



Shawfield Primary School

Separated Parent Policy

Written: January 2026

Reviewed: January 2026

Next Review: January 2029

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This policy takes into account the government's explanation of [Parental rights and responsibilities](#) and the Department for Education's (DfE) guidance [Understanding and dealing with issues relating to parental responsibility](#)

Government guidance outlines [what is parental responsibility](#) and who can obtain it.

1. Introduction

We recognise that parental separation can be difficult for everyone involved. At Shawfield Primary School (the "School"), we will keep the child(ren) at the centre of our focus and have the child(ren)'s best interests as the foundation for our decision making.

At Shawfield Primary School, we aim to maintain contact with both parents. This policy aims to minimise any potential conflict and to clarify expectations for separated parents as well as the School.

In this policy, the term "parent" will be used in accordance with the definition set out in Section 576 of The Education Act 1996 and can include those with parental responsibility. Reference to "parental responsibility" will be in accordance with the definition set out in Section 3 of the Children Act 1989.

In this policy, references to "child" includes a reference to child(ren).

In this policy, the terms "resident" and "non-resident" parent are used to distinguish between parents who do and do not live with a child.

2. Definition of "parent"

The definition of a "parent" for School purposes is much wider than for any other situation. Section 576 of The Education Act 1996 infers a parent as:

- all biological parents, whether they are married or not
- includes any person who, although not a biological parent, has parental responsibility for a child or young person - this could be an adoptive parent, a step-parent, guardian or other relative
- any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person.

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child. For example, this may be a foster carer or family and friend's carer who does not have parental responsibility but has been delegated the responsibility for taking day-to-day decisions about the child.

Parents are entitled to share in the decisions about the child's education and to be treated equally by the School. In particular, these entitlements include, but are not limited to, the following:

- receiving copies of school reports
- having access to school records
- attending parent meetings

- receiving newsletters
- invitations to school events
- information about school trips
- school photographs relating to their child
- participation in any exclusion procedure
- dealing with any medical issues that arise and/or vaccinations that may be offered.

The School recognises that whilst the parents of some children may be separated, divorced or estranged, they are still entitled to the above and this entitlement cannot be restricted without a court order.

3. Parental responsibility

Parental responsibility is defined in section 3 of the Children Act 1989 and means the rights, duties, powers, responsibilities and authority that a parent has for their child. In addition to a child's natural parents, it can be acquired by a court order, appointing a guardian, adopting a child or a formal agreement.

The information provided to the School when the child was enrolled detailing who has 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. The School will be reliant on such information being provided as accurate and true. The information provided regarding the address(es) where the child lives will be presumed to be correct unless the School is provided with a copy of a court order setting out arrangements for where the child should live.

Every parent with parental responsibility for a child has an equal right to be engaged with decisions regarding their education.

Where contact has been limited by a court order, the parent still has the right to receive information about the child and be involved in decisions regarding their education and welfare, unless a court order restricts what information they can receive or removes their parental responsibility. The School will not remove a parent's contact details without such a court order being in place or a parent asks for their own contact details to be removed.

4. Court orders

At Shawfield Primary School, our sole aim is to promote the best interests of the child by working in partnership with all parents. If parents are involved in proceedings before the court directly relating to the child, the parents should seek the court's permission to disclose the court order made to the School.

The School can only be expected to comply with an order if it is properly notified and has received a sealed digital or paper copy for its files, and only to the extent that it relates to the School. A sealed court order is an order which contains the court's official stamp, which endorses and makes the order valid and enforceable.

The School is not responsible for enforcing any court order but will endeavour to adhere to any restrictions in place, for example relating to the collection of a child, or restrictions regarding the extent to which a parent can participate in their child's school life.

A guide for separated parents regarding Court orders can be found here: [Guide for separated parents: children and the family courts \(CB7\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/guide-for-separated-parents-children-and-the-family-courts-cb7)

5. Consent and permission

In line with DfE guidance, where the School needs parental consent, for example for outings and activities, it 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 it is considered necessary or consent has been requested from both parents, the School will assume that parental consent has not been given unless both parents have given consent. Such an approach ensures that the School has treated the views of each parent equally.

If a child has an accident at school, and consent may be needed for emergency medical treatment, section 3 of the Children Act 1989 states that people who do not have parental responsibility but nonetheless have care of a child may: *'...do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare'*.

This would allow the school to act *'in loco parentis'*, i.e. in place of a parent, or allow it to seek consent from a parent who may not hold parental responsibility.

The DfE advises that it would clearly be reasonable for a school to take a child who needs to have a wound stitched up to hospital, but the parents, including the non-resident parent who has asked to be kept informed of events involving the child, should be informed as soon as possible.

Other areas requiring consent or permission may include image use, data processing and inclusion in school communications or publications.

6. Admissions applications and parental information

The person(s) with parental responsibility who applied for the child's admission is responsible for involving all others with parental responsibility in making the decision to apply. They are responsible for providing the School with details of all parents including those with parental responsibility for a child. If this has not happened the School welcomes direct contact from those with parental responsibility and parents to provide their details. However, the School cannot be held responsible for excluding a parent or person with parental responsibility if the information has not been provided. Evidence of parental responsibility can be a birth certificate of the child or a parental responsibility agreement, and photo ID for the adult such as driving licence or passport.

7. Disputes and disagreements

At Shawfield Primary School, we hope that parents will support the School in working together for the benefit of their child. It is important to note that any dispute between parents sharing these rights must be resolved between them. In cases where parents cannot agree on a matter, they should independently explore options for resolution, either by agreement or by obtaining a court order.

Parents should resolve contact issues without involving the School. The School will not mediate, "take sides," or act as an intermediary between parents who do not communicate with each other.

8. Changes in family circumstances

We ask parents to inform the School of any changes in family circumstances, such as parental separation, so that we can sensitively support the child(ren). Parents should update the School whenever emergency contact details change for parents and/or if there are new arrangements for collecting children at the end of the School day, particularly if a court order has been made.

We recognise the sensitivity of some situations, and all staff are aware of the need for discretion and confidentiality. School staff will be informed on a strict need-to-know basis to provide appropriate support.

9. The release of child(ren)

Upon admission to the School, and unless otherwise notified, via the School Office on 01252 320379, the School will release children to a parent. If a parent seeks to remove the child from School in contravention of the notified arrangements, and the parent to whom the child would normally be released has not consented, the following steps will be taken:

- Staff member checks the notified arrangements. If uncertain, does not release the child and contacts the Headteacher or designated deputy.
- The Headteacher or designated deputy will meet with the parent seeking to remove the child and then telephone the parent to whom the child would normally be released, to explain the request.
- If the parent to whom the child would normally be released agrees (such agreement must be immediately confirmed by an email to ensure a record is on the School's files), the child may be released, and the records will reflect that permission was granted.
- If the parent to whom the child would normally be released cannot be reached, the Headteacher or designated deputy dealing with the issue may make a decision based on all relevant information available.
- The Headteacher or designated deputy may have to refuse permission if consent cannot be obtained.
- During any discussion or communication with parents or those with parental responsibility, the child will be supervised by an appropriate member of School staff in a separate room.
- There may be circumstances where the advice of external agencies will be sought, for example Children's Services, a charitable organisation and/or the police.
- Should an external agency advise the School to limit a parent's access to a child, the School will ask the external agency to provide the legal basis for this advice, and may seek their own independent legal advice. The School will ensure that any such decision is made in the child(ren)'s best interests and in accordance with an assessment of risk.

10. Communication between School and separated parents

Newsletters, and general updates are sent via Parentmail to all parents for whom we have up-to-date contact details. These updates contain information on main class/School events, including parents' evenings, productions, sports days, class outings, and events.

Unless a court order is in place, the School recognises that parents are entitled to attend events such as sports days, performances and fairs etc. The School will endeavour, where possible, to accommodate separate requests for invitations to such events. However, where possible, parents

should communicate directly on such matters to attempt to come to an arrangement. We understand this may not be feasible in cases where a court order prevents the parties from contacting each other. While the School will try to comply with these requests, there may be circumstances where it is not possible, particularly if a court order prevents contact with the child or between parents.

The School will consider requests for separate parents' evening appointments for separated, divorced or estranged parents.

In all circumstances, we aim to maintain our open-door policy with all parents. Class/subject teachers and/or the Headteacher are available by appointment to discuss any concerns.

If the School does not know the whereabouts of a non-resident parent, it will make the resident parent aware that the other parent is entitled to be involved in their child's education and request that information is passed on.

11. Written pupil reports

Any parent who is known to the School, has the right to receive written progress reports for their child providing this has not been restricted by a court order. These will be provided to separated, divorced or estranged parents who have parental responsibility. The legal requirement is for the school to provide an annual written report. At Shawfield Primary School, we provide written pupil reports as follows annually during the Summer term.

Children with Special Educational Needs and Disabilities (SEND) who are receiving support at school that is additional to or different from expected classroom practice, will receive copies of their child's Individual Provision Map termly, usually provided at parents' evening.

12. Access to School information

Key information is available on the Shawfield Primary School website, www.shawfield.surrey.sch.uk. Parents may also receive information via Parentmail or email. For parents who do not have internet access, paper copies of communications can be requested from the School Office.

All parents have the right to contact the School and ask questions and request documentation on an individual basis. Any correspondence resulting from this is confidential between the School and the parent who has made contact.

Where parents request information *for use in court proceedings*, the School will advise the parent that any such request should be made by the court through a court order or by a Children and Family Court Advisory and Support Service (CAFCASS) officer. In response to such a request, the School will ensure that any information provided to the court/ CAFCASS officer is factual, evidence-based, avoids speculation and relates to matters within the School's remit.

13. Change of name

A parent can change their child's name (forename and/or surname) only if all those with parental responsibility provide their consent. The School will seek to obtain written consent from all those

with parental responsibility, independently from the parent seeking to make the change. The School will require original documentation of any change of name.

While the School is under no obligation to do so, it may effect an informal change of name if requested by the parent(s) or the child, where the school determines that this is in the child's best interests. This could include verbally addressing the child by a different name or using a different name on books, for example. It is important to note that the School database will reflect the child's legal name. Any informal change of name is at the School's discretion and will be considered after considering all circumstances including whether such a change would be in the child's best interests.

14. Volunteering at school

Unless a court order is in place, the School recognises that parents are entitled to apply to be a school volunteer. Volunteers will undergo DBS checks in accordance with Shawfield Primary School Safeguarding and Child Protection policy.

Parents are eligible to nominate, vote and participate in parent governor elections.