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Directors Full Board
25 April 2022

St John the Baptist



Catholic Multi Academy Trust

Review
Resources Committee

Separated Parents Policy

THE MAT MISSION STATEMENT

Our family of schools is united in the belief that God's love, peace, truth, and joy is for all. We are dedicated to the achievement of excellence in all we do. We cherish the uniqueness of each of our school communities and celebrate together as one Trust family. By following Jesus' example we bear witness to the greatness of God.

'To think, to feel, to do' Pope Francis

St John the Baptist Catholic MAT

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General Principles

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.

Everyone who is a parent has the right to participate in decisions about their child and receive information about the child. St John the Baptist Catholic MAT recognises that children from families whose parents are separated, or are undergoing separation, may go through traumatic changes during their time at the relevant school. The school will make every effort to work with parents to promote the welfare of their child.

This policy is created to minimise the impact on the child and to provide guidance to separated parents (as defined in section 2) and set out the steps that will be taken by the school. Unless there is a court order in place limiting an individual's exercise of parental responsibility, the school will ensure that parents are dealt with in an equal manner and in accordance with this guidance.

The school's paramount consideration in making decisions arising from this guidance will, of course, be the welfare of the child. The school will endeavour to help resolve problems that may arise between parents regarding their child's education, but will not become involved in conflict between parents.

This document is intended to set out general policy and guidance of working practice. In the event that a child's circumstances are not covered by the guidance contained in this policy, the school will endeavour to provide specific guidance related to those circumstances (but cannot, of course, provide legal advice to parents).

1 Introduction

Within the Schools in St John the Baptist Catholic MAT 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 each School, in the Trust as detailed below.

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

2 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 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.*

The Trust recognises that whilst the parents of some pupils 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, the School will be willing to provide a letter setting out any information that is specified in a Court order.

3 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 information provided to the School 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. The School 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 the School 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 the School 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.

4 Court orders

Within the Schools in SJB CMAT 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, the School will always act in ways to ensure, as best it can, that no Court order is breached. The School 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 the School.

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

5 Disputes and disagreements

St John the Baptist Catholic MAT and the constituent Schools hopes that parents and all those with parental responsibility will support the relevant School 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 the School. The School will not mediate, “take sides” or act as an intermediary between parents who do not communicate with each other.

Parents should not expect the Headteacher or any other member of staff to be involved in, or intervene in, domestic disagreements regarding childcare, custody, contact arrangements or any other matter which does not directly involve educational or school attendance matters.

The Headteacher or other members of staff will not be expected to provide witness statements or any other written or verbal evidence to be used in legal proceedings beyond factual information regarding education or attendance, such as a child’s progress report.

6 Changes in family circumstances

We ask parents to inform the School 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 the School 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.

7 The release of child(ren)

On being admitted to the School, and unless notified to the contrary, the School 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 or note of the phone call to ensure there is record on the School’s 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.*

8 Communication between School and separated parents

Bulletins, newsletters and general updates are sent via email or App (depending on the school) 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' evenings, productions, sports days and class outings and events.

The School is able to deal with separate requests for invitations to School events and performances made by separated, divorced or estranged parents who have parental responsibility. However, the School would be grateful if parents could communicate directly on such matters if they can although in some instances the School recognises that this may not be possible should there be a Court order in place preventing the parties from contacting each other. The School 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. Class/subject teachers and/or the Headteacher will be available by appointment to discuss any issues.

9 Parents' evening appointments

Each School will normally hold ONE appointment per child at Parent's evenings, where both parents are welcome. However, in exceptional circumstances the school will try to make arrangements for separate appointments. Parents are asked to be mindful of the extra working time that this creates for teaching staff.

The school expects parents to communicate with each other regarding these Arrangements and whenever requested, we will offer separate parents' evening appointments for separated, divorced or estranged parents who have parental responsibility.

10 Written pupil reports

Any person who is known to the School 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 the School has up-to-date contact details.

11 Change of name

Parents are responsible for resolving issues relating to any change of surname.

Any change of known-as surname requires written consent of both parents. Any change of legal surname requires a change of name deed. The school needs to see the original copy of this deed before it can record the change of name.

In the absence of joint consent, the parent wishing to change the child's name would need to obtain permission from the court to do so before the school can record any requested change

12 Access to School information

Key information is available on the various Schools and Trust websites. Parents may also receive information via the school App (where used) or email.

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