Separated and Estranged Parents Policy
Adopted September 2025
Next Review: September 2026

Context

Research and experience have shown that separated families 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.

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

Who has "Parental Responsibility"?

(The Children Act 1989)

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)
- 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; however, 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) 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?

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-family meetings/school events
- having access to school records, receiving 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. Legal clarity will be sought in any conflicting viewpoints.

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.

Our responsibilities

St Francis of Assisi Primary School fully recognises its responsibilities, and it is our sole wish to promote the best interests of the child, working in partnership with all parents.

St Francis of Assisi Primary School will maintain its open door policy with all parents. The class teacher and/or DSL and/or Head of School 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.

Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving St Francis of Assisi School directly.

Issues of estrangement are civil/private law matters and St Francis of Assisi 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.

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. At these times, the school may share a

personalised framework of communication with all parents which will set out the school's expectations and responsibilities when communicating with parents with the focus always being on the best interests of the child.

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 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.

Our Policy

It is the responsibility of the parents to inform St Franics of Assisi 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.

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.

Newsletters & general school updates can be sent to all parents via letters and email. These updates will contain all the main events within school, including; productions, sports days, family 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.

We will hold twice yearly family consultation evenings. We would expect parents to communicate regarding these arrangements.

St Francis of Assisi Primary School will consider separate appointments but by prior agreements 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. In cases where parents are unable to do this, the school will respond to requests from parents to facilitate alternative arrangements and in line with any court arrangements in place (if relevant)

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, progress reports will be sent to the parent at the address in the school's records specifying where the child resides with the expectation that he/she will share the report with the other parent.

If the child is subject to a joint residence order and the school's records formally capture that the child resides at two addresses, then progress reports will be sent to both email addresses.

The school will send copies of the progress reports to the parent with whom the child does not reside only if that parent submits a written request.

In the matter of the release of a child or children:

St Francis of Assisi Primary School will follow the standard agreed procedure in the release of a child or children.

In the case of separated parents, St Francis of Assisi Primary School will release a child or children to a parent in accordance with any specific 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 Head of School 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 Head of School or staff member dealing with the issue may make a decision based upon all relevant information available to them
- The Head of School 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.
- St Francis of Assisi 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 the school tries 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 may be 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.

Admissions

- For children beginning in nursery, reception and in-year admissions, it is imperative that the parent registering the child shares any court order or legal paperwork which stipulates the plan for the child's care, wellbeing and education. A school place cannot be given to a child until all relevant paperwork has been shared and verified.
- When a child and family is in receipt of support from additional service providers such as Early Help, family services or CAMHS, the parent applying for a place should make contact with the school's DSL to share appropriate information prior to beginning at the school. (Please note the list of additional services is varied and exhaustive so not listed in its entirety)
- Parents should share the name and contact information for the child's previous nursery/school/setting prior to the child beginning school.

Management of the Policy

The Executive Head Teacher/Head of School and Designated Safeguarding Lead(s) will familiarise themselves with this policy and ensure all staff, governors and volunteers are aware of the procedures to follow should the need occur.

The policy will be made available to families and published on our school website.

This policy should be read in conjunction with:

- Safeguarding Policy and Child Protection policy
- Families Code of Conduct