



Separated Parents Policy

May 2025

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3.0	May 2025	Lauren English	Approved	Updates reflecting change in practice and DfE guidance
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Aims of the policy

At Buryfields 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.

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 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

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;
- Participation in statutory activities (such as parent governor elections);
- 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. For example, a biological parent cannot request that school does not share information about a child's education with a step-parent who lives with the child.

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.

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 one parent of the other 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 which need to be taken into consideration.

The school will refrain from involving itself and its staff in any dispute – whether the matter is private or civil.

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 targeted support from one of our trained ELSAs.

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.

Consent

When a child is registered at school, we ask for consent forms to be signed for photo permissions, use of the internet (supervised), local trips to the village and use of library. It is expected by school that parents agree consent but only one signature is required.

For activities and outings, all primary guardians will receive the information and consent. It is expected that one parent will complete this.

With all consents, if one parent disputes the consent, then we will proceed as if no consent has been given.

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 cannot get involved, and advise parents to seek independent legal advice or use a mediator.

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 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.

Emails

When a child starts at Buryfields, we ask for contact information for both parents (those with parental responsibility). These parents are then registered as 'Primary Guardians'. Additional parents/carers (such as step-parents) can also be added on request.

All Primary Guardians will receive emails regarding day-to-day matters as well as emergency communication.

Letters

Generally speaking, the school will give the child one copy of any letters sent home and we trust the parent who is collecting the child to pass on relevant information to the other parent. However, we recognise that this can be problematic and are able to give two copies of letters or to make more specific arrangements should the need arise. In this instance, parents should speak with the class teacher and/or office/headteacher to ensure such arrangements are in place.

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 sent home at the end of the day, with the expectation that the receiving parent will give a copy to the other parent. If this is not possible, please let the school know and we will make alternative arrangements for the delivery of the report.

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.

Unless there is a Court Order in place, which outlines the timetable for residence of the child, we cannot prevent either parent (with PR) from collecting the child from school, either at the end of the school day or at any other time.

Those with PR can also make arrangements for another nominated adult to collect their child, and as long as the school has been informed and checks have been carried out, then we cannot prevent this.

In circumstances where there is a belief that a possible abduction of the child may occur, the police will be notified immediately and the Local Authority notified at the most appropriate time.

Should an un-named parent seek 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 un-named parent will always be required in these cases.

Penalty Notices

Penalty notices can be issued to those with Parental Responsibility in accordance with the 'Code of Conduct – Penalty Notices'. A Penalty Notice can be issued to all those who have Parental Responsibility in cases where all parties are complicit, or to an individual if it is clear that only one of party is at fault. This decision will be taken by the Headteacher.

The responsibilities of Parents

Parents are requested to inform school of a formal or informal separation, in order for us to support the child as appropriate, as well as for administrative purposes. Likewise, any Court Orders relating to child care arrangements for term time must be shared with school.

We expect parents and carers to manage any disagreements between themselves, and to not involve school in these. We also expect parents and carers to ensure that all interactions conducted on school premises are civil.