



Working with Separated Families Policy

Our Shared Vision

Striving for excellence in everything we do

High Quality
Education for
ALL

Effective
home/school
and community
partnerships

Equality Mission Statement

We are committed to ensuring equality of educational opportunity and support for all pupils, parents, carers, staff and visitors irrespective of age, sex, race, disability, religion or belief, sexual orientation, pregnancy, gender reassignment, and socio-economic background. We aim to provide a fully inclusive school in which every person feels proud of their identity and is able to participate fully within the school community. We believe that a diverse school community is a strength which should be respected and celebrated by all those who learn, teach and visit here.

Approved by: Full Governing Body	Date:
Signature (Chair of Committee):	Signature (Headteacher):
Last reviewed on: July 2025	Next review date: July 2026

This policy covers many of the articles from the UN Convention on the Rights of the Child. Some key ones are listed below.

Article 3 Best Interests of the Child

The best interests of the child must be a top priority in all decisions and actions that affect the child.

Article 4 Implementation of the Convention

Governments must do all they can to make sure every child can enjoy their rights by creating systems and passing laws that promote and protect children's rights.

Article 9 Separation from Parents

Children must not be separated from parents against their will unless it is in their best interests. Children whose parents have separated have the right to stay in contact with both parents, unless this could cause harm.

Article 12 Respect the Views of the Child

Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously.

Article 18 Parental Responsibilities and State Assistance

Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by creating support services for children and giving parents the help, they need to raise their children.

Article 20 Children Unable to Live with Their Family

If a child cannot be looked after by their immediate family, the government must give them special protection and assistance. This includes making sure the child is provided with alternative care that is continuous.

This policy and guidelines should be read in conjunction with the school's Child Protection and Safeguarding Policy and Procedure.

Information in this policy is in line with DfE guidance 'Understanding and dealing with issues related to parental responsibility' (August 2023)

Rationale

It is a fact that some children have parents who are separated. This policy shows how staff at Becontree Primary School will continue to work with families, in the best interests of children, who are separated. Whilst we recognise that some family separations can be quite amicable, we are also aware that this can be a difficult situation and our main aim is not to put any additional stress on the child/children concerned. The child is our main priority and we hope parents will make the effort to recognise this and support both us and their child.

Parents should be aware that the schools' Parent Support Advisor is available should advice or support be needed.

This policy and guidelines will be followed unless the school is in receipt of any Court Order documentation.

Introduction

It is important that schools are aware that parents may be recognised differently under education law and under family law. [Section 576 of the Education Act 1996](#) states that, in relation to a child or young person, **a 'parent' includes any**

person who is not a parent (from which can be inferred ‘biological parent’) but who has parental responsibility for or care of the child.

For the purposes of education law, the Department for Education (DfE) considers a ‘parent’ to include:

- 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, a guardian or other relative
- any person who, although they are not a biological parent and do not have parental responsibility, has care of a child or young person

When children join our school, we are required to ask for sight of each child’s birth certificate (long version where available). This is important because:

- It ensures children join the correct year group.
- It helps us to ascertain who has Parental Responsibility and be sure who has the right to make decisions about each child’s education and medical treatment.

The information provided to the school when a child is 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.

Parental Responsibility

In family law, under [section 3 of the Children Act 1989](#), 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 the child. For example, they can give consent to their medical treatment and make decisions about their education. They also have the right to receive information about their health and education.

Who has Parental Responsibility (PA)

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

If a child’s father and mother were married to each other at the time of the child’s birth, they each have parental responsibility. If 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 that is registered with the court
- by obtaining a [court order](#) for parental responsibility

If 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

A local authority (the 'corporate parent') acquires parental responsibility under [section 33\(3\) of the Children Act 1989](#) if it is named when a care order is made in respect of a child

Key effects of a father or second female parent acquiring parental responsibility

When a father or second female parent acquires parental responsibility, they:

- can give valid consent for the child's medical treatment (subject to the competency of the child to give their own consent or object to the treatment being proposed)
- have the right of access to the child's health records
- can withdraw the child from sex education and religious education classes and make representations to their school concerning their education

General principles for schools

Anyone who is a parent, as recognised under education law, can participate in their child's education.

This is supported by the duty on the Secretary of State for Education, when exercising or performing all of their respective powers and duties under the Education Acts, to have regard to the general principle that [pupils are to be educated in accordance with the wishes of their parents](#).

Under the [Education and Inspections Act 2006](#), governing bodies of maintained schools must also have regard to any views expressed by parents of registered pupils.

Under the [Education \(Pupil Information\) \(England\) Regulations 2005](#), all parents can also receive information about the child, even though the school's main contact is likely to be the parent with whom the child lives on school days.

Those who have parental responsibility for or care of a child have the same rights as biological parents to:

- receive information, such as school reports
- participate in statutory activities, such as voting in an election for parent governors
- be asked to give consent, such as to the child taking part in a school trip
- be informed about meetings involving the child, such as a governors' meeting on the child's exclusion from school

School and local authority staff must treat all parents equally, unless a court order limits a parent's ability to make educational decisions, participate in school life or receive information about their child. In most circumstances, the question a school must ask itself when making decisions is not just whether a parent holds parental responsibility but whether they are a parent under education law.

All parents also have legal obligations under [section 7 of the Education Act 1996](#) – for example, to ensure that a child of compulsory school age receives a suitable full-time education.

If a parent's action or proposed action contravenes the school's ability to act in the child's best interests, the school should try to resolve the problem with the parent but avoid becoming involved in any conflict. However, there may be occasions when a school needs to decline requests for action from one or more parents.

In cases where schools cannot resolve the conflict between separated parents, they should advise the aggrieved parent to pursue the matter through the family court.

If you have parental responsibility for a child you don't live with, you don't necessarily have the right to contact with them but the other parent still needs to keep you updated about their well-being and progress.

Further information and guidance about parental responsibility can be found on the following government website [Understanding and dealing with issues relating to parental responsibility - GOV.UK](#)

We have a legal duty to work in partnership with families and to involve all those with parental responsibility in their child's education. The DfE states **that schools must treat all parents equally, unless a court order limits an individual's exercise of parental responsibility**. This legal duty continues for school even when family

circumstances change, for example, relationships between parents break down. It is in the best interests of the child if parents and school can work together.

Court Orders

Upon receipt of any court order restricting access to a parent, the school retains the right to consult the Local Authority before taking immediate action. The school is only obliged to comply with an order if it is properly notified and has received a copy for its files, and only to the extent that it relates 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 arrangements is deemed to be valid; a letter from a solicitor is not sufficient.

If the school is presented with a Court Order, a member of the Strategic Leadership Team will check it, to ensure that it is authentic and up to date, and take a copy for the child's school records.

Collecting Children from School

It is the responsibility of parents to inform the school when there is a change in the family's circumstances. We need to be kept up to date with contact details, arrangements for collection and emergencies. In order, to make sure that we have the correct information we send home reminders about updating your contact information. We have a 'collection code' for when a child is picked up by an unknown adult. It is the parent's responsibility to make sure that the adult has the collection code prior to collecting the child from school.

Both parents are legally entitled to collect their child from school unless a court order is provided that states otherwise. In all cases, the school will be mindful of its safeguarding responsibilities and may use its discretion not to send a child home with a particular parent.

Contact and Access with Children in School

Estranged parents may attempt to see their child in school, bring Christmas or birthday presents or try to gain access to the child. Schools are not obliged to allow this and we will also encourage parents to resolve contact issues elsewhere.

The NAHT (National Association for Head Teachers) outlines general guidance which we will take into consideration:

- The interests of the child are paramount when deciding whether to accommodate a request from an estranged parent. This includes assessing the risk of damaging the school's relationship with the primary carer.
- The school will not be pressurised into making an instant decision and should take time to seek advice if they are in doubt.
- The school should not assume that a court order exists mandating or preventing contact with a child unless it has been provided with a copy. The school should be informed if the order has expired or been replaced.
- The school is only obliged to comply with an order if it is properly notified and has received a copy for its files, and only to the extent that it relates to the

school. Family Law Act states 'Parents making such a request should be advised that it is **not the role of the school to enforce the terms of parenting orders**. However, schools should ask to retain copies of sealed parenting orders for their records.'

- A school should not release a child before the end of the day to anyone other than a "parent" of the child, without expressed consent. However, a school cannot be responsible beyond the end of the day once the child leaves the school premises.
- The school should encourage parents to notify them of any changes in marital circumstances, care, collection arrangements or court orders.

If Social Services are involved with the child/family then the school will follow any guidance from them with regards to contact, especially if the child is subject to a Child Protection Plan. The school may also notify Social Services if a Parental Agreement (an agreement produced by social services) or Court Order is breached.

Contact between Estranged Parents in School

Estranged parents may be present in school together for a variety of reasons. If a situation is likely to have a negative effect on the child, or be volatile then extra measures may be put in place to help to keep proceedings as comfortable as possible for all concerned.

- **Parent Consultation Meetings:** We will usually offer one appointment per child which both parents can attend. However, in particular cases, a second appointment may be offered at a different time.
- **School Events:** Parents are expected to liaise and communicate directly with each other in regards to any school events (assemblies, concerts, school trips etc). A common-sense approach is expected from both parties for the wellbeing of the child. Parents may wish to consider; separated seating at the event, arriving and departing at different times, or being accompanied on and off the school premises by a member of staff.

If there is an injunction or a non-molestation order in place, then preference will be given to the parent with whom the child resides with for any school events. If there is a court order in place which states restricts contact to specific hours, any contact outside that time would be a breach of that order.

Information Sharing

The DfE's guidance states that it is important that schools balance the requests of parents with their statutory duties. Having parental responsibility does not allow a parent to obstruct a school from carrying out their duties under legislation.

Under the principles of the [UK General Data Protection Regulations 2018 \(UK GDPR\)](#) and the [Data Protection Act 2018](#), a child or young adult can assume control of their personal information and restrict access to it from the age of 13.

However, until they reach the age of 18, their parent is entitled to request access to or a copy of their educational record even if they do not wish them to access it. Nonetheless, a parent is not entitled to information the school could not lawfully

disclose to the child under the UK GDPR or to which the child would have no right of access under the [Education \(Pupil Information\) \(England\) Regulations 2005](#).

A local authority with parental responsibility for a child is also entitled to inspect or receive a copy of the educational record of a child who is the subject of a care order.

For day-to-day information sharing purposes, the school's main contact is the parent in with whom the child lives on school days. If the estranged parent would like the information also, they are asked to submit their request using Appendix B contact form to the School Business Lead.

Separated parents should be aware that:

- Schools are not required to seek the consent of the parent who the child resides before either recording the contact details of the non-resident parent (that has parental responsibility), or sending them to their child's prescribed statutory educational information.
- There is no requirement on the school to inform one parent about communications or requests for communication with the other parent.
- The school will avoid becoming involved in any disagreement between parents, but might intervene and suggest that, if they cannot agree, they seek independent legal advice about obtaining a prohibited steps order or specific issue order setting out exactly which decisions each parent can make in respect of their child.

One of our key aims is to strengthen the partnership between home and school. However, the welfare of the child is at the heart of all decisions that we make. Therefore, the Head Teacher and Governors maintain the right to discontinue any of the above if it is deemed to be significantly against the child's best interests.

Appendices

The following appendices are attached to this policy and guidelines:

- Appendix A- Additional guidance for staff
- Appendix B- Working with separated parents- contact form

Appendix A

Additional guidance for staff- Working with Separated Families

Schools need to use their judgement and comply with their own policies and the law with respect to child protection, safeguarding and domestic violence. In extreme cases, disclosing that the child attends that school can put the child/parent at risk. Please refer to school Designated Safeguard Lead if in any doubt regarding a request made by a parent.

The following general procedures will support staff in a difficult situation:

Telephone request for information about a child

If asked if a child/ren are registered in the school, (in the case of a known absent parent or parent the school staff has never met)

"I am sorry we cannot disclose information about children over the phone. If you would like to request information please write to the school. You will be asked to provide photographic proof of your identity (eg passport, driving licence) and proof of your relationship to the child/ren. Please also include a copy of one of the following documents: Child's birth Certificate, Marriage certificate, Parental responsibility Agreement. On receipt of these documents, we will send you (Appendix B)"

This procedure should be visible in the school office to ensure the correct information is given.

If the children are not in the school we will give the same answer as above.

If we have met the parent, who is now no longer living with the family and he/she requests information, we will ask them to complete the form in Appendix B.

In-person request for information about a child

If a parent unknown to the school arrives at the school unannounced, asking for confirmation that children are at the school. We would say we cannot confirm information that children are in the school without documents proving the identity of the person asking. We would ask them to put their request in writing to the school together with photographic evidence (eg passport, driving licence) of their identity.

The resident parent would not be informed of the absent parent contacting the school by anyone other than the Headteacher who is under no obligation to do so.

An unknown parent approaches school, requesting to see a child and/or bearing a gift.

- Direct the parent to the head teacher or a senior member of staff.
- The senior teacher should request proof of ID; if the parent refuses, they should be asked to leave the premises immediately.
- If the parent proves their identity, the senior teacher should nonetheless explain that school is not the appropriate place for contact visits, or the exchange of letters, gifts etc. and advise them to proceed through the primary carer or solicitor.

A parent approaches a child on the way to or from school.

- The school should take full details from the person disclosing the approach.
- The class teacher or other suitable school employee should seek verification from the child involved.
- The school should inform the primary carer and the relevant School Support Services who will follow up the situation, if required.

A parent approaches a child during school hours on school premises.

- If a member of staff sees this happening, they should direct the parent to the head teacher or senior member of staff immediately.
- If the child has been visibly upset by the approach, or if the parent refuses to cooperate, it may be necessary to separate the child and adult and contact a senior member of staff

immediately. The adult may then be required to leave the premises, with assistance from the police, if necessary. Please contact 101 and explain that we need police presence due to a parent not leaving the school after being requested to do so.

- All relevant staff should be aware of children where there may be contact issues.
- Staff should be particularly aware of who can and cannot collect a child from school. Refer to 'safe collection of children information' provided by school.

This advice is taken from NAHT's "Pupil and Parent Matters" publication.

Appendix B

Working with Separated Families- Contact Form

At Becontree Primary School we are committed to strengthening the partnership between home and school. We understand the importance of continuing the relationship between school and parents who do not live with their child.

If you would like to receive up to date information, please complete the form and return it to the school office.

Name of Parent:	Address:
Contact Number:	Email address:
Name of child(ren):	
Please circle how you would like to receive the information: Via your child By email By post	
Please tick the information you would like to receive: ☐ Information about upcoming events ☐ Parent Evening appointments ☐ Copy of annual school report ☐ Copy of SEND Passport Targets ☐ Order forms for photographs Please be advised that newsletters etc can be found on the school website.	
Signed:	Date:

For Office Use Only

Received by:
Date:
Information stored on: By: