



Mission Statement

“A Caring Christian Family Where We Grow Together”

SEPERATED PARENTS POLICY

Effective Date: 01/03/2023

Review Date: March 2024 Annual

Review Date	Signed Head Teacher	Signed Director RCSAT
01/03/2023	<i>St M Badger</i>	<i>P. Roberts</i>

Persons Responsible for Policy:	Executive Headteacher RCSAT
Approval Date	01/03/2023
Signed:	Director RCSAT
Signed:	Executive Headteacher RCSAT

Article 12 of the UNCRC establishes the **right of every child to freely express her or his views, in all matters affecting her or him, and the subsequent right for those views to be given due weight, according to the child's age and maturity.**

Article 9 of the UNCRC says that a child or young person shouldn't be separated from their parents unless:

- staying with their parents could be harmful to them; or
- it's impossible for them to stay with their parents.

A child or young person may be separated from a parent in a way that respects Article 9 if:

- that parent isn't able to take care of them,
- that parent is acting in a way that's not in that child or young person's best interests or
- that parent is unable to keep that child safe and happy.

Children and young people have the right to keep in contact with their parents. If the State is responsible for them being separated from a parent – as would be the case if that parent were in prison or deported – then it should be able to tell them where that parent is.

Children and young people who have lost contact with their parents should be able to be reunited with their families if they wish.

Research and experience have shown 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 expected from the school / staff.

1 Who has “Parental Responsibility”? (The Children Act 1989)

- 1.1 The definition of a parent for school purposes is much wider than for any other situation. The Education Act 1996 defines a parent as:
- 1.1.1 All **natural parents**, including those that are not married;
 - 1.1.2 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;
 - 1.1.3 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.
- 1.2 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:
- 1.2.1 Being granted a Residence Order
 - 1.2.2 Being appointed a Guardian
 - 1.2.3 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)
 - 1.2.4 Adopting a child.
- 1.3 If the parents of a child were not married to each other when the child was born, the mother automatically has parental responsibility.
- 1.4 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.

2 What does having “care of a child” mean?

- 2.1 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. This could be shown by:
- 2.1.1 Interaction with the school – attending meetings, making phone calls, being on the School’s record as being involved (in whatever capacity) etc.
 - 2.1.2 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.
- 2.2.3 For example:
- 2.2.3.1 Are they listed on school records?
 - 2.2.3.2 Does the school have contact details for them?
 - 2.2.3.3 Do they meet with teachers/attend parents’ evenings?
 - 2.2.3.4 Have they been involved with the measures designed to improve attendance?
 - 2.2.3.5 Do they contact the school on behalf of the child when s/he is ill?
 - 2.2.3.6 Do they live with the child?
 - 2.2.3.7 How long has the school known of them being connected with the child?
 - 2.2.3.8 Does the adult bring/collect the child to/from school?
 - 2.2.3.9 Is the adult married to the parent of the child?
- 2.2 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.

- 2.3 **It is therefore those adults who are having significant input in a child's life who can be classified as "parent", having "parental responsibility" or who have "care of a child".**
- 2.4 Parents 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:
- 2.4.1 appealing against admission decisions
 - 2.4.2 completing Ofsted & school based questionnaires
 - 2.4.3 participating in any exclusion procedure
 - 2.4.4 attendance at parent meetings/school events
 - 2.4.5 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.
- 2.5 The Local governing committees and RCSAT Board of Directors recognise 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.
- 2.6 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.
- 2.7 Similarly, the information provided on the address or addresses where the child resides will be presumed to be correct unless a court order proving otherwise is provided to the school.

3 Court Orders

- 3.1 Upon receipt of any court order restricting access to a parent, the school retains the right to consult with legal support should they feel the need to before taking 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. 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.

4 Administration

- 4.1 It is the responsibility of the parents to inform their child/children's 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.
- 4.1.1 The parent with residency is required to provide details of all persons with parental responsibility on the child's data sheet. These details include names, addresses, telephone numbers, and email. Parents are requested to update these via the SIMs Parent App where parents are requested to update their data annually
 - 4.1.2 Where the school already has the name and contact details of separated parents, each parent will be requested to complete the data sheet (via the SIMs Parent App) during the annual data collection.
- 4.2 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.

5 School Communication

- 5.1 RCSAT schools fully recognises its responsibilities, and it is our sole wish is to promote the best interests of the child, working in partnership with all parents.
- 5.2 We recognise 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.
- 5.3 RCSAT Primary Schools will maintain their open door policy with all parents. The class teacher, SENCO and/or Principal 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.
- 5.4 Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving RCSAT Schools directly.
- 5.5 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 evaluation and services, the school will arrange a meeting with all parents (preferably together or separately if required) to attempt to assist the parents to resolve the situation; if it cannot be resolved the school may refer the matter to the relevant department of the Local Authority.
- 5.6 Newsletters & general school updates will be sent to all parents via email. These updates will contain all the main events within school, including; productions, sports days, parent's evenings, class trips, etc. We would expect parents to communicate these messages to each other as and when appropriate or to arrange with the school to ensure they are on the circulation list. This information is also available on the school website and weekly newsletter.
- 5.7 We will hold twice yearly **parent consultation** evenings. We would expect parents to communicate with each other regarding these arrangements.
- 5.8 RCSAT School will consider separate appointments but by prior agreements only or when a court order is in place restricting contacts with both parents.
- 5.9 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. Unless a request is received for duplicate/additional copies to be provided. All requests must be made in advance and in writing.
- 5.10 We expect that parents should liaise and communicate directly with each other in matters such as **payment** for school dinners, trips, Breakfast Club and After-school clubs. Parents must then inform the office of who to contact with any queries Should the need arise, separate logins for payment can be arranged.
- 5.11 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, unless otherwise arranged, one report will be sent home with the child. School reports will be sent via email from the school office to both parents.
- 5.12 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 may consult with the Local Authority to obtain advice if there is a safeguarding concern.

- 5.13 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. This may include support from the local Safeguarding team.

6 Collecting a child from school

- 6.1 RCSAT Schools will follow the standard agreed procedure in the release of a child or children:
- 6.1.1 School will release children to those with parental responsibility and school should be provided with a timetable for collection. Any changes to the timetable will need to be confirmed in writing to the school.
 - 6.1.2 Changes and updates to the End of Day Arrangement can be made throughout the year by contacting the school office by anyone with parental responsibility.
 - 6.1.3 In the case of separated parents RCSAT will release a child or children to a parent in accordance with any specific arrangements notified to the school in writing or stated on a court order if one is in place.
- 6.2 If one parent seeks to remove the child from school in contravention of the notified arrangements/court order, and the parent to whom the child would normally be released has not consented the following steps will be followed:
- 6.2.1 The Principal 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.
 - 6.2.2 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.
 - 6.2.3 In the event that the parent to whom the child would normally be released to cannot be reached, the Principal or senior staff member dealing with the issue may make a decision based upon all relevant information available to him/her.
 - 6.2.4 The Principal or senior 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.
 - 6.2.5 RCSAT Schools cannot prevent a parent with parental responsibility collecting the child or children but we will endeavor to reach an agreement and this may mean keeping the child or children safe whilst RCSAT School try and reach such an agreement.
 - 6.2.6 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.
 - 6.2.7 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.
 - 6.2.8 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, Local Authority notified and members of RCSAT team listed in the critical incident procedure.

7 Management of the Policy

7.1 The Principal and Designated Safeguarding Leads will familiarise themselves with this policy and ensure all Staff, Governors and Volunteers are aware of the procedures to follow should the need occur.

7.2 The Policy will be reviewed annually

7.2 The policy will be made available to parents on request.

<https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility>

DRAFT

DRAFT

