



## Parental Separation

### 1. Introduction

1.1 Parental separation is difficult for both parents and children. In addition to affecting the emotions of all those involved, it can create disruption to routines and affect communication.

1.2 There is an inevitable period of adjustment which can be difficult and, in some cases, traumatic for children. It is essential that the wellbeing of children and their families is supported during this time and that disruption to learning is minimised.

1.3 In some cases, parental separation can lead to disputes between parents and/or between family members. Jordanhill School cannot get drawn into such disputes and would always urge parties to work to resolve disputes that could affect a child's wellbeing and learning.

### 2. Aims of this policy

2.1. To ensure that all children and staff faced with issues relating to parental separation, such as parental disputes, are provided with appropriate information and support.

2.2 To provide helpful information for separated parents and to help separated parents understand their rights regarding obtaining information from and engaging with Jordanhill School.

### 3. Supporting children

3.1 We always encourage parents to tell us if they are separating by informing the Primary Headteacher or Secondary Head of House. This allows the School to discuss how best to support a child.

3.2 In most cases, being alert to a parental separation will allow the child's teacher/Head of House to look-out for the child. This may involve checking-in with the child to see how they are getting on, checking that the child can cope with organising homework and resources, and/ or may involve more bespoke interventions such as participation in Seasons for Growth – a programme to help children deal with change and loss.

3.3 The unique circumstances of every child mean that supports have to be responsive to the needs of the child. In all cases, the aim of School support is to help the child adapt to change and support their wellbeing and learning.

3.4 If there are concerns or parental disputes that could affect the child's education, it is essential that the School are informed as early as possible. Early intervention, advice and support can make a substantial difference. Ultimately, the aim is always to minimise disruption to the child's learning and avoid situations which can affect the child's wellbeing.



## 4. The legal context of parental rights in Scotland

4.1 A mother automatically holds parental responsibilities and rights in respect of a child. A father who is married to a child's mother at the time of the child's birth, who subsequently marries the child's mother or (for children born after 4th May 2006) is named on the child's birth certificate, holds full parental responsibilities and rights in respect of a child.

4.2 Any other partner would require to obtain parental responsibilities and rights by agreement of the child's mother (and the parties signing an Agreement in terms of Section 4(1) of the Children (Scotland) Act 1995) or by obtaining an order for parental responsibilities and rights.

4.3 Parents have an equal status in their relationship with a child's School unless there is an order of court which limits or removes an individual's ability to exercise their parental rights and responsibilities. This means that parents are entitled to attend School events, receive copies of School reports and other important correspondence and attend parents' evening.

4.4 Where there is disagreement regarding parental rights, the School will ask parents to provide evidence of court orders from their legal representatives.

## 5. Working with the School to support your child: sharing information with Jordanhill School

5.1 **Contact details:** The contact details of all those with parental rights and responsibilities must be shared on our application for school admission and all subsequent admission forms, when completing our annual data update form, or when there is any change to contact details. These will be stored on our management information system.

5.2 **Court orders:** Any relevant court order or any agreement, formal or otherwise, relevant to the child should be shared with the Primary Headteacher or Depute Rector to ensure compliance.

5.3 **Collecting a child from School:** We require consent from all those with parental rights and responsibilities where a non-resident parent seeks to collect their child from School. This can be shared with the Primary Headteacher or Depute Rector.

5.4 **Removing a child from School for a term-time holiday:** Families are discouraged from taking their child out of School for a term time holiday given the disruption it causes to a child's learning. If a request is made for a child to be removed from School for the purposes of a holiday, both parents should consent. A parent wishing to take a child abroad must have the consent of the other parent who holds parental responsibilities and rights. If consent is refused by the other parent, the parent wishing to go on holiday would require to raise an action at court for a specific issue order in terms of Section 11(2)(e) of the Children (Scotland) Act 1995.

5.5 **School trips and activities:** Jordanhill School will accept the consent of the parent with whom the



pupil principally resides (1<sup>st</sup> priority contact on our management information system) when seeking consent for School trips and activities.

## 6. Decisions to withdraw a child from the School or curriculum

6.1 Both parents should consult with one another regarding important matters affecting a child e.g. withdrawal from School and removal of a child from part of the curriculum (e.g. religious or sex education).

6.2 Parents ought not to make unilateral decisions in that regard. If parents cannot agree on such matters, one or both parents should ask a court to decide on that specific issue in terms of Section 11(2)(e) of the Children (Scotland) Act 1995.

6.3 If a parent is concerned that the other parent will unilaterally remove a child from School, they should write to the Depute Rector advising that they hold parental responsibilities and rights in respect of their child and do not consent to the child's place in the School being withdrawn. They should also consider seeking an order of court (interdict) to prevent the child being removed from the School.

## 7. Information about a child

7.1 All parents, including non-residential parents, should:

- receive all School reports
- be involved in discussions on their child's progress e.g. at a parents' meeting
- be invited to participate in assessment of their child's additional support needs
- be consulted on any major decision about their child's education and wellbeing.

7.2 A non-residential parent is entitled to information about their child even if they have no direct contact, unless there is a court order prohibiting it. The preference of the parent with whom the child resides will not be accepted as a veto unless it falls within the following criteria under which the School is not permitted to disclose information ( [The Pupils' Educational Records \(Scotland\) Regulations 2003](#) ) These are:

- i) If the information contains sensitive personal data;
- ii) If its disclosure would, in the opinion of the School, be likely to cause significant distress or harm to the pupil or any other person.
- iii) If it consists of a training/employment reference by the School for the purposes of the education, training or employment (prospective or otherwise) of the pupil.



## 8. Parents' evenings

8.1 Parents are encouraged to work together in the interests of their child and, where possible, attend appointments together. If it is genuinely impossible or likely to lead to conflict, we can facilitate alternative arrangements so that both parents are kept informed of their child's progress.

8.2 In Primary, we may be able to organise a separate parents' evening appointment for each parent.

8.3 In Secondary, it is generally not possible to organise additional appointments given the number of subject teachers involved. Alternatives could include:

- a separate meeting with the child's Head of House or Head of Year
- an arrangement to see half the child's teachers and a separate appointment with the Head of Year/Head of House
- a virtual appointment with teachers with both parents present

8.4 Parents should contact their child's Head of Year/Primary Headteacher to discuss appropriate arrangements.

## 9. Contact and court involvement

9.1 In cases of disputed residence, or contact arrangements in relation to a child, when one of the parties wishes to contact the child concerned, the following points should be noted:

- The School cannot be expected to resolve disputes about residence or contact; these are for the parents to resolve or for the counselling agencies or the courts.
- A non-residential parent, or indeed any person other than the parent with whom the child resides, will normally be refused access to the child during the School day.
- If a non-residential parent persists in demands for contact, or if the likelihood of confrontation on the School premises exists, either with the parent with whom the child resides or a member of staff, then the School reserves the right to alert the police, social services or other relevant statutory bodies depending on the circumstances.

9.2 The School will provide a neutral venue for a pupil to meet with Court officials if required.

## 10. Helpful resources

- One Parent Families Scotland: <https://opfs.org.uk>
- The Family Law Association: [Family Law Association – Family Lawyers](#)
- Family Mediation [Children and Young People | Relationships Scotland Family Mediation West \(fmwest.org.uk\)](#)