



# Evendons Primary School

NURTURE INSPIRE FLOURISH

## **BPET Separated Parents Policy**

Signed:	
Chair of Trustees:	Claire Delaney
Approved:	1st September 2020
Reviewed:	Every three years
Review Date:	1st September 2023

## **1.0 Bellevue Place Education Trust – Our commitment**

### **Learn, Enjoy, Succeed**

Every BPET child and staff member enjoys a broad (LEARN) and enriched (ENJOY) learning experience, enabling them to achieve far greater individual success (SUCCEED) than they might previously have thought possible.

#### **Our Mission**

To grow hubs of like-minded, autonomous schools, well-supported, all of which combine academic rigour with highly enriched opportunities that deliver a personalised approach to education and exceptional outcomes for all.

#### **Our Difference**

We are leading the way in delivering high quality education through a skills-based curriculum, applying the best of the independent and state sectors to deliver breadth of opportunity and pupil enrichment. We empower all our schools as individual entities that best meet the needs of the communities they serve and have a strong relationship with parents, who are our key partners in delivering the vision.

#### **Our Promise**

Every child is an individual. Our role is to nurture pupils' potential through a personalised approach to learning. BPET children are happy, independent, confident all-rounders. We encourage a 'be interested and be interesting' attitude in children and staff alike. We don't just teach; we want our pupils to have a passion to learn. Our focus is on all pupils, regardless of background or academic ability, focusing on pupils with Special Educational Needs as well as those who are more-able.

## **1.0 Introduction**

**1.1** It is the case at BPET Schools that some of our children's parents are separated. We recognise that this can be a difficult situation and our main aim is not to put any additional stress on the children concerned. The child is our main priority and we hope parents will make every effort to recognise this and support us and their child. 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. Parents and partners may need to check on who has official parental responsibility and provide evidence of this. We will ask for evidence to confirm parental responsibility – for instance sight of a child's full, long birth certificate.

**1.2** 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. Our aim is to work with all parties to promote positive family involvement. This policy clarifies what is expected from separated parents and carers, the school and its staff.

**1.3** This policy is in line with and references the document 'Understanding and dealing with issues relating to parents' responsibility' (DfE, January 2016).

## **2.0 Definitions**

**2.1** It is important that BPET schools are aware that parents may be recognised differently under education law than under family law.

**2.2** For the purposes of education law, section 576 of the Education Act 1996 defines a 'parent' as:

- all natural (biological) parents, whether they are married or not;
  - any person who, although not a natural 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 natural parent, has care of a child or young person.
- 2.3 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 relationship is with the child.
- 2.4 In family law under Section 3(1) of the Children Act 1989, parental responsibility means all the rights, duties, powers, responsibilities and authority that a parent has in relation to the child. People other than a child's natural parents can acquire parental responsibility through:
- being granted a Child Arrangement 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;
  - 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);
  - adopting a child;
  - (in the case of step-parents) in agreement with the child's mother (and other parents if that person also has parental responsibility for the child) or as the result of a court order.
- 2.5 Civil partners have parallel (as far as possible, identical) rights to married people. The same provisions for married people apply to them in terms of acquiring (i.e. in the case of adoption, agreement with their civil partner or by an order from the court) or holding parental responsibility.
- 2.6 The terms 'resident' and 'non-resident' parents are used to distinguish between parents who do and do not live with a child.

### **3.0 General principles**

- 3.1 School staff must treat all parents equally, unless there is a Court Order limiting or defining an individual's exercise of parental responsibility. Everyone who is a parent as defined under education law, whether they are the resident parent or not, with or without parental responsibility, has a right to participate in decisions about a child's education and receive information about the child; even though, for day-to-day purposes, the school's main contact is likely to be a parent with whom the child lives on school days and it is their responsibility to share this information with anyone else who holds parental responsibility.
- 3.2 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 statutory activities; e.g. vote in elections for parent members of Local Advisory Boards;
  - To be asked to give consent; e.g. to the child taking part in school trips;
  - To be informed about meetings involving the child; e.g. a meeting regarding the child's exclusion.
- 3.3 All parents also have legal obligations; for example: to ensure that a child of compulsory school age receives a suitable full-time education.

- 3.4 Where a parent's action, or proposed action, conflicts with the school's ability to act in the child's best interests, the school will try to resolve the problem with that parent but avoid becoming involved in conflict. However, there may be occasions when a school needs to decline requests for action from one or more parents.
- 3.5 In cases where schools cannot resolve the conflict between separate parents, they should advise the aggrieved parents to pursue the matter through mediation and if necessary through the Family Court. Having parental responsibility does not allow a parent to obstruct a school from carrying out their duties under legislation .

#### **4.0 Administration**

##### **4.1 The school will:**

- ask parents or guardians for contact details, including 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 the school has details of who to contact in the case of an accident or medical emergency;
- ensure that contact details, including 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.

##### **4.2 Such information will be necessary when decisions need to be made about who can give parental consent for a school visit, or be contacted if the child is ill, as well as what to do in more difficult situations; for example: if a parent, rather than a foster-parent, comes to collect a child in local authority care from school. The school will be mindful to protect the private data of each parent from any other and avoid inadvertent disclosure.**

##### **4.3 The School will ensure they follow these guidelines and treat all parents fairly by following these guidelines:**

- 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.
- The information provided to school when the pupil was 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.
- All communication from school will be sent electronically to parents who are held on the school data system as primary guardians. Parents are asked to make clear on their admission form which parent(s) should be categorised as primary guardians.
- Parents are responsible for providing a correct current email address. Occasionally paper letters are sent home with pupils and we expect parents to communicate these messages to each other as and when appropriate.
- We will hold one parent's evening appointment per child where both parents are welcome and we expect parents to communicate with each other regarding these arrangements.
- In the event of an exclusion meeting, all parents and persons with parental responsibility will be invited to attend the meeting and all will be given an opportunity to present their case.
- We expect parents to liaise and communicate directly with each other in matters such as the ordering of school photographs; tickets for performances and other instances.

- 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 post/email copies of progress reports to the non-custodial parent if a written request is submitted.
  - Both parents are legally entitled to collect their child from school unless a court order is provided that states otherwise. Children's welfare and safety are paramount and, where there are issues over access to children, the parent with whom the child resides 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. 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.
  - In cases where the school does not know the whereabouts of a non-resident parent, it should make the resident parent aware that the other parent is entitled to be involved in their child's education and request that information is passed on.
  - If the resident parent refuses to share information with the other parent and also refuses to provide contact details so that the school can deal directly with the non-resident parent, the school can do nothing more. It should be noted, however, that the resident parent may be genuinely unaware of the non-resident parent's whereabouts.
  - If the non-resident parent subsequently contacts the school and requests access to information, the school should provide it to that parent directly, after taking reasonable steps to satisfy itself that the individual is, in fact, the child's parent.
- 4.4 The welfare of the child is at the heart of all we do and the Headteacher maintains the right to discontinue any of the above if it is deemed to be significantly against the child's best interests unless there is a Court order to the contrary. Court orders may also alter the position the school adopts.
- 4.5 Where the School needs parental consent to outings and activities, the Headteacher will seek the consent from the resident parent unless their decision is likely to have a long-term and significant impact on the child.
- 4.6 In cases where the school considers it necessary or has been asked to seek consent from both parents, it is best for the school to assume that parental consent has not been given unless both parents have given consent. Such an approach ensures that the school has treated the views of each parent equally and will also help to safeguard the position of the school in terms of exposure to any potential civil liability where, for example, the child is injured while on a school trip.
- 4.7 The School will treat both parents equally and will not become involved in disputes between parents. However, if a situation arises where parents are unable to agree over consent, the school will make a decision based on what is in the best interests of the child, including, where possible, taking into account the wishes and preferences of the child.
- 4.8 If parents remain in dispute the school might want to suggest that where parents cannot agree they seek independent legal advice about obtaining a Court order setting out exactly what decisions each parent can make in respect of the child (a Specific-Issue or Prohibited Steps Order as appropriate).
- 4.9 If a family feels that exceptions to any part of this policy are necessary, they are invited to discuss this with the Headteacher. Where necessary a separate plan will be put into place and agreed by the school and all individuals who hold parental responsibility.

4.10 Where there is an application to change the Child's school, the agreement of all parents with parental responsibility is assumed unless there is a Court Order.

**Appendix 1: Further information and guidance from ‘Understanding and dealing with issues relating to parental responsibility’ DfFE, September 2018.**

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 are not married to each other, 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; or
- Through a 'parental responsibility agreement' between him and the child's mother which is registered with the court; or
- By obtaining a court order for parental responsibility. In addition, a local authority can acquire parental responsibility if it is named in the care order for a child.

More than one person can hold and exercise parental responsibility for a child. The parental responsibility of one party does not stop simply because another person is also given it. So, in some cases several people may be regarded as being the 'parent' of a child.

**Key effects of a father acquiring parental responsibility:**

- He becomes a 'parent' for the purposes of adoption legislation and can therefore withhold consent to an adoption;
- He can object to the child being accommodated in local authority accommodation and remove the child from local authority adoption;
- He will automatically be a party to care proceedings;
- He can appoint a guardian;
- He can give valid consent for his child's medical treatment;
- He has a right of access to his child's health records;
- He can withdraw a child from sex education and religious education classes and make representations to schools concerning the child's education;
- His consent is required if the child's mother seeks to remove the child from the jurisdiction;
- He can sign a child's passport application and object to the granting of a passport;
- He has sufficient rights in relation to a child to invoke the international child abduction rules;
- He can consent to the marriage of a child aged 16 or 17.

**Court Orders and Parental Responsibility**

Court orders under section 8 of the Children Act, 1989 as amended by the Children and Families Act, 2014. (often called section 8 orders) settle areas of dispute in relation to the exercise of parental responsibility or a child's care or upbringing, and can limit how an individual exercises their parental responsibility.

There are three types of section 8 orders that can be made to address particular issues:

- A **prohibited steps order** prevents someone – not necessarily a parent from carrying out a particular action without the court’s agreement. For example, removing a child from the jurisdiction, having contact with a named individual, changing a child’s surname. Save for exceptional circumstances these orders can only be made in relation to a child under 16.

For example: one parent wants to take the child abroad for an extended period or prevent the child from attending a form of religious worship, against the wishes of the other parent.

- A **specific issue order** usually relating to education questions, medical decisions and holidays resolve a single issue that has or may arise in respect of a child’s upbringing.

For example: an order allowing one parent to agree to a pupil changing school against the wishes of the other parent.

- **Child arrangements orders, these can be:**
  - A Residence Order – which sets out whom the child will live with. In the past this was known as ‘custody’.
  - A Contact Order – which indicates the person or person(s) the child can visit or have other contact with. If it is in the child’s interest, contact may be supervised.

Parents should therefore ensure that schools are provided with a copy of the most recent Court order in place, so that the school’s duties in respect of child safeguarding are supported.

Schools should note that a Court order limiting a parent’s exercise of their parental responsibility does not necessarily prevent or restrict a school from continuing to carry out their duties under education law (see below for examples).

While such cases are rare, in very limited circumstances, the Court can also make an order to terminate parental responsibility (that has been acquired) under section 4(3) of the Children Act 1989.

#### Medical Treatment – Seeking Consent following Accident or Injury

Schools may experience problems when a child has had an accident and consent may be needed for emergency medical treatment. The Children Act 1989 provides that people who do not have parental responsibility but nonetheless have care of a child may:

‘...do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child’s welfare’.

This would allow schools to act ‘in loco parentis’, i.e. in place of a parent, or allow them to seek consent from a parent who may not hold parental responsibility.

It would clearly be reasonable for a school to take a child who needs to have a wound stitched up to hospital, but the parents, including the non-resident parent who has asked to be kept informed of events involving the child, should be informed as soon as possible.

## Safeguarding

All schools must have regard to the Keeping Children Safe in Education (KCSIE) statutory guidance which explains what schools and their staff must do to safeguard their pupils.

Safeguarding is defined as ‘protecting children from maltreatment; preventing impairment of children’s health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes.’

The guidance emphasises that everyone who comes into contact with children and their families has a role to play in safeguarding children. School staff are particularly important as they are in a position to identify concerns early and provide help for children, to prevent concerns from escalating.

If a child is in immediate danger or is at risk of harm a referral should be made immediately to children’s social care and or the police as appropriate. All schools should have a designated safeguarding lead.

It will be for the school, on a case by case basis, to consider the level of information (if any) that is provided to parents where referrals have been made to children’s social care. The designated safeguarding lead working with children’s social care should generally lead on any decisions with regards to information sharing safeguarding concerns with parents. Information sharing should always be in the best interests of the child.

## Parent Local Advisory Board members

Schools must not restrict eligibility to nominate, vote or otherwise participate in the election of parents to the Local Advisory Board to parents holding parental responsibility. Under the School Governance (Constitution) (England) Regulations 2012, ‘parent’ includes not just those with parental responsibility but natural parents and anyone who cares (or has cared for) a child.