

St Michael's CE Primary School
Sydenham

Separated Parents Policy

2026–2029

Approved by Governing Body	Beryl Fielder
Date approved	Autumn 2026
Policy owner	Headteacher / Designated Safeguarding Lead
Review date	Autumn 2029, or earlier if legislation or guidance changes

1. Purpose and principles

This policy explains how the school will work with parents who are separated, divorced, estranged or living apart. The school's first consideration is the welfare, safety and best interests of the child. We will treat parents fairly, comply with education and family law, protect confidential information and avoid becoming involved in private disputes between adults.

Separation can be difficult for children. Staff will respond sensitively and will provide appropriate pastoral or safeguarding support where needed.

2. Legal and guidance framework

This policy has regard to current legislation and guidance in England, including:

- Education Act 1996, including the definition of a parent in section 576;
- Children Act 1989, including parental responsibility and section 8 orders;
- Children and Families Act 2014, including the child arrangements order framework;
- Education (Pupil Information) (England) Regulations 2005;
- School Attendance (Pupil Registration) (England) Regulations 2024;
- Data Protection Act 2018 and UK GDPR;
- Domestic Abuse Act 2021;
- Children's Wellbeing and Schools Act 2026, where relevant and in force;
- Keeping Children Safe in Education 2026;
- Working Together to Safeguard Children 2026;
- DfE guidance, Parental responsibility: guide for schools and local authorities; and
- current statutory information-sharing guidance for safeguarding children and young people.

Where legislation or statutory guidance changes during the life of this policy, the current legal requirement will take precedence.

3. Who is a parent for education purposes?

Education law uses a broad definition of 'parent'. It includes a child's biological parents, whether married or not; a person who has parental responsibility for the child; and a person who has care of the child. A person may therefore be treated as a parent for education purposes even if they do not hold parental responsibility.

4. Parental responsibility

Parental responsibility means the legal rights, duties, powers, responsibilities and authority a parent has in relation to a child and the child's property. More than one person can hold parental responsibility at the same time.

Parental responsibility may arise through birth and family circumstances or may be acquired, for example, through:

- joint birth registration or marriage/civil partnership in circumstances provided for by law;
- a parental responsibility agreement or court order;
- adoption or a parental order following surrogacy;
- a child arrangements order;
- appointment as a guardian or special guardian; or
- a care order, under which the local authority also acquires parental responsibility.

The former terms 'residence order' and 'contact order' have been replaced by child arrangements orders. The school will not assume that one parent has fewer education rights simply because the child mainly lives with the other parent.

5. Information the school needs

Parents must keep the school informed of changes to family circumstances that affect the child or the school's arrangements. This includes current names, addresses, telephone numbers, email addresses, who the child normally lives with, collection arrangements and emergency contacts.

The school's admission register will contain the information required by the School Attendance (Pupil Registration) (England) Regulations 2024, including the full name and address of each parent and details of the parent or parents with whom the pupil normally lives.

Parents should tell the school promptly about any court order, injunction or other legal restriction relevant to the child. The school may ask for a copy of the most recent order. Court orders will be recorded and handled securely.

6. Court orders and disputes

The school will comply with any court order that affects a parent's exercise of parental responsibility, contact, collection, access to information or educational decision-making.

- A child arrangements order sets out with whom a child is to live or spend time.
- A prohibited steps order prevents a specified action from being taken without the court's permission.
- A specific issue order decides a particular question about a child's upbringing.

- A care order gives the local authority parental responsibility alongside relevant parents, subject to the law and the terms of the order.

The school cannot adjudicate between parents or enforce informal private arrangements. Where parents disagree about a significant decision and the school cannot lawfully or safely proceed, the school may seek advice from the local authority or legal advisers and may ask the parents to resolve the matter through mediation, legal advice or the family court.

7. Communication and school information

The school will communicate directly with parents who are entitled to receive information and whose contact details are known to the school. A resident parent will not normally be expected to act as the school's messenger to a non-resident parent who has provided the school with their contact details.

Subject to any lawful restriction or safeguarding concern, parents recognised under education law may receive school information, reports and relevant invitations and may participate in their child's education.

The school will take reasonable steps to verify the identity and status of a person requesting information where necessary. It will not require a non-resident parent to produce a court order simply in order to receive statutory information to which they are entitled.

8. Reports, records and data protection

For a maintained school, the Education (Pupil Information) (England) Regulations 2005 require educational records to be made available to a parent on written request, subject to the statutory restrictions and timescales. Annual reports and other statutory information will be provided in accordance with education law.

Requests for personal data may also engage the Data Protection Act 2018 and UK GDPR. These rights are not identical to rights of access to an educational record. The school will consider the legal basis for each request and may withhold or redact information where the law requires or permits this, including to protect another person or where disclosure could cause serious harm.

The school will take particular care not to disclose one parent's private address, telephone number, email address or correspondence to another parent. This is especially important where there is domestic abuse, stalking, harassment or another safeguarding risk.

9. Parent consultations, meetings and events

Where practical, the school will offer appropriate opportunities for parents to receive information about their child's progress. Parents are encouraged to cooperate over arrangements, but the school will not require separated parents to attend a meeting together where this would be unsafe, inappropriate or contrary to a court order.

Separate appointments may be arranged where reasonably practicable, particularly where there are safeguarding concerns, domestic abuse, a court order or another compelling reason. The school may use telephone or online arrangements where this is appropriate.

Ticket allocations, photographs and similar administrative arrangements will be managed under the school's usual procedures. Separation does not automatically create an entitlement to additional tickets, copies or resources.

10. Consent and important decisions

For routine matters, the school will follow the applicable legal and school procedures for obtaining consent. Where a decision is likely to have a long-term or significant effect on the child, or where the school knows that parents with parental responsibility disagree, the school may need to seek the views or consent of all relevant persons before proceeding.

If parents cannot agree, the school will remain neutral and will not decide a private family-law dispute. It may pause a non-urgent decision while advice is obtained or while parents seek resolution.

11. Moving school and elective home education

Decisions about changing a child's school can be significant. Where the school knows that parents are separated, it will act in accordance with current law and guidance and will encourage consultation between those with parental responsibility.

Any request to remove a pupil from the admission register, including where a parent says the child will be educated otherwise than at school, will be dealt with under the School Attendance (Pupil Registration) (England) Regulations 2024 and any relevant provisions of the Children's Wellbeing and Schools Act 2026 that are in force at the time.

12. Changes of name

The school will record the child's legal name as required. A request for a child to be known by a different surname will be considered carefully. The school will normally require written evidence of the agreement of all persons with parental responsibility, or an appropriate court order, before making a surname change. Special legal rules apply where a special guardianship order is in force.

13. Collection from school

Parents must keep the school informed of the usual collection arrangements and any changes. The school will follow its normal collection and safeguarding procedures and any relevant court order.

Parental responsibility does not remove the school's safeguarding duties. If an unexpected parent or other adult seeks to collect a child, staff will check the information available, the agreed arrangements and any court orders or safeguarding restrictions before deciding what action to take.

If there is uncertainty, disagreement or a safeguarding concern, the child will remain appropriately supervised while the Headteacher, DSL or authorised senior member of staff considers the situation and, where necessary, seeks advice. The school will not ask the child to resolve the dispute between adults.

If staff believe a child may be at risk of significant harm, abduction or unlawful removal, or an adult is threatening, violent or seriously disruptive, the school will follow safeguarding procedures and contact the police and/or children's social care as appropriate.

14. Safeguarding and domestic abuse

Keeping Children Safe in Education 2026 applies to all safeguarding concerns involving pupils, including concerns arising from parental separation, conflict or domestic abuse. Staff will maintain a child-centred approach and will report concerns to the DSL.

The school will not automatically share information with a parent where doing so may place the child or another person at increased risk. Decisions about safeguarding information sharing will be made in accordance with current statutory guidance and, where appropriate, with children's social care or police advice.

Where a parent tells the school that they or the child may be at risk from another person, the school will record the concern, consider appropriate safety arrangements and protect confidential contact information.

15. Expectations of parents

- Keep the school informed of current contact details and arrangements affecting the child.
- Provide the school with relevant court orders or legal restrictions as soon as possible.
- Communicate with the school respectfully and avoid involving the child or school staff in adult disputes.
- Do not ask staff to pass personal messages between parents or to supervise contact arrangements unless this forms part of an agreed safeguarding or professional plan.
- Inform the school promptly where family circumstances may affect the child's wellbeing, attendance or safety.

16. School responsibilities

- put the child's welfare and safety first;
- treat parents fairly and in accordance with education law;
- maintain accurate parent and contact information;
- follow court orders and seek advice where their meaning or effect is unclear;
- protect confidential personal information;
- avoid taking sides in private disputes;
- make safeguarding referrals or seek early help where appropriate; and
- ensure relevant staff know about arrangements necessary to keep the child safe.

17. Complaints

A parent who is dissatisfied with the school's handling of a matter should first raise the concern with the Headteacher. If it cannot be resolved, the school's Complaints Policy should be followed. The complaints process cannot determine private family-law disputes.

18. Management, monitoring and review

The Headteacher and DSL will ensure that relevant staff understand this policy and know where essential court-order, collection and safeguarding information is recorded. The Governing Body will review the policy at least every three years, or sooner following significant changes to legislation, statutory guidance or local safeguarding procedures.

Appendix 1 – Key legal and guidance references

Reference	Main relevance
Education Act 1996	Definition of ‘parent’ for education purposes and education duties.
Children Act 1989	Parental responsibility; section 8 orders; safeguarding and welfare framework.
Children and Families Act 2014	Reforms including child arrangements orders.
Education (Pupil Information) (England) Regulations 2005	Maintained-school duties concerning reports and access to educational records.
School Attendance (Pupil Registration) (England) Regulations 2024	Current admission-register requirements and grounds for deletion from roll.
Data Protection Act 2018 and UK GDPR	Processing, security and disclosure of personal information.
Domestic Abuse Act 2021	Legal framework relevant to domestic abuse and safeguarding.
Children’s Wellbeing and Schools Act 2026	Relevant 2026 reforms; provisions should be applied according to commencement.
Keeping Children Safe in Education 2026	Statutory safeguarding guidance for schools.
Working Together to Safeguard Children 2026	Statutory multi-agency safeguarding guidance.
DfE: Parental responsibility – guide for schools and local authorities	Operational guidance on parental responsibility, information, consent, court orders and separated parents.
Current statutory information-sharing guidance	Safeguarding information-sharing duties and good practice.

Appendix 2 – Staff checklist when parents separate

- ☐ Update both parents’ contact details and identify where the child normally lives.
- ☐ Record collection arrangements and emergency contacts.
- ☐ Ask whether any current court order or legal restriction is relevant; obtain a copy where appropriate.
- ☐ Flag essential safeguarding/collection information securely to staff who need to know.
- ☐ Check whether either address, email or telephone number must not be disclosed to the other parent.
- ☐ Ensure both entitled parents can receive school information directly where contact details are available.
- ☐ Consider whether separate meeting arrangements are needed for safety or wellbeing.
- ☐ Refer any child-welfare concern to the DSL.
- ☐ Seek local-authority or legal advice where rights, court orders or conflicting instructions are unclear.
- ☐ Keep a factual record of significant decisions and communications.