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**Anker Valley Primary Academy**

# **Separated Parents Policy**

## Document Control

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| Policy Title    | Separated Parents Policy     |
| Effective Date  | September 2024               |
| Policy Owner    | Anker Valley Primary Academy |
| Policy Approver | Local Governing Body         |

## Version Control

| Version | Date           | Amended by | Comments   |
|---------|----------------|------------|--|
| 2       | September 2024 | NH         | References to Head of School amended to Headteacher. |
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| Section | Changes Made |
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## **Rationale**

This policy takes into account the following legislation and guidance, and is complementary to DfE guidance and procedures, Anker Valley Primary Academy and Fierte Multi Academy Trust policies as listed below:

- Children and Families Act 2014
- Understanding and dealing with issues relating to parental responsibility, DfE Jan 2016
- Keeping Children Safe in Education 2022
- The Equality Act 2010
- Fierte Multi Academy Trust Complaints Policy
- Fierte Multi Academy Trust Mental Health & Wellbeing Policy
- Anker Valley Primary Academy Admissions Policy

Anker Valley Primary Academy recognises that separated parents can work well together in the best interests of their children and can together play a vital role in their children's education and development. We aim to facilitate that collaborative relationship and to always place the welfare and wellbeing of the child/ren at the centre of our provision.

We recognise that there can be challenges in making parents who are separated feel that they are being treated equally and have equal opportunity to contribute to and shape their children's education.

We also recognise that there can often be challenging issues arising out of parental separation and these can sometimes impact upon children.

**Our role is to ensure that the welfare of children is paramount and with this in mind we would like separated parents to have absolute clarity about the Academy's aims and boundaries around these issues.**

This policy serves to communicate what parents can expect from Anker Valley Primary Academy in respect of separated parents; to signpost parents to provision and support available for children and families; as well as to outline what the Academy expects from separated parents in order to work in the best interests of the child.

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 or young person i.e., a person with whom the child resides and who looks after the child irrespective of the relationship.

## **Who has “Parental Responsibility”?**

A mother automatically has parental responsibility for her child from birth. A father usually has parental responsibility if he’s 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).

A parent can apply for parental responsibility if they do not automatically have it. If **you** are in the **position of having** parental responsibility, **your essential roles** are to:

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

You’re 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.

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

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

## **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 United Kingdom**

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

## **Same-sex parents**

### **Civil partners – same sex marriage**

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

### **Non-civil partners**

For same-sex partners who are not civil partners, the second 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.

If it is a major decision (for example, one parent wishes to move abroad with a child(ren)) both parents with responsibility must agree in writing.

People other than a child's natural parents can acquire parental responsibility through:

- In the case of step-parents, an agreement with the child's mother (and other parent if that person also has parental responsibility for the child), or a Court Order.
- Being granted a Child Arrangements Order;
- Being appointed a Guardian;
- Being granted a Residence Order;
- 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);
- Being granted a Special Guardianship Order;
- Adopting a child.
- The provisions of the Human Fertilisation and Embryology Act 2008.

During the admissions procedure, parents are required to provide information on who has parental responsibility, which will then be inputted on the Academy's electronic database. This will be presumed to be correct unless evidence (a Court Order or original birth certificate proving otherwise) is provided to the Academy.

The first parent listed on the Academy database is the parent all correspondence goes to - letters, phone calls, emails, newsletters, Tapestry notifications, etc, unless we are told otherwise. Both parents will receive the same information if requested.

Parents are responsible for informing the Academy when there is a change in family circumstances. We recognise the sensitivity of such situations, and we will maintain confidentiality requested by parents as far as possible.

If there are changes to parental access to children or responsibilities then parents will be expected to share copies of any Court Orders with the Headteacher. The Academy will treat all those with parental responsibility equally, as set out below.

### **Equal Treatment**

Parents, as defined above, are entitled to share in the decisions that are made about their child and to be treated equally by schools. We will always treat parents equally and will not show favouritism or discriminate on the grounds of gender, race or other 'protected characteristics' (Equality Act 2010).

Schools must treat all adults with parental responsibility for a child equally, unless a Court Order limits an individual's exercise of parental responsibility. Everyone who has parental responsibility has a right to receive information about the child. This is the case whether they live with the child or not.

There is no requirement for the Academy to inform one parent about communications with the other parent.

We aim to collaborate with parents in the best interests of their child/ren, and to ensure that parents are equally entitled to:

- Appeal against admission decisions.
- Participate in Ofsted & school-based questionnaires.
- Participate in any exclusion procedure.
- Attend parent meetings or other school events.
- Have 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 and there may be non-residential parents, their entitlement to all the above cannot be restricted without a specific Court Order.

In particular, the Academy does not have the right to act on the request of one parent to restrict information to another, unless this is specified in a Court Order or there is a serious and urgent safeguarding concern.

## **Sharing Information and Equal Involvement**

It will usually be assumed that, where two or more parents are listed as having parental responsibility, they will share information between themselves. Where possible, this encourages joint decision making, consistency and harmony to the child's benefit; it also reduces the administrative burden on the Academy.

However, where parents feel that they are unable to share information together, or where stipulated by a Court Order, parents are expected to inform the Headteacher in writing.

The Academy will then adhere to the following communication practices to ensure equal information to each parent:

- The vast majority of correspondence is emailed and all parents with parental responsibility (whose contact information we hold) will have this information sent to them. Letters and information about events will also be available on the Academy website and social media pages.
- Newsletters & general updates can be sent to both named parents via email (Parent Portal) or Tapestry. These updates will contain all the main events within school, including productions, sports days, parents' evenings, class trips, etc.
- Log-ins and online home learning will be accessible to both parents including access to Tapestry and Little Wandle Phonics E Books.
- Invitations to special meetings specifically concerning the well-being or education of the child will be issued to both/all parents simultaneously. Alternatively, if requested in the written statement submitted to the Headteacher, or where required by a Court Order, each parent will be offered a separate meeting.
- Some letters (those with a reply slip – e.g., trip permissions or club applications) may be sent as hard copies and will be placed in the child's book-bag. Permission slips for activities etc. will be accepted from anyone with parental responsibility and only one signature is necessary.
- Where it is not possible to accommodate both parents (for example, only having room for one to accompany the child on a trip or parent workshop), class teachers are expected to alternate, so that all parents have fair and equal access.
- The Academy will ask both parents for consent for health services and/or any other specialist intervention. If permissions differ, the Academy will ask to meet both parents to discuss.
- The Academy will ask both parents for consent regarding the child's participation in residential trips. If permissions differ, the academy will ask to meet both parents to discuss.
- If a child is absent without explanation or authorisation, both parents will be contacted.
- For day-to-day matters, the Academy will inform the parent with whom the child resides. Where there is shared custody, the parent with whom the child is resident on the day will be called/spoken to, though there may sometimes be errors if this is not very clear.
- The Academy will send information relating to events such as sports day and school plays and concerts to both parents, individually.
- Two Annual School Reports will be available for collection from the office by each parent or can be posted if requested.
- We expect that, wherever possible, separated parents attend their child's annual Parents Evening appointments together, since, due to the high number of separated parents and our limited resources, we cannot offer two appointments as a matter of course for all separated parents in the

Academy. We appreciate, however, that there will be exceptional circumstances where this is impossible, and we will make arrangements where we agree it is required.

- In case of an accident or emergency, we will first phone the parent with whom the child resides (which should be the priority phone number held on our system) or the parent with whom the child is residing on that day (if we know that information), however – where the accident or emergency is serious – we will seek to contact both parents individually.

### Procedures

- Where there is dispute over access to a child or children, any adult with parental responsibility should contact the Academy immediately to discuss these.
- Court Orders preventing an individual's access to a child or detailing contact arrangements that involve the Academy should be provided to the Academy immediately any are issued. These will be shared with all relevant staff.
- Where there is a Court Non-molestation (restraining) Order in place, the Academy will put measures in place to ensure the child is never released to a named individual.
- Where a separated parent has parental responsibility but is not the parent with whom the child usually resides and there is no Court Order in place, the School is required to allow the child to go home with him or her; however, the Headteacher or Designated Safeguarding Lead is able to use discretion (in the case of an unexpected or unusual request) and would seek clarification from the resident parent before allowing the child to leave the premises.
- Should a parent (unnamed on the child's data sheet and therefore parental responsibility unknown to the school) seek information or access to his/her child, the school will provide no information or access, and will inform the known, resident parent of this in order to clarify the situation.

### Guidance to staff

- First and foremost, staff have a duty of care to ensure the rights and wellbeing of the children within Anker Valley Primary Academy. It is important to recognise that a parental separation can have a devastating impact on any children that find themselves at the centre of parental conflict, particularly if the latter is on-going; the **children's wellbeing is always the priority**.
- In such situations, one or both parents may express grievances against the other party. Staff should have regard that such matters are generally highly complicated and there is almost always more than one side to a story.
- Talking or behaving in a manner that could be construed to be partial to one party could be detrimental to the interests of the child or children concerned, in that it may serve to exacerbate parental conflict.
- Staff should beware of manipulation by parents in such situations and/or behaving in a manner that is or might reasonably be construed to be biased. Indications of such manipulative behaviour might include being asked for a series of favours of escalating significance and bias in favour of the requesting party. In such situations, staff should always consult a member of the SLT to determine whether the requests being made are reasonable.
- Staff should always listen carefully to remarks and potential disclosures made by children at any time, as laid out in our Safeguarding and child protection procedures. Concerns should be



considered in an objective manner, with staff taking care not to be influenced in their actions by any preconceived ideas about either parent.

- Failure to listen adequately to a child disclosing potential mistreatment and abuse at the hands of one or both of their parents may result in the child feeling unable to trust the Academy staff in general.
- Behaving or being seen to behave in a biased manner in favour of one parent will likely have a detrimental impact on the relationship of the other parent with the Academy. Furthermore, the other parent may feel that they are being deliberately excluded from participating in their child's education. It is important to note that during times of separation and on-going conflict, parents are often emotionally and psychologically vulnerable, so may react strongly to any suspicion that they are being excluded or judged.
- Rare parental separations are precipitated by abusive behaviour on the part of one of the parents against the other parent and/or their child/children. While such abuse can and often does include physical abuse that leaves tell-tale signs such as bruising, it can and usually does take more subtle forms. The latter include various forms of coercion and threats, including threats of social exclusion. The latter might include "campaigns" carried out by one parent against the other via the manipulation of the opinions/loyalties of other parents. While staff have a duty to put the wellbeing of children first, they should also report signs of such abuse to the Designated Safeguarding Lead so as to ensure the victim of such abuse is able to obtain the support they may need.

### **Difficult issues around separation**

We recognise that parental separations are often not easy and that disagreements or difficulties between separated parents may occur.

Some separated parents occasionally ask school staff to monitor their child (e.g., their presentation/tiredness) on days spent with their former partner. This we cannot do, beyond our normal statutory duty to be alert for signs of neglect etc. Any concerns we do have will be noted down and shared with both parents.

Separated parents often feel that their child/ren's wellbeing has been negatively affected by issues around the separation. Some parents ask the school to provide support for their child in light of this. We would always want to provide support for any child undergoing stress or loss. However, if the situation in which the child lives is causing the child's anxiety or other mental health issues, it might be the 'situation' itself which needs support to change.

We are always happy to discuss an individual child's needs / situation and whether support via school is appropriate or possible. In considering this, we will look at the child's emotional presentation in school alongside parental concerns.

A separated parent who has parental responsibility but no longer lives with the child may refuse consent to changing the child's surname. In such a case, the parent wishing to change the child's

name would need to apply to the courts for permission to do so. Before registering a change of name, schools need to ensure all those with parental responsibility have consented.

As with all school activities, we expect that both parents will be invited to attend e.g., assemblies, productions, or special events. As with all school life, staff expect that parents will set aside any differences to focus on their child. This includes acceptance of seating arrangements, adherence to codes of expected behaviour towards all and participation in the best interest of the child.

### **Our Responsibilities**

We fully recognise our responsibilities, and our sole wish is to promote the best interests of the child, working in partnership with all parents.

We will maintain our open-door policy to all parents, and the class teacher and/or Headteacher or other Senior Leaders will be available by appointment to discuss any issues or concerns that separated, divorced or 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 the Academy directly, though they should keep the Academy informed so that we can provide additional monitoring or support of the child during that vulnerable time.

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 or external services, the Academy will strongly encourage parents to engage third party mediation to resolve the situation. Where progress is not made, and where the welfare and wellbeing of the child is at risk, the Academy will refer the matter to the relevant department of the Local Authority.

The Academy will review this policy annually and will assess its effectiveness by discussing its implementation with separated parents. The policy will be promoted and implemented throughout the Academy.

## APPENDIX 1 – SUPPORT FOR PARENTS AND CHILDREN

Action for Children - Support families through divorce, bereavement and children's behavioural problems.

Citizens Advice - Your local branch is listed in the telephone directory and online.

Free Divorce Advice - Run by an independent group of professionals, this organisation provides advice, support and information on all aspects of divorce. It has specialised sections for both young children and teenagers, enabling them to recognise and deal with emotions that arise from separation and divorce.

Family Lives - Parentline offers help and advice to parents on bringing up children and teenagers, tel: 0808 800 2222.

National Family Mediation - An organisation specifically set up to help families who are separating. It has a useful recommended reading list, which includes books for children of different ages.

Relate - Offers a range of services to help families and couples going through separation and divorce.

The Children's Society - Produces a series of leaflets for children and parents.

Money Advice - Information and advice on the financial aspects of divorce, separation or civil partnership dissolution, including an interactive calculator to help manage finances, work out what you have and owe, and/or to consider how you might split what you have.