



Separated Parent Policy

This policy takes into account the government's explanation of [Parental rights and responsibilities](#), [What is parental responsibility](#) and DfE guidance [Understanding and dealing with issues relating to parental responsibility](#)

1. Introduction

At Swallowdale Primary School, we aim to maintain contact with both parents in the best interests of their children. The school will endeavour to obtain the details of all those with parental responsibility through its admissions form or directly from the resident parent. We welcome direct contact from those with parental responsibility providing their own details. This policy aims to minimise any impact and to clarify to all parties what is expected from separated parents and what can be expected from the school.

2. Definition of “parent”

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 biological parents, whether they are married or not
- any person who, although not a biological parent, has parental responsibility for a child or young person - this could be an adoptive parent, a step-parent, guardian or other relative
- any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child. For example, this may be a foster carer or family and friends carer who does not have parental responsibility but has been delegated the responsibility for taking day-to-day decisions about the child.

Parents, as defined above, are entitled to share in the decisions about their child's education and to be treated equally by schools. In particular, these entitlements include, but are not limited to, the following:

- receiving copies of school reports;
- having access to school records;
- attending parent meetings;
- invitations to school events;
- information about school trips;

- school photographs relating to their child;
- school-based questionnaires; and
- participation in any exclusion procedure.

Swallowdale Primary School recognise that while the parents of some pupils may be separated, divorced or estranged, they are still entitled to the above and this entitlement cannot be restricted without a court order, such as a Child Arrangement Order.

3. Parental responsibility

Parental responsibility means the rights, duties, powers, responsibilities and authority that a parent has for their child. In addition to a child's natural parents, it can be acquired by court order, being appointed a guardian, adopting a child or a formal agreement.

The information provided to the school when the child was enrolled detailing who has 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 regarding the address(es) where the child lives will be presumed to be correct unless the school is provided with a copy of a court order setting out arrangements for where the child should live.

Every parent with parental responsibility for a child has an equal right to be engaged with decisions regarding their education regardless of whether they are paying the school fees or not. Unless there is a court order limiting an individual's exercise of parental responsibility, for example an order preventing the absent parent from having contact with the child, the school must treat all parents equally and must provide them with the same information.

4. Court orders

At Swallowdale Primary School, our sole wish is to promote the best interests of the child, working in partnership with all parents. If there is a court order in place, the school will always act in ways to ensure, as best it can, that no court order is breached. The school can only be expected to comply with an order if it is properly notified and has received a digital or paper copy for its files, and only to the extent that it relates to the school.

The school has no responsibility for enforcing any court order.

In the event that the school is not informed of the existence of such an order, the parents will be treated equally by the school.

5. Disputes and disagreements

Swallowdale School hopes that parents and all those with parental responsibility will support the school in working together for the benefit of their children.

It is very important to note that any dispute between parents sharing these rights will need to be resolved between them, with the assistance of legal advice if necessary, and cannot be resolved by the school. In all cases where parents cannot agree on various issues, parents should seek independent legal advice as to the options available to resolve those issues, either by agreement or by obtaining a court order.

Parents should seek to resolve contact issues without involving the school. The school will not mediate, “take sides” or act as an intermediary between parents who do not communicate with each other.

6. Changes in family circumstances

We ask parents to inform the school whenever something outside school – such as a change in family circumstances – occurs so that we can sensitively support the child in school. We expect parents to update the school whenever emergency contact details change for one or both parents and/or there is a new arrangement for collecting children at the end of the school day.

We recognise the sensitivity of some situations and all staff are aware of the need for discretion and confidentiality. School staff will be informed on a strict need-to-know basis so that suitable support can be offered.

7. The release of child(ren)

Swallowdale Primary 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 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 remove the child and then 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 orally.
- In the event that the parent to whom the child would normally be released to cannot be reached, the Headteacher or designated deputy dealing with the issue may make a decision based upon all relevant information available to them.
- The Headteacher or designated deputy may have to refuse permission if consent cannot be obtained.
- During any discussion or communication with parents, the child may 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 will be notified immediately.

8. Communication between school and separated parents

All school information is sent to all parents for whom we have up-to-date contact details. These updates contain all the main class/school events, including parents’ evenings, productions, sports days and class outings and events.

The school is able to deal with separate requests for invitations to school events and performances made by separated, divorced or estranged parents who have parental responsibility. However, the school would be grateful if parents could communicate directly on such matters if they can. The school will try to comply with requests; however, in certain circumstances it will not always be possible, for example when a court order preventing contact with the child or each other is in place.

In all circumstances, we aim to maintain our open-door policy with all parents. Class/subject teachers and/or the Headteacher will be available by appointment to discuss any issues.

9. Parents' evening appointments

Whenever requested, we will offer separate parents' evening appointments for separated, divorced or estranged parents who have parental responsibility.

10. Written pupil reports

Any person who is known to the school to have parental responsibility for a child has the right to receive written progress reports for their child. These will be provided to separated, divorced or estranged parents who have parental responsibility and for whom the school has up-to-date contact details.

11. Access to school information

Key information is available on the Swallowdale Primary School website. Other information is shared with parents where the school hold up to date contact details.

Date. March 2021

Date for review: March 2023

Appendix 1

Extract from DfE guidance [Understanding and dealing with issues relating to parental responsibility](#)

What is parental responsibility?

In [family law](#), parental responsibility means all the rights, duties, powers, responsibilities and authority that a parent has in relation to the child.

A person with parental responsibility can make decisions about the child's upbringing and is entitled to information about their child. For example, they can give consent to the child's medical treatment and make decisions about the child's education. They also have the right to receive information about their child's health and education.

There are specific examples in [general principles for schools and local authorities](#).

Who has parental responsibility?

A child's birth mother (the person who carried the child) has parental responsibility unless it's removed by an adoption order or a parental order following surrogacy.

Where a child's father and mother were married to each other at the time of the child's birth, they each have parental responsibility for the child. Where the parents were not married to each other at that time, the child's father can gain parental responsibility:

- *by registering the child's birth jointly with the mother*
- *by subsequently marrying the child's mother*
- *through a 'parental responsibility agreement' between him and the child's mother which is*

registered with the court

- *by obtaining a court order for parental responsibility*

Where two female parents have a child through fertility treatment, the mother's female partner is treated in the same way as a father. She has parental responsibility if she is married to or in a civil partnership with the mother at the time of the treatment (or if the two women agree in writing that she will be the child's second parent). She can also acquire parental responsibility in the same way that a child's father can.

People who are not the child's biological mother, father or second female parent can also [acquire parental responsibility](#).

Civil partners have parallel rights to married people in terms of parental responsibility. The same provisions for married people apply to them in terms of:

- *acquiring parental responsibility - adoption, agreement with their civil partner or by an order from the court*
- *holding parental responsibility*

