

St Peter's Catholic School Separated Parents Policy

Introduction

Research and experience have shown that separated parents can work well together in the best interests of their children and can together play a role in their children's education. However, some parents become estranged and are unable to work effectively together, compromising the best interests of their children, especially during the initial stages of their separation. This can be traumatic for the children concerned; sometimes family problems can have an impact on the child and on the schools the children attend.

As a school, it is important that we are informed if there is a change in family circumstances. We can offer a range of support for children who are feeling anxious or stressed, including the services of a qualified counsellor. We are also aware that the non-resident parent can feel excluded from the life of the school. The policy below has been written to minimise the impact of parents separating and to clarify to all parties what is expected from separated parents and what can be expected from the school and its staff.

We encourage parents to resolve issues of conflict between themselves without involving school directly. The interest of the child will always be paramount in any decision the school takes.

Schools are required by law to have a wide range of dealings with pupils' parents. Schools can find themselves caught up in disputes between adults, each claiming to have parental responsibility for a particular child.

This policy aims to clarify for all parties what is expected from separated parents and what they can expect from school in order to ensure that the best interest of the child is at the heart of every decision taken.

Definition of parent

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 or young person i.e. a person with whom the child resides and who looks after the child irrespective of the relationship

Parental responsibility

- All mothers automatically have parental responsibility;
- If the parents of a child were married/in a civil partnership at the time of birth, both parents automatically have parental responsibility;
- For children born after 1 December 2003 to unmarried parents, where the father's name is on the birth certificate, both the mother and father would usually have automatic parental responsibility;
- In all other cases, parents seeking parental responsibility rights can acquire them through various legal means

(For further guidance, see www.gov.uk/parental-rights-responsibilities)

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:

- being granted a Residence Order;
- being appointed a Guardian;
- being named in an Emergency Protection Order or
- adopting a child.

Where a child's parents are not married to each other, the child's father can gain parental responsibility by

- registering the child's birth jointly with the mother
- through a 'parental responsibility agreement' between him and the child's mother
- as the result of a court order.

Parents as defined above are entitled to share in the decisions that are made about their child and to be treated equally by schools. We aim to collaborate with parents in the best interests of their child/ren. In particular, these entitlements include: -

- Appeal against admission decisions
- Ofsted & school based questionnaires
- Participate in any exclusion procedure
- Attend parent meetings/school events
- Have 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.

The Governing Body 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.

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. Similarly, the information provided on the address(es) where the child resides will be presumed to be correct unless a court order proving otherwise is provided.

If a child or young person and is under 16 and is living with someone other than a close family relative e.g.- grandparent then this may be a private fostering arrangement and the local authority will need to be notified.

In any event and, if at any time, it appears that there is not anyone with parental responsibility caring for a child or young person or if it is unclear, we will involve the Local Authority to help clarify and resolve. This may mean the provision of support and services for that adult in the care of that child or young person.

Court orders and parental responsibility

Court orders under section 8 of the Children Act 1989 settle areas of dispute about a child's care or upbringing, and can limit an individual's parental responsibility.

General principles underpinning our school policy

Everyone who is a parent, as defined above has a right to participate in decisions about a child's education and receive information about the child. For day-to-day purposes, the school's main contact is likely to be a parent with whom the child lives on school days.

The information provided to the school when the child was enrolled detailing whether parents have responsibility for the child will be presumed to be correct unless a court order providing otherwise is provided to the school.

Staff will treat all parents equally, unless there is a court order limiting an individual's exercise of parental responsibility. Individuals who have parental responsibility for, or care of, a child have the same rights as natural parents, for example:

- to receive information, e.g. pupil reports
- to participate in activities, e.g. vote in elections for parent governors
- to be informed about meetings involving the child, e.g. a governors' meeting on the child's exclusion.

Where a parent's action, or proposed action, conflicts with our ability to act in the child's best interests, we will try to resolve the problem with that parent whilst being mindful at all times of the danger of becoming involved in conflict, particularly between separated parents.

Upon receipt of any court order restricting access to a parent, the school may consult the local authority before taking immediate action. The school will only comply with an order if it is properly filed and a copy for the files has been received and only to the extent that it relates to the school. The school has no responsibility for enforcing any court order.

School's Responsibility

Administration

When a child is registered at the school we will:

- ask parents or guardians for the names and addresses of all parents when they register a pupil
- ensure that names and addresses of all parents, where known, are included in the admission register and also in pupil records and are available to the pupil's teachers
- ensure that names and addresses of all parents are forwarded to any school to which the pupil moves
- ensure that details of court orders are noted in a pupil's record
- where the address of a non-resident parent is unknown, tell the resident parent that the non-resident parent is entitled to be involved in their child's education and ask that information is passed on to them.

Obtaining consent

Where we require parental consent for educational visits or activities, we will seek consent from the resident parent and from the non-resident parent where the non-resident parent has requested to be asked for consent in all such cases.

In cases where consent is required from both parents, it is possible that one gives consent and the other withholds it. When this happens we will assume that parental consent has not been given. Disagreements between parents must be resolved between the parents and cannot be resolved by the school or local authority.

Changing a surname

A change of surname is a private law matter and should be resolved between parents.

Where the parents have divorced, we will ensure that the surname by which a child is known should not be changed without written evidence (independent of the parent seeking to make the change), that consent has been given by the 'other parent' or by anyone else

who has parental responsibility for the child. However, there may be circumstances where a name change has already been effected by the school and therefore it would not be in the best interests of the child who might be known by a new name to refer back to a different name. Ultimately in such cases the school will make the decision which they feel is in the best interest of the child.

Parent's Responsibility

In order to ensure that non-resident parents receive the right information we ask non-resident parents to contact the school office to request access to the Parent Portal.

Where there is a change of circumstances e.g. *change of postal address*, it is the responsibility of the parent to inform the school office in writing or update information in the Parent Portal.

Where the non-resident parent wishes to receive information which is not included on the Parent Portal or School Website, a written request should be made and addressed to the attention of the Headteacher.

All parents have a responsibility to discuss issues related to this policy in a calm and reasonable manner.

General Notes

Parents are encouraged to resolve contact issues without involving the school directly. The interests of the child will always be paramount when deciding whether to accommodate a request from an estranged parent. Where there are issues over contact with children, the resident parent should contact the school immediately. Where there is a court restraining order in place, the school will put in place measures to ensure the child is not released to a named individual.

Where there is no court order (including contact order) in place, the school is required to allow the child home with a non-resident parent, however the Headteacher is able to use his/her discretion and would seek clarification if it was felt there was a child protection issue.

The welfare of the child is at the heart of all we do and the Headteacher and Governors maintain the right to discontinue any of the above if it is deemed to be significantly against the child's best interests. Court orders may also alter the position the school is adopts.

Complaints regarding the school's response or procedures relating to this policy should be made in accordance with the School Complaint's Policy, a copy of which is available from the school office or the school website.