



UNIVERSITY OF
CAMBRIDGE
PRIMARY SCHOOL

Parental Separation Policy

Approved by
Governing Body

Last reviewed on
October 2023

Next review due
October 2024

**RELEASING THE
IMAGINATION:
CELEBRATING
THE ART OF
THE POSSIBLE**



Introduction

As a school, our focus is on the education and wellbeing of the children in our care. We are committed to working with parents to support children who are experiencing change in their family circumstances. There is a risk when parents become estranged that the needs of the children can be compromised in the breakdown of relations, communication, and a shared approach between parents. Despite the complexities and difficulties involved in parent separation, it is possible for separated families to work well together and put the needs and interests of their children at the center.

The school will always take a neutral position on any disputes between parents and is unable to provide mediation, policing, or counselling around parental separation issues. The school is able to signpost parents to places where they can receive further support. It is the responsibility of the parents to agree informally or through court order arrangements about who the children will be staying with and on which days. While we understand that parent separation can be very stressful for everyone involved, we expect parents to be respectful at all times in their dealings with school.

Definitions

We follow the Department for Education guidance that draws on the following definitions of:

A parent

- *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 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.

In cases where a person is not the biological parent of a child, does not have 'parental responsibility' for that child and that child no longer lives with them, it's unlikely that they will be recognised as a 'parent'. Any disputes about whether a person is a child's 'parent' within the meaning of section 576 Education Act 1996, are for the courts to decide.

Parental responsibility

In family law, parental responsibility means all the rights, duties, powers, responsibilities and authority that a parent has in relation to the child.

A person with parental responsibility can make decisions about the child's upbringing and is entitled to information about their child. For example, they can give consent to the child's medical treatment and make decisions about the child's education. They also have the right to receive information about their child's health and education.

Who has parental responsibility?

A child's birth mother (the person who carried the child) has parental responsibility unless it's removed by an adoption order or a parental order following surrogacy.

Where a child's father and mother were married to each other at the time of the child's birth, they each have parental responsibility for the child. Where the parents were not married to each other at that time, 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 which is registered with the court*
- *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.

People who are not the child's biological mother, father or second female parent can also acquire parental responsibility.

Civil partners have parallel rights to married people in terms of parental responsibility. The same provisions for married people apply to them in terms of:

- *acquiring parental responsibility - adoption, agreement with their civil partner or by an order from the court*
- *holding parental responsibility*

See [Department for Education Guidance](#) for further information about parental responsibility.

Responsibilities of parents and school

For any parent with parental responsibility, the school will observe laws around parents' rights. These cannot be restricted without legal direction such as a specific court order or significant safeguarding concerns. The school is not therefore able to act on the request of one parent to restrict the entitlement of another. It is the responsibility of the parents to ensure that all information provided to the school

during enrolment is correct and accurate. It is the responsibility of parents to inform the school of any changes to this information such as emergency contact details or if there has been a change in family circumstances. The school will treat any such information confidentially on a need-to-know basis. Parents with parental responsibility have the right to receive information about their child from school, whether they live with the child or not. The school is not required to inform one parent about communication with the other parent. Parents with parental responsibility have the reserved rights to:

- 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.

The school will uphold its responsibility to promote the best interests of the child and consider working in partnership with all parents as a key aspect of this. Issues of estrangement are a legal matter, and the school 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.

Restricting Access to a Child

We will follow any court order issued that restricts a parent in having contact/access to information and we may be bound by this for legal and/or safeguarding reasons. In this situation, we will consult with external agencies as needed and where there is a safeguarding concern about a child.

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, Designated Safeguarding Leads are 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 both parents with parental responsibility attempt to collect their child at the same time and there is any dispute as to who should collect, the school will, if necessary, call the police to the school to resolve the situation.

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. The school may subsequently have to respond to information and access requests from the unnamed person if parental responsibility is proved, no court order is in place and/or we are directed to do so via the court.

Information Sharing

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

- Communications to parents are sent out via ParentMail. Letters and information about events are also available on the [school website](#)
- A copy of school reports will be sent to all parents with PR (whose contact details we hold)

- 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, attendance-related issues and other such instances
- We expect that, wherever possible, separated parents attend their parent child Learning Conversations appointments together and we cannot guarantee that we can offer two appointments for all separated parents. The school will provide separate appointments where a court order is in place restricting contact between both parents.
- 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 of course, depending on the severity of need and other constraints on staff time, we will try and contact both parents.