

# Separated Parent Policy 2021-2022

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Policy Contact: Mrs Julie Mackay-Smith, Admissions Secretary

## SEPARATED PARENT POLICY

Seaford College recognises that while some parents may be divorced or separated, both have a right to be informed of, and involved in, their child's educational progress.

### **1. Parental Responsibility**

To help us to look after children whilst they are in our care, Seaford College staff are required at the admissions stage to ask parents to provide certain information, such as the name of both parents, address, contact details, etc. They are also required to confirm that nobody else has Parental Responsibility for the child, and it is a requirement that all individuals who have Parental Responsibility sign the parent contract acceptance form. This is important because it allows the school to be sure who has the right to make decisions about a child's education and medical treatment.

'Parental Responsibility' is a very specific legal term encompassing the legal rights, duties, powers and responsibilities that parents have with regards to their child. We are aware that many parents may be unaware of how it is applied and have therefore set out some examples below:

- Natural mothers automatically have Parental Responsibility for their child from birth.
- If a child's parents were married at the time of the birth, both parents will automatically have Parental Responsibility and they will both retain Parental Responsibility if they subsequently divorce.
- For children born after 1 December 2003 to parents who are not married at the time of the birth, a natural father may gain Parental Responsibility by registering the child's birth jointly with the child's natural mother.
- Natural fathers may otherwise gain Parental Responsibility by subsequently marrying the child's mother or by getting a Parental Responsibility agreement with the mother or by obtaining a court order conferring Parental Responsibility on them.
- In the case of an adopted child, the adoption will confer Parental Responsibility on the adoptive parent(s). If, following adoption, the child will not reside with a natural parent, that parent will cease to hold Parental Responsibility.
- Where a surrogate is used, a child's parents can gain Parental Responsibility either through a parental order or through formal adoption after the child has been born.
- In the case of same-sex parenting couples where the child is not adopted, both parents will have Parental Responsibility if they were civil partners at the time of the relevant treatment (e.g.

insemination). If they are not civil partners, parents may gain Parental Responsibility by getting a Parental Responsibility agreement or by jointly registering the birth.

- Parental Responsibility can be lost where a child no longer resides with a natural parent following adoption.
- Parental responsibility can be terminated by court order if the child is at serious risk of emotional or physical harm.

The information provided to the school when the student was enrolled, detailing whether both parents have Parental Responsibility, will be presumed to be correct unless a court order or original birth certificate proving otherwise is provided to the school. It is the responsibility of parents to inform the school when there is a change in the family's circumstances and/or when any such court order is issued (as outlined in the Parent Contract). We need to be kept up to date with contact details, arrangements for collecting children and emergencies.

Parents with Parental Responsibility are entitled to share in the decisions that are made about their child and to receive information about their child, including in relation to their child's education. In particular, these entitlements include the right to:

- receive information about their child such as their school reports;
- give consent, for example in relation to their child taking part in a particular educational visit; and
- be informed about meetings concerning the child such as those involving an exclusion or appeal.

This entitlement cannot be restricted without a specific court order. The school does not have the power to act simply on the request of one parent to restrict the other parent's rights. The school will treat both parents equally unless there is a specific ruling limiting a parent's ability to make decisions or participate in school life or receive information in existence. Staff will never pass judgement on either child's parent. We will maintain our open-door policy with all parents, and the tutor, Head of Year, house parent, Deputy Headmaster and the Headmaster will be available by appointment to discuss any issues. The school is under no obligation to inform the parent with whom a child normally resides ("the resident parent") if a non-resident parent ("the non-resident parent") contacts the school. Any such information will be given at the discretion of the Headmaster.

## **2. Court Orders**

Upon receipt of any court order restricting access to a child, the school retains the right to consult local safeguarding partnerships before taking action. The school is only obliged to comply with a court order if it is properly notified and has received a copy for its files, and only to the extent that it relates directly to the school. In the event that the school is not informed of the existence of such an order, neither parent will have rights superior to the other. Only a court order stating the specific arrangements will be deemed to be valid. A letter from a solicitor is not sufficient. Failure to provide the school with a copy of any relevant court order is a breach of the terms of the parent contract.

### **3. School communications**

The school recognises that, while the parents of some students may be divorced or separated, both have a right to be informed of, and involved in, their child's education. However, we expect that parents, whatever the nature of their separation, will communicate with each other and share information from and for the school for the benefit of their child. Under the terms of the parent contract, we are entitled to assume that any communications between either parent and the school have been given to/from both parents.

We do not send emergency text messages to non-resident parents, in the event of cancelled activities and/or reminders etc. where the parent with whom the child principally resides has already been given that information. All diary dates and letters home are available on Firefly.

School emails will be sent to both parents (unless one or other has notified the school that they wish to opt out of school communications). Parents are responsible for providing a correct email address. Occasionally paper letters are sent home with students and we expect parents to communicate these messages to each other as and when appropriate.

Under normal circumstances, we will hold one parent's evening appointment per child, once a year, where both parents are welcome. We expect parents to communicate with each other regarding these arrangements. Under certain circumstances, the school can offer a secondary appointment but this must be discussed with the child's tutor beforehand.

We expect parents to liaise and communicate directly with each other in matters such as the ordering of school photographs; the student's participation in residential/school visits; and any requests for tickets for performances or other events.

Both parents are entitled to receive progress reports and review their child's student records. Progress reports are electronic and can be found on Firefly. Should an unnamed parent contact the school to seek information or access to his/her child, the school will always inform the resident parent of this to check whether the unnamed parent has Parental Responsibility and to ensure no court order is in place. For the avoidance of doubt, we will seek written confirmation from the resident parent as to the unnamed parent's status and proof of identity of the unnamed parent will always be required in these cases.

It is the responsibility of the resident parent to inform the non-resident parent if their child is absent from school for a prolonged period. Attendance information is available on Firefly.

Any disagreements between separated or divorced parents must be resolved between the parents themselves and should not involve the school. Where disagreements or conflicts cannot be resolved between the parents, they should seek independent advice and/or pursue the matter through the Family Court.

#### **4. Collecting a child from School**

The school will release children to parents in accordance with arrangements notified to the school in advance. If one parent seeks to remove the child from school in contravention of the usual arrangements and the parent to whom the child would normally be released has not notified the school of any change, the following steps will be followed:

- Where a non-resident parent who has Parental Responsibility wishes to take the child during or at the end of the school day and there is no court order in place, the resident parent will be contacted to check that they are in agreement with the arrangement. If the resident parent agrees, the child may be released and the school will update its records to reflect that the permission was granted orally. Please note, however, that where the resident parent opposes the non-resident parent wanting to take the child, the school cannot prevent them from doing so unless there is a valid court order in place. In such circumstances, the parents will be asked to resolve the matter between themselves.
- In the event that the resident parent cannot be reached for the purposes of confirming their agreement to the non-resident parent collecting their child, the Headmaster or staff member dealing with the issue will make a decision based upon all relevant information available.
- During any subsequent 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 reasonable belief that a possible abduction of the child may occur or that the child may suffer harm or if the parent is disruptive and/or aggressive to any member of the school community, the school reserves the right to notify the police and/or seek advice from the Sussex Safeguarding Children Board immediately.

## **5. Estrangement**

The school recognises its responsibilities with regards to its students and it is our wish to promote the best interests of every 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. Issues of estrangement are a civil/private law matter and the school cannot be involved by, for example, providing mediation, helping an estranged parent to communicate with their child or children or allowing the school premises for purposes of contact. We recognise that a court order can restrict a parent from spending time with their child and/or limit their access to information, and we may be bound by this. In this situation, we will consult with the relevant external agencies to obtain advice as this may constitute a safeguarding concern.