

Separated and Estranged Parents Policy

Our Mission

The Pope Francis Catholic Multi Academy Company seeks to appreciate and develop the talents and skills of each individual. Inspired by the life of Christ and his teaching, The Pope Francis Catholic Multi Academy Company, in active partnership with home, parish and the wider community, endeavours to prepare our pupils to face the future with confidence and take up the challenge of the Gospel. We will meet your child where they are and be with them through their journey in life.

Introduction and background to policy

We have many pupils who do not live with both their parents. Some pupils live with other family members. Generally, families organise things such that the pupils are well supported and information about education is shared. This is of course the best situation for our pupils. However, sometimes separated parents can become estranged, especially during the initial stages of the split. We understand that this can be traumatic for the family and for any children concerned. Unfortunately, family problems can sometimes have an impact on the school that the children attend. This policy is an attempt to minimise any impact and to clarify to all parties what is expected from separated or estranged parents and what can be expected from the school and its staff.

Who is a parent under Education Law?

It is important to be aware that parents can be recognised differently under education law, than under family law. Section 576 of the Education Act 1996 states that a 'parent', in relation to a child or young person, includes any person who is not a parent (from which can be inferred 'biological parent') but who has parental responsibility, or who has care of the child.

For the purposes of education law, the guidance considers a 'parent' to include:

- 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 stepparent, guardian or other relative appointed by the court
- any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person

What does 'having care' of a child mean?

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. Only adults who play a significant part in the child's day to day life can be considered as having 'care' of the child.

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 at the time of birth, both parents automatically have parental responsibility;
- 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;
- 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.

Who should be listed as the primary contact on the school's records?

This will normally be the **parent that the child normally lives with during the school day** as they will be the primary contact if the school need to contact someone urgently. This may vary and so we ask parents to update us regularly if shared care arrangements change. It is possible for both parents to be designated as the primary contact but only where there is consent from both parents. 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. Parents are expected to give names and contact details for everyone who has parental responsibility. This information is recorded on the school enrolment documentation and it is updated regularly when the school asks for return of the 'Data collection sheet'.

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.

Court orders

Upon receipt of any court order restricting access to a parent, the school retains the right to consult the Local Authority before taking immediate action. The school is only obliged to comply with an order if it is properly notified and has received a copy for its files, and only to the extent that it relates to the school

Parents are encouraged to resolve contact issues without involving the school directly. The interests of the child will always be paramount when deciding whether to accommodate a request from either parent.

Change in family circumstances:

It is the responsibility of the parents to inform school when there is a change in family circumstances. The school needs to be kept up to date with contact details, living arrangements where there is shared care, 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, 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

Sharing pupil information with parents

The Pope Francis Multi Academy Company is governed by regulations derived from Part 6 of the Schedule to the Education (Independent School Standards) Regulations 2014. This is different to the law relating to Maintained Schools. **Academies are required to provide an annual written report of each registered pupil's progress and attainment in the main subject areas taught, to the parents of that registered pupil** (except that no report need be provided where the parent has agreed otherwise).

The Pope Francis Multi Academy Company recognises that while the parents of some pupils may be divorced or estranged, 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.

There is no automatic right of access to a child's 'educational record' at The Pope Francis Multi Academy Company. Academic progress will be reported to parents or carers in line with each school's individual assessment policy. The school may decide to share additional information with the parents or carers with whom the child lives full or part-time, when it is in the child's best interests. The school can do this on the lawful basis of carrying out a public task.

Any requests for additional information about a student, including subject access requests, should be made in writing to the Principal/Headteacher.

Newsletters and general school updates about all the main events within school, including productions, sports days, parents' evenings, class trips, etc. are advertised on the school website. There is also general information about the school and the curriculum. This information is therefore provided to all parents equally. Occasionally letters are sent to individual classes. These may be paper copies only which pupils bring home. We would expect parents to communicate these messages to each other as and when appropriate.

We will offer one parents' evening appointment per child, where all parents are welcome. We would expect parents to communicate with each other regarding these arrangements. The school will only consider separate appointments if there is a court order in place restricting parents attending the same appointment or in exceptional circumstances. In such cases, we expect the parent to attend with their child and the child should make separate appointments for each parent.

Parental access to the VLE

The VLE is a learning platform used primarily by students to access information regarding their courses and for submitting homework. Parents can also access a pupil's school reports through the VLE. The school does not use the VLE to communicate directly with parents. Only parents or carers who live with a pupil full or part-time require access in order to support their child in completing homework. Parents who do not have regular contact will not be given access to the VLE. In such cases the school will provide an additional copy of the child's report if this has been requested and a contact address has been provided.

Parental consent

Where parental consent is required for trips and activities, the school will normally seek the consent from the resident parent or carer.

Changing a surname

The department for Education guidance states:

A change of surname is a private law matter and should be resolved between parents. Where one parent seeks to change the surname by which their child is known, schools should ensure that they do not change the surname without written evidence that consent has been given by the other parent or by anyone else who has parental responsibility for the child. Schools should source this evidence independent of the parent seeking to make the change. Regulation 5(1)(a) of the Education (Pupil Registration) Regulations 2006 requires a school to record the full name of every pupil in alphabetical order in the admissions register. This means the child's full legal name and not any other name that the child is known by.

To comply with this guidance, all official correspondence relating to a pupil will use their legal name. This includes school reports and examination certificates. To facilitate this, pupils' legal names will be recorded on class registers. However, if a pupil uses a 'preferred name' then this can be used informally in school and teachers will refer to the pupil by this name. For example, pupils can use their preferred name on class exercise books. First names or nick names used must be appropriate. This should be recorded under the student notes section of the school's database (MIS).

Releasing pupils from school during the school day

The school will release children to parents in accordance with arrangements notified to the school. At primary school, the school procedure will be followed and there will normally be a named person who collects the child. At secondary school pupils are normally released at the end of the day to make their way home as arranged by parents and it is the parent's responsibility to ensure they arrive home safely. If a parent or other adult 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:

- A senior member of staff will meet with the parent seeking to remove the child and, in his/her presence, 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, the child may be released and the records will reflect that the permission was granted orally.
- If the parent to whom the child would normally be released to cannot be reached, the Senior Staff member dealing with the issue may make a decision based upon all relevant information available to him/her. The senior staff member may have to refuse permission if consent cannot be obtained.
- During any discussion or communication with parents, the child will 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 should be notified immediately.

Our responsibilities

The Pope Francis Multi Academy Company fully recognises its 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 Pope Francis Multi Academy Company directly. Issues of estrangement are a civil/private law matter and The Pope Francis Multi Academy Company cannot be involved in providing mediation, helping an estranged parent to communicate with their child or

children, or using the school premises for purposes of contact. In some cases, parents may be asked to attend meetings at school only when pupils are not on site.

We recognise that a Court Order can restrict a parent having contact/access to information and we may be bound by this. In this situation we will consult with any relevant external agencies to obtain advice as this may constitute a safeguarding concern. In any situation where the parents being estranged is appearing to impact upon the health, wellbeing and safety of a child the matter will be referred to the Children's Services for advice.

The interests of the child will always be paramount when deciding whether to accommodate a request from an estranged parent.

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