



The Federation of Mowden Schools (Academy Trust)

Separated Parents Policy

| | |
|----------------------|-------------------------------|
| Date Policy approved | 11 th January 2023 |
| Review frequency | Three yearly |
| Next review date | January 2026 |
| Approving body | Pupil Progress and Curriculum |

Approved by Chair of Committee:

Signature Rebecca Foster Snook Dated: 13/01/2023
Name: Rebecca Foster Snook

Approved by Chair of Governors:

Signature Tarryn Lloyd Payne Dated: 11th January 2023
Name: Tarryn Lloyd Payne

We aim to promote the best interests of the child, working in partnership with all parents where possible. This procedure is an attempt to clarify to all parties what is expected from separated parents and what can be expected from the school and its staff.

Parental Responsibility

In order to help us look after children whilst they are in our care, Trust staff are required at the admissions interview to ask parents to provide certain information, such as names of both parents and all those with Parental Responsibility, address, contact details etc. They are also required to ask who has parental responsibility for the child. This is important because it allows the school to be sure who has the right to make decisions about a child's education and medical treatment. However, this is a very specific legal term and many parents may be unaware of how it is acquired:

- All biological mothers automatically have Parental Responsibility from birth
- If a child's parents were married at the time of the birth, both parents automatically have Parental Responsibility
- Adoptive parents have Parental Responsibility which voids Parental Responsibility previously held by others
- For children born from the 1st December 2003, where the father's name is on the birth certificate, the father and mother will both have Parental Responsibility
- In all other cases, fathers are required to officially obtain Parental Responsibility e.g. through a Parental Responsibility Order or Parental Responsibility Agreement
- Parental Responsibility can be acquired by other family members or friends through a Court Order, such as a Child Arrangements Order (Living With) and Special Guardianship Order
- Parental Responsibility cannot be lost by a parent, except by legal adoption, although it does not guarantee contact
- In certain circumstances the Local Authority may have shared Parental Responsibility

Parents, and those with Parental Responsibility as defined above, are entitled to share in the decisions that are made about their child and to be treated equally by schools. In particular, these entitlements include:

- Appeal against admission decision;
- Ofsted & school based questionnaires;
- Participation in any exclusion procedure;
- Attendance at parent meetings/school events;
- Access to school records and copies of school reports, newsletters, invitations to school events, school photographs relating to their child and information about school trips

This entitlement cannot be restricted without specific court order. The school does not have the power to act simply on the request of one parent to restrict another.

The school will not seek to make judgements about individual circumstances but will treat both parents equally unless there is a specific ruling in existence. Staff will never pass judgement on either parent to the child.

Others, such as grandparents and stepparents, do not have parental responsibility. They can acquire it by:

- Being appointed as a guardian to care for a child if their parent dies
- Obtaining a residence order from the court for a child to live with them
- Adopting the child.

We will maintain our open door policy with all parents, and the class teacher and/or Head Teacher will be available by appointment to discuss any issues. The school is under no obligation to inform the resident parent of the absent parents contacting school. Any such information will be given at the discretion of the Head Teacher.

Court Orders

Prohibited Steps Orders

Upon receipt of a prohibited steps order relating to a child, the school retains the right to consult the Local Authority for legal advice before taking immediate action. The school is only obliged to comply with an order if it is properly notified in writing and has received a copy for its files,. 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 is deemed to be valid; a letter from a solicitor is not sufficient.

Child Arrangements Orders

Upon receipt of a Child Arrangements Order relating to where a child should live and who a child should spend time with (have contact with or access to) the school retains the right to obtain legal advice from the Local Authority before taking any immediate action. In the event that a parent attends to collect a child outside of the arrangements within the Child Arrangements Order 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 is deemed to be valid; a letter from a solicitor is not sufficient.

School communications

The school recognises that, while the parents of some pupils may be divorced or 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.

We do, however, recognise that communication between parents is not always possible. If an estranged parent wishes to receive information from the school such as progress reports or attending parent/teacher meetings they should contact the school in writing with a specific request for separate communication.

We would not expect to send emergency text messages to absent parents, which give information on cancelled activities and reminders.

Communication will be sent to parents with parental responsibility. Should other family members e.g. stepparents or grandparents, require copies of letters and messages consent must be given by a parent with parental responsibility. Please contact the school office to request the appropriate paperwork for completion.

Should an un-named parent seek information or access to his/her child, the school will always inform the main carer of this to check Parental Responsibility and ensure no court order is in place. For the avoidance of doubt, we will seek written confirmation from the main carer. Proof of identity of the non-resident parent will always be required in these cases.

Disagreements between parents must be resolved between the parents and cannot be resolved by the school or local authority.

Collecting a child from school

The School will release children to parents in accordance with arrangements notified to the school. If one parent seeks to remove the child from school in contravention of the usual arrangements and the parent to whom the child would normally be released has not notified the school of any change the following steps will be followed:

- Where a separated parent, who has parental responsibility and no court order in place, wishes to take the child during or at the end of the school day, the resident parent will be contacted in order to ensure that they are in agreement with the arrangement. 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 orally. If the parent opposes the other parent wanting to take the child then the school will advise that without a court order we cannot prevent them from doing so.
- 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 will make a decision based upon all relevant information available to him/her.
- During any discussion or communication with parents, the child will 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 should be notified immediately.

The following documents have been taken into account in the production of this policy:

<https://www.gov.uk/parental-rights-responsibilities/what-is-parental-responsibility>