

**THE EDUCATION VILLAGE ACADEMY TRUST**



# **Separated Parents Policy**

## EVAT Version Control Document

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## Monitoring and review

This policy is reviewed every **two years** by the Policy Owner: **Alison Sinclair**

The scheduled review date for this policy is **November 2023**

## Values and Ethos

Our values and ethos are inclusive and child centred. Our Trust is founded on the principles of inclusivity, diversity and fairness, and they are fundamental to our delivery of exceptional learning experiences.

EVAT stands for:

- **E**xcellence and high standards
  - a can-do culture and no-excuses ethos
- **V**alues driven with a deep sense of purpose
  - putting children and young people first
  - behaving ethically
- **A**mbition and aspiration for all
  - irrespective of background or barriers – being truly inclusive
- **T**eamwork
  - we do more, better and faster, together

We are a village. We collaborate, with our learners, their families and our communities, to provide exceptional education so that all the children and young people we serve achieve the best possible outcomes.

### Our Ethos is to:

- Create a nurturing and friendly atmosphere and provide an environment where everyone feels valued for who they are
- Bring out the best in every child and young person and meet the full range of their individual needs
- Provide different and unique experiences, challenges and activities
- Show tolerance and respect for each other
- Prepare our children and young people for lifelong learning
- Improve the life chances of every child and young person we serve.

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N.B. Where reference is made to an 'Academy' or a 'School' the intention is that the policy is universal and applies to both. Any reference to Principal may also include Executive Principal, Head of School or another member of ELT or SLT.

## Introduction

The Education Village Academy Trust (the Trust) recognises that children from families whose parents are separated, or are undergoing separation, may go through traumatic changes during their time at school. We will make every effort to work with parents to promote the welfare of children.

This guidance has been created to minimise any impact and to clarify to all parties what is expected from separated parents and what can be expected from the school and its staff. Schools have a legal duty to work in partnership with families and to involve all those with parental responsibility in their child's education. Section 576 of the Education Act 1996 defines 'parent' as:

- all natural parents, whether they are married or not;
- any person who, although not a natural parent, has parental responsibility for a child or young person;
- any person who, although not a natural parent, has care of a child or young person (a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law);
- any person who, although not a biological parent and has no parental responsibility, has care of a child or young person (a person with whom the child lives and who looks after the child).

Parents as defined above must be treated equally, unless there is a court order limiting an individual's exercise of parental responsibility. 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. The Trust and its staff must remain impartial and cannot provide references or letters of support to a parent or carer involved in any dispute.

Individuals who have parental responsibility for, or care for, a child, have the same rights as natural parents. Some of these include the rights to:

- receive information (e.g. pupil reports, school events etc.);
- participate in activities (e.g. elections for parent governors);
- give consent (e.g. school trips);
- be involved in meetings concerning the child (e.g. participate in an exclusion procedure, appeal against admission decisions).

Family law defines **parental responsibility** as the rights, duties, powers, responsibilities and authority that a parent has in relation to a child.

Any disputes regarding whether a person is a pupil's parent, within the meaning of section 576 of the Education Act 1996, will be decided by the courts.

Non-biological parents can acquire parental responsibility through:

- adopting a child;
- being appointed a guardian;
- being named in an emergency protection order;
- being granted a child arrangements order stating the child should live with them.
- the agreement of a child's mother (and other parent if that person also has parental responsibility);

- a court order.

An **LA has parental responsibility** if it is named in a child's **care order**. Civil partners have parallel rights to married couples.

Under section 8 of the Children Act 1989:

- A prohibited steps order imposes a restriction whereby no steps which a parent could take within their parental responsibility may be taken without the court's consent.
- A specific issue order gives directions for determining a specific question in connection with an aspect of parental responsibility.
- A child arrangements order sets out living arrangements and arrangements for who a child is to spend time or have contact with.
- A care order is where the LA limits the role that parents can play in their child's life and schooling.
- Terminating parental responsibility means the court can make an order under section 4(3) of the Children Act 1989 to terminate parental responsibility.

### **Legal framework**

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Education Act 1996.
- Children and Families Act 2014
- Data Protection Act 2018.
- General Data Protection Regulation.
- DfE (2021) 'Keeping children safe in education'.
- Children Act 1989.
- The Education (Independent School Standards) Regulations 2014

We will also refer to the DfE guidance, September 2018, [Understanding and dealing with issues relating to parental responsibility](#).

### **Guidance for Principals on managing parental responsibility**

The DfE's guidance also provides advice for Principals, who should:

- Ask parents or guardians for the 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 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.
- Where the address of a non-resident parent is unknown, tell the resident parent that the non-resident parent is entitled to be involved in their child's education and ask that information is passed on to them.
- Ensuring at least one emergency contact per pupil is obtained – where possible, two or more should be obtained.

## What Does the School/Academy Expect of Parents?

### Parental Responsibility

- Parents of children joining the school are asked to bring their child's birth certificate. This ensures children are joining the correct year group and also helps the school ascertain who has parental responsibility.
- Parents are responsible for informing the school 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. The school will also not make judgements about individual circumstances, and both parents will be treated equally.
- Where there is a court mandated restraining order in place, a copy needs to be retained by the school, which will put in place measures to ensure the child is not released to a named individual.
- Parents who have joint custody of the child/ren are requested to keep the school informed, in writing, of any disputes they have with each other regarding the collection of children.
- 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.
- We will invite both parents to attend separate parent consultation appointments for their child.
- We would expect parents to communicate with each other regarding these arrangements.
- Parents are expected to liaise and communicate 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.

Children's welfare and safety are paramount, where there are issues over access to children, the parent with whom the child resides should contact the school immediately.

### Progress Reports and Pupil Records

- Any parent has the right to receive progress reports and review pupil records of their child/ren.
  - If the parents are separated or divorced, progress reports will be sent to the parent and address noted in the school's records specifying where the child resides with the expectation that he/she will share the report with the other parent.
  - If the child is subject to a joint residence order and the school's records formally capture that the child resides at two addresses, then progress reports will be sent to both addresses.
  - The school will send copies of the progress reports to a parent with whom the child does not reside **only if** that parent submits a written request.
  - Disagreements between parents must be resolved between the parents and cannot be resolved by the school or local authority.
  - 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 and if it
- Separated Parents Guidance V4.0

cannot be resolved may refer the matter to the relevant department of the local authority.

### **Collecting a Child from School**

Where a separated parent has parental responsibility and there is no court order in place, and requires to take the child during or at the end of the school day, the resident parent will be contacted in order to ensure that parents are in agreement with the arrangement.

The Principal will use his or her discretion on the decision to allow a child to leave the school building with a non-resident parent if it was felt that there was a child protection issue.

### **Obtaining Consent**

If parental consent is required for outings/activities, the school will seek consent from the resident parent unless the decision is likely to have a long-term and significant impact on the child or the non-resident parent has requested to be asked for consent in all such cases.

In cases where the school considers it necessary to seek consent from both 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.

### **Name Changes**

- The school will act in the best interests of the child first and foremost.
- Parents are responsible for resolving potential conflicts about the change of surname.
- There must be the consent of both parents after divorce or separation for registering a change of name of a child or children.
- Schools should ensure that the change in surname is supported by written evidence.
- A separated parent who has parental responsibility but no longer lives with the child may refuse to 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.
- In circumstances where a name change has already been effected by the school, and it is in the interest of the child who might be known by a new name to refer back to a different name, the school may decide on the policy regarding this, holding the best interests of the child under paramount consideration.

### **Safeguarding**

The **Designated Safeguarding Lead (DSL) in each Trust academy** 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.



- The school will always have regard to the statutory guidance 'Keeping children safe in education'.
- While parental responsibility is not given to a foster parent or key worker in residential care, the school will engage and work with these individuals, who are often the most influential and important people in the child's life.
- If the school believes a child is in immediate danger or at risk of harm, it will immediately make a referral to children's social care or the police, as appropriate.
- Where referrals have been made, the school will consider the level of information to provide to parents on a case-by-case basis.
- The DSL is responsible for safeguarding, including decisions regarding sharing information with parents about safeguarding concerns.
- A child's social worker may collect them from school – in these instances, a prior agreement with the birth parents and/or foster carers depending on the individual circumstances will be in place.
- Schools will not permit social workers to enter the school premises to collect children to attend care review meetings or go to contact meetings without the prior agreement of teachers, foster carers, parents or the children themselves.

### **Information Sharing**

- The school will balance the requests of parents with their statutory duties – having parental responsibility does not allow a parent to obstruct the school from carrying out its duties under legislation.
- Under the principles of the GDPR and the Data Protection Act 2018, children and young adults can assume control over their personal information and restrict access to it from the age of 13.
- Parents are, however, permitted to request access to, or a copy of their child's educational record, even if the child does not wish them to access it – this applies up until the age of 18.
- A parent is not entitled to information that the school could not lawfully disclose to the child under the GDPR or in relation to which the child would have no right of access.
- Under Part 6 of the Schedule to the Education (Independent School Standards) Regulations 2014, academies must provide parents with an annual written report of each registered pupil's progress and attainment in the main subject areas taught (except that no report need be provided where the parent has agreed otherwise)
- If the school does not know the location of a non-resident parent, it will ensure the resident parent is aware that the other parent is entitled to be involved in their child's education. If a resident parent refuses to share information with the other parent, and also refuses to provide the non-resident parent's contact details to the school, the school can do no more.
- If a non-resident parent contacts the school and requests access to information, the school will provide it to that parent directly, after taking reasonable steps to satisfy itself that the individual is, in fact, the child's parent.
- The school will not seek the consent of the parent with whom the child resides before recording the contact details of the non-resident parent or sending them their child's prescribed statutory educational information.

### **Governance and Administration**

The school will not restrict parent governors' eligibility to nominate, vote or otherwise participate in governor elections to parents holding parental responsibility.

The school will protect the private data of each parent from any other and avoid inadvertent disclosure.

### **Public Sector Equality Duty (Equality Act 2010)**

In preparing or amending this policy, the author has given due regard to the Public Sector Equality Duty; that is they have considered any potential impact on people who share certain protected characteristics. These protected characteristics are defined as: race, disability, sex, age, religion or belief, sexual orientation, pregnancy and maternity and gender reassignment.

## Appendix 1



### Working with separated parents

The Trust is committed to working with families and understands the importance of continuing the relationship between school and parents who do not live with their child.

Please complete the form below and return to the school office indicating how you would like to be kept informed about your child's education.

Name of parent:

Name of child/children:

Address:

Telephone number/s:

Email:

Please circle the best way to send information to you:

Via your child

By (email)

By post

Please tick the information you would like to receive:

- Weekly newsletter
- Information about upcoming events
- Parents' evenings
- Additional copies of end of year reports
- Copies of Individual Education Plans (IEPs)
- Order form for photos
- Add your own

### Annex 2 – Data Collection Sheet

The Education Village Academy Trust  
**Data Collection Sheet**  
 Please complete, and return to the school office.



Please complete the box below with your child's details:

Legal Surname:.....	Preferred Surname:.....
Forename:.....	Middle name:.....
Chosen name:.....	Date of Birth:..... Gender:.....
Home Address:.....	
Postcode:.....	

Please provide your details below and the details of anyone else you wish to be contacted in an emergency. Place them in the order that you wish for them to be contacted in an emergency.

Priority	Relationship (eg: Mum/ Dad/ Carer)	Title/ Forename/ Surname	Home address	Phone/ Mobile/ Work/ e-mail
1				
2				
3				

Under the 1989 Children's Act all parents have the right to receive information about their child's progress. Please specify contact details below for parents with parental responsibility but who are not living with the child (if not already provided above) and indicate the information to be shared with them.

Relationship (eg: Mum/ Dad/ Carer)	Title/ Forename/ Surname	Home address	Phone/ Mobile/ Work/ e-mail

Pupil reports	School photographs	Parents evening
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Doctor	Surgery Name and Address	Phone	Medical Information	Pupil Registered Disabled
				Yes / No

Religion:	Home Language:
First Language:	English an additional language: YES/NO
Nationality:	Country of Birth:

Meal arrangements

School meal	Packed lunch	
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Previous school/ nursery

### Travel Arrangements

Bicycle		Train		Bus		Walk		Car		Coch		Taxi		Other	
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Data Protection Act 1998: The school is registered under the Data Protection Act for holding personal data. The school has a duty to protect this information and to keep it up to date. The school is required to share some of the data with the Local Education Authority and with the DfE and its Agencies from time to time.

### Ethnicity Data Collection

Please study the list below and tick one box only to indicate the ethnic background of your child. It is not possible to list all ethnic groups because the list would be too long. The groups listed below reflect the main ethnic groups in Darlington. You are asked to choose the ethnic group which is closest to how you see your child.

White			Mixed/Dual Background		
British	WBRI		White and Black Caribbean	MWBC	
Irish	WIRI		White and Black African	MWBA	
Traveller of Irish Heritage	WIRT		White and Asian	MWAS	
Gypsy/Roma	WROM		Asian or Asian British		
Any other white background	WOTH		Indian	AIND	
Black or Black British			Pakistani	APKN	
Caribbean	BCRB		Bangladeshi	ABAN	
African	BAFR		Any other Asian background	AOTH	
Any other black background	BOTH		Chinese		
			Chinese	CHNE	
I do not wish an ethnic background category to be recorded	REFU		Any other Ethnic Group (please state which below)		
				OOTH	

This information was provided by

Parent      Pupil

Parent/Carer Signature:..... Date:.....

Letters home to be addressed to : .....(eg Mr & Mrs A N Other)

### New Starter Verification (for office use only)

Birth certificate seen?	Y/N	Serial Number	
Child Benefit statement seen	Y/N	Birth Cert and Child Benefit details match	Y/N
Passport or any other photographic evidence seen (where available)? Please state which below:	Y/N	Serial Number:	

I can confirm that I have seen evidence of identity as above and to the best of my knowledge identity has been confirmed

Name (print):	Date:
Signed:	Destination: