



# Jameah Girls Academy

## Separated Parents Policy 2021-2023

Policy Date	September 2021			
Policy Review Date	September 2023	Ms. Khadijah Gulamnabi	K.Gulamnabi	September 2021
<b>Ratified by Governing Body</b>				
Ms. Sajeda Mulla		S. Mulla		September 2021

# Separated Parents Policy

## Context

Research and experience have shown that separated parents can work well together in the best interests of their children and together can play a role in their children's education. However, some parents become estranged, and do not work together or in the best interests of their children, especially during the initial stages of their separation. This is very often traumatic for any child concerned where personal family problems can have an impact on both the children and the schools the children attend.

As a school with an Islamic ethos, we also have a religious responsibility to teach our pupils to be respectful to both parents as stated in the Holy Qur'an:

*Your Lord has decreed that you worship none but Him, and do good to parents. If any one of them or both of them reach old age, do not say to them: uff (a word or expression of anger or contempt) and do not scold them, and address them with respectful words. And submit yourself before them in humility out of compassion, and say, "My Lord, be merciful to them as they have brought me up in my childhood."*  
(Surah Isra, Verses 23 and 24)

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 [legally] 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;
- 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)**

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 a such a case is limited to taking reasonable steps to safeguard or promote the child’s welfare)
- Adopting a child.

If the parents of a child were not [legally] married to each other when the child was born, the mother automatically has parental responsibility; however, the father only has parental responsibility from 1st December 2003 and by jointly registering the birth of the child with the mother. He can, however, subsequently acquire parental responsibility by various legal means.

## **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 their relationship with the child, is considered to be a parent in education law.

This could be shown by:

- Interaction with the school – attending meetings, making phone calls, being on the school’s record as being involved (in whatever capacity) etc.
- Residence with the child where, for all intents and purposes, the person is part of the family, a man or woman married to a parent of a child.

For example:

- Are they listed on school records?
- Does the school have contact details for them?
- Do they meet with teachers/attend parents’ evenings?
- Have they been involved with the measures designed to improve attendance?
- Do they contact the school on behalf of the child when s/he is ill?
- Do they live with the child?

- How long has the school known of them being connected with the child?
- Does the adult bring/collect the child to/from school?
- 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 in a child’s life who can be classified as “parent”, having “parental responsibility” or who have “care of a child”.**

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:

- appealing against admission decisions
- completing Ofsted & school-based questionnaires
- participating in any exclusion procedure
- attendance at parent meetings
- having access to school records, receive copies of school reports, newsletters, invitations to school events, school photographs relating to their child and information about school trips.

The Governing Body recognises that while the parents of some pupils may be separated, 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.

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. Similarly, the information provided on the address or addresses where the child resides will be presumed to be correct unless a court order proving otherwise is provided to the school.

## **Our responsibilities**

Jameah Girls Academy fully recognises its responsibilities, and it is our sole wish is to promote the best interests of the child, working in partnership with all parents.

Jameah Girls Academy will maintain its open-door policy with all parents. The class teacher and/or Head Teacher will be available by appointment to discuss any issues or concerns with regard to separated/divorced/ estranged parents may have in relation to their child or children at the school.

Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving Jameah Girls Academy directly.

Issues of estrangement are civil/private law matters and Jameah Girls Academy 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 the event that the parents are unable to agree with one another on decisions regarding their child's educational programme, including but not limited to placement, participation in extracurricular activities, and consent to evaluation and services, the school will arrange a meeting with all parents (preferably together or separately if required) to attempt to assist the parents to resolve the situation; if it cannot be resolved the school may refer the matter to the relevant department of the Local Authority.

The interests of the child will always be paramount when deciding whether to accommodate a request from an estranged parent. 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 may consult with the Local Authority to obtain advice if there is a safeguarding concern.

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 the Local Authority for advice.

## **Our Policy**

It is the responsibility of the parents to inform Jameah Girls Academy when there is a change in family circumstances. The school needs to be kept up to date with contact details, 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.

Newsletters & general school updates can be sent to all parents via letters, texts and email. These updates will contain all the main events within school, including productions, sports days, parent's evenings, class trips, etc. We would expect parents to communicate these messages to each other as and when appropriate or to arrange with the school to ensure they are on the circulation list.

We will hold a yearly parent consultation evening. We would expect parents to communicate regarding these arrangements.

Jameah Girls Academy will consider separate appointments but by prior agreements only or when a court order is in place restricting contacts with both parents.

We expect that parents should liaise and communicate directly with each other in matters such as the ordering of school photographs; tickets for performances and other instances.

A parent, as defined in this policy, has the right to receive progress reports and review pupil records of their children. If the parents are separated or divorced, unless otherwise arranged, progress reports will be sent to the parent at the address in the school's records specifying where the child resides with the expectation that he/she will share the report with the other parent.

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.

The school will send copies of the progress reports to the parent with whom the child does not reside only if that parent submits a written request.

In the matter of the release of a child or children:

Jameah Girls Academy will follow the standard agreed procedure in the release of a child or children.

In the case of separated parents Jameah Girls Academy will release a child or children to a parent in accordance with any specific arrangements notified to the school.

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 Head Teacher or a member of the Senior Leadership Team will meet with the parent seeking to collect/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 verbally.
- In the event that the parent to whom the child would normally be released to cannot be reached, the Head Teacher or staff member dealing with the issue may make a decision based upon all relevant information available to him/her.
- The Head Teacher or staff member may have to refuse permission if agreement/consent cannot be obtained and may need to take advice before a child or children are collected / released.
- Jameah Girls Academy cannot prevent the other parent collecting the child or children but we will endeavor to reach an agreement and this may mean keeping the child or children safe whilst Jameah Girls Academy try and reach such an agreement.
- If there is a Court Order restricting contact or it is in contravention of any access agreement, the child or children will not be released into their care and the other parent advised to take the necessary action which does not involve the school.
- During any discussion or communication with parents, the child or children will be supervised by an appropriate member of school staff in a separate room.
- In 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 and the Local Authority notified.

### **Management of the Policy**

The Head Teacher/Designated Safeguarding Officer(s) will familiarise themselves with this policy and ensure all Staff, Governors and Volunteers are aware of the procedures to follow should the need occur.

The policy will be made available to parents and published on our school website.

**Date: September 2021**

This policy should be read in conjunction with:

- Child protection and Safeguarding Policy

- Children Missing from Education Policy
- Staff Code of Conduct

This policy was agreed by the Headteacher on:  
(and supersedes all previous policies relating to this area)

Signed by: Head teacher

Implemented: September 2021

Review date: Spring 2023

Headteacher: Khadijah Gulamnabi

## Rights of separated parents

Each person with parental responsibility for a child is entitled to:

- Receive information about their child
- Request to see their child's educational record
- Participate in statutory activities (like parent governor elections)
- Be informed about meetings involving their child (such as parents' evenings or an exclusion hearing)
- Be asked to give consent (for things like school trips or sharing photos of the child on your school's website)

This means that one parent can't prevent others with parental responsibility from doing any of the things listed above .

For example, a biological parent can't request that you don't share information about a child's education with a step-parent the child lives with. That's because they both count as 'parents' under education law.

We look at specific issues related to some of these rights below.

## Getting consent

For activities and outings, you should seek consent from the **resident parent** unless:

- The activity is likely to have a long-term and significant impact on the child, or
- The non-resident parent has asked you to seek their consent in all such cases

### What to do if parents don't agree on whether to give consent

Treat it as if consent **hasn't** been given if parents can't agree on whether to consent to something. For example, if one parent consents to the child's picture being used on your school's website, and another doesn't, act as if consent wasn't given.

Use our model letter below to communicate this situation to them.

## Sharing information

### Day-to-day matters

For issues like absence from school or lateness, your point of contact is likely to be the child's resident parent. The non-resident parent does not need to be kept informed, unless they specifically request the information.

### What to do if one parent tries to prevent another getting information

If you can't contact a parent directly and the other parent refuses to provide their contact details or share information with them, there isn't anything more you can do.

If the non-resident parent then gets in touch with your school to ask for information, you should provide it to that parent directly (once you've checked that the individual is the child's parent).

You **don't** need:

- To request a solicitor's letter to prove that the non-resident parent is the child's parent
- To seek consent from the resident parent to record the non-resident parent's contact details, or to send them their child's statutory educational information
- A court order directing you to provide statutory information to any parent who is entitled to it

### Pupils aged 13 and over

- Can assume control over their personal information and restrict access to it, under the GDPR and the Data Protection Act 2018
- But cannot stop a parent from accessing their educational record

This is set out in the [DfE's guidance](#).

### Requirements in academies

If you're an academy, you must provide parents of the registered pupil with an annual written report of their progress and attainment in the main subject areas taught, unless the parent has agreed otherwise.

Sharing requirements in academies are based on [Part 6 of the Schedule to the Education \(Independent School Standards\) Regulations 2014](#).

## Changing a surname

A change of a child's name is private law and should be resolved between parents.

Don't change a child's surname in your records without written evidence that consent has been given by both parents and/or anyone who has parental responsibility.

## How to avoid common conflicts

### Be clear about parents' rights

You may find parents ask you to do things like:

- Limit the amount of information another parent gets
- Prevent another parent attending school events

Know what rights those with parental responsibility have under education law, and that conflicts between parents don't change these rights.

Explain that you'll only prevent a parent exercising their rights if:

- There's a **court order** relating to the child that requires this
- A change of circumstances means **someone no longer has parental responsibility** (for instance, if the child's mother and step-father divorce, the step-father may lose parental responsibility unless there's an agreement that says otherwise)

### Think about parents' evenings and other events

This may become an issue when you have limited time or space. For example:

- If capacity restrictions mean you can only provide 2 tickets per child to a school play
- If parents who aren't on speaking terms both want to attend parents' evening

Where possible, avoid imposing decisions or restrictions on separated parents. Try to be accommodating where possible (if you can provide 2 parents' evening slots to avoid a row, great!), but place the responsibility on parents to try to come to an arrangement themselves.

### Set clear boundaries

Separation can cause real upheaval in pupils' lives, so make sure you're providing the pastoral support the child needs to continue to feel safe and supported at school.

However, that doesn't mean that you need to act as a mediator between parents.

Be clear with parents about your role, and that they should seek independent advice or support if they can't resolve conflicts themselves.

It may be useful to have a meeting with all the parents or important adults in a child's life so that:

- Everyone can centre the child's needs, and agree clear expectations about supporting them through school
- You can fully understand the important relationships in the child's life and provide the best possible support
- You can get mutual clarity on which parents want to be contacted about which things (for example, the parents may have already agreed that any consent forms are directed to 1 person)