



# Parental Responsibility Policy (Parental Separation)

Atherstone & Bedworth Heath Maintained Nursery Schools  
and Warwickshire Early Years Hub

Policy Written	Approved by governors - May 2014	
Review Date	Reviewed by the School	Reviewed by Governors
May 2015	<i>A L King</i>	<i>D. Wainwright</i>
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February 2017	<i>A L King</i>	<i>D. Wainwright</i>
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***Parental responsibility means the legal rights, duties, powers, responsibilities and authority a parent has for a child and the child's property. A person who has parental responsibility for a child has the right to make decisions about their care and upbringing.***

This Policy aims to show how staff at Atherstone and Bedworth Heath Maintained Nursery Schools and Warwickshire Early Years Hub will continue to work with families, in the best interests of children, after parents separate.

We see education as a partnership between parents/carers and school and will work to promote this view. Schools have a legal duty to work in partnership with families and to involve all those with parental responsibility in their child's education (see Appendix A: Guidance on Parental Responsibility).

This obligation on schools continues even when family circumstances change, for example, relationships between parents break down. It is generally in the best interest of children if parents and schools can work together.

#### **Aims**

- The needs of the child are our first priority
- To ensure that all Staff and Parents/Carers are aware of the procedures for the sharing of information and giving of consent for the child/ren in their care.
- To ensure that school staff treat all parents/carers equally and where necessary (i.e, working patterns/location of residency) offer alternative communication arrangements for the participation and opportunity for decision making in their child/ren education.
- We expect all members of the school family to treat everyone with care, courtesy and respect

#### **Communication and sharing information**

Below we have listed the ways in which we will work with absent parents to continue to involve them in their child's education.

- Newsletters sent electronically or by post to non residential parent on request.
- Timely information about upcoming events provided.
- Social Media updates relating to the School as a whole are accessible to all.
- Appointments offered for parents'/carers' meeting, at appropriate times (where this is not feasible, OPAL Spotlights will be sent out to parents/carers).
- Individual Education Plans (IEP) (as appropriate) and Assessment Reports provided upon request.

**Day to day communication will be via the parent that the child resides with for the majority of the time.**

**Where there is shared care we will liaise with both parents equally.**

#### **Responsibilities: School**

- It is the Head teacher's responsibility to ensure that all staff are aware of the policy, their responsibilities, what is expected of them to carry out the procedures to ensure that the school is not at risk of breaching confidentiality or court orders.
- The key person is responsible for ensuring that any documentation/information relating to a child's welfare is not sent home with person(s) who do not hold Parental Responsibility; On these occasions alternative methods of communication (i.e, telephone, email or by post) should be used.
- The key person and Nursery Lead Teacher are responsible for ensuring they know the procedures for handover of the pupils in their care. If any changes occur without prior written or verbal confirmation made via the school office then direct contact will have to be made to the parent/s that hold parental responsibility to confirm these changes before the pupil will be released in to care of the individual present.
- It is the responsibility of all staff to read the policy and act at all times according to its guidance.

#### Parents/Carers:

- **It is the responsibility of parents/carers to ensure they provide school with all known and relevant information, documents and orders relating to other individuals holding parental responsibility for their child/ren,** (in the event that school is made aware of any existing documents that were not previously submitted, by all parties involved, and a possible breach may have been committed, the school can't be held liable.)
- To inform school immediately of changes to any current court orders or arrangements for their child/ren and provide copies of these to the School.
- To inform the school office of any changes to collection arrangements of a child/ren as soon possible to ensure their safety and wellbeing needs are paramount. A password system is used where the individual collecting is unknown to the School. We require a name, physical description and a new password on every occasion.
- To inform staff of any medical assessments that are currently being undertaken, and the results.
- To update the school immediately with any changes to phone numbers and email addresses.
- If a parents/carers wants to request, a person/s, other than those holding parental responsibility, to take a pupil out of school during the day, they will need to inform the school office.
- To complete registration paperwork which makes clear **ALL individuals who hold parental responsibility** for the child – even if they may not be present in the child's day to day care arrangements:
- The school will ask:
  - parent/s or guardians for the names and addresses **of all individuals who hold parental responsibility** when they register a pupil.
- All parents/carers are expected to sign our school's adult code of conduct agreement.
- To behave courteously and respectfully towards staff at all times in accordance with the schools parent/carer code of conduct.

#### The School will:

- Ensure that names and addresses of all parents, where known, are included in the admission register and also in pupil records allowing information access to the pupil's family leader.

- Ensure that names and addresses of all parents are forwarded to any school to which the pupil moves.
- Ensure that details of court orders and other relevant documentation are noted in a pupil's record, in line with data protection regulations.
- Where the address of a non-resident parent is unknown, we will tell the resident parent that the non-resident parent is entitled to be involved in their child's education and ask that information is passed on to them.
- In cases where there are **shared residency orders** in place the school will liaise with both parents who hold parental responsibility.
- Step- parents/carers who provide care can at the request of parent/s also be recorded as named contacts; **both parents who hold parental responsibility**, will need to sign a consent form giving their permission, for school to share information relating to the pupils education, removing the child from school for medical appointments or the unfortunate event of ill health during the school day.
- Consent and Permission Slips Consent and Permission Slips, will need to be signed by the parent/s, who holds parental responsibility. **Where a non-resident parent requests that their consent is sought, both signatures will need to be obtained by the school.**
- Step parents/carers are not authorised by law to give their permission to schools to allow child/ren to take part in activities or trips where the school and local authority have assessed the need for parental permission. Such an approach safeguards the position of the school, ensuring that it is not exposed to any potential civil liability if, for example, the child is injured while on the school trip. In cases where a child requires emergency medical treatment, school will accept consent **ONLY** from the parent/s with parental responsibility.
- Where a child is in the care of the local authority, their permission will be sought, or that of the foster carers.

### Managing Issues relating separated parents

Children's welfare and safety are paramount, where there are issues over access to children, the parent with whom the child resides should contact the school immediately, and update them as to the current situation.

- Where there is a court restraining order in place, the school will put in place measures to ensure the child is not released to a named individual.
- Any dispute between parents sharing the rights associated with parental responsibility would need to be resolved between them and not by the school. Governors reserve the right to refuse attendance where an agreement is in dispute until a resolution is presented by parents.
- Where a separated parent has parental responsibility and there is no court order in place, **the school has no power to refuse collection from school**; however the Head teacher/Head of School will act in the best interests of the child and seek clarification if it was felt there was:
  - A child protection issue.
  - The parent was not in a fit state to be responsible for the child's safety or well-being.
  - The presenting parent / or any other adult was unknown to the School, under the age of 16, or we were not aware of a change in collection arrangements, **consent to remove the child will not be given until the situation is resolved.**

This clarification may include speaking to Parents / Carers, Children's Team or the LA legal team. **During which time the child would not be released and the presenting parent asked to remain in an external area.**

- Where parents are in dispute with regard to collection and/or communication arrangements and then present to the School seeking to collect a child, this is the approach that the School will follow:
  - **Collection:** Those with parental responsibility will be able to collect their child **where they are identified on the admissions paperwork and known to us**. It is not the Schools responsibility to determine who can or cannot collect a child in these circumstances. We will endeavour to contact the other parent if the arrangement for collection is not what we were expecting.
  - **Ill health and accidents:** If it is necessary for a child to be collected during the session time we will follow the notification arrangements communicated by parents in the admissions paperwork.
  - We will call each of the contacts in the priority order that they are recorded on the admissions paperwork until we make contact. **The individual we make contact with, will collect the child**. If you wish to change the priority order, or named contacts it is your responsibility to communicate this to staff.
  - We will not as a matter of course then relay further messages to emergency contacts to advise as to who is collecting.
  - Where there are complex issues we will meet with each individual with parental responsibility and explain our approach and rationale. On occasion we may agree a notification process with parents that will be followed by the School and adhered to by the parents. This would only take place in exceptional circumstances as external disputes are not the business of the School.
- The welfare of the child is at the heart of all we do and the Headteacher and Governors maintain the right to discontinue any of the above if it is deemed to be significantly against the child's best interests. Court orders may also alter the position the school adopts.

#### Appendix 1:

### Warwickshire County Council

#### Guidance for education establishment recording of parental responsibility

The following is a general overview of definitions of parent and parental responsibility. Individual circumstances and situations may vary and must be treated on their own merit. Advice should be sought from legal services if in doubt.

## **Parents and Parental Responsibility Education Act**

**Definition of Parent:** The Education Act defines a “parent” as

- All natural parents, whether they are married or not
- Any person who although not a natural parent, has parental responsibility for a child or young person
- Any person who although not a natural parent, has care of a child or young person

## **Schools, Early Years settings and other education organisations**

Everyone who is a parent has a right to participate in decisions about a child’s education, even though the school’s main contact is likely to be the person with whom the child lives on school days.

Unless there is a court order limiting an individual’s exercise of parental responsibility, such as an order preventing the absent parent from having contact with the child, **the school and local education authority staff must treat all parents equally.**

Generally those with automatic parental responsibility, those who have it by virtue of a court order and those who are parents in accordance with the Education Act normally have the following parental rights.

- To attend a school’s annual parents evening
- To express a preference when choosing a school
- To stand for election or vote as a parent governor
- To be notified of their right to appeal against a child’s exclusion
- To receive information on the child’s education
- To withdraw a child from religious education and collective worship
- To initiate and be involved in the procedure for obtaining a statement of special educational needs

## **Parental Responsibility: What is parental responsibility?**

While the law does not define in detail what parental responsibility is, the following list sets out the key roles:

- providing a home for the child
- having contact with and living with the child
- protecting and maintaining the child
- disciplining the child
- choosing and providing for the child's education
- determining the religion of the child
- agreeing to the child's medical treatment
- naming the child and agreeing to any change of the child's name
- accompanying the child outside the UK and agreeing to the child's emigration, should the issue arise
- being responsible for the child's property
- appointing a guardian for the child, if necessary
- allowing confidential information about the child to be disclosed

**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 and promote the child's welfare)
- Adopting a child

### **Who has parental responsibility?**

Unlike mothers, fathers do not always have 'parental responsibility' for their children. With more than one in three children now born outside marriage, some parents may be unclear about who has legal parental responsibility for their children.

- A mother automatically has parental responsibility for her child from birth.

**However, the conditions for fathers gaining parental responsibility vary throughout the UK.**

For births registered in England and Wales in England and Wales,

*If the parents of a **child are married to each other at the time of the birth**, or if they have jointly adopted a child, then they both have parental responsibility. Parents do not lose parental responsibility if they divorce, and this applies to both the resident and the non-resident parent. It can be removed only by an adoption order.*

- by jointly registering the birth of the child with the mother ( from December 2003)
- by a parental responsibility agreement with the mother
- by a parental responsibility order, made by a court
- a residence order

Living with the mother, even for a long time, does not give a father parental responsibility and if the parents are not married, parental responsibility does not always pass to the natural father if the mother dies. All parents (including adoptive parents) have a legal duty to financially support their child, whether they have parental responsibility or not.

### **Applying to the courts for parental responsibility**

A father can apply to the court to gain parental responsibility. In considering an application from a father, the court will take the following into account:

- the degree of commitment shown by the father to his child
- the degree of attachment between father and child
- the father's reasons for applying for the order

The court will then decide to accept or reject the application based on what it believes is in the child's best interest.

### **Recording parental responsibility**

**It is important for education providers (including early years settings) to record who has parental responsibility for the children in their care.**

Settings may request to see birth certificates or to take extra measures to prove the statement parents make on registration are correct.

It may be prudent to give parents an explanation of what parental responsibility is (as outlined above) so they can take care to provide accurate information.

A record of who has parental responsibility for a child living with someone other than a parent with parental responsibility (as defined under the term 'parent' in the Education Act) should still be kept.

The 'parent' with whom they are living should sign the declaration of who holds parental responsibility if those parents are unavailable to do so.

### **Suggested detail required for recording parental responsibility:**

- Child's name: Adult/s with parental responsibility:
- Name (please print full name)
- Relationship to child
- Signature of parent:

**Private Fostering:** When recording who a child lives with, education providers may identify private fostering arrangements. They should be mindful of the need to encourage the parent/ foster parent to report private fostering arrangements to the Local Authority Children's Team without delay and then to check that this has been done.

**What is private fostering?** Private Fostering is when a child or young person under 16 years old (or under 18 if disabled) goes to live with someone for 28 days or more by private arrangement (without the involvement of a local authority) with someone who is not a:

• *Parent* • *close relative (brother, sister, aunt, uncle, grandparent or step parent)* • *guardian or a person with parental responsibility*

**Private foster carers might be:**

- friends of the child's family
- someone willing to care for the child of a family they don't know
- relatives not mentioned in the list above, for example a cousin or great aunt.
- Examples of private foster care arrangements
- children sent to this country for education or health care by parents or guardians living overseas
- Teenagers living with a friend's family as a result of problems at home
- children on holiday exchanges
- children whose parents' study or work involves unsociable hours, which make it difficult for them to use ordinary day care or after school care.

For further advice regarding Private Fostering talk to WCC Practice Leader Private Fostering (01926 742250) or your local Children's Team

**Appendix 2**

For births registered in Scotland a father has parental responsibility if he is married to the mother when the child is conceived, or any time after that date.

An unmarried father has parental responsibility if he is named on the child's birth certificate (from 4 May 2006).

Alternatively, unmarried fathers can also be named following a re-registration of the birth.

For births registered in Northern Ireland A father has parental responsibility if he is married to the mother at the time of the child's birth. If a father marries the mother after the child's birth, he has parental responsibility if he lives in Northern Ireland at the time of the marriage.

An unmarried father has parental responsibility if he is named, or becomes named, on the child's birth certificate from 15 April 2002.

For births registered outside the UK If a child is born overseas and then comes to live in the UK, the parental responsibility rules apply for the UK country in which they live.