



Cotmanhay  
Infant and  
Nursery School

## Separated Parents Policy

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We are committed to safeguarding and promoting the welfare of children and young people and expect all staff and volunteers to share this commitment.

# Separated Parents Policy

## 1. Introduction

At Cotmanhay Infant and Nursery School, we understand that our school community consists of families with a wide variety of different models and living arrangements. Situations where a pupil's parents do not live together are not uncommon and we are committed to ensure that every individual with parental responsibility (PR) for one of our pupils feels included, informed and involved.

At Cotmanhay Infant and Nursery School, we aim to maintain contact with both parents in the best interests of their child(ren). This policy aims to minimise any impact and to clarify to all parties what is expected from separated parents and what can be expected from the school.

The person(s) with parental responsibility who applied for the child's admission should have provided us with details of all those with parental responsibility for a child. Where this has not happened, we welcome direct contact from those with parental responsibility providing their own details. However, we cannot be held responsible for excluding a parent or person with parental responsibility if the information has not been provided by them.

If parents separate whilst their child already attends our School, the parents must notify us immediately so that we can ensure continuing contact with both parents and, if parents have separated on an acrimonious basis we will endeavour to accommodate each parent separately in terms of communications and any attendances at school. A parent with PR cannot be deleted from the school management system once added.

## 2. Parents and parental responsibility

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

- 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, 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 that lives with the child, 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 or family, friends and/or carers who do not have parental responsibility but have been delegated the responsibility for taking day-to-day decisions about the child.

Parental responsibility is defined in law and means the rights, duties, powers, responsibilities and authority that a parent has for their child. In addition to a child's birth parents, parental responsibility can be granted by a court order, being appointed as a guardian, adopting a child or a formal agreement.

- All mothers automatically have parental responsibility.
- If a child's parents were married at the time of the birth, both parents have parental responsibility automatically.
- If the father's name is on the birth certificate, the father and mother will both have parental responsibility.
- In all other cases, fathers are required to officially obtain parental responsibility through the courts.
- Parental responsibility cannot be removed, except by adoption or a court order (not commonly issued).

Parents, as defined above, are entitled to share in the decisions about the child's education and to be treated equally by Schools. These entitlements include, but are not limited to, the following:

- receiving copies of school reports
- having access to school records
- attending parent meetings
- receiving newsletters
- invitations to school events

- information about school trips
- school photographs relating to their child
- participation in any exclusion procedure
- dealing with any medical issues that arise and/or vaccinations that may be offered.

### 3. General Principles

We hope that parents and all those with parental responsibility will support us in working together cooperatively for the benefit of their children. We recognise that there is a wide range of reasons that parents may not live together. When dealing with separated families, it is an expectation that staff will:

- **Be non-judgmental:** Staff will not make any judgement about the circumstances and will not make judgemental comments about either parent to the child.
- **Be supportive:** We understand that complex family arrangements can be difficult to manage, and we will support as best we can.
- **Take a problem-solving approach:** We will strive to find acceptable and easy-to-implement solutions to ensure that all parties feel included, informed and involved.
- **Have an open-door policy:** We will ensure that both parents can communicate with school in line with our general policies and protocols for doing so.

Parents should seek to resolve child contact issues without involving the school. Cotmanhay Infant and Nursery School staff will not mediate, take sides or act as a 'go between' for parents who do not communicate with each other.

### 4. Roles and Responsibilities

The headteacher 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 in the pupil's records and are available to school staff.
- 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. Update forms are sent out at least twice a year.
- 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, where possible 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 (except in exceptional circumstances).
- 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. Court Orders

At Cotmanhay Infant and Nursery 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, we will always act in ways to ensure, as best it can, that no Court order is breached. We can only be expected to comply with an order if it is properly notified and has received a sealed digital or paper copy for our files, and only to the extent that it relates to the school.

We have no responsibility for enforcing any Court order but will endeavour to ensure that if there are restrictions in place with regards to the collection of a child, such restrictions are adhered to.

If we are not informed of the existence of such an order, the parents will be treated equally. If there is an order in place and neither the parents and/or those with parental responsibility inform us, then if there is any breach of such order, Cotmanhay Infant and Nursery School cannot be held responsible and/or liable

## 6. Parental disputes

Cotmanhay infant and Nursery School hopes that parents and all those with parental responsibility will support us in working together for the benefit of their children.

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 and/or those with parental responsibility 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.

Parents should seek to resolve contact issues without involving the Cotmanhay Infant and Nursery School staff. We will not mediate, “take sides” or act as an intermediary between parents who do not communicate with each other.

## 7. Changes in family circumstances

We ask parents to inform us whenever something outside School – such as a change in family circumstances – occurs so that we can sensitively support the child in school. We expect parents to update us 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 any Court order that has been made.

The school will not remove a person’s details with parental responsibility from the school records unless a court order is in place to this effect.

## 8. Written reports and progress updates

School reports and progress reports will normally be sent to the parent who lives with the child. We request that parents work cooperatively to share relevant information about their child where possible.

Where requested, written information will be provided to separated, divorced or estranged parents who have parental responsibility and for whom we have up-to-date contact details

## 9. Parents’ evening

Ordinarily, there will be one parents’ evening appointment allocated per child. Both parents are entitled to attend. We would request that, where possible, parents work together to agree mutually convenient arrangements.

In circumstances where it is not appropriate for both parents to attend the same appointment, or where this would be particularly distressing for any of the parties involved, the school will usually be able to offer a second, separate appointment. If this is the case, either parent can request this by contacting the class teacher directly.

## 10. Communication with parents

All parents have a right to be involved with their child’s education and to be kept informed of matters related to this. Where possible, we would request that separated parents keep channels of communication open for the benefit of their child. In most cases, the parent who lives with the child will keep the other parent informed.

Any emergency text messages that are sent out by the school (for example, in the case of an unplanned school closure) will normally be sent to the parent that the child lives with, unless there is good reason to communicate with both parents.

If hard copies of letters are sent home, the usual arrangement would be for one copy to be sent home with the child. This letter will be for the attention of the parents who the child usually lives with. It is an expectation that this parent will share any relevant information with the other parent.

If circumstances do not permit for parents to share information between themselves, the school should be informed so that specific arrangements can be put in place. These arrangements will be determined on a case-by-case basis.

In situations where one parent does not give consent for a specific matter and the other does, it is our policy to act as though consent has not been given.

Class Dojo has its own policy and both parents can contact school staff through this channel independently.

## 11. Change of name

A parent can only change their child's name if both parents provide a signed letter confirming this or if there is a court order. Unless either of the above are provided, the child will be known and addressed by their birth name as recorded on their birth certificate.

As a school, we may agree to an informal change of name for situations, such as referring to the child verbally, using labels on exercise books, etc. It is important to note that the school records will reflect the child's name at birth, unless a court order specifies otherwise. Any informal change of name is at the school's discretion and the school is under no obligation to agree to this.

## 12. Collecting a child from school

Please refer to our drop off and collection policy.

## 13. Obtaining consent

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.

## 14. 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.

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 school could not lawfully disclose to the child under the UK GDPR or in relation to which the child would have no right of access.

If the school does not know the location of a non-resident parent, we 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 refuses to provide the non-resident parent's contact details to the school, we can do no more.

If a non-resident parent contacts us 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 school 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.

## 15. Safeguarding

Cotmanhay Infant and Nursery School 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. We 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. We 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 we believe a pupil is in immediate danger or at risk of harm, we will immediately make a referral to children's social care or the police, as appropriate.

Where referrals have been made, we 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 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.

Cotmanhay Infant and Nursery School 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.

## 16. Access to School information

Key information is available on the Cotmanhay Infant and Nursery School website. Parents may also receive information via ClassDojo or email.

For parents who do not have access to the internet paper copies of communications may be requested via the School Office.

