DIVORCED AND SEPARATED PARENTS POLICY

Date approved by Trustees of Ventrus Multi Academy Trust	**7th December 2022**
Review Period	**3-yearly**
Next Review Date	**December 2025**

CONTENTS

1. Introduction and Context 3

1.1 The definition of a parent for school purposes 3

1.2 Who has "Parental Responsibility"? 3

2. Access to children's school records 4

3. Our responsibilities 4

4. Our Policy 5

4.1 The release of a child/ren 5

5. Management of the Policy 6

Appendix 1 – Policy History 7

1. Introduction and Context

This policy summarises the legal framework and Ventrus Policy in respect of divorced and separated parents. This policy is an attempt to minimise any negative impact on families, children and staff and to clarify to all parties what is expected from separated parents and school staff.

1.1 The definition of a parent for school purposes

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

1.2 Who has "Parental Responsibility"?

(The Children Act 1989, amended by the Children and Families Act 2014)

Having parental responsibility means assuming all the rights, duties, powers, responsibilities, and authority that a parent of a child has by law. Parental responsibility can be removed in some circumstances.

People other than a child's natural parents can acquire parental responsibility through:

- A step-parent under the terms of a parental responsibility agreement or court order;
- 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;
- a parent by virtue of the human Fertilisation and Embryology Act 2008.

If the parents of a child were not married to each other when the child was born, the mother automatically has parental responsibility; however, 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**.**

Parents as defined above are entitled to share in the decisions that are made about their child and to be treated equally by schools. We aim to collaborate with parents in the best interests of their child/ren in particular, these entitlements include, but are not limited to, the following:

- Appealing against admission decisions
- Completion of Ofsted & school-based questionnaires
- Participating in any exclusion procedure
- Attending parent meetings/school events
- Accessing school records (where applicable – please see section 2, below)
- Receiving copies of school reports, newsletters, invitations to school events, school photographs relating to their child and information about school trips.

Ventrus recognise that while the parents of some children 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(es) where the child resides will be presumed to be correct, unless a court order proving otherwise is provided to the school.

If a child or young person and is under 16 and is living with someone other than a close family relative e.g. a grandparent, then this may be a private fostering arrangement and the local authority will need to be notified. We will notify the local authority if this is found to be the case.

In any event and if at any time it appears that there is not anyone with parental responsibility who is caring for a child or young person who attends the School/College, or if it is unclear, we will involve the Local Authority to help clarify and resolve. This may mean the provision of support and services for that adult/s in the care of that child or young person.

2. Access to children's school records

In accordance with the ICO Guidance, as a parent, if your child attends a maintained school, you have a right to access your child's educational record. This covers information that comes from a teacher or other employee of a Ventrus school, the child, or you as a parent, and is processed by or for the school's governing body or teacher, except for information the teacher has solely for their own use. So. it will cover information such as the records of the pupil's academic achievements as well as correspondence from teachers, local education authority employees and educational psychologists engaged by the school's governing body. It may also include information from the child and from you, as a parent. Information provided by the parent of another child would not form part of a child's educational record.

As your child/ren attends an academy, there is no equivalent legal right to access your child's educational record. However, all Ventrus schools are committed to ensuring parents have the same access rights they would have if there child/ren were in a maintained school, unless there are circumstances that indicate this is not in the best interest of the (child/ren)

You will be able to access all the information about your child if your child is unable to act on their own behalf or gives us their permission. As a general guide, a child of 12 or older is expected to be mature enough to make this kind of request.

https://ico.org.uk/your-data-matters/schools/pupils-info/

3. Our responsibilities

We fully recognise our responsibilities, and it is our sole wish to promote the best interests of the child, working in partnership with all parents. Class teachers, pastoral staff and/or the Headteacher will be available, by appointment, to discuss any issues or concerns with regard to separated, divorced or estranged parents, in relation to their child or children at the school.

Parents are encouraged to resolve any issues around estrangement, contact and access to information without involving the school directly. Issues of estrangement are a civil/private law matter and our school cannot be involved in providing mediation, helping an estranged parent to communicate with their child/ren, or using the school premises for purposes of contact. Further, the school will remain neutral in respect of any issues raised by parents, and will not, under any circumstances, provide any advice in respect of any parental disputes.

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 Headteacher will take account of the views of both parents and make the decision that they believe is in the best interest of the child/ren concerned, where necessary the Headteacher will seek legal advice.

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 will seek legal advice, or if required Local Authority advice where the Headteacher believes there may be a safeguarding concern. In the event a parent disagrees with the decision made by the school, they may be invited to use the Ventrus Complaints Procedure.

In any situation where separation/divorce/breakdown in parental communication is appearing to impact upon the health, wellbeing and safety of a child the matter will be referred to the Local Authority for advice.

4. Our Policy

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.

We encourage parents to tell us at an early stage if there is a change in family circumstances. Whenever possible, appropriate 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

Whole school newsletters & general school updates will be sent to all parents via email. Occasionally letters are sent to individual classes. We would expect parents to communicate these messages to each other, as and when appropriate. Key dates of events in school and newsletters can be found on the school website.

We will hold regular parents' evenings throughout the year and parents wishing to attend should follow the school process. In the event separated parents do not feel able to attend together, or at the same time, we would expect parents to communicate with each other regarding these arrangements. In the small number of cases where this communication is not possible, the non-resident parent should contact the Headteacher to arrange a separate appointment time, that does not coincide with that of the resident parent.

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. In the small number of cases where this communication is not possible, the non-resident parent should contact the Headteacher, who will ensure they have a single point of contact in the school, to support them in these matters.

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, progress reports will be sent to each parent separately, to the addresses provided for the school's records. The school will only be able to send copies of the progress reports to a non-resident parent if they have been provided with the address of that parent.

4.1 The release of a child/ren

In the matter of the release of a child/ren, we will follow the standard agreed procedure in the release of a child or children.

In the case of a separated parents the school will release a child or children to a parent in accordance with any specific arrangements notified to the school; this notification should be in writing, unless in a genuine emergency.

If a 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 in writing, the following steps in will be followed, wherever possible:

- The Headteacher, deputy headteacher or Safeguarding Designated Lead will attempt to notify the parent who would normally be collecting the child of the situation.

- If the parent to whom the child would normally be released agrees, the child may be released and the records will reflect that the permission was granted verbally.
- In the event that the parent to whom the child would normally be released to cannot be reached, the Headteacher, or staff member dealing with the issue, will make a decision based upon all relevant information available to him/her.
- The Headteacher, or staff member dealing with the situation, may have to take advice from the Local Authority Safeguarding team, before a child/ren or children are released.
- The school cannot **prevent** a parent from collecting a child/ren, but staff will endeavour to reach an agreement and this may mean keeping the child/ren safe whilst we try and reach such an agreement.
- If there is a Court Order restricting contact, or there is a contravention of any access agreement, the child/ren will not be released and the Headteacher will contact the Local Authority Safeguarding team for advice; the other parent will be advised to take the necessary action, to resolve the matter. This action will not involve the school.
- During any discussion or communication with parents, the child/ren will be supervised by an appropriate member of school staff, in a separate room.
- In circumstances where there is a belief that a possible abduction of the child/ren may occur, or if the parent is disruptive or aggressive, the police will be notified immediately and the Local Authority Safeguarding team will be contacted, as appropriate.

5. Management of the Policy

The Headteacher/Safeguarding Designated Lead(s) will familiarise themselves with this policy and ensure all Staff, Governors and Volunteers follow the agreed procedures, should the need occur.

This policy will be published on all Ventrus school websites.

Appendix 1 – Policy History

Version	Summary of Change	Review Date	Lead Author
V2	Amends to incorrect us of School – to school. SPAG amendments to use of capitalisation and ; in lists. 1.2 "(where applicable – please see section 2, below)" added. Split last two bullets, accessing records and receiving information 4.1 release of child/ren, added "will attempt to notify"	31/10/22	AL