



## SEPARATED PARENTS POLICY

This Policy relates to the rights and obligations of parents who are separated or divorced or in the process of separating or divorcing. In this Policy, we refer to parents in each of these situations as Separated Parents.

Leweston School recognises that pupils from families in which the parents are Separated Parents may experience unique challenges during their time at school that can affect their welfare and attainment. With this in mind, we make every effort to work with Separated Parents to promote the welfare of their child.

This policy has been created to help minimise the educational impact on a pupil affected by a family separation. We also aim to clarify to Separated Parents what is expected from them and what can be expected from the school and its staff, particularly in terms of how the school will communicate with Separated Parents.

### **Legal framework**

The rights of Separated Parents derive primarily from the Parent Contract but also from the general law.

### **The Parent Contract**

If you have signed the school's Acceptance Form, you are a party to the Parent Contract and are subject to its Terms and Conditions. Clause 14.5 of the Terms and Conditions provides as follows:

*14.5 School communications and notices will be sent to both Parents by email or post to the address(es) held on the school record unless:*

*14.5.1 both Parents request otherwise in writing;*

*14.5.2 the court makes an order to the contrary; or*

*14.5.3 there are other reasons that justify withholding the information, for example, in order to safeguard the Pupil or to comply with data protection laws.*

*The School is not generally obliged to share communications from one Parent (or related communications from the School) with the other Parent.*

Under clause 14.6 of the Terms and Conditions, the Head must be notified in writing immediately of any court order that impacts a pupil or of any significant change in home circumstances.

The school's obligation under Clause 14.5 is subject to the general law. For example, we will not disclose information to a Separating Parent if doing so might create a risk of harm to a pupil, would amount to a breach of confidence or would be contrary to data protection laws.

We will not generally disclose information provided by one Separating Parent to the other unless we have a clear legal justification for doing so. For example, where both Separating Parents are liable for Fees and one Separating Parent stops paying their share of the Fees, we are entitled to notify the other Separating Parent.

Any request by a Separating Parent for information about themselves communicated to the School by the other Separating Parent will be treated as a Subject Access Request and responded to in accordance with the UK GDPR and the Data Protection Act 2018.



## Parental Responsibility

Parents with parental responsibility for a child are required, among other things, to choose and provide for the child's education. They are entitled to be included in important decisions about their child's education, whether the child lives with them or not. This right is independent of the Parent Contract and applies to Separated Parents whether or not they signed the Acceptance Form.

However, responsibility for including those with parental responsibility in decision-making on significant education matters lies with the Separated Parents themselves and the school cannot act as a go-between for parents whose relationship has broken down.

We expect Separated Parents to reach agreement about how they will communicate with the school and vice versa and we will try to facilitate any reasonable agreement reached.

Separated Parents who have difficulty communicating with each other may wish to consider the following:

- Communicating through a court-approved App – Our Family Wizard (<https://www.ourfamilywizard.co.uk/>) - which can be used without a court order;
- Seeking legal advice from a solicitor with expertise in family law;
- Alternative dispute resolution; or
- As a last resort, applying to the Family Court to resolve their dispute.

## Regulation

Under the Education (Independent School Standards) Regulations 2014, the parents of a pupil (meaning those with parental responsibility for the pupil) are entitled to an annual written report of the pupil's progress and attainment in the main subject areas taught. This right applies regardless of whether a Separated Parent is a party to the Parent Contract.

## Roles and responsibilities

Parents are responsible for:

- Informing the school when there is a change in family circumstances. The school recognises the sensitivity of these situations and will maintain all confidentiality requested by parents as far as possible. The school will also not make judgements about individual circumstances, and both parents will be treated equally, subject to their respective legal rights;
- Where there is a court-mandated restraining order in place, providing the school with a copy, which will put measures in place to ensure the pupil is not released to named individuals;
- Where parents have shared care of their child (also known as joint custody), informing the school of the details of any disputes they have regarding the collecting of their child from school, in writing;
- Attending parents' evening appointments for their child – the school expects parents to communicate with each other regarding this;
- Liaising and communicating directly with each other in matters such as the ordering of school photographs, tickets for performances and other instances. The school will not deal individually with these requests in view of the significantly increased workload that they represent;
- Providing the school with consent for overseas school trips or overnight school trips of more than one night's duration from all those with parental responsibility for a child;
- Contacting the school immediately where issues relating to the access of their child arise.



We understand that separation and divorce can be extremely stressful, however, we expect Separated Parents to behave reasonably and courteously towards school staff and other members of the school community at all times. Under clause 9.6 of the Terms and Conditions, parents may be required to withdraw their child from the school if their behaviour or conduct is likely to have a negative impact on their child, other pupils or school staff.

The schools' Designated Safeguarding Lead is responsible for:

- Ensuring pupils are safe and happy at school;
- Making decisions regarding sharing information with parents about safeguarding concerns;
- Referring a pupil to the relevant support services, where required.

### **Parent disputes**

Disagreements between parents will be resolved between the parents and will not be resolved by the school. The school will ensure that it focusses on the welfare and education of the pupil at all times.

In the event that a pupil's parents are unable to agree with one another on decisions regarding their child's educational programme, including, but not limited to placement and participation in extracurricular activities, the school may suggest a meeting with all parents to assist them in resolving the situation.

The school will maintain an open-door policy with Separated Parents and the class teacher will be available to discuss any issues that are relevant to the school and/or their child's education and welfare.

The school will seek advice from the governing board or external legal advisers, where appropriate. In extreme circumstances, if the school believes that a possible abduction of the child may occur or if the parent is disruptive, the police will be notified immediately. Disruptive parents may be excluded from the school site.

In the event that a parent's action or proposed action contravenes the school's ability to act in their child's best interests, the school will make efforts to resolve the problem with the parent but will avoid becoming involved in any conflict. The school will decide whether it is appropriate to accept or decline requests for action from one or more parents.

### **Collecting a child from school**

At the beginning of each academic year, Separated Parents will be responsible for providing the school with the names of those who may collect their child and any agreed timetable for collection.

Separated Parents will contact the school where there are any changes to who may collect their child from school or the agreed timetable.

The school will not permit the child to be collected by a parent for whom a non-contact order is in place. Where a child arrangements order is in place, the school will be vigilant for breaches of this order in terms of parents collecting their child, e.g. if a parent collects their child on a day they have not been allocated.

The headteacher will use their discretion on the decision to allow a child to leave the premises with a non-resident parent.

### **School trips and activities**



In cases where the school considers it necessary to seek consent to school trips and activities from both Separated Parents, it is possible that one gives consent and the other withholds it. In such cases, the school will assume that parental consent has not been given.

Where the school requires urgent consent because a child needs emergency medical treatment, the Children Act 1989 allows the school to act in place of a parent (in loco parentis) or to seek consent from a parent that does not have parental responsibility.

### **SEND provision**

Where there is a dispute between Separated Parents about the provision of SEND support to a pupil, the school will consider the wider implications of the dispute, the pupil's welfare, and whether there is a potential safeguarding issue present, e.g. the pupil is being used as a tool for control.

### **Name changes**

Separated Parents are responsible for resolving potential conflicts about changing a pupil's surname.

### **Changes to records**

The school will not remove a Separated Parent's details from the school records unless a court order is in place to this effect.

Where a court order to this effect is in place, the school will ensure it seeks evidence of this. In an emergency situation, the school may accept written confirmation from a solicitor as evidence.

Details of all known parents will be retained unless a court order instructs otherwise.

### **Safeguarding**

The school will always have regard to the statutory guidance 'Keeping children safe in education' and enact its safeguarding procedures in line with its Child Protection and Safeguarding Policy. The school will always put the best interests of the pupil first.

If the school believes a pupil is at risk of harm, it will make a referral to children's social care or the police, as appropriate.

Where a referral has been made, the school will consider the level of information to provide to Separated Parents on a case-by-case basis.

### **Information sharing**

The school will balance the requests of parents with its statutory.

Under the principles of the UK GDPR and the Data Protection Act 2018, children and young adults with sufficient understanding and maturity can assume control over their personal information and restrict access to it.

A parent is **not** entitled to information that the school could not lawfully disclose to the child under the UK GDPR or in relation to which the child would have no right of access.

### **Pupils moving school**



The school will comply with the Education (Pupil Registration) (England) Regulations 2006 when it receives a request to remove a pupil from the school register; however, the responsibility to notify one parent if the other decides to remove their child rests solely with the Separated Parents.

The school will not become involved in conflicts relating to pupils being removed from the school.

### **Monitoring and review**

This policy is reviewed annually by the Head.

Any changes to this policy will be communicated to staff.