



Coastal Learning
PARTNERSHIP

Separated Families Policy

This policy has undergone an Equalities Impact Assessment in line with the requirements of the Public Sector Equality Duty

Committee:	Trust Board (delegate to Achievement Committee for the next review)
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Additional School Procedure	
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1 Aims of the policy

- 1.1 All schools in Coastal Learning Partnership (CLP) recognise that parental separation can be challenging for parents and children. The school aims 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 their child's school and its staff.
- 1.3 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.
- 1.4 Where this policy refers to 'the school', it refers to any school within CLP.
- 1.5 This policy is designed to be used as a starting point for most arrangements for children with separated parents. In each case there will be factors that will need to be considered and the school's approach tailored to the circumstances, as required.

2 Who is a parent?

- 2.1 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.

- 2.2 All persons meeting the above definition can 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 CLP schools recognise that there are many different types and make-up of family which are valued equally. 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. The child's biological father will automatically get parental responsibility if they marry or enter a civil partnership with the child's birth mother after the child is born.

- 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).
- 3.5 In the case of two female parents, the biological mother's female partner can acquire parental responsibility in the same manner as a father under paragraph 3.3. 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. In the case of two male parents, parental responsibility is determined based on others with parent responsibility and how that parental responsibility has been acquired.

4 The approach taken by schools in CLP

- 4.1 Schools recognise that, in most instances, parents have a legal right to participate in their child's education.
- 4.2 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.
- 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 the school to provide advice on domestic arrangements or become involved in parental disputes.
- 4.4 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.

5 Defining the 'Resident Parent'

- 5.1 The 'Resident Parent' is the parent with whom the child lives for the majority of the time i.e. the parent with whom the child will spend more than half of their time living with. Other parents are referred to as 'Non-Resident'. In situations where the child lives with both parents equally, neither will be identified as the 'Resident Parent'. These arrangements – including if equal time will be spent with both parents – need to be communicated with the school.
- 5.2 The terms 'resident' and 'non-resident' parent are organisational terms for the purposes of this policy and to assist schools in making appropriate arrangements. In all cases, all parents are valued equally for the part they play in the education of the child.

6 Informing the school of a change in family circumstances

- 6.1 **We encourage parents to tell us at an early stage, and confirm in writing, if there is a change in family circumstances, such as the separation of parents or a substantial change in arrangements or circumstances between previously separated parents.**

Whenever possible, staff will be informed of such changes so that suitable support can be offered.

- 6.2 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 which parent is the Resident Parent and which is the Non-Resident Parent, or if the time shared between parents is equal.
- 6.3 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. The school will ensure that adults working with the child are aware of the relevant terms of the court order, as required.

7 Contacts

- 7.1 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 first contact and the non-resident parent as the school's second contact. In an emergency situation, both parents will be contacted by the school in order of first then second contact. For day-to-day and routine communications, the school will typically contact the resident parent only, unless a different arrangement has been agreed between the parents and notified to the school by both parties in writing.
- 7.2 If neither parent is identified as the 'Resident Parent', the parents need to agree and inform the school of which parent should be the first contact, and which should be the second. If parents cannot reach agreement on this matter, the school will decide and communicate its approach on a case-by-case basis.
- 7.3 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.
- 7.4 In all matters of communication and access to school and information, schools will ensure that reasonable adjustments are made as appropriate to assist parents who may have disabilities or other access challenges.

8 Provision of information

- 8.1 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.
- 8.2 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.
- 8.3 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).

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

9 Consent

9.1 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 (not including 'first aid' in school).

9.2 Notice of sickness or other short leave of absence from school will remain with the resident parent as this is unlikely to have a long-term impact on a child. However, in cases of longer or more complex periods of term time leave that the school considers may have a long-term impact on a child, the school will adjust its approach accordingly and may consider that consent is required from both resident and non-resident parent.

9.3 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. Such a request must be confirmed in writing.

9.4 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.

9.5 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.

9.5.1 Where parents share equal residency of the child, both parents will be treated as having equal decision-making rights unless:

- Both parents provide written agreement designating one parent as the primary contact for consent purposes. **This is the school's preferred approach as it enables more efficient communication;** or
- A court order specifies otherwise.

9.5.2 Where parents sharing equal residency have jointly nominated in writing that one parent will provide consent on behalf of both, this arrangement will apply to all situations where consent is required, including more substantial circumstances (such as overnight trips, activities involving significant cost and activities with inherent risk).

9.5.3 In cases of equal residency, regardless of any arrangements under 9.5.2, consent will nevertheless be required from both parents for:

- Medical treatment (as per clause 9.1)
- Any other decisions likely, in the school's view, to have a long-term impact on the child

9.5.4 Parents sharing equal residency are expected to communicate and reach agreement on consent matters. In the absence of any arrangement agreed under 9.5.1, the school will assume consent has not been given unless both parents agree.

10 Collection of children from school

- 10.1 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.
- 10.2 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.

11 Requests for a change of pupil name

Legal name

- 11.1 Schools are required to use a child's legal name for the purposes of its admission register. 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.

Informal/known-as name

- 11.2 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.
- 11.3 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.

12 Requests to remove a child from the school roll

- 12.1 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.
- 12.2 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.

13 Procedure following contact from absent parents

- 13.1 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.

13.2 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.

13.3 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.

14 Data protection

14.1 The school will handle all data in line with its 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.

15 Complaints

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