Burman Infant School

Separated Parents Policy

Autumn 2026

Purpose and Aims

Burman Infant School recognises that pipuls from families whose parents are separated or are undergoing separations, may experience unique challenges during their time at school that can affect their welfare and attainment. With this in mind, we make every effort to work with separated parents, to promote the welfare of their child.

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 from the school and its staff.

Legal Framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Education Act 1996
- Data Protection Act 2018
- UK General Data Protection Regulation
- 'Keeping Children Safe in Education 2026'
- DfE (2023) 'Understanding and dealing with issues relating to parental responsibility'
- Children Act 1989
- Freedom of Information Act 2010

This policy operates in conjunction with the following school policies:

- Safeguarding Policy and Child Protection Policy
- Data Protection Policy
- Parent and Family Conduct Policy
- Special Educational Needs and Disabilities (SEND) Policy
- First Aid Policy
- Administering Medicines in School Policy
- Education (Pupil Registration) (England) Regulations 2024

Definitions

Schools have a legal duty to work in partnership with families and to involve all those with parental responsibility in their child's education.

Parents may be recognised differently under education law and family law. Section 576 of the Education Act 1996 defines a **'parent'** as:

- All birth parents, whether they are married or not.
- Any person who, although not a birth parent, has 'parental responsibility' for a child or young person.
- Any person who, although not a biological parent and has no parental responsibility, has care of a child or young person (a person with whom the child lives and who looks after the child).

Parents as defined above will be treated equally, unless there is a court order limiting an individual's exercise of parental responsibility. 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.

Family law defines **"parental responsibility"** as the rights, duties, powers, responsibilities and authority that a parent has in relation to a child.

Individuals who have parental responsibility, or care for a child, have the same rights as birth parents. This includes the right to:

- Receive information relating to their child's education, e.g. pupil reports.
- Participate in activities, e.g. elections for parent governors.
- Give consent, e.g. for school trips.
- Be involved in meetings concerning the child.

Any disputes regarding whether a person is a pupil's parent, within the meaning of section 576 of the Education Act 1996, will be decided by the courts.

Non-biological parents can acquire parental responsibility through:

- Adopting a child.
- Being appointed a guardian.
- Being named in an emergency protection order.
- Being granted a child arrangements order stating the child should live with them.
- The agreement of a child's mother (and other parent if that person also has parental responsibility).
- A court order.

A Local Authority (LA) has parental responsibility if it is named in a child's care order. Civil partners have parallel rights to married couples.

Under section 8 of the Children Act 1989:

- A prohibited steps order imposes a restriction whereby no steps which a parent could take within their parental responsibility may be taken without the court's consent.
- A specific issue order gives directions for determining a specific question in connection with an aspect of parental responsibility.
- A child arrangements order sets out living arrangements and arrangements for whom a child is to spend time or have contact with.
- A care order is where the LA limits the role that parents can play in their child's life and schooling.
- Terminating parental responsibility means the court can make an order under section 4(3) of the Children Act 1989 to terminate parental responsibility.

For the purpose of this policy, a **'resident parent'** is defined as the parent with whom the pupil primarily lives, if a joint residency arrangement is not in place. A **'non-resident parent'** is a parent with whom the child does not primarily live.

Roles and Responsibilities

The school is responsible for:

- Asking for the names and addresses of all parents when they register a pupil.
- Ensuring that names and addresses of all parents, where known, are included in the admission register and also in the pupil's records, and are available to the pupil's teachers.
- Ensuring that names and addresses of all parents are forwarded to any school to which the pupil moves.
- Ensuring that details of court orders are noted in the pupil's record.
- Ensuring at least one emergency contact per pupil is obtained – where possible, two or more will be obtained.
- Where the address of a non-resident parent is unknown, telling the resident parent that the non-resident parent is entitled to be involved in their child's education and request that information is passed on to them.
- Sending ParentPay notifications to both parents, as long as both parents have registered.
- Only accept one request for an appointment at Parents/Carers Consultations, meetings and IEP Reviews.
- Ensuring staff are appropriately trained to respond to parental disputes.
- Informing parents of their child's progress and any issues which may arise with their learning.
- Deploying the right to refuse entry or enter into any communication with parents who are abusive and use inappropriate language or aggressive behaviour towards any member of staff.

Parents are responsible for:

- Providing their child's birth certificate upon admitting their child to the school.
- Informing the school when there is a change in family circumstances. The school recognises the sensitivity of these situations and will maintain all confidentiality requested by parents as far as possible. The school will also not make judgements about individual circumstances, and both parents will be treated equally.
- Where there is a court-mandated restraining order in place, providing the school with a copy, which will put measures in place to ensure the pupil is not released to named individuals.
- Where parents have shared care of their child (also known as joint custody), informing the school of the details of any disputes they have regarding the collecting of their child from school, in writing, and informing school of any changes to this.
- Registering on ParentPay separately if dual communication is required.
- Attending Parent Consultations for their child – the school expects parents to communicate with each other regarding this.
- Liaising and communicating directly with each other in matters such as the ordering of school photographs, charity purchases (i.e. Christmas Cards), any behaviour incidents and other instances. The school will not deal individually with these requests in view of the significantly increased workload that they represent.
- Signing Leave of Absence Request forms and, where only one parent has signed, supplying a letter of written consent from the other parent.

- Contacting the school immediately where issues to the access of their child arise.
- Adhering to the school's Parent and Family Conduct Policy.

The DSL (Designated Safeguarding Lead) is responsible for:

- Ensuring pupils are safe and happy at school.
- Making decisions regarding sharing information with parents about safeguarding concerns.
- Referring a pupil to the relevant support services, where required.

Progress Reports and Pupil Records

Any parent or person with parental responsibility has the right to receive progress reports and review pupil records of their child, unless a court order is in place that expressly amends this right to their child's information.

Parent Disputes

The school will expect all parents to understand and adhere to the Parent and Family Conduct Policy.

Disagreements between parents will be resolved between the parents and will not be resolved by the school. The school will ensure that it focusses on the welfare and education of the pupil, at all times.

The school will ensure all parents are treated equally unless there is a court order in place limiting a parent's ability to make educational decisions, participate in school life or receive information about their child. Where one parent makes a claim that a court order against another parent is in place, the school will ask for evidence of the court order and ensure that the order is valid.

The school will maintain an open door policy with parents and the class teacher will be available to discuss any issues that are relevant to the school and/or their child's education and welfare.

The school will seek advice from the LA (Local Authority) about parent disputes, where required. 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 will be notified immediately.

In the event that a parent's action or proposed action contravenes the school's ability to act in their child's best interests, the school will make efforts to resolve the problem with the parent but will avoid becoming involved in any conflict. The school will decide whether it is appropriate to accept or decline requests for action from one or more parents.

In cases where the school is unable to resolve the conflict between separated parents, the aggrieved parent will be advised to pursue the matter through the family court. The school may also suggest that they seek independent legal advice about obtaining a prohibited steps order or specific issue order which sets out exactly what decisions each parent can make in respect of their child.

The school will be mindful that making child arrangements via the family courts following a separation can be stressful and entrench conflict in families, which can have a negative impact on a pupil. The school will not become directly involved in such issues; however, it will approach the situation sensitively and point parents towards the government's Find ways to make your child arrangements - GOV.UK guide.

Collecting a Child from School

Where both parents have parental responsibility, both parents are legally entitled to collect their child from school unless a court order is provided that states otherwise. In all circumstances, the school will be mindful of its safeguarding responsibilities and may use its discretion not to send a child home with a particular parent. The parent whom the child resides with will always be given priority.

On joining the School all parents to complete a form listing emergency contacts/names of those who may collect their child.

Parents will contact the school where there are any changes to who may collect their child from school.

Where a separated parent has parental responsibility, and needs to collect their child during or at the end of the school day, the resident parent will be contacted to ensure that parents are in agreement, providing a non-contact order is not in place.

The school will not permit the child to be collected by a parent for whom a non-contact order is in place. Where a child arrangements order is in place, the school will be vigilant for breaches of this order in terms of parents collecting their child, e.g. if a parent collects their child on a day they have not been allocated.

The Headteacher will use their discretion on the decision to allow a child to leave the premises with a non-resident parent.

As appropriate, the school will seek and act on advice given by other professionals, i.e. Social Workers or Local Authority Advisors.

Obtaining Consent

School trips and activities

If parental consent is required for outings or activities, the school will seek consent from the resident parent, unless the decision is likely to have a long-term and significant impact on the child or the non-resident parent has requested to be asked for consent in all such cases.

In cases where the school considers it necessary to seek consent from both parents, it is possible that one gives consent and the other withholds it. In such cases, the school will assume that parental consent has not been given.

Where the school requires urgent consent because a child needs emergency medical treatment, the Children Act 1989 allows the school to act in place of a parent (in loco parentis) or to seek consent from a parent that does not have parental responsibility.

SEND Provision

The school will ensure it focusses on the best interests of the pupil. In line with the Special Educational Needs and Disabilities (SEND) Policy, the school will ensure it identifies and addresses any SEND/needs/provision.

The school will assert that it does not need parental consent to provide SEND provision to a pupil. The school will inform the pupil's parents that such a decision has been made.

The school will seek parental consent where it feels that a pupil needs access to an external agency or service to support their SEND/needs. In this case, consent from the pupil's primary caregiver will be sought, unless explicitly stated otherwise.

Where there is a dispute between the pupil's parents about the provision of SEND support, the school will consider the wider implications of the dispute, the pupil's welfare and whether there is a potential safeguarding issue present e.g. the pupil is being used as a tool for control.

Administering Medication

If written consent has been obtained from one parent, then this will be sufficient authority for the school to administer the prescribed medication to the pupil in accordance with prescription while they are in school (in line with the Administering Medicines in School Policy).

In cases where one parent is actively opposed to the medication being administered, parents should be encouraged to come to a common position, failing which either or both parents should make an application to the family court for a 'specific issue' order (the 'specific issue' in this case being the question of which parent's wishes are to prevail as regards the administration of the prescribed medication to the child while they are in school).

Parents will be directed to the following advice from the NHS: Consent to treatment - Children and young people - NHS

Name Changes

The school will act in the best interests of the child first and foremost.

Parents are responsible for resolving potential conflicts about the change of a surname.

The school will only act to change a pupil's name on its records once consent from both parents has been received and will ensure that the change in surname is supported by written evidence.

A separated parent who has parental responsibility, but no longer lives with the child, may refuse to consent to changing the child's surname. In such cases, the parent wishing to change the child's name would need to apply to the courts for permission do so.

In circumstances where a name change has already been affected by the school and it is in the interest of the child, who might be known by a new name, to refer back to a different name, the school will make a decision holding the best interests of the child under paramount consideration.

Informal Name Changes

The school will assert that it is under no legal obligation to accept informal name change requests from parents, also called 'known as' names, unless ordered to do so by a court.

Where the school accepts an informal name change without the order of a court, it will ensure it the name is only used informally, e.g. by teachers, and is not amended on any school systems, official documentation or databases.

Changes to Records

The school will not remove a parent's details from the school records unless a court order is in place to this effect.

Where a court order to this effect is in place, the school will ensure it seeks evidence of this. In an emergency situation, the school may accept written confirmation from a solicitor as evidence.

Details of all known parents will be retained unless a court order instructs otherwise.

Safeguarding

The school will always have regard to the statutory guidance 'Keeping Children Safe in Education' and enact its safeguarding procedures in line with its Safeguarding and Child Protection Policy. The school will always put the best interests of the pupil first.

'Child abduction' is the unauthorised removal or retention of a child and can be considered as such even if the child is removed or retained by somebody with parental responsibility. The school will ensure it acts accordingly in the event that a pupil is considered to be abducted by a parent, including calling the police.

While parental responsibility is not given to a foster parent or key worker in residential care, the school will engage and work with these individuals, who are often the most influential and important people in the pupil's life.

If the school believes a pupil is in immediate danger or at risk of harm, it will immediately make a referral to children's social care or the police, as appropriate.

Where referrals have been made, the school will consider the level of information to provide to parents on a case-by-case basis.

The DSL (Designated Safeguarding Lead) / DDSL (Deputy Designated Safeguarding Lead) is responsible for safeguarding, including decisions regarding sharing information with parents about safeguarding concerns. A child's social worker may collect them from school – in these instances, a prior agreement with the pupil's birth parents and/or foster carers depending on the individual circumstances will be in place.

Schools will not permit social workers to enter the school premises to collect children to attend care review meetings or go to contact meetings without the prior agreement of teachers, foster carers or parents.

Information Sharing

Information sharing will always be in the best interests of a pupil. The school will work closely with children's social care to consider next steps if it has reason to believe sharing information with a parent will potentially put a child at greater risk of harm.

The school will balance the requests of parents with their statutory duties – having parental responsibility does not allow a parent to obstruct the school from carrying out its duties under legislation, however, parents are permitted to request access to, or a copy of their child's educational record.

Pupils Moving School

In the case of separated parents, the school will ensure that those with parental responsibility are consulted before the decisions are made in respect of:

- Removing a pupil from the school.
- When a pupil should leave the school.

- Which new school a pupil should attend.

The school will comply with the Education (Pupil Registration) (England) Regulations 2024 when it receives a request to remove a pupil from the school register; however, the responsibility to notify one parent if the other decides to remove their child rests solely with the separated parents. Staff may, however, ask the parent making the decision to remove their child if the other has been informed and has agreed to this.

The school will not become involved in conflicts relating to pupils being removed from the school and parents will be advised to seek independent legal advice or other options such as referring the matter to non-court dispute resolution, e.g. mediation, or to the family court for adjudication.

Governance and Administration

The school will not restrict parent governors' eligibility to nominate, vote or otherwise participate in governor elections to parents holding parental responsibility.

The school will protect the private data of each parent from any other and avoid inadvertent disclosure.

Policy Adopted by Board of Governors

Signed ……M Allen……Chair of Governors

Date …September 2026

Policy to be next reviewed September 2028