residence (or regulating decisions about the child), and
- Only limited contact for the other parent

then the school will normally respect the wishes of the parent with whom the child resides. The law allocates more responsibility to the residential parent for the day to day running of a child's life and so unless the dispute is major that parent will have slightly more say.

## **5. Leave of Absence Requests**

When parents are separated, and both retain parental responsibility for the child(ren), any leave of absence request forms signed by one parent must be accompanied by a letter of consent from the other parent. If there is no letter of consent from the other parent, then the school will contact that parent to ensure they are aware of the request.

## **6. Parents**

It is the responsibility of the parents to inform the schools when there is a change in family circumstances. Valley Primary School needs to be kept up to date with contact details, arrangements for collecting children and emergencies.

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

## **7. Parental Conflict.**

For children whose parents are separating, school can often be the only normality. It is important that disputes and conflict between parents do not enter into school life. The school is here to educate children and to provide a safe environment for them in which to learn. The school cannot be drawn into parental disputes.

We are very willing, and wish to be as helpful as possible when families are facing difficult circumstances however; it is therefore the school policy to remain neutral in order to best protect the interests of the child.

In the event that the parents are unable to agree with one another on decisions regarding their child's educational programme, including but not limited to placement, participation in extracurricular activities, and consent to assessment and services, the school will arrange a

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meeting with both parents (either together or separately) to attempt to resolve the situation. If it cannot be resolved the school may consider referral relevant support services including a referral to Bromley Children's Social Care if it is believed the child's emotional wellbeing is being compromised. In the event of such a dispute, the parents may be asked to take the matter back to court. The school's role is not to adjudicate between parental disagreements. Where necessary the school will make a decision in the best interests of the child. The school will not become involved in parental conflict issues.

Issues of estrangement are a civil/private law matter and Valley Primary 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.

The child's legal name on the register will remain the same unless there is a court order or a deed poll (signed by all with parental responsibility). Where there is a dispute over changing a child's name all those with parental responsibility must agree and complete a deed poll or the school can be provided with the court order.

It is vitally important that both parents remain involved in their children's learning and to this end, we will maintain our open door policy with both parents. The class teacher will be available to discuss any issues by phone or meeting.

## **8. In the matter of the release of a child or children:**

It is the responsibility of the parents to inform school when there is a change in the families' circumstances. We need to be kept up to date with contact details, arrangements for collecting children and emergencies.

We will follow the standard agreed procedure in the release of a child or children.

In the case of separated parents our 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 Head Teacher or Safeguarding Designated Leads 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.

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- In the event that the parent to whom the child would normally be released to cannot be reached, the Head Teacher or staff member dealing with the issue may make a decision based upon all relevant information available to him/her.
- 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.

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.

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.

## 9. Links with Other Policies

- Safeguarding Policy
- Confidentiality Policy
- Attendance Policy