

Godwin Primary School



Policy and Guidelines for Working with Separated Families

March 2023



Policy and Guidelines for Working with Separated Families

Date	Review date	Responsible Person
March 2023	March 2025	J. Phillips

This policy should be read in conjunction with the school's Safeguarding Policy.

Rationale

It is the case at Godwin Primary School that some of our children's parents are separated. This policy aims to show how staff at Godwin will continue to work with families, in the best interests of children, after parents separate. Whilst we recognise that some family separations can be quite amicable, we are also aware that this can be a difficult situation and our main aim is not to put any additional stress on the child/children concerned. The child is our main priority and we hope parents will make every effort to recognise this and support both us and their child. (Parents should be aware that the school's Parent Support Adviser (PSA) is available should advice or support be needed.)

This guidance will apply unless the school is made aware of any Court Orders in place and has a copy of the documentation as confirmation.

Introduction

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 a step-parent, guardian or other relative);
- Any person who, although not a biological parent, has care of a child or young person.

A person has care of a child or young person if they are the person with whom the child lives and who looks after the child, irrespective of what their biological or legal relationship is with the child.

When a child joins our school we are required to ask for sight of their birth certificate (long version where available). This is important because:

- It ensures children are joining the correct year group.
- It helps us ascertain who has Parental Responsibility and be sure who has the right to make decisions about your child's education and medical treatment.

The information provided to school when the pupil is enrolled, detailing whether both parents have parental responsibility, will be presumed to be correct unless a court order or original birth certificate proving otherwise is provided to the school.

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.

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, or if they have jointly adopted a child, they each have parental responsibility for the child and both keep parental responsibility if they later divorce.

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

If you have parental responsibility for a child you don't live with, you don't necessarily have a right to contact with them - but the other parent still needs to keep you updated about their wellbeing and progress.

For further guidance, see Appendix B or the government website <https://www.gov.uk/parental-rights-responsibilities/what-is-parental-responsibility>

Schools have a legal duty to work in partnership with families and to involve all those with parental responsibility in their child's education. The DfE states that schools must treat all parents equally, unless a court order limits an individual's exercise of parental responsibility. This obligation on schools continues even when family circumstances change, for example, relationships between parents break down. Evidence shows that after separation children do best when those around them cooperate, provide stability, and avoid conflict. We understand that this can be difficult and parents can become estranged. However, it is generally in the best interest of children if parents and schools can work together.

Rights of those with parental responsibility

The DfE's guidance on parental responsibilities, explains that individuals who have parental responsibility for a child have the right to:

- Receive information about the child, such as pupil reports
- Participate in activities, for example voting in elections for parent governors
- Be informed about meetings involving the child; for example, parent consultation evenings and a governors' meeting on the child's exclusion
- Timely information about upcoming events
- Newsletters sent electronically or by post to non-residential parents

This is the case whether the parent lives with the child or not. The entitlement cannot be restricted without a specific Court Order. In particular, a school does not have the power to act on the request of one parent to restrict another.

If the school is presented with a Court Order, a senior member of staff will check it, to ensure that it is authentic and up to date, and take a copy for school records.

Collecting children from school

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 emergencies.

Both parents are legally entitled to collect their child from school unless a court order is provided that states otherwise. In all cases, the school will be mindful of its safeguarding responsibilities and may use its discretion not to send a child home with a particular parent.

Contact and access with children in school

Estranged parents may attempt to see their child(ren) in school, bring Christmas or birthday presents or otherwise try to gain access to a child. Schools are not obliged to allow this and we will always encourage parents to resolve contact issues elsewhere.

The following general guidance from the NAHT (National Association for Head teachers) may be taken into consideration:

- The interests of the child should always be paramount when deciding whether to accommodate a request from an estranged parent. This includes assessing the risk of damaging the school's relationship with the primary carer.
- The school should not be pressurised into making an instant decision and should take the time to seek advice, if in doubt.
- The school should not assume that a court order exists mandating or preventing contact with a child unless it has been provided with a copy – and should be aware that orders can expire or be replaced.
- 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. The school has no responsibility for enforcing any court order.
- A school should not release a child before the end of the day to anyone other than a “parent” of the child, without express consent. However, a school cannot be responsible beyond the end of the day once the child leaves the school gates.
- The school should encourage parents to notify them of any changes in marital circumstances, care or collection arrangements or court orders.

Contact between estranged parents in school

Estranged parents may come together in school for a variety of reasons. If a situation is likely to be awkward or volatile, then extra measures may be put in place to help keep proceedings as comfortable as possible for all concerned.

- **Parent's consultations:** We will usually offer one appointment per child which both parents are welcome to attend. However, in particular cases, a second appointment may be offered at a different time.
- **School events:** Where possible, parents are expected to liaise and communicate directly with each other in matters such as attendance at performances. For the sake of the child, a common-sense approach is expected from both parties; this may involve separated seating, arriving and departing at different times, or being accompanied on and off the school premises by a member of staff. In the case of parents who cannot be in the same place at the same time, eg: where an injunction or non-molestation order is in place, preference will usually be given to the parent with whom the child resides.

Attendance at school events may not be a possibility in the case of a parent with court-ordered contact hours. If an order clearly restricts contact to specific hours, any contact outside that time would be in breach of the order.

Information sharing

The DfE's guidance states that, for day-to-day purposes, the school's main contact is likely to be a parent that lives with the child on school days.

- **Progress reports:** Both parents are entitled to receive progress reports and review their child's pupil records. Progress reports will be sent to the parent with whom the child resides with the expectation that he/she will share the report with the other parent. The school will email copies of progress reports to the non-custodial parent if a written request is submitted.
- **School photographs:** Photographs will be sent to the parent with whom the child resides with the expectation that he/she will share them with the other parent. Where this is not possible, the school will order photographs on behalf of the non-custodial parent if a written request is submitted. Dates for the photographers' visits are included in school newsletters (see below).
- **Newsletters:** Monthly newsletters will be sent to the first-named carer, as agreed on admission, by email. Parents are responsible for providing a correct email address. Newsletters are available on the school website www.godwinprimary.co.uk or a paper copy can be collected from the school office.
- **Other communications:** Routine information, such as school trips, will be sent to the parent with whom the child lives for the majority of the time. We would not expect to send emergency text messages, which give information on cancelled activities and reminders, to absent parents unless we are asked in writing to do so.

Separated parents should be aware that:

Schools are not required to seek the consent of the parent with whom the child resides before either recording the contact details of the non-resident parent, or sending them their child's prescribed statutory educational information.

There is no statutory right for one parent to be told about another's requests for communication from the school, because all parents have the right to this.

There is no requirement on the school to inform one parent about communications with the other parent.

Most importantly, children who move between more than one home can find it more difficult to be organised for their day in school. It is essential that parents support their child by making sure they have reading books, homework, PE kit etc in the right location to bring into school on the correct day. Further, consistent arrangements should be made for the child to be supported in completing their homework, including an adult reading with the child and recording this in their reading diary, at least 5 times a week.

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.

Ratified by Governors at _____ meeting

Signed by: _____ (Chair of Governors) Date: _____

Appendix A

Additional guidance for staff *(taken from NAHT's "Pupil and Parent Matters" publication)*

Schools need to use their judgement and comply with their own policies and the law with respect to child protection, safeguarding and domestic violence. In extreme cases, disclosing that the child attends that school can put the child/parent at risk.

The following general procedures will support staff in a difficult situation:

- Telephone request for information about a child

If asked if a child/ren are registered in the school, (in the case of a known absent parent or parent the school staff has never met)

"I am sorry we cannot disclose information about children over the phone. If you would like to request information please write to the school. You will be asked to provide photographic proof of your identity (eg passport, driving licence) and proof of your relationship to the child/ren. Please also include a copy of one of the following documents: Child's birth Certificate, Marriage certificate, Parental responsibility Agreement. On receipt of these documents, we will send you (Appendix B)"

This procedure should be visible in the school office to ensure the correct information is given.

If the children are not in the school we will give the same answer as above.

If we have met the parent who is now no longer living with the family and he/she requests information, we ask them to complete the form in Appendix B.

- In-person request for information about a child

If a parent unknown to the school arrives at the school unannounced, asking for confirmation that children are at the school, we would say we cannot confirm information that children are in the school without documents proving the identity of the person asking. We would ask them to put their request in writing to the school together with photographic evidence (eg passport, driving licence) of their identity.

The resident parent would not be informed of the absent parent contacting the school by anyone other than the Headteacher who is under no obligation to do so.

- A parent approaches school, requesting to see a child and/or bearing a gift.

- Direct the parent to the Headteacher or a senior member of staff.
- The senior teacher should request proof of ID; if the parent refuses, they should be asked to leave the premises immediately.
- If the parent proves their identity, the senior teacher should nonetheless explain that school is not the appropriate place for contact visits, or the exchange of letters, gifts etc. and advise them to proceed through the primary carer or solicitor.

- A parent approaches a child on the way to or from school.

- The school should take full details from the person disclosing the approach.
- The class teacher or other suitable school employee should seek verification from the child involved.
- The school should inform the primary carer and the relevant School Support Services who will follow up the situation, if required.

- A parent approaches a child during school hours on school premises.

- If a member of staff sees this happening, they should direct the parent to the head teacher or senior member of staff immediately.
- If the child has been visibly upset by the approach, or if the parent refuses to cooperate, it may be necessary to separate the child and adult and contact a senior member of staff immediately. The adult may then be required to leave the premises, with assistance from the police, if necessary.
- All relevant staff should be aware of children where there may be contact issues.
- Staff should be particularly aware of who can and cannot collect a child from school.

Appendix B

Working with separated parents – Contact form

At Godwin Primary School we are committed to working with families and understand the importance of continuing the relationship between school and parents who do not live with their child.

Please complete the form below and return to the school office indicating how you would like to be kept informed about your child's education.

Name of parent:

Name of child/children:

Address:

Telephone number/s:

Email:

Please circle the best way to send information to you:

Via your child

By Parentmail (email)

By post

Please tick the information you would like to receive:

- Information about upcoming events
- Parents' Evenings
- Additional copies of end of year reports.
- Copies of Individual Education Plans (IEPs)
- Order form for photos

Appendix C

Parental rights and responsibilities *(Taken from GOV.UK)*

What is parental responsibility?

All mothers and most fathers have legal rights and responsibilities as a parent - known as 'parental responsibility'.

If you have parental responsibility, your most important roles are to:

- provide a home for the child
- protect and maintain the child

If you have parental responsibility for a child you don't live with, you don't necessarily have a right to contact with them - but the other parent still needs to keep you updated about their well-being and progress.

You are also responsible for:

- disciplining the child
- choosing and providing for the child's education
- agreeing to the child's medical treatment
- naming the child and agreeing to any change of name
- looking after the child's property

Parents have to ensure that their child is supported financially, whether they have parental responsibility or not.

Who has parental responsibility?

A biological mother automatically has parental responsibility for her child from birth.

A father usually has parental responsibility if he is either:

- married to the child's mother
- listed on the birth certificate (after a certain date, depending on which part of the UK the child was born in)

You can apply for parental responsibility if you don't automatically have it.

Births registered in England and Wales

If the parents of a child are married when the child is born, or if they've jointly adopted a child, both have parental responsibility.

They both keep parental responsibility if they later divorce.

Unmarried parents

An unmarried father can get parental responsibility for his child in 1 of 3 ways:

- jointly registering the birth of the child with the mother (from 1 December 2003)
- getting a parental responsibility agreement with the mother
- getting a parental responsibility order from a court

Births registered in Scotland

A father has parental responsibility if he's married to the mother when the child is conceived, or marries her at any point afterwards.

An unmarried father has parental responsibility if he's named on the child's birth certificate (from 4 May 2006).

Births registered in Northern Ireland

A father has parental responsibility if he's married to the mother at the time of the child's birth.

If a father marries the mother after the child's birth, he has parental responsibility if he lives in Northern Ireland at the time of the marriage.

An unmarried father has parental responsibility if he's named, or becomes named, on the child's birth certificate (from 15 April 2002).

Births registered outside the UK

If a child is born overseas and comes to live in the UK, parental responsibility depends on the UK country they're now living in.

Other ways to acquire parental responsibility

Parental responsibility can be acquired in other ways:

- adoption - only the adoptive parents will hold parental responsibility
- when a child is placed with prospective adopters they get parental responsibility for the child along with others holding parental responsibility, such as the local authority
- obtaining a parental order following surrogacy
- in the case of step-parents, through agreement with the child's mother - and other parent if that person also has parental responsibility for the child - or as the result of a court order

- being granted a child arrangements order determining that the child should live with him or her, or if the court determines that a parent should only spend time with the child, the court may also decide to grant parental responsibility
- being appointed a guardian or special guardian
- 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

Same-sex parents

-Civil partners

Same-sex partners will both have parental responsibility if they were civil partners at the time of the treatment, eg donor insemination or fertility treatment.

-Non-civil partners

For same-sex partners who aren't civil partners, the 2nd parent can get parental responsibility by either:

- applying for parental responsibility if a parental agreement was made
- becoming a civil partner of the other parent and making a parental responsibility agreement or jointly registering the birth

Parental responsibility for separated parents

If you have parental responsibility for a child but you do not live with them, it does not mean you have a right to spend time with your children. However, the other parent must include you when making important decisions about their lives.

You do not always need to get the consent of the other parent for routine decisions, even if they also have parental responsibility.

If it's a major decision (for example, one of you wants to move abroad with your children) both parents with responsibility must agree in writing.

You can [apply for a Specific Issue Order or Prohibited Steps Order](#) if you cannot agree. A judge will then make a decision which is in your children's best interests.

You must make sure your children are financially supported, whether you have parental responsibility or not.

You can get help to [arrange contact with your children](#).

Contact with your grandchild if their parents divorce or separate

You do not have an automatic legal right to see your grandchild if a parent stops you seeing them. There may however be steps you can take to get access.

There is a different process in [Scotland](#) and [Northern Ireland](#).

You can try to get help in seeing your grandchild through:

- an informal, family-based arrangement with both parents
- mediation

If this does not work you can ask the court for permission to apply for a court order.