



Separated Parents Policy

Date of Policy	Review Date	Policy Written by:	Date Shared with Staff	Date Shared with Local School Board
September 2026	No later than one year from publication.	Donna Palmer (inclusion lead / DSL)	September 2026	September 2026

Contents

Legal framework	4
Definitions	4
Roles and responsibilities.....	5
Progress reports and pupil records.....	7
Parent disputes	7
Collecting a child from school	8
Obtaining consent	8
School trips and activities	8
SEND provision.....	8
Name changes.....	9
Informal name changes.....	9
Changes to records	9
Safeguarding	10
Information sharing	Error! Bookmark not defined.
Pupils moving school.....	10

Statement of intent

Spalding St Paul's School 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.

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 (2026) 'Keeping children safe in education 2026'
- DfE (2023) '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
- Collecting Children from School Policy
- Parent Code of Conduct
- Special Educational Needs and Disabilities (SEND) Policy

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.

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 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 the school will only share information with others if there is a lawful basis for doing so in line with data protection legislation. 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 a child (sometimes referred to as joint custody), any disputes or disagreements regarding the collection of the child from school should be communicated to the school in writing. The school will remain neutral in any dispute between parents and will not mediate between them. Parents will be expected to resolve any disagreements directly between themselves and to reach an agreed arrangement regarding the collection of their child. Once an agreement has been reached, each parent should inform the school of the agreed arrangements in writing. The school will then follow the most recent written agreement provided by the parents, subject to any relevant court orders or safeguarding considerations.
- 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 regarding matters such as the ordering of school photographs, tickets for performances and other school-related arrangements. The school's starting position is that these matters should be agreed between parents directly, and the school will not routinely become involved in resolving disagreements or making individual arrangements on behalf of parents, given the additional workload this creates. Where parents are unable to reach agreement regarding a child's attendance at a school event, the school may need to become involved and will make decisions based on the child's best interests and any relevant court orders or legal requirements.
- Signing leave of absence request forms and, where only one parent has signed, supplying a letter of written consent from the other parent.
- 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.

Progress reports and pupil records

Parents do not have an automatic right to request progress reports and review pupil records of their child and may be subject to certain limitations; however, the school will uphold its 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. The school is responsible for the data it holds 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 school will uphold the court's instruction.

Where a pupil's parents are separated or divorced, the school's starting position is that parents with parental responsibility should each have access to information about their child's educational progress. Progress reports and other relevant school communications will normally be provided to both parents where the school has their contact details, unless there is a specific legal reason or court order preventing this.

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

The school 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.

Parent disputes

The school 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 school. The school will ensure that it focusses on the welfare and education of the pupil at all times.

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

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

The school will seek advice from the 'Central Trust Team or Trust Legal Support about parent disputes, where required. In extreme circumstances, if there is a belief that a possible abduction of the child may occur or if the parent is disruptive, the police will be notified immediately.

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

In cases where the school is unable to resolve the conflict between separated parents, the aggrieved parent will be advised to pursue the matter through the family court. The school 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 school 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 school will not become directly involved in such issues; however, it will approach the situation sensitively and point parents towards the government's '[Get help with child arrangements](#)' guide.

Collecting a child from school

At the beginning of the academic year, the school will ask separated parents to complete a form listing the names of those who may collect their child.

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

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, providing a non-contact order is not in place.

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.

The headteacher will use their discretion on the decision to allow a child to leave the premises with a non-resident parent, in accordance with the school's Collecting Children from School Policy.

Obtaining consent

School trips and activities

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.

SEND provision

The school will ensure it focusses 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 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.

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.

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.

Name changes

The school 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 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. The school will not change the child's surname on legal documents such as school registers without evidence of a legal change in name.

A parent with parental responsibility may be required to provide consent to a change of a child's surname, particularly where the child's parents are separated. Where the parents cannot agree to the proposed change, it may be necessary for the parent seeking the change to apply to the court for permission. However, a court application is not always required, for example, where the parents with parental responsibility have agreed to the change and the appropriate documentation, such as a valid Deed Poll, is in place. The school will require appropriate evidence of the legal change of name and, where applicable, evidence of consent from all persons with parental responsibility or a relevant court order before updating the child's records.

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 under paramount consideration.

Informal name changes

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.

Where the school accepts an informal name change, only in relation to first names 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.

Changes to records

The school has a statutory duty to maintain accurate pupil records, including details of all known parents and any other person who has parental responsibility for the child. A parent's details will therefore not normally be removed from the school's records simply because the parents are separated, divorced or the parent no longer lives with the child.

Where the school is informed that a court order has been made that affects a parent's parental responsibility, access to information or contact with the child, the school will seek appropriate evidence of the order and ensure that its records and arrangements are updated accordingly. In an emergency, the school may accept written confirmation from a solicitor pending receipt of the relevant court order.

The school will retain the details of all known parents and persons with parental responsibility unless there is a legal basis for doing otherwise, including where a court order specifically requires this.

The school will seek to communicate with parents in a fair and appropriate manner and will not automatically treat the resident parent as the sole or primary contact simply because the child lives with them. Where both parents have parental responsibility, the school will generally provide both parents with appropriate school information and communications, subject to any court order or other legally binding restriction.

Where parents have agreed alternative arrangements for communication, the school will seek to follow these where they are clear, practical and do not conflict with the school's legal obligations. Where there is disagreement between parents, the school will remain neutral and will not become involved in resolving private disputes between parents. The school may require parents to provide appropriate written evidence of any agreed arrangements or legal restrictions.

Safeguarding

The 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. The school 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 school 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 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.

Where referrals have been made, the school 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.

Pupils moving school

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

- Removing a pupil from the school.
- When a pupil should leave the school.
- Which new school a pupil should attend.

The school will comply with Education (Pupil Registration) (England) Regulations 2024 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 school 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.