



Star

NURTURING TODAY'S **YOUNG PEOPLE**,
INSPIRING TOMORROW'S **LEADERS**

SEPARATED PARENTS POLICY





Document control

This document has been approved for operation within:	All Trust Schools
Date effective from	July 2020
Date of next review	July 2022
Review period	2 Years
Status	Trust Requirement
Owner	Star Academies
Version	1



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Introduction & Aims

1. 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.
2. This policy sets out the expectations of parents and Star Academies (and its schools), regarding communication and information sharing.
3. Star Academies will remain neutral in difficult family circumstances and will not police one parent for another.

Who is responsible for the policy?

4. Star Academies has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory or Star framework. Star Academies has delegated day-to-day responsibility for operating the policy to Star Central, the Local Governing Body and the Head of each establishment.
5. The Local Governing Body and Senior Leadership Team at each establishment has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

Definitions

6. Schools have a legal duty to work in partnership with families and to involve all those with parental responsibility in their child's education.
7. Parents may be recognised differently under education law and family law. Section 576 of the Education Act 1996 defines a **'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 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).
8. 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.
9. Family law defines **parental responsibility** as the rights, duties, powers, responsibilities and authority that a parent has in relation to a child.
10. Individuals who have parental responsibility, or care for a child, have the same rights as natural parents. This includes the right to:
 - receive information (e.g. pupil reports, school events, etc.);
 - participate in activities (e.g. elections for parent governors);
 - give consent (e.g. for school trips);
 - be involved in meetings concerning the child (e.g. participate in an exclusion procedure, appeal against admission decisions).



11. 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.
12. A Local Authority has parental responsibility if it is named in a child's **care order**. Civil partners have parallel rights to married couples.

Responsibilities

The school

13. The school, and Star Academies, fully recognises its responsibilities and it is our wish to promote the best interests of the child, working in partnership with all parents.
14. Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving the school directly.
15. 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 consult with the relevant external providers, including legal advice, to obtain advice as this may constitute a safeguarding concern.
16. 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.
17. The school will ensure that all details have been recorded/addressed by using the **Checklist** in Appendix 1.

The person with parental responsibility

18. Where there is a court order in place, parents should share a copy of the order with the school. The school will ensure that a copy of the order is retained securely on the pupil's record.
19. A parent may allow the school to retain a copy of the order with just the relevant details shown (i.e. those that relate to the school). The rest of the order may be redacted. The school will ensure the information is retained securely on the pupil's record.
20. If the parent does not wish to share a copy of the court order in any form, then the order must be reviewed by a member of SLT and the relevant details should be recorded on the **Record of Court Order** proforma (Appendix 2), added to SIMS, then disposed of in line with the Trusts Records Management Policy.
21. Informing the school when there is a change in family circumstances (including separation and requests to change surname). The school recognises 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 parents will be treated equally. If necessary, a new **Data Collection Form** will be completed to ensure all information about the pupil is correct.
22. Where parents have joint custody, informing, in writing, the school details of any disputes they have regarding the collecting of children.



23. Attending parents evening appointments for their child – the school expects parents to co-ordinate with each other regarding this. If circumstances do not allow for co-operation the school will seek to find an alternative to accommodate each parent.
24. Liaising and communicating 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, unless specific instructions have been given by the parents.

Obtaining consent

25. If parental consent is required for outings or 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.
26. 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.
27. Where the school requires urgent consent because a child needs emergency medical treatment, the Children Act 1989 allows the school to act in place of a parent (in loco parentis), or to seek consent from a parent that does not have parental responsibility.

Collecting a child from school

28. Where a separated parent has parental responsibility and needs to take the child during or at the end of the school day, the resident parent will be contacted to ensure that parents are in agreement, providing a non-contact order is not in place.
29. The school will also check SIMs to ensure that there are no specific contact arrangements in place which it has been notified about.

Information sharing

30. 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.
31. Under the principles of the General Data Protection Regulations (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.
32. Parents may request access to their child's education record by exercising the pupil's right of access. However, if a pupil is aged 13+ and understands their data rights, the school would seek consent from the pupil before supplying the information to their parent. Alternatively, the request may come from the pupil with a request for it to be shared with their parent(s).
33. 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.
34. 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.



35. 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.
36. 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.



Appendix 1: Separated Parents School Checklist

Checklist	Complete
Ensure that the data collection form correctly indicates who has parental responsibility and who does not	
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

When a parent does not wish for the school to retain a copy of the Court Order, this document must be completed by the member of SLT who has viewed the Order. It should then be uploaded to SIMS, with relevant staff informed of the legal restrictions.

Details of Court Order	
Name of pupil:	
Date of Birth:	
Court Order details. Only record details specific to school e.g.: <ul style="list-style-type: none"> • No contact with ... • Parental Responsibility • Residential arrangements • Access to information • Collection arrangements 	
External agencies involved:	
Court Case Number:	
Type of Court Order	
Date of Court Order:	
Judge/Magistrate making the Court Order:	
Date Court Order is applicable from:	
Expiry date of Court Order (if any):	
Name of SLT member completing this document (must have reviewed Court Order):	
Signature:	
Date:	
Review Date:	
Information to be shared with following relevant staff:	



Confirmation that Court Order details have been recorded on SIMS	
Name of member of staff adding details to SIMS:	
Signature:	
Date:	