

Castle Hill Primary School Separation Policy



Reviewed on: 2023

Next Review date: Summer 2024

Reviewed by: Headteacher

Su Broadhurst

Review frequency: Annually

As a committed member of UNICEF and a follower of the conventions in everything we do, we are a rights respecting school.
Therefore in writing this policy, we relate to Articles 1,2,31.

1 Introduction

Research and experience have shown that separated parents can work well together in the best interests of their children and can together 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 the child and on the schools the children attend.

This policy attempts to minimise any impact, clarify to all parties what is expected from separated parents and what can be expected from the school.

2 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 naturally 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.

3. Who has Parental Responsibility? (The Children's Act 1989)

Having Parental Responsibility means assuming all 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 personal responsibility in such a case is limited to taking reasonable steps to safeguard or promote the child's welfare.)
- Adopting a child.

3.1 If the parents of a child were not married to each other when the child was born, the mother automatically has parental responsibility. From December 2003, the father has parental

responsibility by jointly registering the birth of the child with the mother. He can however, subsequently acquire parental responsibility by various legal means.

4. What does having 'care' of a child mean?

4.1 Having care of a child means that a person who the child lives with and who looks after the child, irrespective of what their relationship is 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 records 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 the 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 he/she 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?

4.2 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.'

Parents as defined above are entitled to share in the decisions that are made about their child and to be treated equally by School. In particular these entitlements include:-

- Appealing against admission decisions.
- Completing Ofsted and School based questionnaires.
- Participating in any exclusion procedure.
- Attendance at Parent meetings/School events.

- 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.

4.3 The Governing Body recognise 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.

4.4 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(es) where the child resides will be presumed to be correct unless a court order proving otherwise is provided to the school.

5 Our Responsibilities

5.1 Castle Hill will maintain our open door policy with all parents. The class teacher and/or Head Teacher will be available by appointment to discuss any issues or concerns with regard to separate/divorced estranged parents may have in relation to their child or children at the school.

5.2 Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving Castle Hill School.

5.3 Issues of estrangement is a civil/private law matter and Castle Hill 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.

6 Our Policy

6.1 It is the responsibility of the parents to inform Castle Hill 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.

6.2 Newsletters and general school updates are available to all parents via the school website. These contain all the main events within school, including productions, sports day, parents' evenings, class trips etc. Occasionally letters are sent to individual classes. We would expect parents to communicate these messages to each other as and when appropriate.

6.3 We will hold twice yearly parent consultation evenings. We would expect parents to communicate with each other regarding these arrangements.

6.4 Castle Hill School will consider separate appointments but by prior agreements only or when a court order is in place restricting contacts with both parents.

6.5 We expect that parents should liaise and communicate directly with each other in matters such as ordering of school photographs, tickets for performances and other instances.

6.6 If parents are separated or divorced, progress reports will be given to the parent at the address in the school's records specifying where the child resides with the expectation that he/she will share the report with the other parent.

6.7 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.

7 Matters referring to release of a child

7.1 Castle Hill School will release a child to either parent following the standard agreed procedure in the release of all children.

7.2 Castle Hill School cannot prevent the other parent collecting the child but will endeavour to reach an agreement and this may mean keeping the child safe whilst Castle Hill School try and reach an agreement.

8 Management of the Policy

8.1 The Head Teacher/Safeguarding Lead will familiarise themselves with this policy and ensure all staff, Governors and volunteers are aware of the procedures to follow should the need occur.

Next Review: Summer 2024

This policy should be read in conjunction with:

- Child Protection and Safeguarding Policy
- E Safety Policy
- Children Missing in Education
- Code of Conduct for Staff Policy
- Anti Bullying Policy