

	Title	Parental Responsibility including Separated Parent Policy
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Equality Impact Assessment

The school aims to design and implement services, policies and procedures that meet the diverse needs of our provision, population and workforce, ensuring that none are placed at an unreasonable or unfair disadvantage over others. We are confident that this policy does not place anyone at an unreasonable or unfair disadvantage, and is compliant with relevant equalities legislation.

Where the school or staff are referred to, the policy and the following procedures apply to all staff working for Corbets Tey School on all sites.

Version Control

Version	Date	Author	Description of Change
1	May 2022	Sue Hillier	New document

1. Introduction

This policy takes into account the government's explanation of Parental rights and responsibilities and the Department for Education's (DfE) guidance Understanding and dealing with issues relating to parental responsibility

Government guidance outlines what is parental responsibility and who can obtain it.

At Corbets Tey School, we aim to maintain contact with both parents in the best interests of their child or young person. 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.

The basis of the advice within this policy is with regards to a child or young person who has already been admitted to the school.

The person(s) with parental responsibility who applied for the child or young person's admission should have involved all others with parental responsibility in making the decision to apply. They should have provided the school with details of all those with parental responsibility. Where this has not happened the school welcomes direct contact from those with parental responsibility providing their own details. However, the school cannot be held responsible for excluding a parent or person with parental responsibility if the information has not been provided to them.

If parents separate whilst their child or young person already attends the school, parents must notify the school immediately so that the school can ensure continuing contact with both parents. In the event that parents have separated on an acrimonious basis the school will endeavour to accommodate each parent separately in terms of communication and any attendances at the school.

2. Definition of "parent"

The definition of a "parent" for school purposes is much wider than for any other situation. Section 576 of The Education Act 1996 defines a parent as:

- All biological parents, whether they are married or not;
- Includes 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 or young person lives, either full or part time and who looks after the child or young person, irrespective of what their biological or legal relationship is with the child or young person.

For example, this may be a foster carer or family carer or friends carer who do not have parental responsibility but have been delegated the responsibility for taking day-to-day decisions about the child or young person.

Parents, as defined above, are entitled to share in the decisions about the child or young person'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
- Receiving newsletters
- Invitations to school events
- Information about school trips
- School photographs relating to their child or young person
- Participation in any exclusion procedure
- Dealing with any medical issues that arise and/or vaccinations that may be offered.

The school recognises that whilst the parents of some students may be separated, divorced or estranged, they are still entitled to the above and this entitlement cannot be restricted without a Court order. If parents are involved in proceedings before the Court directly relating to the child or young person, parents should seek the Court's permission to disclose the Court order(s) made to the school. In addition, and should the Courts so require, the school will be willing to provide a letter setting out any information that is specified in a Court order.

3. Parental Responsibility

Parental responsibility is defined in the Children Act 1989 and means the rights, duties, powers, responsibilities and authority that a parent has for their child or young person. In addition to a child or young person's natural parents, it can be acquired by Court order, being appointed a guardian, adopting a child or young person or a formal agreement.

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

Birth Certificates provided to the school by parents when the child or young person was enrolled, detailing who has parental responsibility, will be presumed to be correct unless a Court order or other proof is provided to the school. The school will be reliant on such information being provided as accurate and true. The information provided by the parents regarding the address(es) where the child or young person 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 or young person should live.

Every parent with parental responsibility for a child or young person has an equal right to be engaged with decisions regarding their education. Unless there is a Court order limiting an individual's exercise of parental responsibility the school must treat all parents equally and must provide them with the same information.

Where contact has been limited by a Court order, the parent still has the right to receive information about the child or young person and be involved in decisions regarding their

education and welfare, unless a Court order restricts what information they can receive or removes their parental responsibility. We will not remove a parent's contact details without such a Court order being in place or a parent asks for their **own** contact details to be removed.

4. Court orders

At Corbets Tey School, our sole wish is to promote the best interests of the child or young person, working in partnership with all parents and/or those with parental responsibility. 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 sealed 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 but will endeavour to ensure that if there are restrictions in place with regards to the collection of a child or young person, such restrictions are adhered to.

In the event that the school is not informed of the existence of such an order, parents will be treated equally by the school. If there is an order in place and neither the parents and/or those with parental responsibility inform the school then if there is any breach of such order, the school cannot be held responsible and/or liable.

5. Disputes and disagreements

Corbets Tey 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. In all cases where parents and/or those with parental responsibility 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.

In the event that the parents are unable to agree with one another on decisions regarding their child or young person'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.

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 or young person 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 a child or young person at the end of the school day, in particular if there is any Court order that has been made.

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 children or young people

On being admitted to the school, and unless notified to the contrary, the school will release a child or young person to either or both parents and/or those with parental responsibility and/or those with care of the child or young person. If one parent seeks to remove the child or young person from school in contravention of the notified arrangements, and the parent to whom the child or young person 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 or young person and then telephone the parent to whom the child or young person would normally be released and explain the request.
- If the parent to whom the child or young person would normally be released agrees (such agreement to immediately be confirmed by an email to ensure there is record on the school's files), the child or young person may be released and the records will reflect that the permission was granted.
- In the event that the parent to whom the child or young person 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 him/her.
- The Headteacher or designated deputy may have to refuse permission if consent cannot be obtained *and may need to take advice before a child or young person are collected or released.*
- During any discussion or communication with parents and/or those with parental responsibility, the child or young person 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 or young person may occur or if the parent is disruptive, the police will be notified immediately.

8. Communication between school and separated parents

In cases where a 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 or young person'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 direct with the non-resident parent, the school can do nothing more. It should be noted, however, that the resident parent might 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 direct, after taking reasonable steps to satisfy itself that the individual is, in fact, the child or young person's parent. However if there are known complicating factors to a particular situation the school will contact social services before releasing information to the non-resident parent.

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

There is also no requirement for a school to request a solicitor's letter from a parent who does not live with the child or young person, as evidence that they are a parent entitled to educational information about their child or young person. Nor does a school need a court order directing them to provide statutory information to any parent who is entitled to it.

9. Obtaining consent

Where schools need parental consent to outings and activities, headteachers should seek the consent from the resident parent unless the decision is likely to have a long-term and significant impact on the child or young person, or the non-resident parent has requested to be asked for consent in all such cases.

In cases where the school considers it necessary or has been asked to seek consent from both parents, you may wish to assume that parental consent has not been given unless all parents agree. 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 or young person is injured while on a school trip.

Schools should avoid becoming involved in any disagreement between parents but 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 or young person (a Specific-Issue or Prohibited Steps Order as appropriate).

10. Medical treatment – seeking consent following accident or injury

Schools may experience problems when a child or young person has had an accident and consent might be needed for emergency medical treatment. The Children Act 1989, section 3 provides that people who do not have parental responsibility but nonetheless have care of a child or young person may:

'...do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child or young person's welfare.'

This would allow schools to act 'in loco parentis', 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 or young person 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 or young person, should be informed as soon as possible.

Newsletters and general updates are sent via AutoText email and text to all parents and/or those who have parental responsibility for whom we have up-to-date contact details. These updates contain information about 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 although in some instances the school recognises that this may not be possible should there be a Court order in place preventing the parties from contacting each other. The school will try to comply with requests; however, in certain circumstances, and as stated above, 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 teachers or tutors and/or the Headteacher will be available by appointment to discuss any issues.

11. Parents' evening appointments

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

12. Written pupil reports

Any person who is known to the school to have parental responsibility for a child or young person has the right to receive written progress reports for their child or young person. 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.

13. Change of name

A parent can only change their child or young person's name (forename and/or surname) either by both parents providing a letter confirming such consent and bearing wet signatures or by an order of the Court. Unless either of the above are provided, the child or young person will be known and addressed by their birth name as recorded on their birth certificate.

The school is under no obligation to do so but they may, effect an informal change of name if that is requested by the parent(s) for example (a) verbally addressing a child or young

person (b) name on books etc. It is important to note that the school database, unless changed by an order of the Court, will reflect the child or young person's name at birth.

In addition, and as stated, any informal change of name addressing the child or young person is at the school's complete discretion after the school has taken into account all of the circumstances.

14. Access to School information

Key information is available on the Corbets Tey School website. Parents may also receive information via Autotext or email.

For parents who do not have access to the internet, paper copies of communications may be requested from the school.

Related Policies

- Safeguarding Policy
- Parent and Carer Partnership and Communication with Parents Policy
- Complaints Policy
- First Aid and Healthcare Policy
- Children who are Looked After (CLA) Policy