Exceed Learning Partnership
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Separated Parents Policy

Author/Owner	Head of Safeguarding
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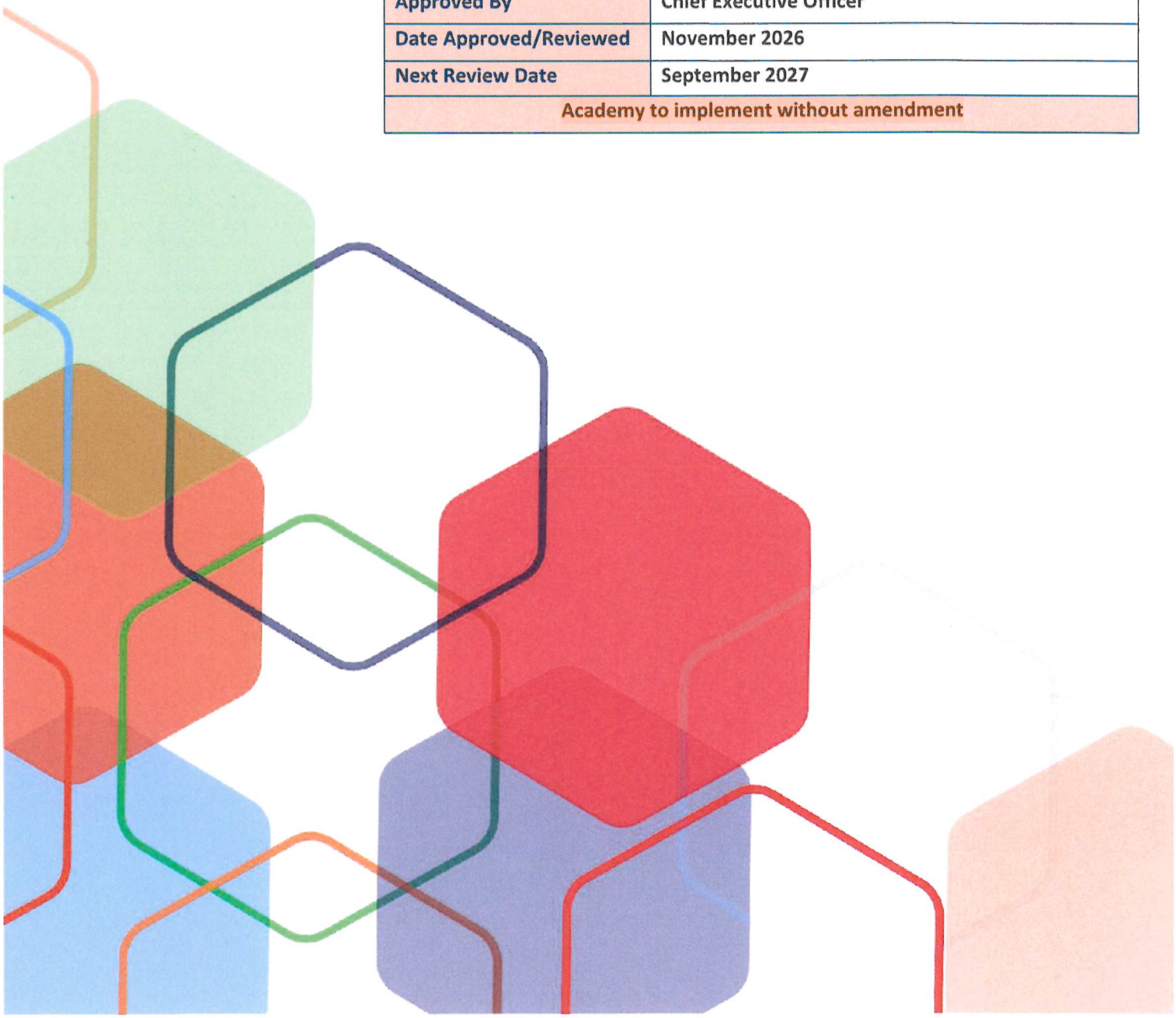

Summary of Changes from Previous Version

Version	Date	Author	Summary of Updates
1	September 2026	Head of Safeguarding	New policy

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1. Policy purpose

Exceed Learning Partnership (the Trust) 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 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 a family separation. We also aim to clarify to all involved parties what is expected from them and what can be expected from the school and its staff.

2. 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
- DfE 'Keeping children safe in education 2023'
- DfE 'Understanding and dealing with issues relating to parental responsibility'
- Children Act 1989
- The Education (Independent School Standards) Regulations 2014
- Freedom of Information Act 2010

This policy operates in conjunction with the following school policies:

- Child Protection and Safeguarding Policy
- Data Protection Policy
- Parent Code of Conduct
- Special Educational Needs and Disabilities (SEND) Policy

3. 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, e.g. participate in an exclusion procedure.

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.

An 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.

4. Roles and responsibilities

The Principal or Head of 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.
- Ensuring staff are appropriately trained to respond to parental disputes.

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.
- Attending parents' evening appointments 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, tickets for performances and other instances. The school will not deal individually with these requests in view of the significantly increased workload that they represent.
- Contacting the school immediately where issues to the access of their child arise.

The DSL 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.

5. Progress reports and pupils records

Our academies will uphold their duty to provide a parent with an annual written report of a pupil's progress and attainment in the main subject areas unless the parent has agreed otherwise. Our academies are responsible for the data they hold and will therefore process requests for pupil information in line with the Data Protection Act 2018 and the Freedom of Information Act 2010. Where a court order is in place that expressly states a parent is not entitled to their child's pupil information, the academy will uphold the court's instruction.

If the pupil's parents are separated or divorced, progress reports will be sent to the parent and address noted in the academy's records specifying where the child resides, with the expectation that the parent will share the report with the other parent.

If the child is subject to a joint residence order and the academy's records formally capture that the child resides at two addresses, then progress reports will be sent to both addresses.

The academy will send copies of the progress reports to a parent with whom the child does not reside only if that parent submits a written request and their identity has been verified.

6. Parent disputes

Our academies will expect all parents to understand and adhere to the Parent Code of Conduct.

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

The academy 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 academy will ask for evidence of the court order and ensure that the order is valid.

In the event that a pupil's parents are unable to agree with one another on decisions regarding their child's educational programme, including, but not limited to placement and participation in extracurricular activities, the academy will arrange a meeting with all parents to assist them in resolving the situation.

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

The academy will seek advice from the LA and/or governing board about parent disputes, where required. In extreme circumstances, if there is a belief that a possible abduction of the child may occur the police will be notified immediately.

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

In cases where the academy is unable to resolve the conflict between separated parents, the aggrieved parent will be advised to pursue the matter through the family court. The academy 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 academy 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 academy will not become directly involved in such issues; however, it will approach the situation sensitively.

7. Collecting a child from school

When enrolling the academy will ask separated parents to complete a form listing the names of those who may collect their child.

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

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

8. Obtaining consent

If parental consent is required for outings or activities, the academy 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 academy 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 academy will assume that parental consent has not been given.

Where the academy 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 academy will ensure it focuses 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.

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

The academy will seek parental consent where it feels that a pupil needs to attend an external agency or service to support their SEND. 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 academy will consider the wider implications of the dispute, the pupil's welfare, and whether there is a potential safeguarding issue present.

9. Name changes

The academy 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 academy ensures 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 academy 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 academy will make a decision holding the best interests of the child under paramount consideration.

Informal name changes

The academy 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.

10. Changes to records

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

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

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

11. Safeguarding

The academy will always have regard to the statutory guidance 'Keeping children safe in education' and enact its safeguarding procedures in line with its Child Protection and Safeguarding Policy. The academy 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 academy 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 academy will engage and work with these individuals, who are often the most influential and important people in the pupil's life.

If the academy 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 academy will consider the level of information to provide to parents on a case-by-case basis.

The DSL is responsible for safeguarding, including decisions regarding sharing information with parents about safeguarding concerns. A child's social worker may collect them from academy – 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.

Academies 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, parents or the children themselves.

12. Information sharing

Information sharing will always be in the best interests of a pupil. The academy 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 academy will balance the requests of parents with their statutory duties – having parental responsibility does not allow a parent to obstruct the academy from carrying out its duties under legislation.

Under the principles of the UK GDPR and the Data Protection Act 2018, children and young adults can assume control over their personal information and restrict access to it from the age of 13.

Parents are, however, permitted to request access to, or a copy of their child's educational record, even if the child does not wish them to access it – this applies up until the age of 18.

A parent is **not** entitled to information that the academy could not lawfully disclose to the child under the UK GDPR or in relation to which the child would have no right of access.

Under Part 6 of the Schedule to the Education (Independent School Standards) Regulations 2014, the academy will provide parents with an annual written report of each registered pupil's progress and attainment in the main subject areas taught – no report need be provided where the parent has agreed otherwise.

If the academy does not know the location of a non-resident parent, it will ensure the resident parent is aware that the other parent is entitled to be involved in their child's education. If a resident parent refuses to share information with the other parent, and also refuses to provide the non-resident parent's contact details to the school, the academy can do no more.

If a non-resident parent contacts the academy and requests access to information, the school will provide it to that parent directly, after taking reasonable steps to satisfy that the individual is, in fact, the child's parent.

The academy will not seek the consent of the parent with whom the child resides before recording the contact details of the non-resident parent or sending them their child's prescribed statutory educational information.

12. Pupils moving school

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

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

- Which new school a pupil should attend.

The academy will comply with the Education (Pupil Registration) (England) Regulations 2006 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 academy 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.

13. Monitoring and review

Policy reviewed November 2026

Signed CEO: B.A. Nixon

Signed: Chair of Directors: Pat Hogan

Policy to be reviewed in September 2027