



# Separated Parents Policy

Lionel Walden Primary School

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## 1. Purpose of the Policy

This policy sets out how the school works with separated or separated families in a fair, lawful and child-centred manner. It aims to:

- Safeguard the welfare and wellbeing of all pupils
- Clarify the school's responsibilities and limitations
- Ensure consistent practice by staff
- Prevent the school from becoming involved in parental disputes

The school recognises that family circumstances can change and is committed to working sensitively and professionally with all parents and carers.

## 2. Legal Context, Parental Responsibility and Definitions

Parental Responsibility (PR) is defined under the Children Act 1989. It gives a parent the legal rights, duties, powers and responsibilities for a child.

For the purposes of education law, the Department for Education states that a *parent* includes:

“all biological parents, whether they are married or not; any person who has parental responsibility for a child; and any person who has care of a child.”

- Mothers automatically have parental responsibility.
- Fathers usually have parental responsibility if married to the mother at the time of the child's birth or named on the birth certificate.
- Other adults may have parental responsibility through a court order or legal agreement.

Where **two parents hold parental responsibility**, both have equal rights to information and involvement in their child's education unless a court order states otherwise. DfE guidance is clear:

“School and local authority staff must treat all parents equally, unless there is a court order limiting an individual's exercise of parental responsibility.”

### Definitions used in this policy

For clarity in communication and administration, the school may refer to the following terms:

#### **Resident parent**

The parent with whom the child primarily lives during the school week, where a joint or shared residency arrangement is not in place.

#### **Non-resident parent**

A parent with whom the child does not primarily live.

These terms are used **for administrative and practical purposes only** (for example, routine communication and emergency contact order). They **do not affect parental responsibility or legal rights** unless restricted by a court order.

The school will continue to engage with **both parents who hold parental responsibility** in line with statutory guidance.

### 3. General Principles

Anyone who is a parent, as recognised under education law, can participate in their child's education.

This is supported by the duty on the Secretary of State for Education, when exercising or performing all of their respective powers and duties under the Education Acts, to have regard to the general principle that [pupils are to be educated in accordance with the wishes of their parents](#).

Under the [Education and Inspections Act 2006](#), governing bodies of maintained schools must also have regard to any views expressed by parents of registered pupils.

Under the [Education \(Pupil Information\) \(England\) Regulations 2005](#), all parents can also receive information about the child, even though the school's main contact is likely to be the parent with whom the child lives on school days.

Those who have parental responsibility for or care of a child have the same rights as biological parents to:

- receive information, such as school reports.
- participate in statutory activities, such as voting in an election for parent governors.
- be asked to give consent, such as to the child taking part in a school trip.
- be informed about meetings involving the child, such as a governors' meeting on the child's exclusion from school.

School and local authority staff must treat all parents equally, unless a court order limits a parent's ability to make educational decisions, participate in school life or receive information about their child. In most circumstances, the question a school must ask itself when making decisions is not just whether a parent holds parental responsibility but whether they are a parent under education law.

All parents also have legal obligations under [section 7 of the Education Act 1996](#) – for example, to ensure that a child of compulsory school age receives a suitable full-time education.

If a parent's action or proposed action contravenes the school's ability to act in the child's best interests, the school should try to resolve the problem with the parent but avoid becoming involved in any conflict. However, there may be occasions when a school needs to decline requests for action from one or more parents.

In cases where schools cannot resolve the conflict between separated parents, they should advise the aggrieved parent to pursue the matter through the family court.

### 4. The School's Position in Parental Disputes

The school will not take sides in disputes between parents and will act only on:

- Information formally provided to the school.
- Court orders or legal documentation.

- Safeguarding concerns.

The school:

- Cannot mediate or resolve parental disagreements.
- Cannot restrict a parent's rights without legal authority.
- Must remain neutral at all times.

The school will comply immediately with any valid court order provided but **cannot act on verbal instructions or informal agreements** between parents.

## 5. Authorised Adults and Child Collection (Detailed Guidance)

Keeping Children Safe in Education states that safeguarding practice must be child-centred:

“All practitioners should make sure their approach is child-centred. This means that they should consider, at all times, what is in the best interests of the child.”

All decisions relating to authorised adults and collection arrangements are therefore made with the child's safety and wellbeing as the primary consideration.

The school has a duty of care to ensure that children are collected safely by appropriate adults at the end of the school day or during the school day.

- Parents are responsible for informing the school who is authorised to collect their child.
- The school will only release a child to adults named on the authorised collection list.
- Identification may be requested if an adult is not known to staff.

### Adding Authorised Adults

An authorised adult may include:

- A parent.
- A new partner.
- A family member.
- A trusted friend or childminder.

Where **a parent with parental responsibility** adds an adult to the authorised collection list:

- The school will accept this instruction.
- The school does **not require agreement from the other parent** unless a court order states otherwise.

The school will not refuse collection by an authorised adult unless:

- A relevant court order is in place, or
- A safeguarding concern has been identified.

## Objections from the Other Parent

If one parent objects to an authorised adult named by the other parent:

- The objection will be recorded.
- The school will request sight of any relevant court order (e.g. Child Arrangements Order, Prohibited Steps Order).
- **In the absence of a court order**, the school must continue to act on the information held.

Parental disagreement alone does **not** constitute a safeguarding concern.

## Court Orders Affecting Collection

The school will comply with court orders that affect child collection, including:

- Child Arrangements Orders.
- Prohibited Steps Orders.
- Specific Issue Orders.

Parents must provide:

- A copy of the court order.
- Clear information about how it affects collection arrangements.

The school cannot interpret unclear orders and may seek advice from the Local Authority or legal services if required.

## Safeguarding Concerns

If safeguarding concerns are raised about an authorised adult:

- The Designated Safeguarding Lead (DSL) will be informed immediately.
- Appropriate action will be taken in line with the school's Safeguarding and Child Protection Policy.

This may include:

- Temporarily suspending collection by that adult.
- Seeking advice from Children's Services or the Local Authority.
- Requesting further information from parents or professionals.

## Emergency Situations

In exceptional circumstances where staff believe a child may be at immediate risk:

- The child will not be released.
- The DSL or Headteacher will be contacted immediately.
- External agencies may be involved if necessary.

All actions will be fully recorded.

## 6. Consent for School Trips, Activities and Educational Provision

Keeping Children Safe in Education is statutory guidance that schools *must have regard to* when carrying out their duties to safeguard and promote the welfare of children. The guidance is clear that:

“Schools and colleges and their staff are an important part of the wider safeguarding system for children.”

In applying consent arrangements, the school ensures that decisions are proportionate, lawful, and child-centred.

Where two parents hold parental responsibility, the school will follow legal guidance and safeguarding principles when seeking consent for school activities. The school’s approach is designed to enable children to participate fully in school life while acting lawfully and proportionately.

Day-to-day educational decisions (including routine school trips, clubs, photographs, curriculum activities and enrichment experiences) do **not** require the consent of both parents unless a court order specifies otherwise.

### Consent for school trips and activities

The school will:

- Seek consent from **one parent with parental responsibility** for routine trips and activities (whether resident or non-resident).
- Use annual or blanket consent where appropriate (e.g. local visits, curriculum enrichment).

The school will **not**:

- Require agreement from both parents based on residency status.
- Refuse a child’s participation due to parental disagreement alone.

If one parent objects to consent provided by the other:

- The objection will be recorded.
- The school will request any relevant court order.
- In the absence of a court order, the school will proceed on the basis of the consent already given.

Residential visits or higher-risk activities may involve enhanced consent processes, but parental disagreement alone will not automatically prevent participation.

## 7. Medical treatment: Seeking consent following an accident or injury

The school may experience an issue when a child has had an accident and consent is needed for emergency medical treatment. Section 3 of the Children Act 1989 states that a person who does not have parental responsibility but nonetheless has 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 allows a school to act ‘in loco parentis’ – that is, in place of a parent – or to seek consent from a parent who may not hold parental responsibility.

It would clearly be reasonable for a school to take a child who needs to have a wound stitched 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

## 8. Requests to remove or transfer a pupil

In the case of separated parents, case law states that all those with parental responsibility must be consulted before important decisions are made, such as removing a child from their school, when they should leave the school or which new school they should attend.

The school must still comply with the Education (Pupil Registration) (England) Regulations 2006 when they receive a request to remove a child from the school register. However, there is **no statutory obligation on a school to notify one parent if the other decides to remove their child** – that responsibility rests solely with the separated parents.

Nonetheless, the child’s welfare is paramount, so, if a school is aware that parents are separated and one parent decides to remove their child, the school will ask that parent if the other has been informed and has agreed to this. The school may also consult the other parent, if no court order is in place, to inform them of the decision to remove the child from school.

The school will avoid becoming involved in parental conflicts. If parents are unable to agree lines of communication between themselves on issues involving their child, they may wish to seek independent legal advice and explore other options. These might include referring the matter to non-court dispute resolution, such as mediation, or to the family court for adjudication.

The school may consider it appropriate to make an early help referral. Early help means providing support as soon as a problem emerges at any point in a child’s life. Where a child would benefit from co-ordinated early help, an early help inter-agency assessment should be arranged.

Working together to safeguard children provides detailed guidance on the early help process. The school can also signpost parents to this guidance and other sources of support, such as Citizens Advice and Coram Children’s Legal Centre.

### Home education

If one parent (resident or non-resident) elects to home educate a child:

- The school will follow statutory guidance on Elective Home Education.
- Evidence of agreement from both parents with parental responsibility will be sought **where required**.
- The Local Authority will be informed in line with statutory duties.

## 9. Name Changes

### Legal position

A change of surname is a private family law matter and should be resolved between parents. The Ministry of Justice is responsible for government policies relating to private family law. DfE retains policy responsibility for public family law.

If one parent seeks to change the surname by which their child is known, a school should ensure it does not do so without written evidence that the other parent, or anyone else who has parental responsibility for the child, has given their consent. It should source this evidence independently of the parent seeking to make the change.

### School records and use of names

The school will:

- Use the child's **legal name** for official records, census returns and formal documentation.
- Record preferred names separately where appropriate and safe to do so.

Where one parent requests a name change and the other parent does not consent:

- The school will not amend the child's legal name on records.
- The school may seek guidance from the Local Authority if required.

The school will act sensitively, balancing the child's welfare with legal obligations.

## 10. Information Sharing and Communication

- Both parents with PR are entitled to receive school communications unless restricted by a court order.
- Parents are responsible for keeping contact details up to date.
- The school will send duplicate communications where reasonably practicable.

## 11. Conduct and Expectations

Keeping Children Safe in Education emphasises that safeguarding action must focus on the child's welfare and emotional wellbeing. The Department for Education guidance on parental responsibility also states that:

"The welfare of the child must be a school's paramount consideration."

The school therefore expects all parents to:

- Communicate respectfully and appropriately with school staff.

- Avoid placing staff in the middle of parental disputes.
- Refrain from using the school to pass messages or apply pressure to the other parent.

### **Use of the school as a messaging service**

The school will **not act as a messaging service** between parents or between a parent and their child.

This includes, but is not limited to:

- Passing personal messages to a child during the school day.
- Relaying messages between parents about domestic, legal, or contact arrangements.
- Asking staff to question a child or gather information on behalf of a parent.
- Using school staff to negotiate or mediate parental disagreements.

The school recognises that separated family arrangements can be complex; however, staff must remain focused on pupils' education, welfare, and safeguarding. Involving children in adult communication or conflict is not appropriate and may be distressing for them.

Parents are expected to make their own arrangements for communication outside of school systems and time.

Unacceptable behaviour towards staff, including repeated attempts to involve the school in parental conflict, will be addressed in line with the school's Behaviour and Complaints Policies.

## **12. Record Keeping**

The school will:

- Keep clear, factual records of all communications.
- Log objections, requests and actions taken.
- Store copies of any court orders securely.

## **13. Alignment with *Keeping Children Safe in Education* (KCSIE)**

This policy is informed by and aligned with the statutory guidance *Keeping Children Safe in Education* (KCSIE) (current edition).

In particular, this policy reflects the following safeguarding principles set out in KCSIE:

### **Child-centred safeguarding**

KCSIE is clear that safeguarding action must be child-centred and rooted in the best interests of the child. This policy ensures that:

- Decisions about collection are made with the child's safety and welfare as the primary consideration.

- Children are not exposed to adult conflict or placed in the middle of parental disputes.

## **Staff responsibilities and professional boundaries**

KCSIE emphasises that all staff must:

- Act in accordance with statutory guidance and school policy.
- Not exceed their professional remit.
- Escalate concerns appropriately rather than attempting to resolve issues independently.

This policy supports staff by making clear that:

- Staff must not mediate parental disagreements.
- Staff act only on verified information, safeguarding concerns, or legal documentation.
- All concerns relating to collection and authorised adults are referred to the DSL where appropriate.

## **Information sharing and record keeping**

KCSIE highlights the importance of accurate record keeping and appropriate information sharing. In line with this guidance, the school:

- Keeps clear, factual records of objections, decisions, and actions taken.
- Shares information on a need-to-know basis.
- Stores legal documentation securely.

This ensures transparency, accountability, and safeguarding oversight.

## **Managing allegations and safeguarding concerns**

Where concerns are raised about an authorised adult, this policy aligns with KCSIE expectations by:

- Treating such concerns as safeguarding matters rather than parental preference.
- Ensuring the DSL leads decision-making.
- Seeking advice from Children's Services or the Local Authority where appropriate.

## **Legal authority and safeguarding action**

KCSIE makes clear that safeguarding decisions must be evidence-led. This policy reflects that principle by:

- Acting on court orders where provided.
- Responding to safeguarding risk rather than informal or verbal requests.
- Ensuring restrictions on collection are proportionate, lawful, and recorded.

## 14. Review of the Policy

This policy will be reviewed annually or sooner if required due to changes in legislation or guidance.

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### **Linked policies:**

- [Safeguarding and Child Protection Policy](#)
- [Behaviour Policy](#)
- [Complaints Policy](#)
- [Data Protection Policy](#)