



## **Provision of Information for Parents who are Separated or Divorced Policy and Procedure**

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Approved by: TZL

**This Policy and Procedure applies throughout the School from the EYFS to Year 6.**

### **Aim**

The purpose of this Policy and Procedure is to set out guidelines for School staff on providing information (including information on collection arrangements) to parents who are separated or divorced. Additionally, it lays out the School's obligations and responsibilities toward separated parents and those expected of such parents.

As a trauma-informed school, we are committed to recognising the impact that separation and divorce may have on a child's wellbeing. This policy aims to support all children through sensitive and consistent communication that prioritises their emotional safety.

### **Background**

Research and experience have shown that separated parents can work well together in the best interests of their children and together can play a role in their children's education. However, some parents become estranged and do not work together or in the best interests of their children, especially during the initial stages of their separation. This is very often traumatic for any child concerned, where personal family problems can have an impact on both the children and the schools the children attend.

We understand that family separation can disrupt a child's sense of security and attachment, potentially affecting their behaviour, emotional regulation and learning. The School aims to maintain stable, predictable routines and positive relationships with trusted adults to foster resilience. This policy is an attempt to minimise any impact, clarify to all parties what is expected from separated parents and what can be expected from the school/staff.

Parental responsibility is defined under the Children Act 1989 as all the rights, duties, powers, responsibilities and authority a parent has in relation to the child and their property. Not all biological parents have parental responsibility. Where a parent does not have legal parental responsibility, the School is not obliged to share information unless authorised by a person who does.

### **Guidance**

The Cavendish School fully recognises its responsibilities, and its primary aim is to promote the welfare and best interests of the child, working in partnership with all parents.

The Cavendish School will maintain its open-door policy with all parents. The class teacher and/or Head will be available by appointment to discuss any issues or concerns with regard to separated/divorced/estranged parents may have in relation to their child or children at the school.

Staff are trained to recognise signs of trauma or distress related to family changes and will respond with sensitivity, offering support or referral to pastoral care or counselling services as appropriate.

Where possible, parents are expected to manage their arrangements amicably to minimise impact on the child and the school community, without the School becoming directly involved in disputes. However, the School should not become involved in disputes between parents concerning their child(ren) and staff should avoid 'taking sides' with one parent against another.

As a family law principle, all persons with parental responsibility are entitled to receive the same information about their child unless:

- (1) There is a specific court order in place removing or restricting a parent's right to receive information about their child (and a copy of the order must be supplied to the School c/o the Bursar), or
- (2) The School has a reasonable belief that disclosing information to the parent will or is likely to prejudice the health and/or welfare of the child

The School has an overriding duty under the Children Act 1989 to do what is reasonable in all the circumstances for the purposes of safeguarding or promoting the child's welfare. In line with statutory safeguarding duties, any decisions regarding withholding or sharing information will prioritise the welfare and protection of the child. Where there is any risk of harm, staff will refer to the Designated Safeguarding Lead (DSL) and act in accordance with the Safeguarding and Child Protection Policy.

When one separated parent makes a valid request for the data of a child (and absent a safeguarding reason to do otherwise), the School will advise the requesting parent that the data will also be provided to the other parent and will follow this principle from the outset unless otherwise agreed by the parents in question.

All data shared will be processed in accordance with Data Protection Legislation<sup>1</sup>, ensuring the rights of the child and those with parental responsibility are upheld. Requests for personal data made by parents will be handled under the School's Privacy Notice and Data Protection Policy for Staff. Parents are entitled to access their child's educational record under the Education (Pupil Information) (England) Regulations 2005.

## **Procedure**

It is the responsibility of the parents to inform The Cavendish School when there is a change in family circumstances. The school needs to be kept up to date with contact details, arrangements for collecting children and emergencies. We encourage parents to tell us at an early stage if there is a

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<sup>1</sup> "Data Protection Legislation" means any data protection legislation from time to time in force in the UK including the Data Protection Act 2018 and the UK General Data Protection Regulation (or any successor legislation).

change in family circumstances. Whenever possible, staff will be informed of such changes so that suitable support can be offered. We will, however, recognise the sensitivity of some situations and act accordingly where appropriate.

Most communications are sent to both parents via email, including School reports.

In order to facilitate communication, unless provisions 1 – 3 above apply, emails, including school reports, should be sent to both parents.

In most cases, relations between separated parents are such that letters can be sent to the parent with whom the child resides.

If the non-resident parent requests copies of reports and other mailings, the School will provide copies unless the provisions listed above apply. The Head should be consulted before relying on any of the exceptions listed above.

**Permission letters should contain a footnote to the effect that whichever parent signs the letter confirms that they have informed and/or consulted any person with parental responsibility for the pupil.**

Any cases of dispute between separated parents about rights of access and/or rights to receive information will be referred to the School's solicitor for advice on the School's position. If parents are unable to resolve disputes between themselves, they should be advised to take legal advice. Until such dispute is resolved, the current arrangements will continue.

It is recorded on our management information system (iSAMS) if parents are separated. All information, including reports, is sent to both parents, regardless of whether they are together or separated. The one exception is billing, which is sent to the nominated parent.

Any court orders in respect of a pupil with which we are provided will be retained confidentially on CPOMS, viewable only to the Head, the Deputy Head (Pastoral) and those with responsibility for safeguarding.

### **Parent meetings**

We want to encourage separated parents to work together in the best interests of the child. We hold twice-yearly parents' meetings; parents are encouraged to communicate with each other about parent-teacher meetings and, where appropriate, attend jointly. However, the School recognises that this may not always be possible or in the best interests of the child and will accommodate separate appointments where needed.

### **Collection of pupils**

Before their child starts at the School, parents complete a confidential information form giving contact details for themselves, any other person with parental responsibility and any other adult authorised by them to collect their child/ren from School. The confidential form contains a footnote

to the effect that the signatory/signatories confirm that they have informed and/or consulted any person with parental responsibility for their child/ren. The onus is on parents to liaise in the signing of the confidential form and also to inform the School of any changes. Subject to complying with any court order of which the School is advised and acting in accordance with the School's Safeguarding and Child Protection Policy, staff will follow arrangements for collection advised by the signatory/signatories of the confidential form.

### **Fees**

The arrangements to pay School fees will be discussed with each individual. Bills can be sent to the parent the children mainly reside with, to one or the other or both. There is also the option for the payments to be split between both parents as agreed.

### **Linked policies**

- Assessment, Reporting and Marking Policy
- Children Missing or Absent from School Policy
- Data Protection Policy for Staff
- Mental Health Policy
- Non-collection of Pupils Policy
- Privacy Notice
- Safeguarding and Child Protection Policy
- Supervision of Pupils Policy