



Bishop Chavasse C of E Primary School Separated Parents Policy

Approval Arrangements

All statutory policies in the Trust are ultimately the responsibility of the Trust Board. To enable it to discharge this responsibility appropriately and in collaboration with the constituent schools, the Trust Board will:

1. set a full Trust wide policy;
2. set a 'policy principles' document (a framework within which Headteachers develop a full and appropriately customised policy); or
3. delegate to Headteachers or LGBs the power to develop their own policy.

This is a Level 3 Policy against the Trust Governance Plan.

Approved by	Chair of Governors acting on behalf of LGB
Date	February 2024
Date for Review	February 2027
Responsibility	Headteacher

Our school policies are written with the objective of continuously improving the school in our aim of realising the school's vision:

Bishop Chavasse School values every wonderfully and uniquely created child and adult; inspiring everyone to **fulfil their potential**, as we **achieve excellence together**. As Jesus teaches through the parable of the house on the rock: we **grow in wisdom**, supported by the *compassion* of God to establish firm, *honest* foundations on which every child can **build**.

'And the child grew and became strong in spirit and filled with wisdom.' Luke 2:40

Aim of the policy

To ensure parents of children who attend Bishop Chavasse Church of England Primary School who are separated understand the school's legal position when communicating with both parents in separate capacities.

Who has Parental Responsibility?

The definition of a parent for school purposes is much wider than for any other situation (The Children Act 1989). 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. 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 (although parental responsibility in a such a case is limited to taking reasonable steps to safeguard or promote the child's welfare); or
 - Adopting a child. If the parents of a child were not married to each other when the child was born, the mother automatically has parental responsibility. 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.

What does having 'care of a child' mean?

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:

- Interaction with the school – attending meetings, making phone calls, being on the school's record as being involved (in whatever capacity);
- 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? 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.

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’.

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:

- appealing against admission decisions;
- completing Ofsted & school-based questionnaires;
- participating in any exclusion procedure;
- attendance at parent meetings/school events; and
- 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.

The Governing Body recognises 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 or addresses where the child resides will be presumed to be correct unless a court order proving otherwise is provided to the school

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.

Administration

It is the responsibility of the parents to inform Bishop Chavasse Church of England Primary 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.

- Parents of children joining the school are required to bring in their child’s birth certificate. This ensures children are joining the correct year group and also helps the school ascertain who has parental responsibility.
- 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 data sheets annually. Where the

school already has the name and contact details of separated parents, each parent will be requested to complete the data sheet during the annual data collection.

- In cases where only one parent has signed the acceptance of a place and we hold no details of other persons with parental responsibility, the other parent will not automatically be consulted or receive information relating to their son/daughter. Should the un-named parent seek information or access to his/her child, the school will always inform the main carer of this and ensure no court order is in place preventing this. 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.
- 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.

School Communication

- Bishop Chavasse Church of England Primary School fully recognises its legal responsibilities, and it is our sole wish to promote the best interests of the child, working in partnership with all parents. 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.
- Bishop Chavasse Church of England Primary School will maintain its open-door policy with all parents. The class teacher, Key Stage Lead, SENDCO and/or Headteacher 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. Should parents require separate parent consultations, we will endeavour to accommodate this, but cannot guarantee these will happen within the allocated parent consultation times.
- Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving Bishop Chavasse Church of England Primary School directly. Issues of estrangement are civil/private law matters and Bishop Chavasse Church of England Primary 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 lines of communication between themselves on issues involving their child, they may wish to seek independent legal advice and explore other options. These might include referring the matter to non-court dispute resolution, such as mediation, or to the family court for adjudication. The staff at Bishop Chavasse Church of England Primary School may consider it appropriate to make an Early Help referral. Early Help means providing support as soon as a problem emerges at any point in a child's life. Where a child would benefit from co-ordinated Early Help, an Early Help inter-agency assessment should be arranged. The Government's [Working together to safeguard children](#) provides detailed guidance on the Early Help process.

Bishop Chavasse Church of England Primary School may also signpost parents to this guidance and other sources of support, such as [Citizens Advice](#) and [Coram Children's Legal Centre](#).

- 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 but 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.

Newsletters and general school updates will be sent to all parents by email

- These updates will contain all the main events within school, including: productions, sports days, parents' evenings, class trips. When parents register their child at school, the admissions form requests email addresses for all with parental responsibility which is then input into Arbor, our management information system used to send emails to parents/carers. We expect parents to check the emails sent from school and to read the newsletter to stay up to date with school timings and events, and 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. Newsletters, calendar dates, photographs and class updates or information are also available on the school website.
- We will hold twice yearly parent consultation evenings. We expect parents to communicate with each other regarding these arrangements. Bishop Chavasse Church of England Primary School will consider separate appointments but by prior agreement only or when a court order is in place restricting contacts with both parents.
- 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.
- We expect that parents should liaise and communicate directly with each other in matters such as payment for school dinners, trips, Breakfast Club and Afterschool clubs. Parents must then inform the office of who to contact should any queries arise.
- 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. A second report is available for collection from the school office. The office will send the second report to the non-resident parent if that parent sends a written request. 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. In any event, where the parents' estrangement is appearing to impact upon the health, wellbeing and safety of a child the matter will be referred to the Local Authority for advice.

Collecting a child from school

Bishop Chavasse Church of England Primary School will follow the standard agreed procedure in the release of a child or children:

- Parents complete the End of Day Arrangement form annually. This records who has been authorised by the parent to collect their child.
- Changes and updates to the End of Day Arrangement form can be made throughout the year by contacting the school office.
- Staff will release children to the named adults on the End of Day Arrangements form only.
- In the case of separated parents, Bishop Chavasse Church of England Primary School will release a child or children to a parent in accordance with any specific arrangements notified to the school in writing. 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 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.
 - 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 senior staff member dealing with the issue may make a decision based upon all relevant information available to him/her and therefore what they believe to be in the child's best interests based on the information they hold and what would normally happen.
 - 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.
 - Bishop Chavasse Church of England Primary School cannot prevent the other parent collecting the child or children but we will endeavour to reach an agreement and this may mean keeping the child or children safe whilst Bishop Chavasse Church of England Primary School 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 should be notified immediately and the Local Authority notified.

Management of the Policy

The Headteacher and Designated Safeguarding Leads will ensure all Staff, Governors and Volunteers are aware of the procedures to follow should the need occur. The policy will be made available to parents and published on our school website. This policy must be read alongside:

- End of Day Arrangements form
- Data Collection Form
- Child Protection Policy
- Safeguarding Policy
- Communication Policy
- <https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parentalresponsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility>