



Separated Parents Policy July 2022

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1. Aims of the policy

- 1.1. Kernow Learning recognises that parental separation can be challenging for both parents and children. Kernow Learning Academies aim to support families whilst ensuring that the welfare of the child remains paramount.
- 1.2. This policy is designed to clarify to all parties what is expected from separated parents and what can be expected from Kernow Learning Academies and its staff.
- 1.3. Where there are any differences between this policy and any court order, the terms of the court order will prevail.

2. Who is a parent?

- 2.1 For the purposes of education legislation, the meaning of the term 'parent' has a meaning that is wider than its 'ordinary' meaning. It includes:
 - the child's biological parents
 - any other person who has parental responsibility for the child
 - any other person who has care of the child, that is a person with whom the child lives and who looks after the child

This may therefore include step-parents, grandparents, foster carers or other relatives who care for the child.

- 2.2 All persons meeting the above definition will be subject to the legal obligation that the child receives a suitable full time education.

3. What is parental responsibility and who has it?

- 3.1 Parental responsibility is a legal term and means having all the rights, duties, powers, responsibilities and authority that a parent of a child has by law in relation to that child. Parental responsibility can be shared by a number of people who are able to act independently in respect of the child.
- 3.2 Parents married to each other at the time of a child's birth both have parental responsibility for that child.
- 3.3 If the biological parents of a child were not married to each other when the child was born, the mother automatically has parental responsibility but the biological father does not, unless he has subsequently acquired parental responsibility by registering the birth (after 1 December 2003), a parental responsibility agreement or court order.
- 3.4 Other persons may also acquire parental responsibility, generally following legal proceedings which result in residence orders, adoption orders or care orders being made (in the case of a local authority)

4. Kernow Learning Academies approach

- 4.1 Kernow Learning recognises that all parents have a legal right to participate in their child's education. Except as specified in this policy, Kernow Learning Academies will treat all parents equally.

- 4.2 As defined more specifically in this policy, all parents are entitled to be:
- sent information by the academy both of a general nature and in relation to the child
 - informed if special educational provision is made for the child at the academy
 - given the opportunity to participate in academy activities e.g. vote in elections for parent Local Advisory Board Members
 - to meet with academy staff
 - told about meetings regarding the child

4.3 Disputes between parents over the exercise of their parental rights need to be resolved between the parents concerned and/or the courts. It is not for Kernow Learning or its academies to provide advice on domestic arrangements or become involved in parental disputes.

4.4 The academy is not generally a party to court orders which are in place in relation to the family. As such, the academy is not responsible for enforcing orders of the court. Individuals should seek their own legal advice in the event of any alleged breach of the terms of any order.

5. Informing the academy of a change in family circumstances

5.1 We encourage parents to tell us at an early stage if there is a change in family circumstances, such as the separation of parents. Whenever possible, staff will be informed of such changes so that suitable support can be offered.

5.2 The academy will need to be provided with updated contact details, details of agreed arrangements for collecting children and contacts for emergencies. In particular, the academy will need to be informed with which parent the child will be primarily resident i.e. who the child will spend more than half of their time living with (known in this policy as the 'resident parent').

5.3 Where any court orders are issued which are relevant to the child and the academy, a copy of the order should be provided to the academy as soon as possible.

6. Contacts

6.1 Unless there is a court order or the academy has been notified in writing of alternative arrangements, the academy will treat the resident parent as the academy's main contact and the other biological non- resident parent as the academy's second contact. Any other parent will be noted on the academy's records in the alphabetical order of their surname.

6.2 The academy will only accept alternative contacts or an alternative order of contacts which have been:

- agreed by all those with parental responsibility who are known to the academy and notified to the academy in writing, or,
- provided by way of a court order.

7. Provision of information

- 7.1 Day to day information about the child will normally be passed to the resident parent or the parent/person collecting the child from the academy that day. Parents are expected to liaise with each other in relation to such information.
- 7.2 Where possible, parents should endeavour to attend parent meetings together. Where this is not possible, parents should notify the academy in reasonable time so that alternative arrangements can be investigated.
- 7.3 A copy of the annual written report of a pupil's progress and attainment in the main subject areas taught will be provided to the resident parent and any other parent who requests a copy of it.
- 7.4 Under the principles of the Data Protection Act 2018, children can assume control over their personal information and restrict access to it from the age of 13, assuming the child is able to understand and deal with the implications of exercising their rights. This control extends to cover information which is held within a child's educational record. When considering whether to respond to parental requests for information about a child, the academy will consider
- the child's level of maturity and their ability to make decisions about their own information
 - the nature of the personal data being requested
 - any court orders relating to parental access or responsibility that may apply
 - any duty of confidence owed to the child
 - any consequences of allowing the parent to have access to the child's information
 - any detriment to the child if the parent cannot access this information
 - any views the child has on whether their parents should have access to information about them.

8. Consent

- 8.1 In most cases, the academy will accept consent or permission forms relating to the child from any person with parental responsibility for the child, whether or not they are the resident parent.
- 8.2 Where, in the reasonable opinion of the academy, the issue requiring parental consent is likely to have a long term and significant impact on the child, the academy may require the consent of all those with parental responsibility for the child who are known to the academy. Examples of the circumstances where joint consent is likely to be required include:
- withdrawal from sex education or religious education
 - consent to undertake an academy visit outside of the United Kingdom
 - off site after school clubs or activities outside of the normal school day

9. Collection of children from school

- 9.1 The academy will release a child to any person with parental responsibility, or a person authorised by them, unless alternative arrangements have been notified to the academy or the academy has safeguarding concerns about sending a child home with a particular parent/person. The academy will only accept alternative arrangements which have been:

- agreed jointly by all those with parental responsibility who are known to the academy and notified to the academy in writing, or,
 - provided by way of a court order.
- 9.2 If a person seeks to remove the child from academy in contravention of notified alternative arrangements, the following steps will be followed:
- a member of staff will meet with the parent/person seeking to collect/remove the child and, in his/her presence, telephone the person to whom the child would normally be released and explain the request
 - if the person to whom the child would normally be released agrees, the child may be released and the records will reflect that the permission was granted verbally
 - unless it is reasonable to comply with the request, the member of staff may have to refuse permission if agreement/consent cannot be obtained
 - if there is a belief that a possible abduction of the child may occur or if the parent is disruptive, the police and the local authority will be notified immediately

10. Requests for a change of pupil name

Informal / known-by name

- 10.1 Where a child is deemed by the academy to be of sufficient age or maturity and requests that their informal / known-by name is changed, then the academy's records will be updated accordingly.
- 10.2 In all other cases, the academy will require the written consent of all those with parental responsibility for the child who are known to the academy to change the informal / known-by name of the child in the academy's records.
- 10.3 Where there is a special guardianship order or a child arrangements order which relates to whom a child will live, the academy is legally unable to arrange for a child to be known by a new surname (even informally) without the written consent of every person with parental responsibility or evidence of a court order confirming the change.

Legal Name

- 10.4 The academy will only change the child's legal name in the academy's records on receipt of a change of name deed poll which has been enrolled with the court. This will require the agreement of all persons with parental responsibility.

11. Requests to remove a child from the academy roll

- 11.1 The academy will ordinarily require confirmation that all those with parental responsibility for a child consent to the removal of the child from the academy roll to attend another academy or be home educated.
- 11.2 Where there is disagreement between parents about the removal of a child from the academy roll, parents should seek their own legal advice and/or a court order. The academy will refer the matter to the local authority where there are concerns about the welfare of the child.

12. Procedure following contact from absent parents

- 12.1 The academy has no legal obligation to make enquiries of those enrolling children at the academy on whether other individuals with parental responsibility agree with their decision. On enrolment, we do expect to be provided with the contact details of all those with parental responsibility for the child, if known. Information provided to the academy when the child was enrolled will be presumed to be correct unless a court order or original birth certificate proving otherwise is provided to the academy.
- 12.2 Where the academy is contacted by a parent of a child on roll at the academy with whom the academy has no previous information (known in this policy as an 'absent parent'), the academy will contact the resident parent to confirm whether the person is known to them and whether there is any legal reason why information should not be provided, i.e. a court order.
- 12.3 If no court order exists, the academy will contact the absent parent to ask them to confirm their identity and to confirm whether they have parental responsibility for the child.

13. Monitoring and Review of this Policy

- 13.1 This policy is reviewed every two years by Kernow Learning or in line with any changes to statutory or DfE guidance. For all monitoring of policies, we adopt a rigorous and reflective approach. We consider multiple perspectives on the effectiveness and success of the policy and procedures in question, incorporating the views of stakeholders. An Equality impact assessment is undertaken to ensure that there is no potential for any discrimination, adverse impact in relation to protected characteristics or any conflict with the Trust's values.