SOUTH DOWNS
LEARNING TRUST

SEPARATED PARENTS POLICY

Date Approved	December 2025
Date of next Review	December 2028
Status	Trust
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OUR VISION

A community of primary and secondary academies that are the first choice for students and families in Sussex, with an outstanding reputation for high aspiration and high achievement

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 are unable to work together as effectively, compromising the best interests of their children, especially during the initial stages of their separation. This is often traumatic for any children concerned.

**For the purposes of this policy the terms child, children or pupils refers to all pupils below the age of 18.*

Aims

- Many of the pupils in our care are members of families where parents have separated before they came to school and many other pupils go through changes in family circumstances during their time in our schools. We aim to support families wherever we can with the issues that a separation may bring.
- We wish to ensure the schools continue to work with families and involve all those with parental responsibility in the life of the school, in the best interests of the child, after parents separate.
- We will remain neutral in difficult family circumstances and will not police one parent for another. All children's welfare and well-being is central to all we do and if we have any such concerns about a child we will involve all adults (as appropriate) with parental responsibility.

Purpose
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.

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; or
- 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.

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

- All mothers automatically have parental responsibility
- If the parents of a child were married/in a civil partnership when the child was born, both parents automatically have parental responsibility.
- The child's biological father will automatically get parental responsibility if they marry or enter a civil partnership with the child's birth mother after the child is born.
- For children conceived through fertility treatment automatic parental responsibility is awarded if they marry of form a civil partnership with the birth mother and consent to the treatment taking place.
- For children born after 1 December 2003 to unmarried parents, where the father's name is on the birth certificate, both the mother and father would usually have automatic parental responsibility.

- If you have not married or formed a civil partnership with the birth mother, you can get parental responsibility for your child by jointly registering the birth with the mother.
- If a child is born through surrogacy, the surrogate mother who gives birth to the child will have parental responsibility.
- Step-parents do not automatically get parental responsibility for children, even if they're married to a child's parent.
- In all other cases, parents seeking parental responsibility rights can acquire them through various legal means.

(For further guidance see www.gov.uk/parental-rights-responsibilities)

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

What does having 'care of a child' mean?
Having care of a child or young person 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, for example attending meetings, communicating by telephone or email, being on the school's record as being involved (in whatever capacity) or resident with the child where, for all intents and purposes, the person is part of the family, or a man or woman married to a parent of a child.

Examples below will help establish this relationship:

1. Are they listed on school records?
2. Does the school have contact details for them?
3. Do they meet with teachers/attend parents' evenings?
4. Have they been involved with the measures designed to improve attendance?
5. Do they contact the school on behalf of the child when s/he is ill?
6. Do they live with the child?
7. How long has the school known of them being connected with the child?
8. Does the adult bring/collect the child to/from school?
9. Is the adult married to the parent of the child?

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' unless we have cause to believe the person has some involvement with the child's life – living with the child could be a determining factor as could the other examples outlined above.

It is therefore those adults who are having significant input to a child's life who can be classified as 'parent', having 'parental responsibility' or who have 'care of a child'.

Our process

The Board of Trustees recognise that while the parents of some pupils may be separated, they have certain entitlements which cannot be restricted without a specific court order. In particular, schools do not have the power to act on the request of one parent to restrict the entitlements of another. The information provided to the school when the child is admitted, 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.
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 which may be used in emergencies.

We encourage parents, through this policy, to tell us at an early stage if there is a change in family circumstances. Whenever possible, staff will be informed of such changes so that suitable support can be offered to students. We will, however, recognise the sensitivity of some situations and maintain the level of confidentiality requested by parents as far as is appropriately possible.

Schools must treat all adults with parental responsibility for a child equally, unless a court order limits an individual's exercise of parental responsibility. Everyone who has parental responsibility has a right to receive information about the child. This is the case whether they live with the child or not. There is no requirement for school to inform one parent about communications with the other parent.

Parents as defined above are entitled to share in the decisions that are made about their child and to be treated equally by schools.

In particular, these entitlements include:

- Appeals against admission decisions
- Ofsted & school-based questionnaires
- Participation in any exclusion procedure
- Attendance at parent meetings/school events
- Access to school records, copies of school reports, newsletters, invitations to school events, school photographs relating to their child and information about school trips. (There is more detail on this later in the policy)

Our responsibilities

The schools fully recognise their responsibilities, and it is our sole wish to promote the best interests of the child, working in partnership with all parents.

Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving the school directly with one another. Issues of estrangement is a civil/private law matter and schools cannot be involved in providing mediation, helping an

estranged parent to communicate with their child or children, or using school premises for purposes of contact. 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 to obtain advice as this may constitute a safeguarding concern. However, the school cannot conform to court rulings unless they are made aware of a pre-existing Court Order.

In any event whereby the parents being estranged is appearing to impact upon the health, wellbeing and safety of a child the matter will be referred to Children's Services for advice.

Contact Arrangements

- Where there are issues over access to children, any adult with parental responsibility for the child should contact the school immediately to discuss these. Court orders preventing an individual's access to a child or detailing contact arrangements which could involve the school should be provided to the school immediately any are issued. These will be shared with all relevant staff so we can monitor these.
- Where there is a court restraining order in place, the school will put measures in place to ensure the child is not released to a named individual.
- Where a separated parent has parental responsibility but is not the parent with whom the child usually resides and there is no court order in place, the school is required to allow the child home with him or her; however, the Headteacher/Head of School (or Designated Safeguarding Lead) is able to use discretion (in the case of an unexpected or unusual request) and would seek clarification from the resident parent before allowing the child to leave the premises.
- Should a parent (unnamed on the child's data sheet and therefore parental responsibility unknown to the school) seek information or access to his/her child, the school will provide no information or access and inform the resident parent of this to clarify the situation.

Information Sharing

To ensure we are fair to all parents, we will communicate in this way:

- Some letters (those with a reply slip – e.g. trip permissions) are sent via email. The vast majority of correspondence is emailed and all parents with parental responsibility (whose contact information we hold) will have this information sent to them. Letters and information about events will also be available on the school website. Some information will not fall into this category (e.g. Achievement postcards sent by post, bespoke circumstance communications).
- Permission slips for activities will be accepted from either parent with PR and only one parent with PR needs to give consent.
- A copy of the pupil's school report(s) will be available to all parents with PR (whose contact details we hold).
- A parent, as defined in this policy, has the right to receive progress reports and review the pupil records of their children. If the parents are separated or divorced, regular progress reports will be available to both parents where contact details have been provided to school. This also includes information relating to attendance and exclusions, unless outside agency advice has been sought and it is felt that it would be

detrimental to the child to communicate any information to the parent the child no longer resides with.

- We expect that parents should liaise and communicate directly with each other in matters such as the ordering of school photographs; tickets for performances, enrichment activities and other instances.
- We expect that, wherever possible, separated parents attend their child's Parents' Evening appointments together and we cannot offer two appointments as a matter of course for all separated couples. The school will consider separate appointments only when a court order is in place restricting contact between both parents. However, the school has no obligation to offer this arrangement.
- In case of an accident or emergency, we will phone the parent with whom the child mainly resides (or the priority phone number held on our system; or the parent with whom the child is residing on that day, if we hold that information) although, depending on the severity of need and other constraints on staff time, we would try and contact both parents.
- Where a child is to attend a residential trip abroad, we would aim to seek the consent of both parties who hold PR if we have that information.
- The school will provide parental login details for Edulink only to the primary carer, unless a direct request is made by a parent with PR, although parents are at liberty to share these login details with each other.

As a school we understand that issues around family breakdown and separation can be fraught. However, we expect parents to be courteous and respectful at all times in their dealings with school. We believe that this policy clearly sets out the position of the schools.

Parental responsibilities

It is the parent's responsibility to provide the school when the student is admitted with the names and contact details, including address of all parents who hold parental responsibility.

It is the parents' responsibility to support the school in remaining neutral in difficult family circumstances and not directly or indirectly requesting that we police one parent for another. All children's welfare and well-being is central to all we do and if we have any such concerns about a child we will involve all adults (as appropriate) with parental responsibility.

Management of the process

The Headteacher and Designated Safeguarding Lead will familiarise themselves with this process and ensure all staff, trustees, governors and volunteers are aware of the procedures to follow should the need occur.

The process will be made available to parents and published on school websites.