



Norfolk House School

Separated Parents Policy

October 2022

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1. Aims

- 1.1. Norfolk House School recognises that pupils from families whose parents are separated, or are undergoing separation, may experience unique challenges during their time at school which 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.
- 1.2. The aims of this policy are to help minimise the educational impact on an affected pupil due to a family separation; and to clarify to all involved parties what is expected from them and what can be expected from the school and its staff.

2. Scope and application

- 2.1. This policy applies to the whole School including the Early Years Foundation Stage (**EYFS**).

3. Regulatory framework

- 3.1. This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:
 - 3.1.1. Education Act 1996
 - 3.1.2. Data Protection Act 2018
 - 3.1.3. UK General Data Protection Regulation
 - 3.1.4. DfE (2022) 'Keeping children safe in education'
 - 3.1.5. Children Act 1989
 - 3.1.6. The Education (Independent School Standards) Regulations 2014
 - 3.1.7. Freedom of Information Act 2010
- 3.2. This policy operates in conjunction with the following school policies:
 - 3.2.1. Safeguarding and Child Protection Policy
 - 3.2.2. Data Protection Policy
 - 3.2.3. Child Collection Policy
 - 3.2.4. Special Educational Needs and Learning Difficulties Policy

4. Publication and availability

- 4.1. This policy is available on the School's website.

- 4.2. This policy is available in hard copy on request.

5. Definitions

- 5.1. References to the **Proprietor** are references to the Board of Directors of Norfolk House School Limited.
- 5.2. The School has a legal duty to work in partnership with families and to involve all those with parental responsibility in their child's education.
- 5.3. Parents may be recognised differently under education law and family law. Section 576 of the Education Act 1996 defines a “**parent**” as:
- 5.3.1. All birth parents, whether they are married or not.
 - 5.3.2. Any person who, although not a birth parent, has parental responsibility for a child or young person.
 - 5.3.3. 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).
- 5.4. 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. Only a court order setting out the arrangements is deemed to be valid. A solicitor's letter is not sufficient.
- 5.5. 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.
- 5.6. Family law defines “**parental responsibility**” as the rights, duties, powers, responsibilities and authority that a parent has in relation to a child.
- 5.7. Individuals who have parental responsibility, or care for a child, have the same rights as birth parents. This includes the right to:
- 5.7.1. Receive information relating to their child's education, e.g. pupil reports.
 - 5.7.2. Participate in school events, meetings etc..
 - 5.7.3. Give consent, e.g. for school trips.
 - 5.7.4. Be involved in meetings concerning the child, e.g. participate in an exclusion procedure.
- 5.8. Non-biological parents can acquire parental responsibility through:
- 5.8.1. Adopting a child.

- 5.8.2. Being appointed a guardian.
- 5.8.3. Being named in an emergency protection order.
- 5.8.4. Being granted a child arrangements order stating the child should live with them.
- 5.8.5. The agreement of a child's mother (and other parent if that person also has parental responsibility).
- 5.8.6. A court order.
- 5.9. A Local Authority has parental responsibility if it is named in a child's care order. Civil partners have parallel rights to married couples.
- 5.10. Under section 8 of the Children Act 1989:
 - 5.10.1. 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.
 - 5.10.2. A specific issue order gives directions for determining a specific question in connection with an aspect of parental responsibility.
 - 5.10.3. A child arrangements order sets out living arrangements and arrangements for whom a child is to spend time or have contact with.
 - 5.10.4. A care order is where the LA limits the role that parents can play in their child's life and schooling.
 - 5.10.5. Terminating parental responsibility means the court can make an order under section 4(3) of the Children Act 1989 to terminate parental responsibility.
- 5.11. 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.

6. Responsibility statement and allocation of tasks

- 6.1. The Proprietor has overall responsibility for all matters which are the subject of this policy.
- 6.2. The Headmistress is responsible for:
 - 6.2.1. Asking for the names and addresses of all parents when they register a pupil.

- 6.2.2. 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.
 - 6.2.3. Ensuring that names and addresses of all parents are forwarded to any school to which the pupil moves.
 - 6.2.4. Asking for and recording the details of all those who have parental responsibility for the pupil.
 - 6.2.5. Ensuring that details of court orders are noted in the pupil's record.
 - 6.2.6. Ensuring at least one emergency contact per pupil is obtained – where possible, two or more will be obtained.
 - 6.2.7. 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.
- 6.3. Parents are responsible for:
- 6.3.1. Providing details of all those who have parental responsibility for the pupil.
 - 6.3.2. 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.
 - 6.3.3. 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.
 - 6.3.4. Where parents have joint custody, informing, in writing, the school of the details of any disputes they have regarding the collecting of their child from school.
 - 6.3.5. Attending parents' evening appointments for their child – the school expects parents to communicate with each other regarding this.
 - 6.3.6. Liaising and communicating directly with each other in matters such as the ordering of school photographs, tickets for performances and other such matters.
 - 6.3.7. Signing leave of absence request forms and, where only one parent has signed, supplying a letter of written consent from the other parent.

- 6.4. The resident parent is responsible for:
- 6.4.1. Contacting the School immediately where issues arise concerning access to their child.
- 6.5. The DSL is responsible for:
- 6.5.1. Ensuring that pupils are safe and happy at school.
- 6.5.2. Making decisions regarding sharing information with parents about safeguarding concerns.
- 6.5.3. Referring a pupil to the relevant support services, where required.
- 6.6. To ensure the efficient discharge of its responsibilities under this policy, the Proprietor has allocated the following tasks:

Task	Allocated to	When / frequency of review
Keeping the policy up to date and compliant with the law and best practice	Head of Pastoral Care	As required, and at least termly
Monitoring the implementation of the policy, relevant risk assessments and any action taken in response and evaluating effectiveness	" " "	As required, and at least termly
Seeking input from interested groups (such as pupils, staff, parents) to consider improvements to the School's processes under the policy	" " "	As required, and at least annually
Formal annual review	Proprietor, Headmistress, Head of Teaching and Learning	Annually

7. Information sharing

- 7.1. Any parent has the right to receive progress report and review pupil records of their child unless a court order is in place which expressly amends this right to their child's information.
- 7.2. Under Part 6 of the Schedule to the Education (Independent School Standards) Regulations 2014, the school 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.
- 7.3. 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.
- 7.4. Parents are 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.
- 7.5. 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.
- 7.6. If the school 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 school can do no more.
- 7.7. If a non-resident parent contacts the school 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.
- 7.8. 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.
- 7.9. The School is under no obligation to inform the resident parent of the non-resident parent contacting the School. Any such information will be given at the discretion of the Headmistress.

8. Collecting a child from school

- 8.1. Prior to a child commencing at the school, and at the start of every academic year thereafter, parents / are asked to confirm the details of parents and other adults authorised to collect the child from School (see the Child Collection Policy for further details).

- 8.2. Parents will contact the school where there are any changes as to who may collect their child from school.
- 8.3. 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, provided that a non-contact order is not in place.
- 8.4. 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.
- 8.5. The Headmistress will use her discretion as to whether to allow a child to leave the premises with a non-resident parent.

9. Obtaining consent

School trips and activities

- 9.1. 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.
- 9.2. 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.
- 9.3. 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

- 9.4. The school will ensure it focusses on the best interests of the pupil. In line with the Special Educational Needs and Learning Difficulties (SEND) Policy, the school will ensure it identifies and addresses any SEND in its pupils.
- 9.5. 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.

- 9.6. The school 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.
- 9.7. 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.

10. Name changes

- 10.1. The The school will act in the best interests of the child first and foremost.
- 10.2. Parents are responsible for resolving potential conflicts about the change of a surname.
- 10.3. 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.
- 10.4. 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 to do so.
- 10.5. 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 as the paramount consideration.

Informal name changes

- 10.6. 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.
- 10.7. 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.

11. Parent disputes

- 11.1. 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 of the pupil at all times.

- 11.2. The school will ensure all parents are treated equally unless there is a court order in place which provides otherwise. 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.
- 11.3. 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 school will arrange a meeting with all parents to assist them in resolving the situation.
- 11.4. The school will maintain an open door policy with parents and the class teacher will be available to discuss any issues.

12. Changes to records

- 12.1. The school will not remove a parent's details from the school records unless a court order is in place to this effect.
- 12.2. Where a court order to this effect is in place, the school will require to see a copy of the order.
- 12.3. Details of all known parents will be retained unless a court order instructs otherwise.

13. Safeguarding

- 13.1. 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.
- 13.2. **"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.
- 13.3. 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.
- 13.4. 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.
- 13.5. Where referrals have been made, the school will consider the level of information to provide to parents on a case-by-case basis.

- 13.6. The DSL is responsible for safeguarding, including decisions regarding sharing information with parents about safeguarding concerns.
- 13.7. 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.
- 13.8. 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, parents or the children themselves.

14. Training

- 14.1. The School ensures that regular guidance and training is arranged on induction and at regular intervals thereafter so that staff and volunteers understand what is expected of them by this policy and have the necessary knowledge and skills to carry out their roles.
- 14.2. The level and frequency of training depends on role of the individual member of staff.
- 14.3. The School maintains written records of all staff training.

15. Risk assessment

- 15.1. Where a concern about a pupil's welfare is identified, the risks to that pupil's welfare will be assessed and appropriate action will be taken to reduce the risks identified.
- 15.2. The format of risk assessment may vary and may be included as part of the School's overall response to a welfare issue, including the use of individual pupil welfare plans (such as behaviour, healthcare and education plans, as appropriate). Regardless of the form used, the School's approach to promoting pupil welfare will be systematic and pupil focused. Please see clause 6 for details of the individuals with responsibility for carrying out, monitoring, implementing and reviewing the effectiveness of risk assessments under this policy.

16. Record keeping

- 16.1. All records created in accordance with this policy are managed in accordance with the School's policies that apply to the retention and destruction of records.
- 16.2. The information created in connection with this policy may contain personal data. The School's use of this personal data will be in accordance with data protection law. The School has published privacy notices on its website which explain how the School will use personal data.

17. Version control

Date of adoption of this policy	September 2022
Date of last review of this policy	13.10.22
Date for next review of this policy	11.10.23
Policy owner (SLT)	Head of Pastoral Care
Policy owner (Proprietor)	Chair of Directors