



The Maria Montessori Training Organisation  
trading as  
The Maria Montessori Institute

## **Policy and Procedure – Arrangements re Parents who are Estranged, Separated or Divorced**

### **Aim**

The purpose of this Policy and Procedure is to set out guidelines for School staff on providing information to parents who are estranged, separated or divorced together with collection arrangements for children of parents who are estranged, separated or divorced.

### **Background and guidance**

The School deems that all those who are named as parents on the School Enrolment form have parental responsibility for a child.

Parents have the right to request and receive reasonable information about their child unless:

1. i) the parent does not have parental responsibility and  
ii) the child is not residing with that parent and  
iii) that parent is not responsible for the fees; or
2. An order of the Court has removed or restricted the parent's right to receive information about their child. A copy of the order must be supplied to the School c/o the Bursar; or
3. 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

It is the responsibility of the parents to inform the School when there is a change in family circumstances.

Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving the School directly. School staff will not act as mediators and should not become involved in disputes between parents concerning their child(ren).

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.

### **Procedure**

On acceptance of a place at the School, parents complete a form – “the Acceptance Form” which confirms their agreement to the School’s Terms and Conditions. According to these Terms and Conditions all those who sign the form are agreeing to enter into a contract with the School and the School is therefore entitled to expect that all those signing the form have consulted with each other regarding decisions relating to a child. The only exceptions to this are:

- where the School receives communication in writing, signed by both parents, that one parent is to withdraw from the contract with the School



- Items 1, 2 or 3 above apply.

Most communications are sent to both parents via email and in order to facilitate communication, unless provisions 1, 2 or 3 above apply, emails will be sent to both parents.

If a non-resident parent requests additional copies of reports and other mailings, the School will provide copies unless the provisions listed above apply. The Head of School 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.

If parents are unable to resolve disputes between themselves about rights of access and/or rights to receive information they should be advised to take legal advice and that legal advice should be forwarded to the Head of School and the Bursar. Until such dispute is resolved, the current arrangements will continue.

Each Lead Teacher will keep a record of all children in their class who are known to require duplicate reports or other mailings. This will be a bare factual record only, and will not contain any background information, which will be retained in confidential files relating to the children.

The School Office will make a note on the confidential file of children for whom duplicates of reports and/or other information are to be sent to non-resident parents and a record of children for whom duplicates are not to be sent. Any court orders in respect of a pupil with which we are provided will also be retained in the pupil's confidential files. The confidential files are kept securely by the Head of School.

### **Collection of Children**

We will follow the standard procedure described in the School's **Collection of Children from School Policy**.

In the case of estranged or separated parents, the School will release a child or children to a parent in accordance with any specific arrangements notified to the school.

If one parent seeks to remove the child from school in contravention of the notified arrangements, and the parent to whom the child would normally be released has not consented, the following steps will be taken:

- The Lead Teacher will telephone the parent who usually collects the child to explain the situation. This phone call should be in the presence of the parent attempting to collect
- If the parent who usually collects the child agrees, then the child may be released from School and a note made that verbal permission was obtained
- In the event that the parent cannot be reached, the Head of School may make a decision based on relevant information available
- The Lead Teacher may have to refuse permission if consent cannot be obtained
- The School cannot prevent the other parent collecting the child(ren), unless a Court Order is in place, but will endeavour to reach an agreement and during any discussion, the children will not be present



- If there is a Court Order restricting contact or collection by the parent is in contravention of any access agreement, the child(ren) will not be released into their care and the other parent should be advised to take any action they deem necessary but this should not involve the School.
- If there is a belief that a possible abduction of the child may occur or if the parent is disruptive, the police and the local Safeguarding body should be informed.
- In any of the above cases, a confidential note of the situation and the outcome should be made and saved on SharePoint and the School's Designated Safeguarding Lead should be notified.