



Separated Parents Policy

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Aims

Our Lady's recognises that pupils from families whose parents are separated, or are undergoing separation, may experience unique challenges during their time at school that can affect their welfare, wellbeing and attainment. With this in mind, we make every effort to work in partnership with separated parents to promote the welfare and wellbeing of their child.

Our school is committed to prioritising the best interests of the children at all times. Extensive research indicates that following parental separation, children achieve better outcomes when family members collaborate effectively, provide a stable home environment, and minimise conflict. It is expected that parents demonstrate to their children a united approach by working cooperatively and maintaining a positive partnership with the school, always with the child's best interests as the primary focus.

This policy has been created to help minimise the educational impact on an affected pupil due to family separation. We also aim to clarify to all parties involved what is expected from them and what can be expected of the school and its staff.

Legislation and guidance

This policy 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](#)

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 (unless the child has been subject to an adoption order).
- includes 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.
- 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. For example, this may be a foster carer who does not have parental responsibility but has been delegated the responsibility for taking day-to-day decisions about the child.

Other examples include:

- Special guardians- Persons appointed through a Special Guardianship Order who take on parental responsibilities for the child, often relatives or close family friends.

- Kinship Carers- Family members or close family friends who care for the child in informal or formal arrangements but do not necessarily have parental responsibility. This includes grandparents, aunts, uncles, cousins, or close family friends who provide care.
- Stepparents or Partners of a biological parent who may be considered as having a parental role, even if they do not hold legal parental responsibility.

3. Rights of separated parents

All Parents, as defined above, are entitled to share in the decisions about the child's education and to be treated equally by Our Lady's Catholic Primary School. In particular, these entitlements include, but are not limited to, the following:

- Receive information about their child
- Request to see their child's educational record
- Participate in statutory activities (such as parent governor elections)
- Be informed about meetings involving their child (such as parents' evenings or a suspension or exclusion hearing)
- Be asked to give consent (for things like school trips or sharing photos of the child on our school's website)
- Collect their child from school unless this is against specifications set out in a court order. We recognise that whilst some parents may be separated, divorced or estranged, they are still entitled to the above and this entitlement cannot be restricted without a court order.

Therefore, for example a biological parent cannot request the school does not share information about a child's education with a stepparent who the child lives with. This is because they equally count as 'parents' under education law.

4. 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, it can be acquired by court order, being appointed a guardian, adopting a child or a formal agreement.

The parent in education law and parental responsibility information provided to Our Lady's Catholic Primary School when a child enrolls 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 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 rights in education law, 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 a parent can receive. We will not remove a parent's contact details without such a court order being in place.

5. Changes in family circumstances

We ask parents to inform the school whenever something outside school – such as a change in family circumstances – occurs so that we can sensitively support the child during the school day. 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 an updated or new court order.

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 need-to-know basis so that suitable support can be offered.

6. Court orders

At Our Lady's Catholic Primary School, 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 that no court order is breached. The school can only be expected to comply with an order if it is aware of it, and only to the extent that it relates to the school.

The school has no responsibility for enforcing any court order but will endeavor to ensure that if there are restrictions in place with regards to the collection of a child, such restrictions are adhered to.

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.

7. Communication between school and separated parents

The parent (in education law) who applied for the child's admission should have involved all other parents (in education law) in making the decision to apply. They should have provided the school with details of all those who are defined as above as a parent for the child. Where this has not happened, the school welcomes direct contact from those other parents providing their

own details. However, the school cannot be held responsible for excluding a parent if the information has not been provided to them.

If parents separate whilst their child already attends the school, the parents must notify the school immediately so that the school can ensure continuing contact with both parents.

School newsletters, class and general updates are sent via Reach More Parents to all parents for whom we have up-to-date contact details. These updates contain all the school events, including parents' evenings, productions, sports days and class outings and events. On rare occasions, information in paper form is sometimes sent home with the child and it is the child's responsibility to pass this information on to the parent. Duplicates of this paper information are available upon request to the school office.

In all circumstances, we aim to maintain our open-door policy with all parents. Class teachers and/or the Senior Leadership Team will be available by appointment to discuss any issues.

Any person who is known to the school to be a parent (in education law) to a child, has the right to receive our annual written progress report for their child. These will be provided to separated, divorced or estranged parents, and any others as defined above as a parent in education law and for whom the school has contact details.

8. Contact Information

By law, we must have at least one emergency contact number for each parent listed in the Admissions Register. While the Department for Education (DfE) recommends having more than one emergency contact where possible, this is not a legal requirement. If school needs to contact parents to share urgent information about a child, the school will contact the parent who is due to collect the child/ren that day. If they are unavailable, we will contact the other parents.

Contact may be considered necessary in emergency situations with all parents depending on severity.

If one parent asks for grandparents or other family members or family friends to be added as emergency contacts, we can do this unless the other parent objects. If the other parent does not give permission for the requested people to be contacted, we must respect their wishes unless there is a safeguarding concern, which would always come first.

If parents disagree about who should be listed as emergency contacts, the school cannot make a decision. This is something that needs to be resolved through the Family Court.

The school's role is to remain impartial and follow the legal requirements.

9. Consent

For school activities and educational trips, the school only needs to seek consent from a single parent (in education law) unless:

- The activity is likely to have a long-term and significant impact on the child, or

- Another parent has asked the school to seek their consent in all such cases

If any parent does not agree on consent, the school will treat it as 'consent not given'. For example, if one parent consents to their child's picture being used on the school's website, and another doesn't, the school will act as if consent has **not** been given. See Appendix 1 for how this information will be communicated to parents. If parents try to involve the school in dispute about consent, parents will be advised to seek independent legal advice, or use a mediator.

10. Changing a child's name

The change of a child's surname is a private family law matter and should be resolved between the parents who have parental responsibility. A child's name (forename and/or surname) can only be changed with the express written agreement of all parents with parental responsibility. To ensure this is the agreement of every such person, the school will expect them to each individually send in their separate written agreement or by an order of the court. Unless either of the above options are provided to the school, then the child will continue to be known and addressed by their birth name as recorded on their birth certificate.

The school is under no obligation to do so but they may effect an informal change of name if that is requested by the parent(s) for example (a) verbally addressing a child (b) name on books etc. It is important to note that the school Management Information Service (MIS), unless changed by an order of the court, will reflect the child's name at birth. 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 of the circumstances.

11. Collection from school

If there are court orders in place that set out specific arrangements or restrictions for who can collect the child/ren and when, parents must notify the school.

Throughout the school day or at collection time:

- If a parent who has [parental responsibility](#) seeks to collect a child, the school will release the child to them, even if it's against the wishes of their other parent, **unless:**
- The school has any concerns for the safety or wellbeing of the child. If the school has concerns, they will not release the child and contact the police or Knowsley Council Children's Services.
- If school has allowed a parent with parental responsibility who doesn't normally collect a child to do so, a member of the senior leadership team (SLT) will inform the parent who usually collects the child on that day, that they have been released to the other parent.

12. Parental contact during the school day

Unless there is an additional clause in the Court Order around restricted contact during school hours, either parent can attend school events, such as assemblies and sports day. Either or both parents can also volunteer to support on school trips, regardless of which parent is collecting the children on that day.

13. Disputes and disagreements

Our Lady's Catholic Primary School hopes that all parents (in education law) will support the school in working together for the benefit of their children. New parental separation can cause real upheaval in children's lives, so we will make sure we are providing the pastoral support the child/ren need to continue to feel safe and supported at school.

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 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. Where disputes do exist, the school will take legal advice where appropriate and will always make decisions in what it considers to be the best interest of the child.

Parents should seek to resolve 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. It is the parent's responsibility to manage their own arrangements, such as requesting separate parents' evening sessions, attending school celebration events and assemblies, and volunteering on educational trips. Any requests from parents for adjustments will be considered on an individual basis and will include considerations on the practicalities, such as time or physical space. It is not the school's responsibility to suggest adjustments to arrangements for separated parents.

The child's best interests will always be the primary focus at Our Lady's Catholic Primary School.

14. Referrals to external agencies

When one parent makes a request for a referral to an external agency in relation to the child (for example Early Help, Mental Health Support Team), the school will inform the other parents and request (if relevant) if they would like their contact details and views included. However, the final decision will need to be made by the parents with parental responsibility. Each parent can request any personal details and information related to them be redacted before a copy is shared with any other parent(s). This also applies should a parent request individual support for themselves to an external agency. Should we feel that the sharing of information may result in a safeguarding issue, this may be withheld and the advice will be gained from the Knowsley MASH Safeguarding Team.

Ideally, consent should be sought for the referral from all parents or carers involved. However, all parents do not always need to give consent for a referral. School staff will seek to understand why consent is withheld from one parent and provide reassurance about the support available. If the referral is deemed necessary for the child's welfare, staff will proceed, as the focus remains on the child's best interests.

15. Access to school information

Key information is available on the Our Lady's Catholic Primary School website. Parents may also receive information via Reach More Parents App.

For parents who do not have access to the internet, paper copies of communications may be requested from the school office.