

This policy was presented to the Full Governing body: March 2022

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Approved by

Full Governing Body/FPP
 Committee/CSPW Committee/Head
 Teacher

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INTRODUCTION

Aims of the policy

At South End Infant School, we recognise that while some parents may be divorced or separated, both have a right to be informed of, and involved in, their child's educational progress. This policy aims to minimise the impact of separation and to clarify to all parties what is expected from separated parents and what can be expected from the school and its staff.

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

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

Parental Responsibility (PR)

The information provided to the school when the child was enrolled detailing which adults have parental responsibility for the child will be presumed correct unless a court order or original birth certificate proving otherwise is provided to the school. Similarly, the information provided regarding the address(es) where the child resides will be presumed to be correct unless a court order proving otherwise is provided to the school. It is the responsibility of parents to keep the school informed of any changes including providing copies of any court order.

Who may have parental Responsibility?

- All mothers automatically have Parental Responsibility.
- If a child's parents were married at the time of the birth, both parents automatically have Parental Responsibility.
- 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.
- Parental Responsibility cannot be lost, except by legal adoption, although it does not guarantee contact.

- People other than a child's natural parents can acquire PR through:
 - ❖ Being granted a Child Arrangements or Special Guardianship Order
 - ❖ A parental responsibility agreement or court order granting PR to a step-parent
 - ❖ Being appointed as a guardian (usually by the court or a will)
 - ❖ Being named in an Emergency Protection order (although parental responsibility in such a case is limited to taking reasonable steps to safeguard or promote the child's welfare)
 - ❖ Adopting a child
 - ❖ A parent by virtue of the Human Fertilisation and Embryology Act 2008

Where there is a lack of clarity about legal parental responsibility, the school reserves the right to ask further questions of families to ensure that the child is not resident as part of an informal fostering arrangement.

Parents, or 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 decisions;
- 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 a specific court order. The school does not have the power to act simply on the request of one parent to restrict another.

Carers who are not parents

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 e.g. 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:

- 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?

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. 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. The school will always comply with the court order as it is presented until it is adjusted through court proceedings – not temporary deviations made to suit either parent even with apparent mutual consent.

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.

In the event that the school is not informed of the existence of such an order, neither parent will have preferential rights.

The responsibilities of the school

The promotion of the best interests of the child is our primary focus, ideally working in partnership with all parents. We will maintain our open door policy with all parents, and the class teacher and/or headteacher will be available by appointment to discuss any issues or concerns with regard to the impact that separation may have in relation to their child or children at the school.

The school is under no obligation to inform the resident parent of the non-resident parent contacting the school. Any such information will be given at the discretion of the headteacher. We strongly urge all parents who are separated to speak with the headteacher about their arrangements if they feel that there are circumstances that need to be taken into consideration.

The school will not be drawn into discussions with new partners or extended family members about the care, welfare and education of children unless it is their intention to inform of a safeguarding issue. Those with parental responsibility need to come to consistent agreements between themselves about who is able to collect children from school as the school will only release children to designated people identified and agreed in advance.

We recognise the sensitivity of some situations and all staff are aware of the need for discretion and confidentiality. School staff will be informed of relevant information on a need to know basis so that suitable support can be offered to the child and family, should this be required. Support for the child may be simply a closer monitoring of their behaviour and emotional well-being by the classroom staff, or it may be in the form of more targeted support from the Family Support Worker.

Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving the school directly. Issues of estrangement is 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.

If parents are unable to agree with one another on decisions regarding their child's education, including but not limited to placement, extra-curricular activities, and consent to the evaluation and receipt of the support of internal intervention or outside agencies, the school will arrange a meeting with all parents, preferably together (but separately if required), to assist the parents in resolving the situation. The school will always put the needs of the child first during any discussion. If the matter cannot be resolved by the parents, the school may refer the matter to the relevant department of the Local Authority.

The interests of the child will always be paramount when deciding whether to accommodate a request from an estranged parent. We recognise that a Court Order can restrict a parent in having contact/access to information and we may be bound by this. In this situation we will consult with

the Local Authority or CAFCASS to obtain advice as this may constitute a safeguarding concern. Should there be any disagreement then the school may advise the separated parent to use the complaints process. 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.

School communication

It is the responsibility of the parents to inform the school when there is a change in family circumstances. As a school we need 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 and immediately if there is a change in emergency numbers. All children should have at least 2 emergency contacts on file.

Information Letters & Texts

All parents/carers who are listed on our system as priority 1 will receive information sent out to the whole school, or a particular year group or class, regarding emergency closures, reminders about upcoming events or deadlines as well as links to new school newsletters. Upon specific request, the School office will ensure that separated parents not resident with their child will also receive this information.

Only the parents who are listed on the system as Priority 1 (usually the resident parent) will receive information relating specifically to their child, such as when they have bumped their head or to ask the parent to call school to explain why the child is absent.

Newsletters and curriculum information are routinely posted onto the school website.

School reports

Two copies of the end of year reports will be given to all children whose parents are separated, provided that we are aware of this. Both copies will normally be given to the child with the expectation that the report will be given to the non-resident parent. Should the non-resident parent prefer to have the report posted to them this can be arranged via the school office or the class teacher, ideally in writing.

Parents' evenings

It is essential that both parents attend both of the scheduled parent consultations that we hold each year. It is clearly in the best interests of the child if separated parents are able to attend these meetings together, but we recognise that this is not always possible or desirable and two separate appointments can be made. If these need to be on different days or at sufficiently staggered times, please speak with the class teacher directly to ensure that this is arranged.

Collection of children from school

The school will release children in accordance with arrangements notified to the school and in line with our own safeguarding procedures.

If one parent seeks to remove the child from school in contravention of any school-notified arrangements, and the parent to whom the child would normally be released has not consented the following steps will be followed:

- The headteacher or designated deputy will meet with the parent seeking to collect/remove the child and, in their 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 cannot be reached, the headteacher or staff member dealing with the issue may make a decision based upon all relevant information available to them.
- The headteacher 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 (if they have PR) 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.
- 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 where there is a belief that a possible abduction of the child may occur or if the parent is disruptive, the police will be notified immediately and the Local Authority notified at the most appropriate time.

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.

Policy Management

The Headteacher and Designated Safeguarding Leads will ensure that all Staff, Governors and Volunteers are aware of the procedures to follow should the need occur. The policy is also available to parents on the school website or, upon request, as a hard copy.