

# **EARLSMEAD PRIMARY SCHOOL**



## **Shared Parenting Policy**

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## MISSION STATEMENT

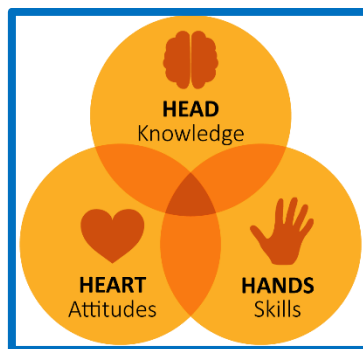
At Earlsmead Primary School, our mission is to empower every child through *Head, Heart, and Hands*. We cultivate curious minds (Head), nurture compassionate spirits (Heart), and develop the practical skills (Hands) needed to thrive in an ever-changing world.

## OUR VISION

Everyone achieving to their full potential.

## OUR MOTTO

*Head, Heart, Hands*



## OUR VALUES

- |        |                         |                       |
|--------|-------------------------|-----------------------|
| Head:  | 1. <b>Curiosity</b>     | 2. <b>Achievement</b> |
| Heart: | 3. <b>Integrity</b>     | 4. <b>Care</b>        |
| Hands: | 5. <b>Collaboration</b> | 6. <b>Creativity</b>  |

## **1. Introduction**

At Earlsmead Primary School, we aim to promote the best interests of the child, working in partnership with all parents where possible, whether they are separated, divorced or estranged. This policy is an attempt to clarify to all parties what is expected from separated parents and what can be expected from the school and its staff. This policy has been created with parental consultation.

## **2. Parental Responsibility**

In order to help us to look after children whilst they are in our care, Earlsmead staff are required at the admissions point to ask parents to provide certain information, such as name of both parents, address, contact details etc. They are also required to ask who has Parental Responsibility for the child. This is important because it allows the school to be sure who has the right to make decisions about a child's education, collection of the child and medical treatment.

However, the definition of a parent for school purposes is much wider than for any other situation. It is a very specific legal term and parents may be unaware of how it is applied:

- All mothers automatically have Parental Responsibility.
- If a child's parents were married at the time of the birth, both parents automatically have Parental Responsibility.
- For children born from the 1st December 2003 where the father's name is on the birth certificate, the father and mother will both have Parental Responsibility.
- In all other cases, fathers are required to officially obtain Parental Responsibility.
- Parental Responsibility cannot be lost, except by legal adoption, although it does not guarantee contact.

**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;
- Any person who has care of a child e.g., a person with whom the child resides and who looks after the child irrespective of the relationship.

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).
- Adopting a child.

Parents as defined above are entitled to share in the decisions that are made about their child and to be treated equally by the school. In particular, these entitlements include:

- Ofsted & school based questionnaires;
- Participation in any exclusion procedure;
- Attendance at parent meetings/school events;
- Access to school records and copies of school reports, newsletters, invitations to school events, school photographs relating to their child and information about school trips.

This entitlement cannot be restricted without a specific court order. **The school does not have the power to act simply on the request of one parent to restrict another.** The school will not seek to make judgements about individual circumstances but will treat both parents equally unless there is a specific ruling in existence. Staff will never pass judgement on either parent to the child.

We will maintain our open door policy with all parents, and the class teacher and/or Headteacher will be available by appointment to discuss any issues. The school is under no obligation to inform the resident parent of the absent parent contacting the school. Any such information will be given at the discretion of the Headteacher.

### **3. Court Orders**

Schools in the UK do not have a single 'power of seizure' to demand court orders, but are legally allowed and often encouraged to ask for copies of family court orders to fulfil their safeguarding duties.

Several laws and statutory guidance allow and encourage schools to request these documents in order to meet their legal obligations, including:

- [\*\*Education Act 2002\*\*](#) (Section 175): This is the core law for safeguarding. It places a statutory duty on school governing bodies to make arrangements to safeguard and promote the welfare of children. To fulfil this, schools need to know about any legal restrictions on who can collect a child or who poses a risk.
- [\*\*Education Act 1996\*\*](#) (Section 576): This Act defines who is a "parent" in education law, which includes anyone with Parental Responsibility (PR) or anyone who has day-to-day care of the child. Schools request court orders to verify who holds these legal rights and responsibilities.

- [Children Act 1989](#) (Section 8): This allows for Section 8 Orders (such as Child Arrangements, Prohibited Steps, or Specific Issue Orders). Schools must follow these orders once they are aware of them, and requesting a copy is the standard way to ensure they comply with the court's directions.
- [UK GDPR & Data Protection Act 2018](#): Under "Public Task" or "Legal Obligation," schools have a lawful basis to process sensitive personal data—including court orders—if it is necessary for safeguarding or carrying out their statutory duties.

Upon receipt of any court order restricting access to a parent, the school retains the right to consult the Local Authority and/or Tithe Trust before taking immediate action. The school is only obliged to comply with an order if it is properly notified and has received a copy for its files, and only to the extent that it relates to the school.

In the event that the school is not informed of the existence of such an order, neither parent will have rights superior to the other. Only a Court Order stating the arrangements is deemed to be valid; a letter from a solicitor is not sufficient.

#### **4. School Communications**

Earlsmead School recognises that, while the parents of some pupils may be divorced or separated, both have a right to be informed of, and involved in, their child's education. However, we expect that parents, whatever the nature of their separation, will do all they can to communicate with each other and share information from and for the school, for the benefit of their child.

It is assumed that the parent with whom the child principally resides will keep the other parent informed. We do, however, recognise that communication between parents is not always possible. If an estranged parent wishes to receive information from the school such as progress reports or attending parent/teacher meetings they should contact the school in writing with a specific request for separate communication. In situations of joint custody, the school will need to be informed of the arrangements and will then make a note to shared key documents such as end of year reports.

We would not expect to send emergency text messages to absent parents, which give information on cancelled activities and reminders.

Should an un-named parent seek information or access to his/her child, the school will always inform the main carer of this to check Parental Responsibility and ensure no court order is in place. For the avoidance of doubt, we will seek written confirmation from the main carer. Proof of identity of the non-resident parent will be required in these cases.

Disagreements between parents must be resolved between the parents and cannot be resolved by the school or local authority. School must remain a safe, neutral ground for the good of the child. **We do not offer mediation services.**

It is the responsibility of all parents to ensure the school has up-to-date contact information.

## **5. Collecting a Child from School**

Earlsmead School requires **at least two named contacts** for every child, including two named adults to be added to our Collection List. Only adults named on the Collection List will be able to collect children from our school.

Earlsmead will release children to parents in accordance with arrangements notified to the school. If one parent seeks to remove the child from school in contravention of the usual arrangements and the parent to whom the child would normally be released has not notified the school of any change the following steps will be followed:

- Where a separated parent, who has parental responsibility and no court order in place, wishes to take the child during or at the end of the school day, the resident parent will be contacted in order to ensure that they are in agreement with the arrangement. If the parent to whom the child would normally be released agrees, the child may be released and the records will reflect that the permission was granted orally. If the parent opposes the other parent wanting to take the child then the school will advise that **without a court order we cannot prevent them from doing so.**
- In the event that the parent to whom the child would normally be released to cannot be reached, the Headteacher or staff member dealing with the issue will make a decision based upon all relevant information available to him/her.
- During any discussion or communication with parents, an appropriate member of school staff will supervise the child.
- In extreme circumstances if there is a belief that a possible abduction of the child may occur or if the parent is disruptive, the police should be notified immediately. The school may also generate an Emergency Plan if abduction is anticipated or there are serious safeguarding concerns. Emergency Plans will be created between the Designated Safeguarding Lead and Headteacher/SLT in consultation with key adults. This will be shared with the primary caregiver.

## 6. Our Responsibilities

Earlsmead School fully recognises its responsibilities, and our sole wish is to promote the best interests of the child, working in partnership with all parents. We will maintain our open-door policy with all parents. The class teacher and/or Headteacher will be available, by appointment, to discuss any issues or concerns that separated/divorce/estranged parents may have in relation to their child or children at the school.

Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving the school directly. Issues of estrangement is a civil/private law matter and Earlsmead can not 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.

In the event that the parents are unable to agree with one another on decisions regarding their child's educational programme, including but not limited to placement, participation in extracurricular activities, and consent to evaluation and services, the school will arrange a meeting with all parents (preferably together or separately if required) to attempt to assist the parents to resolve the situation.

**The interests of the child will always be paramount when deciding whether to accommodate a request from an estranged parent.**

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 Local Authority and/or Tithe Trust legal services 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 Harrow Safeguarding team for advice.

## 7. Policy Links

Policies are available on our school [website](#). This policy links to:

- Safeguarding and Child Protection Policy.
- Parent and Carer's Code of Conduct.
- Family-School Partnership Policy