Separated Parents Policy

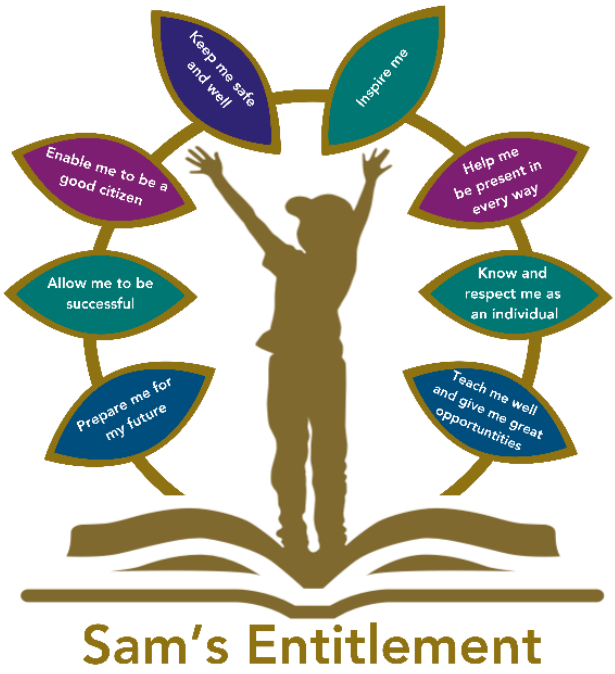
Reviewed on		Review frequency	3 yearly
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Owner	Head of Compliance	Approved by	DCEO

1. History of Policy Changes

Date	Page	Change	Origin of Change
April 2026		New HET Policy	

2. Contents

1. History of Policy Changes 2
2. Contents 2
3. Introduction 3
4. Aims of the policy 3
5. Definition – Who is a parent? 3
6. What is parental responsibility and who has it? 4
7. The approach of HET schools 4
8. Informing the school of a change in family circumstances 5
9. Contacts 5
10. Provision of information 5
11. Consent 6
12. Collection of children from school 6
13. Request for a change of pupil name 6
14. Requests to remove a child from the school roll 7
15. Procedure following contact from absent parents 7
16. Data Protection 7
17. Complaints 7
18. Monitoring & Review 7
19. Link to other HET policies 7
20. Link to DfE Guidance 8



3. Introduction

"Hamwic Education Trust (HET) believe that all pupils should receive a high quality, enriching, learning experience in a safe and inclusive environment, which promotes excellence through a broad curriculum that prepares them for their future and opens doors to a diverse array of opportunities as well as that all pupils and adults within HET flourish as individuals and together."

This policy sets out the expectations, responsibilities and procedures for how we will engage with, provide information to, and manage requests from separated parents, ensuring clarity, fairness and the safeguarding of the child at all times.

4. Aims of the policy

HET recognises that parental separation can be challenging for parents and children. We aim to support families whilst ensuring that the welfare of the child remains paramount. This policy is designed to clarify to all parties what is expected from separated parents and what can be expected from a school and its staff.

There may be instances where a school will need to deviate from this published policy. For example, where there is a court order in place which states the legal arrangements for a child.

5. Definition – Who is a parent?

- For the purposes of education legislation, the definition of "parent" is wider than the family law definition of "parental responsibility" and 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.
- All persons meeting the above definition can be subject to the legal obligation that the child receives a suitable full-time education.

6. What is parental responsibility and who has it?

- 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.
- Parents married to each other at the time of a child's birth both have parental responsibility for that child.
- 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.
- 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).
- In the case of two female parents, the biological mother's female partner can acquire parental responsibility in the same manner as a father. They will also have parental responsibility if she is married to or in a civil partnership with the biological mother at the time of treatment, or they have agreed in writing that she will be the child's second parent.
- We are not responsible for determining or interpreting parental responsibility arrangements. We will rely solely on official documentation provided by parents or carers, including but not limited to birth certificates, court orders, or written agreements recognised by law.

7. The approach of HET schools

- We recognise that, in most instances, parents have a legal right to participate in their child's education.
- As defined more specifically in this policy, parents are usually entitled to:
  - be informed if special educational provision is made for the child at the school.
  - be given the opportunity to participate in school activities e.g. vote in elections for parent governors.
  - meet with school staff.
- 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 the school to provide advice on domestic arrangements or become involved in parental disputes.
- The school is not usually a party to court orders which are in place in relation to the legal arrangements for a child and any other parties concerned. The school is not responsible for enforcing court orders but should seek to facilitate the terms of an order where it relates to

the child's education. Parents should seek their own legal advice in the event of any alleged breach of the terms of any order.

8. Informing the school of a change in family circumstances

- 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.
- The school will need to be provided with updated contact details, details of agreed arrangements for collecting a child and contacts for emergencies. In particular, the school 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"). If the arrangement is that equal time will be spent with both parents, this needs to be communicated to the school.
- Where any court orders are issued which are relevant to the child and their education, a copy of the order should be provided to the school as soon as possible.

9. Contacts

- Unless there is a court order or the school has been notified in writing of alternative arrangements, the school will treat the resident parent as the school's main contact and the other non-resident parent as the school's second contact. Both parents will be contacted by the school unless a different arrangement has been agreed between the parents and notified to the school by both parties in writing.
- The school accepts that there will be instances where both biological parents are not involved in the child's upbringing and/or education, and so will discuss alternative arrangements for the second contact where appropriate.

10. Provision of information

- Where possible, parents should endeavour to attend parent meetings together. Where this is not possible, parents should notify the school in reasonable time so that alternative arrangements can be explored.
- 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 parents of that pupil except where it has been agreed otherwise with a parent.
- 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. Therefore, if a parent is requesting to see their child's data that is not contained within the annual written report, this will be treated as a Subject Access Request (SAR).
- When considering whether to respond to a SAR for information about a child, the school will consider the following, as the data belongs to the child:
  - whether the child has capacity to provide or withhold consent to the sharing of their data with the individual requesting it
  - whether it is in the child's best interests to provide the information to the requestor, even where a parent has provided their consent
  - the nature of the personal data being requested

- any court orders relating to parental access or responsibility that may apply
- any consequences of allowing the parent to have access to the child's information.

- Safeguarding information is treated separately and will usually be provided to parents where it is in the child's best interests to do so.

11. Consent

- Consent will be required from both the resident parent and the non-resident parent in instances where a decision is likely to have a long-term impact on a child, such as any medical treatment.
- At the time of admission to the school, or upon changes to the family arrangements for a child, a non-resident parent may request that they are asked to provide consent for all extra-curricular activities and trips relating to the child.
- If the non-resident parent confirms that they must be asked to provide their consent for extra-curricular activities and trips, the school will assume that parental consent has not been given unless both parents agree. It will be for the parents to discuss and come to an agreement between themselves and/or seek independent legal advice and take steps to clarify and confirm the position.
- If the non-resident parent does not need to be informed and does not wish to be asked to provide their consent, the resident parent's consent will be sufficient.

12. Collection of children from school

- The school will permit a child to be collected from school by any individual with parental responsibility, a parent or a person authorised by them. This is subject to any alternative arrangements having been communicated to the school in advance, or if the school has safeguarding concerns regarding the child's welfare with a specific parent or individual.
- Where parents collect their child on alternate days or weeks, the school is not obligated to inform the other parent of who has collected their child if there are no safeguarding concerns and the collection has been authorised by the parent responsible for collection on that day.

13. Request for a change of pupil name

Legal name

- Schools are required to use a child's legal name for the purposes of its admission register. For pupils under the age of 16, the school will only change the child's legal name on the school's admission register and in the school's records upon receipt of:
  - a signed and witnessed change of name deed poll that is enrolled, or
  - a signed and witnessed change of name deed poll that is unenrolled, with written confirmation from all those with parental responsibility that they have consented to the change of name.
- For pupils aged 16 and above, the school will change the young person's legal name on the admission register and in the school's records upon receipt of a change of name deed poll (enrolled or unenrolled) signed by the pupil and witnessed.

Informal/known-as name

- Where a child is deemed by the school to be of sufficient age or maturity and requests that their informal/known-as name is changed, then the school's records will be updated accordingly.
- In all other cases, the school will require the written consent of all those with parental responsibility for the child (who are known to the school) to change the informal/known-as name of the child in the school's records.

14. Requests to remove a child from the school roll

- The school will need to satisfy one of the reasons for removal of a child from the roll of the school contained in Regulation 9 of The School Attendance (Pupil Registration) (England) Regulations 2024, before removal from the school's admission register.
- Where there is disagreement between parents about the removal of a child from the school roll, parents should seek their own legal advice and/or a court order. The school will refer the matter to the local authority where there are concerns about the welfare of the child. If a circumstance listed in the 2024 Regulations applies, the school will remove the child from the roll in line with the Regulations by a specified date unless there is: a) consensus between the parents or b) a court order (either issued or being sought) to determine how and where the child should be educated.

15. Procedure following contact from absent parents

- On enrolment, the school expects to be provided with the contact details of all those with parental responsibility for the child, if known. Information provided to the school when a child is enrolled will be presumed to be correct unless a court order or original birth certificate proving otherwise is provided to the school.
- Where the school is contacted by a parent of a child on roll at the school with whom the school has no previous information (known in this policy as an "absent parent"), if no court order exists, the school will contact the absent parent to ask them to confirm their identity and to confirm whether they have parental responsibility for the child.
- Upon receipt of proof of parental responsibility, and in line with the school's data protection obligations, the school may clarify with the resident parent whether there is any legal reason why information should not be shared with the absent parent, for example, a court order.

16. Data Protection

The school will handle all data in line with the HET Data Protection Policies and procedures. Each parent's data will not routinely be shared with the other and will only ever be shared with the other in accordance with data protection legislation.

Parent data will be shared in accordance with the HET Pupil and Parent Privacy Notice. Please see this document to understand your rights around how your personal information is collected and used, and how you can withdraw consent.

17. Complaints

Parents are entitled to raise a concern or complaint about the application of this policy using the HET Complaints Policy.

18. Monitoring & Review

This policy will be reviewed annually by the owner.

19. Link to other HET policies

- Admissions Policy
- Attendance Policy
- Behaviour Policy
- Complaints Policy
- Data Protection Policy
- Equality Diversity and Inclusion Policy
- Safeguardng and Child Protection Policy
- Visitor Code of Conduct

20. Link to DfE Guidance

Please read this policy in conjunction with the following DfE guidance: Understanding and dealing with issues relating to parental responsibility - GOV.UK.