



Wakefield Grammar School Foundation

Document Reference	WGSF Separated Parents Policy
Version Number	V1.00
Author/Lead Job Title	Jim Palin, DSL QEGS James Harris, DSL WGHS Emma Gill, DSL WGPPS
Consultation	Jenny Cocker, Director of Finance and Operations
Checker Person Name Quality Assurance	Penny Plumpton, Safeguarding Governor
Name of Ratifying Committee Date Ratified	Chairs of GEC 08.05.2024
Date of Next Review (2 years)	May 2026

VALIDITY – Policies should be accessed via Firefly to ensure the current version is used.

CHANGE RECORD - 2 YEARLY

Version	Date	Change details
V1.00	February 2024	Created as a new Foundation Policy

To be published on the following:

Staff shared	X	School website	X
---------------------	----------	-----------------------	----------

WGSF Separated Parents Policy

1. Introduction

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 are unable to work together as effectively, compromising the best interests of their children, especially during the initial stages of their separation. This can be traumatic for any children concerned.

*For the purposes of this policy the terms child, children or pupils refers to all pupils below the age of 18.

Aims

- Many of the pupils in our care are members of families where parents have separated before they came to the school and many other pupils go through changes in family circumstances during their time at Wakefield Grammar School Foundation. We aim to support families wherever we can with the issues that a separation may bring.
- We wish to ensure the Foundation continues to work with families and fully involve all those with parental responsibility in the life of the school, in the best interests of the child, after parents separate.
- We will remain neutral in difficult family circumstances and will not 'police' one parent for another. The children's welfare and well-being is central to all we do and if we have any such concerns about a child we will involve all adults with parental responsibility.

2. Purpose

This policy is an attempt to minimise any impact of separation and to clarify to all parties what is expected from separated parents and what can be expected from the school/staff.

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; or
- 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.

3. Who has 'Parental Responsibility?' (The Children Act 1989)

- All mothers automatically have parental responsibility;
- If the parents of a child were married/in a civil partnership at the time of birth, both parents automatically have parental responsibility;
- For children born after 1 December 2003 to unmarried parents, where the father's name is on the birth certificate, both the mother and father would usually have automatic parental responsibility;
- In all other cases, parents seeking parental responsibility rights can acquire them through various legal means.

(For further guidance see www.gov.uk/parental-rights-responsibilities)

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); or adopting a child.

4. 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 school, for example attending meetings, communicating by telephone or email, being on the school's record as being involved (in whatever capacity) or resident with the child where, for all intents and purposes, the person is part of the family, or a man or woman married to a parent of a child.

Examples below will help establish this relationship:

- Are they listed on school records?
- Does the school 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 school on behalf of the child when she/he is ill?
- Do they live with the child?
- How long has the school known of them being connected with the child?
- Does the adult bring/collect the child to/from school?
- 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'.

5. Our process

The Governing Body recognises that while the parents of some pupils may be separated they have certain entitlements which cannot be restricted without a specific court order. In particular, the school does not have the power to act on the request of one parent to restrict the entitlements of another. The information provided to the school when the child is admitted, 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 school. 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 school.

It is the responsibility of the parents to inform the school when there is a change in family circumstances. The school / Foundation needs to be kept up to date with contact details which may be used in emergencies.

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 to pupils. We will, however, recognise the sensitivity of some situations and maintain the level of confidentiality requested by parents as far as possible.

Schools must treat all adults with parental responsibility for a child equally, unless a court order limits an individual's exercise of parental responsibility. Everyone who has parental responsibility has a right to receive information about the child. This is the case whether they

live with the child or not. There is no requirement for school to inform one parent about communications with the other parent.

Parents 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:

- appeals against admission decisions;
- responding to ISI & school based questionnaires;
- participation in any exclusion procedure;
- attendance at parent meetings/school events;
- access to school records, copies of school reports, newsletters, invitations to school events, school photographs relating to their child and information about school trips. (There is more detail on this later in the policy.)

6. Our responsibilities

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

Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving the school directly. Estrangement is a civil/private law matter and the school cannot be involved in providing mediation, helping an estranged parent to communicate with their child or children, or using the school premises for purposes of contact. 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 relevant external providers to obtain advice as this may constitute a safeguarding concern.

In any event whereby the parents being estranged is appearing to impact upon the health, wellbeing and safety of a child the matter will be referred to the Children's Services for advice.

7. Contact Arrangements

Where there are issues over access to children, any adult with parental responsibility for the child should contact the school immediately to discuss these.

- Court orders preventing an individual's access to a child or detailing contact arrangements which could involve the school should be provided to the school immediately any are issued. These will be shared with all relevant staff so we can monitor these.
- Where there is a court restraining order in place, the Foundation will put measures in place to ensure the child is not released to a named individual.
- Where a separated parent has parental responsibility but is not the parent with whom the child usually resides and there is no court order in place, the school is required to allow the child home with them; however, the Head (or Designated Safeguarding Lead) is able to use discretion (in the case of an unexpected or unusual request) and would seek clarification from the resident parent before allowing the child to leave the premises.
- Should a parent (unnamed on the child's data sheet and therefore with parental responsibility unknown to the Foundation) seek information or access to their child, the Foundation will provide no information or access and inform the resident parent of this to clarify the situation.

8. Information Sharing

To ensure we are fair to all parents, we will communicate in this way:

- Via FireFly to parents with parental responsibility Permission slips for activities will be accepted from either parent with parental responsibility (only one parent with parental responsibility needs to give consent).
- A copy of the School Report will be sent to all parents with parental responsibility (whose contact details we hold).
- We expect that parents should liaise and communicate directly with each other in matters such as the ordering of school photographs, tickets for performances, enrichment activities and other instances.
- We expect that, wherever possible, separated parents attend their child's Parents' Evening appointments or Consultation Day together. The school will consider separate appointments **only** when a court order is in place restricting contact between both parents. However, the school has no obligation to offer this arrangement.
- In case of an accident or emergency, we will phone the parent with whom the child mainly resides (or the priority phone number held on our system; or the parent with whom the child is residing on that day if we hold that information). Depending on the severity of need and other constraints on staff time, we would try to contact both parents.

As a school we understand that issues around family breakdown and separation can be fraught. However, we expect parents to be courteous and respectful at all times in their dealings with school.

9. Management of the process

The Heads and Designated Safeguarding Leads will familiarise themselves with this process.

The process will be made available to the following, should the need occur:

- to parents by publishing this policy on the [WGSF website](#) and via messages on FireFly as applicable
- to staff by publishing this policy on FireFly and communication via internal staff meetings
- to governors through the Governor Education Committee Meetings

10. Contractual arrangements

Ensuring the best interests of the child is the primary concern of the school. However, the Foundation must also ensure that legal and contractual obligations and responsibilities are clearly understood and documented. This can become particularly important if either parent feels that their rights have been infringed, if there is a dispute regarding attendance or if family court orders are in place.

Contract, fees and admissions process

Every individual with parental responsibility for a child is required to sign the parental contract. The admissions team are required to check that this condition can be met before offering a place. One parent cannot determine or select an educational establishment for their child without the consent and agreement of the other parent.

Parents who separate during their child's time at the Foundation do not need to resign a contract. However, it is good practice to ensure that historic contracts are appropriately signed by both parents.

Signing the parental contract creates obligations and rights for each signatory. These include obligations regarding their own behaviour, ensuring their child's attendance and behaviour and importantly joint and severable liability for fees. This means that each party to the contract is liable for fees. Such responsibility is irrespective of any informal arrangements, court orders, or who has in practice paid fees in the past.

A parent may absolve themselves of fee paying responsibility with agreement of the other parties to the contract (the other parent and the Foundation). This is a structured process that will be led by the Director of Finance and Operations.

Bursary Support

Bursary assessments are based on family income. In the case of separated parents, this will mean that both parents will need to submit financial assessments and individually meet bursary criteria. Recognition of any maintenance payments is made during the bursary assessment process to reduce the net income of the payer and increase the net income of the recipient. Thus the net effect is nil.

If a separated parent has sole fee responsibility then a bursary assessment will be made solely on their income and asset disclosures, and net income will include any child maintenance received.

Court orders

Financial arrangements for school fees that have been determined by court order will be incorporated into contractual and financial arrangements. It is the responsibility of each parent to ensure that the Foundation has been made aware of any such orders or arrangements.