Separated Parents Policy

Riccall Community Primary School

This policy was adopted by governors on	**25th March 2026**
Next policy review	By February 2029 at the latest

1. Aims of the policy

1.1. The school recognises that parental separation can be challenging for both parents and children. The school aims to support families whilst ensuring that the welfare of the child remains paramount.

1.2. This policy is designed to clarify to all parties what is expected from separated parents and what can be expected from the school and its staff.

1.3. Where there are any differences between this policy and any court order, the terms of the court order will prevail.

2. Who is a parent?

2.1 For the purposes of education legislation, the meaning of the term 'parent' has a meaning that is wider than its 'ordinary' meaning. It includes:

- The child's biological parents, whether they are married or not;
- Any other person who has parental responsibility (PR) for the child;
- Any other person who has care of the child, that is a person with whom the child lives and who looks after the child.

This may therefore include step-parents, grandparents, foster carers or other relatives who care for the child.

2.2 All persons meeting the above definition will be subject to the legal obligation that the child receives a suitable full-time education.

3. What is parental responsibility and who has it?

3.1 Parental responsibility is a legal term and means having all the rights, duties, powers, responsibilities and authority that a parent of a child has by law in relation to that child. Parental responsibility can be shared by a number of people who are able to act independently in respect of the child.

3.2 Biological parents married to each other or in a civil partnership at the time of a child's birth both have parental responsibility for that child.

3.3 If the biological parents of a child were not married to each other when the child was born, the mother automatically has parental responsibility but the biological father does not, unless he has subsequently acquired parental responsibility by registering the birth (after 1 December 2003), a parental responsibility agreement or court order.

3.4 Other persons may also acquire parental responsibility, generally following legal proceedings which result in residence orders, adoption orders or care orders being made (in the case of a local authority).

4. The school's approach

4.1 The school recognises that all parents have a legal right to participate in their child's education. Except as specified in this policy, the school will treat all parents equally.

4.2 As defined more specifically in this policy, all parents are entitled to be:

- Sent information by the school both of a general nature and in relation to the child;
- Informed if special educational provision is made for the child at the school;
- Given the opportunity to participate in school activities e.g. vote in elections for parent governors;
- To meet with school staff;
- Told about meetings regarding the child.

4.3 Disputes between parents over the exercise of their parental rights need to be resolved between the parents concerned and/or the courts. It is not for the school to provide advice on domestic arrangements or become involved in parental disputes.

4.4 Whilst the school will seek to support the terms of any court orders of which it is aware, the school is not responsible for enforcing orders of the court. Individuals should seek their own legal advice in the event of any alleged breach of the terms of any order.

5. Informing the school of a change in family circumstances

5.1 We encourage parents to tell us at an early stage if there is a change in family circumstances, such as the separation of parents. Whenever possible, staff will be informed of such changes so that suitable support can be offered.

5.2 The school will need to be provided with updated contact details, details of agreed arrangements for collecting children and contacts for emergencies. In particular, the school will need to be informed with which parent the child will be primarily resident i.e. who the child will spend more than half of their time living with (known in this policy as the 'resident parent'). In cases where there is a half and half split, the school will use its best endeavours to ascertain the wishes of parents within the wider guidelines of this policy, recognising both as 'resident parents'. Day to day information will be shared as per 7.1 below.

5.3 Where any court orders are issued which are relevant to the child and the school, a copy of the order should be provided to the school as soon as possible.

6. Contacts

6.1 Unless there is a court order or the school has been notified in writing of alternative arrangements, the school will treat the resident parent as the school's main contact and the other biological non-resident parent as the school's second contact. Any other parent will be noted on the school's records in the alphabetical order of their surname.

6.2 The school will only accept alternative contacts or an alternative order of contacts which have been:

- Agreed by all those with parental responsibility who are known to the school and notified to the school in writing; or,
- Provided by way of a court order.

7. Provision of information

7.1 Day to day information about the child will normally be passed to the resident parent or the parent/person collecting the child from school that day. Parents are expected to liaise with each other in relation to such information. Where this is not possible, the school will do what it can to find a workable solution within this policy.

7.2 Where possible, parents should endeavour to attend parent meetings together. Where this is not possible, parents should notify the school in reasonable time so that alternative arrangements can be investigated.

7.3 A copy of the annual written report of a pupil's progress and attainment in the main subject areas taught will be provided to the resident parent and any other parent who requests a copy of it.

7.4 Under the principles of the Data Protection Act 2018, children can assume control over their personal information and restrict access to it from the age of 13, assuming the child is able to understand and deal with the implications of exercising their rights. This control extends to cover information which is held within a child's educational record. When considering whether to respond to parental requests for information about a child, the school will consider:

- The child's level of maturity and their ability to make decisions about their own information;
- The nature of the personal data being requested;
- Any court orders relating to parental access or responsibility that may apply;
- Any duty of confidence owed to the child;
- Any consequences of allowing the parent to have access to the child's information;
- Any detriment to the child if the parent cannot access this information;
- Any views the child has on whether their parents should have access to information about them.

8. Consent

8.1 In most cases, the school will accept consent or permission forms relating to the child from any person with parental responsibility for the child, whether or not they are the resident parent.

8.2 Where, in the reasonable opinion of the school, the issue requiring parental consent is likely to have a long term and significant impact on the child, the school may require the consent of all those with parental responsibility for the child who are known to the school. Examples of the circumstances where joint consent is likely to be required include:

- Withdrawal from sex education or religious education;
- Consent to undertake a school residential visit.

8.3 Where the school has been asked to seek consent from both parents, we will assume that parental consent has not been given unless all parents agree. Such an approach ensures that the school has treated the views of each parent equally. The school will not become involved in any disagreement between parents but will suggest that where parents cannot agree, they seek independent legal advice about obtaining a court order setting out exactly what decisions each parent can make in respect of the child (a Specific-Issue or Prohibited Steps Order as appropriate).

9. Collection of children from school

9.1 The school will release a child to any person with parental responsibility, or a person authorised by a person with parental responsibility.

9.2 Legally, both parents have an equal right to choose to collect their child at any time unless a court order (prohibited steps or child arrangements order) is in place and been seen by the school which prevents the same or, with consideration to the school's duty of care, that it is in the belief of the child being in immediate danger.

9.3 The school will release a child when alternative arrangements have been notified to the school or the school has safeguarding concerns about sending a child home with a particular parent/person. This may include a a parent appearing intoxicated, being violent/aggressive, or making threats that suggest the child's physical or emotional safety is at risk.

The school will only accept alternative arrangements which have been:

- Agreed jointly by all those with parental responsibility who are known to the school and notified to the school in writing; or,
- Provided by way of a court order.

9.4 If a person seeks to remove the child from school in contravention of notified arrangements, the following steps will be followed:

- A member of staff will meet with the parent/person seeking to collect/remove the child and telephone the person to whom the child would normally be released and explain the request;
- If the person 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;
- Unless it is reasonable to comply with the request, the member of staff may have to refuse permission if agreement/consent cannot be obtained;
- If there is a belief that a possible abduction of the child may occur or if the parent is disruptive, the police and the local authority will be notified immediately.

10. Requests for a change of pupil name

<u>Informal / known-by name</u>

10.1 Where a child is deemed by the school to be of sufficient age or maturity and requests that their informal / known-by name is changed, then the school's records will be updated accordingly.

10.2 In all other cases, the school will require the written consent of all those with parental responsibility for the child who are known to the school to change the informal / known-by name of the child in the school's records.

10.3 Where there is a special guardianship order or a child arrangements order which relates to whom a child will live with, the school is legally unable to arrange for a child to be known by a new surname (even informally) without the written consent of every person with parental responsibility or evidence of a court order confirming the change.

Legal name

10.4 For pupils under the age of 16 the school will only change the child's legal name in the school's records on receipt of a signed and witnessed change of name deed poll which has been enrolled with the court. This will require the agreement of all persons with parental responsibility.

11. Requests to remove a child from the school roll

11.1 The school will ordinarily require confirmation that all those with parental responsibility for a child consent to the removal of the child from the school roll to attend another school or be home educated.

11.2 Where there is disagreement between parents about the removal of a child from the school roll, parents should seek their own legal advice and/or a court order. The school will refer the matter to the local authority where there are concerns about the welfare of the child.

12. Procedure following contact from absent parents

12.1 The school has no legal obligation to make enquiries of those enrolling children at the school as to whether other individuals with parental responsibility agree with their decision. On enrolment, we do expect to be provided with the contact details of all those with parental responsibility for the child, if known. Information provided to the school when the child was enrolled will be presumed to be correct unless a court order or original birth certificate proving otherwise is provided to the school.

12.2 Where the school is contacted by a parent of a child on roll at the school for whom the school has no previous information (known in this policy as an 'absent parent'), the school will contact the resident parent to confirm whether the person is known to them and whether there is any legal reason why information should not be provided, i.e. a court order.

12.3 If no court order exists, the school will contact the absent parent to ask them to confirm their identity and to confirm whether they have parental responsibility for the child.

13. Conflict Resolution

13.1 The school is committed to maintaining a neutral and supportive stance in disputes between parents.

13.2 Parents should seek to resolve disputes or 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 all cases where parents 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.

13.3 Should parents approach schools regarding information about one another, schools will adhere to local data protection and safeguarding laws and regulations and may seek legal advice to make case-by-case determinations based on the specific circumstances.

Useful guidance

Parental rights and responsibilities

Understanding and dealing with issues relating to parental responsibility