Hunts Cross Primary School Separated Parents Policy 2026-2027

Statement of intent

Hunts Cross Primary School 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 parental responsibility is and who can obtain it.

1. Introduction

Our school, staff and leaders, 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 the school.

The basis of the advice within this policy is with regard 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 the 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 shared with us.

If parents separate whilst their child already attends the school, we expect parents to notify the school as soon as possible, 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. If the school is not aware of parents separating, then the established communication arrangements will continue without adaptations and the school will not be held responsible for communication disputes where information has not been provided to a parent or person with parental responsibility.

Where siblings are attending the school, we expect parents to notify the school of the arrangements for each child involved as we acknowledge that some arrangements may differ for each child. We also acknowledge that there may be siblings within the same family unit who have different biological fathers, and therefore we expect that parents will communicate the relevant details accordingly. Where we are aware of the circumstances, we will ensure that relevant communications for each child are only sent to those people with parental responsibility (see section 3 for further detail regarding parental responsibility).

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
- 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 not having 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 does not have parental responsibility but has 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 (subject to relevant data protection legislation, e.g. the Data Protection Act 2018[1])
- attending parent meetings
- receiving newsletters
- invitations to school events
- information about school trips
- school photographs relating to their child (subject to photo permissions provided)
- participation in any exclusion procedure and
- dealing with any medical issues that arise and/or vaccinations that may be offered.

When responding to information requests, extreme care and attention will be taken to ensure that information is shared as per the school's knowledge of parental responsibility. However, the school will not be held responsible where we have not been kept up to date with any changes. The school 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.

The school may be asked by social workers to carry out meetings separately for children who are on a Child in Need/Child Protection Plan. We will try, to the best of our ability, to accommodate requests from social workers for meetings to be conducted separately.

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 biological parents[2], it can be acquired by court order, being appointed a guardian, adopting a child or a formal agreement.

[1] The Data Protection Act 2018 gives children rights over their own data when they are considered to have adequate capacity to understand. Most children will reach this level of understanding at around age 12, unless their capacity is impaired, e.g. by special educational needs and/or disability.

[2] A child's biological mother automatically has parental responsibility; however, a biological father only has parental responsibility if named on the child's birth certificate, or a relevant court order or 'parental responsibility agreement' is obtained.

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

- Adoption - only the adoptive parents will hold parental responsibility
- When a child is placed with prospective adopters they get parental responsibility for the child along with others holding parental responsibility, such as the local authority
- Obtaining a parental order following surrogacy
- In the case of step-parents, through agreement with the child's mother - and other parent if that person also has parental responsibility for the child - or as the result of a court order
- Being granted a child arrangements order determining that the child should live with him or her, or if the court determines that a parent should only spend time with the child, the court may also decide to grant parental responsibility
- Being appointed a guardian or special 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

In addition, a local authority can acquire parental responsibility if it is named in the care order or interim care order for a child.

Where a child's parents are not married to each other, the child's father can gain parental responsibility by:

- Registering the child's birth jointly with the mother
- By subsequently marrying the child's mother
- Through a 'parental responsibility agreement' between him and the child's mother
- By obtaining a court order for parental responsibility

Where two female parents have a child through fertility treatment, the mother's female partner is treated in the same way as a father. She has parental responsibility if she is married to or in a civil partnership with the mother at the time of the treatment (or if the two women agree in writing that she will be the child's second parent). She can also acquire parental responsibility in the same way that a child's father can.

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 asking for their own contact details to be removed.

4. Court orders

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.

Section 8 of the Children Act 1989

Court orders under section 8 of the Children Act 1989 (often called section 8 orders) settle areas of dispute about a child's care or upbringing and can limit an individual's parental responsibility. There are different types of section 8 orders which can be made to address particular issues e.g., Prohibited steps order, Specific issue order, Child arrangements order or a Care order.

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.

If, prior to the conclusion of court proceedings, the school is advised by a relevant professional, e.g., a police officer, social worker or IDVA (Independent Domestic Violence Advisor), that a parent poses a risk of harm to a child, we will act in the best interests of the child and on the advice received from the professional.

Special Guardianship

Special guardianship is a family court order that places a child or young person in long-term care with someone other than their parent(s). The person(s) with whom the child lives with will become the child's special guardian. A Special Guardianship Order can grant parental responsibility to the special guardian and enable the special guardian to have day-to-day control and to exercise their parental responsibility to the exclusion of all others with parental responsibility, except another special guardian.

5. Disputes and disagreements

We hope that parents and all those with parental responsibility will support the school in working together for the benefit of their child(ren).

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.

6. Changes in family circumstances

We ask parents to inform the school whenever something outside school occurs – such as a change in family circumstances –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, and/or those adults whom has been placed on an emergency contact list/collection list. There is an expectation that parents will update the school should permissions change for collections by other adults. In emergency situations a parent/carer with PR can provide written or verbal consent for a person not on the agreed collection list to collect their child. This will be agreed with a member of the safeguarding team prior to the child being dismissed.

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 a phone call or an email which should be noted on the school's files), the child may be released and the records will reflect that the permission was granted.
- If the parent to whom the child would normally be released cannot be reached, the Headteacher or designated deputy dealing with the issue may make a decision based upon all relevant information available to them.
- 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 the school's electronic communication system 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, class outings and events.

The school can 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 other parent is in place.

In all circumstances, we aim to maintain an open-door policy with all parents. Class teachers/form tutors and/or the Headteacher will be available by appointment to discuss any issues.

9. Obtaining consent

Where consent is required for school activities, the school will seek the 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.

In cases where the school considers it necessary to seek consent from both parents, we understand that it is possible that one parent gives consent and the other withholds it. When this happens, we will assume that parental consent has not been given.

10. Parents' evening appointments

Whenever requested, we will aim, as far as is reasonably practicable, to accommodate separate parents' evening appointments for separated, divorced or estranged parents who have parental responsibility.

11. 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.

12. Change of name

A parent can only change their child's name if both parents provide a letter confirming their consent (bearing wet signatures), or by an order of the court. Unless either of the above are provided, the child will be known and addressed by their birth name as recorded on their birth certificate.

The school is under no obligation to do so but may affect an informal change of name if that is requested by the parent(s), for example (a) verbally addressing a child and/or (b) their name on exercise books, etc. It is important to note that the school database, unless changed by an order of the court, will reflect the child's name at birth as Regulation 5(1)(a) of the Education (Pupil Registration) Regulations 2006 requires a school to record the full legal name of every pupil in alphabetical order in the admissions register. In addition, and as stated, any informal change of name addressing the child is at the school's complete discretion after the school has considered all the circumstances.

13. Access to School information

Key information is available on the school's website. Parents may also receive information via class dojo or email. For further information, please liaise with the school office.