



# Three Towers

An Alternative Provision Academy

*Expanding Horizons*

## Separated Parents Policy

Adopted: September 2023

Review: September 2024

## 1. Introduction

Research and experience have shown that separated parents can work well together in the best interests of their children and together can play a role in their children's education.

However, some parents become estranged, and do not work together or in the best interests of their children, especially during the initial stages of their separation. This is very often traumatic for any child concerned where personal family problems can have an impact on both the children and the schools the children attend.

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

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 Three Towers (TTAPA), 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 us.

The basis of the advice within this policy is with regards to a child or children who have already been admitted to our 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 TTAPA with details of all those with parental responsibility for a child. Where this has not happened TTAPA welcomes direct contact from those with parental responsibility providing their own details. However, TTAPA 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 our school, the parents must notify TTAPA immediately so that we can ensure continuing contact with both parents and in the event that the parents have separated on an acrimonious basis we will endeavour to accommodate each parent separately in terms of communications and any attendances at the school.

## 2. Aims

The aim of this policy is to set out the expectation of separated parents and Three Towers regarding communication and information sharing;

## 3. 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 with whom the child lives and looks after the child).

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child. For example, this may be a foster carer or family and friends carer who do not have parental responsibility but have been delegated the responsibility for taking day-to-day decisions about the child.

Parents, as defined above, are entitled to share in the decisions about the child'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;
- participation in any exclusion procedure; and
- dealing with any medical issues that arise and/or vaccinations that may be offered.

We recognise that whilst the parents of some learners may be separated, divorced or estranged, they are still entitled to the above and this entitlement cannot be restricted without a court order.

If the parents are involved in proceedings before the court directly relating to the child(ren), the 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, TTAPA will be willing to provide a letter setting out any information that is specified in a court order.

#### **4. 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. In addition to a child's natural parents, it can be acquired by court order, being appointed a guardian, adopting a child or a formal agreement.

The local authority has parental responsibility if it is named in a child's care order. Civil partners have equivalent rights to married couples.

The information provided to us when the child was enrolled detailing who has 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. TTAPA will be reliant on such information being provided as accurate and true. The information provided regarding the address(es) where the child lives will be presumed to be correct unless TTAPA is provided with a copy of a court order setting out arrangements for where the child should live.

Every parent with parental responsibility for a child 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 TTAPA 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 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.

## 5. Court orders

At TTAPA, our sole wish is to promote the best interests of the child, working in partnership with all parents and/or those with parental responsibility. If there is a court order in place, we will always act in ways to ensure, as best it can, that no court order is breached. TTAPA 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 our school.

TTAPA 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, such restrictions are adhered to.

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

## 6. Disputes and disagreements

TTAPA hopes that parents and all those with parental responsibility will support us 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 TTAPA. We will not mediate, "take sides" or act as an intermediary between parents who do not communicate with each other.

## 7. Changes in family circumstances

TTAPA asks parents to inform us whenever something outside school – such as a change in family circumstances – occurs so that we can sensitively support the child in school. We expect parents to update us whenever emergency contact details change for one or both parents and/or there is a new arrangement for collecting children 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.

## 8. The release of child(ren)

On being admitted to TTAPA, and unless notified to the contrary, we will release children to either or both parents and/or those with parental responsibility and/or those with care of the child. If one parent seeks to remove the child from school in contravention of the notified arrangements, and the parent to whom the child 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 and then telephone the parent to whom the child would normally be released and explain the request;
- if the parent to whom the child would normally be released agrees (such agreement to immediately be confirmed by an email to ensure there is record on our files), the child may be released and the records will reflect that the permission was granted;
- in the event that the parent to whom the child 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;
- during any discussion or communication with parents and/or those with parental responsibility, the child 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 may occur or if the parent is disruptive, the police will be notified immediately.

## 9. Obtaining consent

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

In cases where we consider it necessary to seek consent from both parents, it is possible that one gives consent and the other withholds it. In such cases, TTAPA will assume that parental consent has not been given.

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

## 10. Communication between School and separated parents

Bulletins, newsletters and general updates are sent via email or through the website (text messages are sent to parents to alert to information being put on the website) to all parents and/or those who have parental responsibility for whom we have up-to-date contact details. These updates contain all the main class/school events, including parents' meetings/days, assemblies, sports days and class outings and events.

TTAPA is able to deal with separate requests for most invitations to school events made by separated, divorced or estranged parents who have parental responsibility. However, we would be grateful if parents could communicate directly on such matters if they can, although in some instances we recognise that this may not be possible should there be a court order in place preventing the parties from contacting each other. TTAPA 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. Staff will be available by appointment to discuss any issues.

### 11. Meetings

TTAPA expects parents to co-ordinate with each other regarding attendance at parents' events/meetings. If circumstances do not allow for co-operation we will seek to find an alternative to accommodate each parent. For example, we will offer separate parents' meeting appointments for separated, divorced or estranged parents who have parental responsibility if requested.

### 12. Written learner reports

Any person who is known to TTAPA to have parental responsibility for a child has the right to receive written progress reports for their child. These will be provided to separated, divorced or estranged parents who have parental responsibility and for whom we have up-to-date contact details.

### 13. Change of name

A parent can only change their child'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 will be known and addressed by their birth name as recorded on their birth certificate.

TTAPA 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 (b) name on books etc. It is important to note that our database, unless changed by an order of the court, will reflect the child's name at birth. In addition, and as stated, any informal change of name addressing the child is at our complete discretion after we have taken into account all of the circumstances.

### 14. Information Sharing

TTAPA will balance the requests of parents with our statutory duties – having parental responsibility does not allow a parent to obstruct the school from carrying out our duties under legislation.

Under the principles of the [UK General Data Protection Regulations 2018 \(UK GDPR\)](#) and the [Data Protection Act 2018](#), children and young people can assume control over their personal information and restrict access to it from the age of 13. However, until they reach the age of 18, their parent is entitled to request access to or a copy of their educational record even if they do not wish them to access 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.

[Education \(Pupil Information\) \(England\) Regulations 2005](#).

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.

## 15. Access to School information

Parents may also receive information via telephone, text, letter or email. Key information is available on our website – [www.ttapa.net](http://www.ttapa.net)

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

## 16. Complaints

Complaints about this policy should be addressed through the school's Complaints Policy

## 17. Monitoring Arrangements

This policy will be reviewed by headteacher annually. At every review, the policy will be approved by the Local Governing Committee

## 18. Links to other Policies & Documents

This policy should be read alongside:

- Privacy notices
- Safeguarding Policies
- Complaints Policy

### UNICEF - UNCRC

The UN Convention of the Rights of the Child sets out human rights of every person under 18 (Article 1) and applies to every child without discrimination, whatever their ethnicity, gender, religion, language, abilities or any other status, whatever they think or say, whatever their family background (Article 2). Articles directly relating to this policy are:

2 (Non-discrimination)	13 (Freedom of expression)
3 (Best interests of the child)	16 (Right to privacy)
9 (Separation from parents)	18 (Parental responsibilities & state assistance)
10 (Family reunification)	20 (Child unable to live with their family)
12 (Respect the views of the child)	29 (Goals of education)

## Appendix 1: Separated Parents School Checklist



Checklist	Complete
Ensure that the data collection form correctly indicates who has parental responsibility and who does not	
Ensure any changes to information held (on ARBOR or otherwise) is approved by the Designated Safeguarding Lead/Head of House prior to any changes being made on the system	
Where relevant, ensure any information changes are shared with relevant staff	
Request copies of any orders limiting an individual parent's parental responsibility and record this information in the child's records. Until orders are prepared, confirmation may be accepted in writing from a solicitor on letterhead or a law firm's e-mail. Where a parent does not wish to share a copy of the order, schools to record the relevant information from having sight of the order onto the Record of court order form which is then uploaded onto the pupil's SIMS record. <i>(Court Orders are legally binding and must be complied with. The school should take steps to establish whether the order they are provided with is the most up to date version, by asking both parties, contacting the court or speak with the social worker if Children's Social Care are involved. Orders may also contain the details of any further hearings which could be an indication of a future change of circumstance)</i>	
Inform relevant staff of any court orders or access arrangements and of what to do in an emergency	
Ensure emergency contact details for the parents/carers is up to date.	
Ask the parent with whom the child lives if there are any confidentiality issues regarding the location of the child and if so, record information on the pupil's record	
Keep the names and contact details of any professionals working with the family up to date	
Inform the resident parent that the non-resident parent is entitled to be involved in the child's education, as outlined in the policy. The resident parent should be notified of any approaches	
Put arrangements in place to notify and record any alterations to pick up routines, if required.	
Agree additional security questions with parents for when contact is made with the school, if circumstances warrant such strategies.	

## Appendix 2: Record of Court Order



Details of Court Order	
Name of person completing this document <i>(Must have reviewed the court order)</i>	
Date this form completed	
Review date	
Learners full name	
Date of birth	
External agencies involved	
Court case number	
Type of court order	
Date of court order	
Name of Judge/Magistrate making the court order	
Date from which the court order is applicable	
Expiry date of court order (if any)	
<p>Court order details. Only record details specific to school e.g:</p> <ul style="list-style-type: none"> <li>➤ No contact with...</li> <li>➤ Parental responsibility</li> <li>➤ Residential arrangements</li> <li>➤ Access to information</li> <li>➤ Collection information</li> </ul>	
Information to be shared with these relevant staff	
Signature of Staff	

*For office use only*

Confirmation that court order details have been recorded on ARBOR & CPOMS	
Name of member of staff adding details to ARBOR & CPOMS	
Staff signature	
Date	