
Newton Abbot College

SEPARATED PARENTS POLICY

Research and experience have shown that separated parents can work well together in the best interests of their children and can together play a role in their children's education. However, some parents become estranged, and do not work together or in the best interests of their children, especially during the initial stages of their separation. This is very often traumatic for any children concerned where personal family problems can have an impact on the child and on the schools the children attend.

This policy is an attempt to:

- minimise any impact,
- make clear how the college will communicate with separated parents,
- clarify to all parties what is expected from separated parents and,
- clarify what can be expected from the college/staff.

1. The definition of a parent for school purposes

The definition of a parent for school purposes is much wider than for any other situation.

The Education Act 1996 defines a parent as:

- all natural parents, including those that are not married;
- any person who has parental responsibility but is not a natural parent e.g. a legally appointed guardian or the Local Authority named in a Care Order;
- any person who has care of a child i.e. a person with whom the child resides and who looks after the child irrespective of the relationship.

2. Who has “Parental Responsibility”? (The Children Act 1989)

Having parental responsibility means assuming all the rights, duties, powers, responsibilities and authority that a parent of a child has by law. People other than a child's natural parents can acquire parental responsibility through:

- being granted a Residence Order
- being appointed a Guardian
- being named in an Emergency Protection Order (although parental responsibility in such a case is limited to taking reasonable steps to safeguard or promote the child's welfare)
- adopting a child.

If the parents of a child were not married to each other when the child was born, the mother automatically has parental responsibility; however, the father only has parental responsibility from 1st December 2003 and by jointly registering the birth of the child with the mother. He can, however, subsequently acquire parental responsibility by various legal means.

3. What does having “care” of a child mean”?

Having care of a child or young person means that a person who the child lives with and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law.

This could be shown by:

- Interaction with the college – attending meetings, making phone calls, being on the College’s record as being involved (in whatever capacity) etc.
- Residence with the child where, for all intents and purposes, the person is part of the family, a man or woman married to a parent of a child.

For example:

- Are they listed on college records?
- Does the college have contact details for them?
- Do they meet with teachers/attend parents’ evenings?
- Have they been involved with the measures designed to improve attendance?
- Do they contact the college on behalf of the child when s/he is ill?
- Do they live with the child?
- How long has the college known of them being connected with the child?
- Is the adult married to the parent of the child?

It would not be appropriate to assume that someone having a “casual” relationship with the parent of a child necessarily has ‘care of the child’ unless we have cause to believe the person has some involvement with the child’s life – living with the child could be a determining factor as could the other examples outlined above.

It is therefore those adults who are having significant input to a child’s life who can be classified as “parent”, having “parental responsibility” or who have “care of a child”. Parents as defined above are entitled to share in the decisions that are made about their child and to be treated equally by schools. In particular, these entitlements include: -

- appealing against admission decisions
- completing Ofsted & college-based questionnaires
- participating in any suspension or exclusion procedure
- attendance at parent meetings/college events

- having access to school records, receive copies of school reports, newsletters, invitations to college events, school photographs relating to their child and information about college trips.

The Governing Body recognises that while the parents of some students may be separated, they are entitled to the above and this entitlement cannot be restricted without a specific court order. In particular, the college does not have the power to act on the request of one parent to restrict another.

The information provided to the college when the child was enrolled, detailing whether parents have parental responsibility for the child, will be presumed to be correct unless a court order or original birth certificate proving otherwise is provided to the college. Similarly, the information provided on the address(es) where the child resides will be presumed to be correct unless a court order proving otherwise is provided to the college.

4. The college's responsibilities

Newton Abbot College fully recognises its responsibilities, and it is our sole wish is to promote the best interests of the child, working in partnership with all parents.

Newton Abbot College will maintain an open-door policy with all parents. The tutor and/or Head of House will be able to discuss any issues or concerns, with regard to separation/divorce, that estranged parents may have in relation to their child or children at the college.

Parents will be encouraged to resolve any issues around estrangement, contact and access to information, in some cases with support from the college. The college will not get involved in communicating between parents regarding access, contact, or collection/drop off.

The issue of estrangement is a civil/private law matter and Newton Abbot College cannot be involved in providing mediation, helping an estranged parent to communicate with their child or children, or using the college premises for purposes of contact.

In the event that the parents are unable to agree with one another on decisions regarding their child's educational programme, including but not limited to placement, participation in extracurricular activities, and consent to evaluation and services, the college will arrange a meeting with all parents (preferably together) to attempt to assist the parents to resolve the situation. If it cannot be resolved the college may refer the matter to the relevant department of the Local Authority.

The interests of the child will always be paramount when deciding whether to accommodate a request from an estranged parent. We recognise that a Court Order can restrict a parent in having contact/access to information and we may be bound by this. In this situation we will consult with the Local Authority to obtain advice as this may constitute a safeguarding concern.

In any event whereby the parent being estranged is appearing to impact upon the health, wellbeing and safety of a child the matter will be referred to the Local Authority for advice.

Where there is a court mandated restraining order in place, a copy needs to be retained by the college, which will put measures in place to ensure the child is not released to named individuals.

5. Parents' responsibilities

It is the responsibility of the parents to inform Newton Abbot College when there is a change in family circumstances. The college needs to be kept up to date with contact details in case of emergency situations.

We encourage parents to tell us at an early stage if there is a change in family circumstances. Whenever possible, staff will be informed of such changes so that suitable support can be offered. We will, however, recognise the sensitivity of some situations and maintain the level of confidentiality requested by parents as far as possible

Regarding incidents involving a student, the college will liaise with the resident parent at all stages and it is the expectation that they will communicate directly with the other parent. In exceptional circumstances, the other parent can request to be kept informed separately, but it should be noted that this may not necessarily be as promptly and detailed as the information being passed to the resident parent. If from the outset you wish both parents to receive communication from the college, then the request must be made in writing to the college, setting out which communications you wish to go to both parents and how this should be communicated.

Newsletters & general college updates can be sent to all parents via emails, however, this must be requested, as by default it will go to the resident parent. These updates will contain all the main events within college, including productions, sports days, parents' evenings, class trips, etc. We would expect parents to communicate with each other regarding these arrangements, however, on request we can arrange for separate appointments.

We expect that parents should liaise and communicate directly with each other in matters such as the ordering of school photographs, tickets for performances and other instances.

A parent, as defined in this policy, has the right to receive progress reports and review student records of their children. If the parents are separated or divorced, progress reports will be sent to the parent at the address in the college's records specifying where the child resides with the expectation that he/she will share the report with the other parent. Separate copies of the progress reports can be organised on request from the college.

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

6. In the matter of the release of a child or children:

Where a separated parent has parental responsibility, and requests to take the child during the college day and the resident parent hadn't disclosed or informed the college prior to the non-resident parent making the request, the resident parent will be contacted in order to ensure that they are in agreement. This is providing a non-contact order is not in place.

7. Obtaining consent

If parental consent is required for outings or activities, the college 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 in writing to be asked for consent in all such cases.

In cases where the college 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 college will assume that parental consent has not been given.

The college will not get involved with any disputes regarding consent and confirmation of the refusal of consent will need to be confirmed in writing

8. Information request from absent parents

Telephone enquiries.

If asked if a child(ren) is/are registered in the college, (in the case of a known absent parent or parents college staff have never met) the response will be that we cannot disclose information about children over the phone. If you would like to request information, please write to the college. You will be asked to provide photographic proof of your identity (e.g. passport, driving license) and proof of your relationship to the children. Please also include a copy of one of the following documents:

- Child's Birth Certificate
- Marriage Certificate

However, there are some situations where we need to check whether someone has parental responsibility for a child. For example;

- If the child's resident parent doesn't name the non-resident parent on the registration, application or intake form
- Someone other than the people listed on the student's registration form is requesting information about the child
- One parent approaches the college claiming the other parent doesn't have parental responsibility, or that parental responsibility has been taken away

It may be the case that parental responsibility will need to be checked with the Devon Admissions Service who will advise us further.

Requests in person

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

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

9. Name changes

A change of a child's name is private law and as such parents are responsible for resolving potential conflicts about the change of a surname.

There must be consent in writing from both parents after divorce or separation for registering a change of name of a student.

The college 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 effected by the college 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 college will make a decision holding the best interests of the child under paramount consideration.

10. Management of the Policy

The Headteacher/Designated Safeguarding Leads will familiarise themselves with this policy and ensure all staff are aware of the procedures to follow.

POLICY HISTORY

Policy Date	Summary of change	Contact	Version/ Implementation Date	Review Date
Nov 2021	New policy	AGA/LRI	Jan 2022	