



MANOR HOUSE SCHOOL POLICY INCL EYFS SEPARATED PARENTS POLICY

Date of Issue: **April 2024**

Date of Review: **April 2025**

Responsibility: Headteacher and DSL

References:

MHS Child Protection and Safeguarding Policy

MHS Pupil Supervision Policy

MHS Uncollected Children Policy

ISSR 2014 - Part 3

NMS Part C: Standard 7

Children Act 2004: 10 (2)

Children and Families Act 2014, Section 100

The Education Act 1996

Keeping Children Safe in Education 2023

<https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parentalresponsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility>

This policy will be reviewed at least annually, and/or following any concerns and/or updates to national and local guidance or procedures.

Introduction

This policy is applicable to all pupils, staff and volunteers at Manor House School ("the School").

This policy is drafted pursuant to the Department of Education departmental advice on Understanding and dealing with issues relating to parental responsibility (August 2023). The School recognises that the welfare of the child is our paramount consideration and that the School will always have a link with a person with parental responsibility so that decisions about the child's education can be made and that person is entitled to information about the child.

We aim to maintain contact with both parents in the best interests of their child(ren). 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 children who have already been admitted to the school.

The person(s) with parental responsibility who applied for the child'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 for a child. 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 already attends the school, the parents must notify the school immediately so that the school can ensure continuing contact with both parents and, in the event that the parents have separated on an acrimonious basis the School will endeavour to accommodate each parent separately in terms of communications and any attendances at the School.

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.

Who has "Parental Responsibility"? (The Children Act 1989)

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

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.

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 the School. In particular, these entitlements include:

- appealing against admission decisions
- completing ISI & school based questionnaires
- participating in any exclusion procedure
- attendance at parent meetings/school events
- dealing with any medical issues that arise and/or vaccinations that may be offered
- having 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, 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.

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.

Court Orders

Upon receipt of any court order restricting access to a parent, the school retains the right to consult the Local Authority before taking immediate action. 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. In the event that the school is not informed of the existence of such an order, neither parent will have rights superior to the other. Only a Court Order stating the arrangements is deemed to be valid; a letter from a solicitor is not sufficient.

Administration

It is the responsibility of the parents to inform the 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.

- Parents of children joining the School are required to bring in their child's birth certificate. This ensures children are joining the correct year group and also helps the school ascertain who has parental responsibility
- The parent with residency is required to provide details of all persons with parental responsibility on the child's data sheet. These details include names, addresses, telephone numbers, and email. Parents are requested to update these data sheets annually.

Where the school already has the name and contact details of separated parents, each parent will be requested to complete the data sheet during the annual data collection.

- In cases where only one parent has signed the acceptance of a place and we hold no details of other persons with parental responsibility, the other parent will not automatically be consulted or receive information relating to their daughter.

Should the un-named parent seek information or access to his/her child, the school will always inform the main carer of this and ensure no court order is in place preventing this. For the avoidance of doubt, we will seek written confirmation from the main carer. Proof of identity of the non-resident parent will always be required in these cases.

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.

School Communication

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

We recognise that, while the parents of some pupils may be divorced or separated, both have a right to be informed of, and involved in, their child's education. However, we expect that parents, whatever the nature of their separation, will do all they can to communicate with each other and share information from and for the school, for the benefit of their child. It is assumed that the parent with whom the child principally resides will keep the other parent informed.

- The School will maintain its open door policy with all parents. The teacher, Head of Key Stage Lead, SENCO and/or Senior Leadership Team 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 the School directly. *Issues of estrangement are civil/private law matters and Manor House 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. If no decision can be made, ultimately the parent with whom the School has an agreement with, as detailed on the admission forms, decision will be recognised.
- **Newsletters & general school updates** will be sent to all parents via email. These updates will contain all the main events within school, including; productions, sports days, parent's 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. This information is also available on the school website.

- We will hold yearly **parent consultation** evenings. We would expect parents to communicate with each other regarding these arrangements. Whenever requested, we will offer separate parents' evening appointments for separated, divorced or estranged parents who have parental responsibility. Where appointments are online dual appointments are available with both parents receiving the link and attending in separate locations.
- Manor House 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.
- We expect that parents should liaise and communicate directly with each other in matters such as **payment** for school trips, and co-curricular activities.
- 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, the report will be sent home digitally via the school management system.
- 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.
- When one parent makes a request for a referral to an external agency (for example early help, mental health support team, CAMHS in relation to the child), the school will inform the other parent and request if relevant if they would like their details included and recording. Each parent can request that any personal details and information related to them be redacted before a copy is shared with the other parent this also applies

should a parent request individual support for themselves, to an external agency. A child also has the right to request that their personal information be redacted should they not wish for it to be shared with a parent. Should we feel that the sharing of information may result in a safeguarding issue this may be withheld.

- 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.

Collecting a child from school

Please refer to and follow our Pupil Supervision Policy and Uncollected Pupils Policy.

Management of the Policy

The Headteacher and Designated Safeguarding Leads 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 parents and published on our school website.

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