



MAIDA VALE SCHOOL

MVS Separated Parents Policy

Date of issue:	September 2026
Renewal date:	September 2027
Individual Responsible	Magnus Bashaarat, Headmaster

Context

At Maida Vale School (MVS) we recognise that families come in many forms, and we are committed to ensuring that all children receive a warm, supportive, and consistent education regardless of their family structure. We believe that working collaboratively is the most effective way for separated parents to provide the best support for their children's educational and personal development. However, we are aware that separation can sometimes be challenging and may have emotional and practical impacts on children. This policy is designed to minimise any adverse effects, clarify the roles and responsibilities of separated parents, and set out what families can expect from our school in relation to their child's education and well-being.

This policy should be read in conjunction with the School's Acceptance Form, Parent Contract, Safeguarding and Child Protection Policy, Data Protection Policy, Privacy Notice, Uncollected Children Policy and SEND Policy, to ensure consistency in expectations and procedures. All holders of parental responsibility are required to sign the Acceptance Form and are jointly responsible for the contractual obligations set out in the Parent Contract.

Policy Aims

The aims of this policy are to:

- Ensure that children benefit from the shared involvement of both parents in their education, regardless of separation.
- Provide clear guidance on the responsibilities and expectations for separated parents in supporting their child's learning and well-being.
- Protect the child's interests by promoting consistent and open communication between the school and all parents holding parental responsibility.
- Outline procedures to be followed in situations where parental separation might impact school processes, including administration, communication, and the collection of children from school.

Key Policy Principles

- **Child-Centred Approach:** The well-being, safety, and educational progress of our children are paramount. All actions and decisions are made with the child's best interests at heart.
- **Equal Parental Responsibility:** In accordance with the Education Act 1996 and The Children Act 1989, all individuals with parental responsibility, whether natural parents, legally appointed guardians, or others with significant caregiving roles, are to be treated equally unless the school is provided with a Court Order limiting parental responsibility.
- **Collaborative Communication:** We expect separated parents to communicate with one another and with MVS to share important information regarding their child's education and welfare. In our view, clear, respectful dialogue benefits the child and supports a positive learning environment. This expectation does not apply where direct contact between parents is unsafe, unwanted or prohibited by a court order. Where a parent tells the school that this is the case, the school will arrange for information to be shared with each parent separately and will not require, encourage or facilitate direct contact between them.
- **Confidentiality and Sensitivity:** While we encourage open communication, we also recognise the sensitive nature of family circumstances. The school will handle all information with the utmost confidentiality and care, sharing details only as required by law or with explicit parental consent. Staff cannot be asked by one parent to withhold information from another parent who has parental responsibility as a matter of preference, convenience or ongoing dispute. Information will only be withheld where a Court Order requires it, or where the Designated Safeguarding Lead judges that sharing it would place a child or a parent at risk of

harm (see "Domestic Abuse" below). Decisions to withhold are taken by the Designated Safeguarding Lead, not by individual members of staff, and are recorded with reasons.

- **Safe and Consistent Procedures:** From enrolment to daily school routines, procedures will be implemented in a manner that reflects the shared responsibilities of separated parents. This includes ensuring that school records, emergency contact information, and child collection arrangements are kept current and reflect the agreed-upon arrangements.
- **Legal Framework and Neutrality:** The School's responsibilities are guided by the Education Act 1996 and the Children Act 1989. The School will remain impartial and neutral in all dealings with separated parents and will act solely in the best interests of the child.

Definitions and Parental Responsibility

For the purposes of this policy, a "parent" is defined in line with the Education Act 1996 (section 576):

- All natural parents, whether married or not;
- Any person who has parental responsibility for a child or young person;
- Any person who has care of a child, i.e. lives with and looks after the child on a day-to-day basis.

Parental Responsibility: This encompasses all the rights, duties, and responsibilities a parent has under the law. It includes natural parents (whether married or not), legal guardians, and other individuals granted responsibility through legal means such as Child Arrangements Orders, Guardianships, or Adoption.

Having Care of a Child: A person who lives with the child and is actively involved in the child's daily care and education. Indicators of care include, but are not limited to:

- Being listed on school records.
- Attendance at school meetings and parent events.
- Active participation in school communications.
- Involvement in the child's day-to-day routines, such as drop-offs and collections.

This definition ensures that all individuals who significantly contribute to the child's upbringing are recognised and respected in our communications and decision-making processes.

Parents and Others Without Parental Responsibility: Not everyone who is a "parent" under section 576 of the Education Act 1996 holds parental responsibility. Examples include a father who was not married to the mother and is not named on the child's birth certificate (for births registered in England and Wales on or after 1 December 2003, being named on the certificate confers parental responsibility); a step-parent who has not entered into a parental responsibility agreement or obtained a court order; and a relative caring for a child without a court order. Parental responsibility can be acquired by agreement or by order, and the school will update its records on production of the relevant document.

Where a person is a parent but does not hold parental responsibility, the school will normally:

- provide general information about the child's academic progress, attendance and wellbeing, including a copy of the child's School report;
- invite them to parents' evenings and to School events, which may be arranged separately where that is in the child's best interests.

These are matters for the discretion of the Headmaster, exercised in the child's best interests, and are subject to the safeguarding override set out under "Domestic Abuse" above.

A person without parental responsibility **cannot**:

- give or withhold consent for educational visits, residential or overseas trips, medical treatment, the use of the child's image, or any consent required under the Data Protection Policy;
- make or agree decisions about the child's education, including subject or option choices, SEND provision and support, a change of school, or a change to the child's name;
- collect the child, unless a holder of parental responsibility has authorised this in writing and the school has recorded it;
- remove the child from the school site or from lessons;
- exercise the child's data protection rights on their behalf or make a subject access request for the child's records.

The school will not provide information to a person without parental responsibility where a holder of parental responsibility raises an objection that the school considers reasonable, where a Court Order restricts it, or where the DSL judges that providing it would put a child or a parent at risk. The school will explain the position in writing.

Requests for a child's information from anyone who is neither a parent nor a holder of parental responsibility — for example a former partner of a parent, or an extended family member — are treated as third party requests and are handled under the Data Protection Policy and Privacy Notice. Nothing will be released without the consent of a holder of parental responsibility or a legal obligation to disclose. Where the position is unclear, the Headmaster will take advice from the DSL, the Data Protection Officer and, where necessary, the school's legal advisers.

Procedures and Expectations

Domestic Abuse

The school recognises that parental separation is sometimes accompanied by domestic abuse, and that domestic abuse takes many forms, including physical, sexual, psychological, emotional and economic abuse, coercive or controlling behaviour, harassment and stalking. Under the Domestic Abuse Act 2021, a child who sees, hears or otherwise experiences the effects of domestic abuse is a victim. Domestic abuse does not end at separation, and for some families the point of separation, and the arrangements that follow it, are when risk is highest. Nothing in this policy requires a parent to communicate directly with another parent, or to disclose their address or arrangements to another parent, where doing so would place them or their child at risk.

Disclosure or suspicion

Any disclosure of domestic abuse — whether made by a child, a parent or a third party — and any concern that a child may be living with domestic abuse, must be passed to the Designated Safeguarding Lead (DSL) without delay and recorded on My Concern. Staff must not attempt to investigate, must not raise the matter with the other parent, and must not discuss it with colleagues other than the DSL or a deputy. The DSL will act in accordance with the Safeguarding and Child Protection Policy, including referral to children's social care and/or the police where the threshold is met, and will agree what pastoral support the child needs in school. Where a parent discloses abuse, the DSL will offer information about specialist support services but will not advise on family proceedings.

Operation Encompass

The school participates in Operation Encompass, under which the police notify the School's Key Adult (the DSL or a deputy) before the start of the next school day where officers have attended a domestic abuse incident involving a child at the school. These notifications are now placed on a statutory footing by section 20 of the Victims and Prisoners Act 2024 and are received and actioned in accordance with the Safeguarding and Child Protection Policy.

An Operation Encompass notification is confidential safeguarding information. It will not be shared with either parent, is not disclosed in response to a request for a child's records and will not by itself be used to change collection, contact or communication arrangements. Where a notification indicates

that existing arrangements may be unsafe, the DSL will consider what action is required and will take advice from children's social care or the police before any change is made.

Non-molestation orders and other protective measures

Where the school is given a copy of a non-molestation order (Family Law Act 1996), an occupation order, a restraining order, or relevant police bail or licence conditions, the DSL will record this on the child's record and on My Concern, and the DSL and Headmaster will agree arrangements covering site access, collection, communication, and attendance at School events. The school will not facilitate contact — in person, in writing or electronically — that would place a parent in breach of such an order and will make separate arrangements where necessary so that both parents can remain involved in the child's education safely.

Parents must inform the school promptly if such an order is made, varied or discharged, and provide a copy. The school is not responsible for enforcing an order. Suspected breaches occurring at or near the school will be reported to the police, and any breach will be recorded on My Concern.

Prohibited steps and specific issue orders

A prohibited steps order (section 8, Children Act 1989) prevents a person with parental responsibility from taking a specified step without the court's permission — for example, removing a child from the school or from the jurisdiction, changing the child's school, or changing the child's name. A specific issue order determines a particular question about a child's upbringing. Where the School has been given a copy of such an order, it will act consistently with it so far as it affects the school's role, and staff will be briefed on a need-to-know basis about any restriction that affects collection or site access.

The safeguarding override on information sharing

The default position in this policy is that information is shared equally with all holders of parental responsibility. That default does not apply where, in the school's judgement, sharing would put a child or a parent at risk of harm.

In those circumstances the DSL may decide that information is withheld from a parent, or shared only in redacted form, whether a court order is in place. This may include a child's or parent's address and contact details, the child's timetable and attendance record, photographs, trip itineraries, and details of School events the child will attend. Such decisions are taken by the DSL, recorded with reasons on My Concern, and reviewed at least termly and whenever circumstances change. They are taken in line with the Safeguarding and Child Protection Policy, the Data Protection Policy and the Privacy Notice, which permit the school to process and withhold personal data where necessary to protect a person's vital interests or to safeguard a child.

Where the School withholds information, it will tell the parent concerned that a decision has been taken and how it may be reviewed, provided it is safe to do so. It will not disclose the source of a safeguarding concern.

Staff must also take care that routine School systems do not inadvertently disclose protected information. Care is needed with parent portal access, class and contact lists, "reply all" correspondence, mail merges that include home addresses, and photographs published on the school's website or social media.

Administration and Record Keeping

- **Updating Information:** It is the responsibility of parents to inform MVS of any changes in family circumstances, including updates to contact details, residential addresses, and changes in custody arrangements. Upon enrolment, parents are required to provide relevant legal documents (e.g. birth certificate, court orders, or other official documentation) to confirm details of parental responsibility.
- **Data Sheets:** Both parents' details should be provided and updated annually. Where only one parent accepts the offer of a school place, the school will still record the details of all

individuals with parental responsibility (where known) and ensure that both are kept informed, unless restricted by a Court Order.

- **Trips, Activities, and Medical Consent**

Parental consent for routine educational visits is assumed under the Parent Contract. For residential or overseas trips, consent will be sought from parents with parental responsibility. Where one parent provides written consent, this may be accepted unless the school is aware of a Court Order stating otherwise. In a medical emergency, the school will act in accordance with medical advice and will attempt to contact both parents as soon as possible.

Name Changes and "Known As" Names

The school is legally required to use each child's registered name, as it appears on their birth certificate or as changed by Deed Poll or Court Order, in official documentation, including the admission register and public examination entries.

Changing a registered name.

The school will only amend a child's registered name on production of a birth certificate, adoption certificate, Deed Poll or Court Order. A change to a child's surname requires the written consent of everyone with parental responsibility, or an order of the court. Where the School is aware that a holder of parental responsibility objects, or that a prohibited steps order is in place, the registered name will not be changed, and the school will invite the parents to resolve the matter between themselves, through mediation or through the court. The school will remain neutral and will not take a position on the merits.

"Known as" names. The school may agree to use a "known as" name informally where it is in the child's best interests — for example a shortened form of a given name, a family or heritage form of a name, or a name a child has used for some time. Requests are considered case by case by the Headmaster in consultation with the DSL. The school will ordinarily seek the views of all holders of parental responsibility, and where separated parents disagree, the school will continue to use the registered name until agreement is reached or an order is made.

Requests connected to a child questioning their gender. Where a request for a change of name, pronouns or how a child is treated at school relates, or may relate, to a child questioning their gender, it is a safeguarding matter and is handled under the section of the Safeguarding and Child Protection Policy headed "Children who are questioning their gender", rather than under the arrangements above. That section sets out the full decision-making process, the legal framework and the school's position on names and pronouns, facilities, uniform, sport and residential accommodation. The following points are those of particular relevance where parents are separated:

- any such request must be referred to the DSL before any change is made or agreed, and no member of staff should agree to a change of name or pronoun independently;
- it is not the school's role to initiate or encourage social transition, and the school will be professionally curious about the child's experiences and any wider vulnerabilities, including any linked to family separation, conflict or abuse;
- parents will ordinarily be involved, and their views carry significant weight. Parents will only not be involved in the rare circumstances where involving them would place the child at greater risk of harm than not involving them, and that decision is taken by the DSL and recorded with reasons;
- where parents hold different views, the school will not treat the view of the parent who raised the matter as determinative, and will not proceed on the basis of one parent's agreement alone. Where parents cannot agree, the school will ordinarily make no change and will invite the parents to resolve the matter between themselves, through mediation or through the court, as it would with any other disagreement about a child's upbringing. The school remains neutral and does not take a position on the merits;
- where a Court Order is in place that bears on the question — for example a prohibited steps order or a specific issue order — the school will act consistently with it and will take advice where the position is unclear;

- where a child confides in a member of staff about how they are feeling but does not request any change to how they are treated, staff should speak to the DSL and normal safeguarding procedures apply. There is generally no reason to breach the child's confidence unless a safeguarding concern arises;
- decisions are recorded on My Concern, are kept under review, and take account of the impact on the child, on other children and on the wider School community.

Where parents are separated, a request of this kind may be the first the school hears of a wider disagreement between them. Staff should not become the channel through which one parent learns of the request; the DSL will decide how and by whom parents are informed.

School Communication

- **Equal Access to Information:** The school will ensure that both parents are provided with equal access to school communications, including newsletters, event invitations, school reports, and emergency alerts. Duplicate communications will be provided electronically where possible, to ensure equal access while managing administrative workload.
- **Unless a Court Order specifies otherwise,** the school will treat communications or consents from one parent with parental responsibility as applying to both parents. Parents are expected to share information received from the school with each other. The school encourages both parents to copy each other into correspondence wherever possible to support transparency and reduce conflict.
- **Information sharing:** Information sharing: Where information about the child, or a specific report, is requested by one parent, our default position will be to share this with both parents unless there are clear reasons why this should not be done (for example, a court order or an instruction from an external agency). In such cases, this will be recorded in writing on the child's My Concern log. Requests for a child's records, and the school's approach to information requests from separated parents, are also governed by the School's Privacy Notice, which explains the lawful bases on which the school shares, withholds and redacts personal data, and how a parent may make a subject access request. Where the two documents appear to differ, the Privacy Notice governs the handling of personal data and the DSL's decision governs safeguarding.
- **Open-Door Policy:** Our teaching and support staff are available by appointment to discuss any issues related to a child's education. We encourage parents to resolve any interpersonal communication issues independently; however, should a dispute arise that affects the child's well-being, the school will arrange a meeting with all involved parties.
- **Conflict Resolution:** In circumstances where parents cannot agree on decisions concerning their child's educational programme or extra-curricular activities, the school will attempt to facilitate a joint meeting with all parents. If an agreement cannot be reached, the school will confirm in writing that it is unable to resolve the matter and will suggest that the parents seek mediation or legal advice. Where the dispute raises a safeguarding concern, the DSL will make a referral to children's social care.
- **Information log:** In complex cases, such as when the Family Court is involved, a formal communication log will be kept on My Concern to ensure consistency and transparency for all parties involved.

Attendance at School Events

The school welcomes the involvement of all parents at events such as performances, assemblies, and meetings. Where it is impractical or not in the child's best interests for both parents to attend together, the school will use its discretion to make suitable arrangements and may invite parents separately where appropriate.

Collection of Children from School

The school is committed to ensuring the safe, orderly, and transparent collection and/or dismissal of students. It is the responsibility of both parents to keep the school informed of any changes to custody arrangements, court orders, or collection permissions.

Both parents are expected to communicate respectfully with the school and with each other regarding collection schedules, ensuring that students are collected promptly and safely, where necessary.

Where disagreements arise, the school will maintain its duty of care by following established procedures and may require written confirmation from both parents or legal clarification before allowing any changes to collection and/or dismissal arrangements.

Where parents cannot agree on who should be collecting the child, the school will not release the child until clarity is provided. The school's safeguarding duty will always take precedence over parental preference and external agencies (such as the local authority where the child is primarily resident) may need to be involved.

Unexpected or Unauthorised Collection Attempts

Where a person arrives to collect a child other than in accordance with the arrangements recorded by the school, staff must not release the child and must follow the steps below.

1. **Keep the child safe and out of the situation.** The child is taken to a supervised location away from reception. The child is not left alone with the person and is not asked to choose or to comment on the arrangements.
2. **Do not challenge or negotiate.** Staff remain calm and courteous, explain only that the school must check its records before any child is released, and do not discuss court orders, the other parent, or the reasons for the arrangements.
3. **Escalate immediately** to the School Office and to the DSL and Headmaster (or, in their absence, a deputy DSL and the most senior member of staff on site). Front-line staff do not make the decision.
4. **Check the record:** who holds parental responsibility, the recorded collection arrangements, any Court Order held by the school, and any restriction recorded on My Concern.
5. **Contact the parent** with whom the child is expected to be, and, where safe and appropriate to do so, the other parent. Where a safeguarding restriction is in place, the DSL decides who is contacted.
6. **Do not release the child** until the school is satisfied that doing so is consistent with its records and with the child's safety. Where the position cannot be resolved, the child remains at school, and the school will make arrangements for the child's care until it is. The school's safeguarding duty takes precedence over parental preference and over the inconvenience caused.
7. **Call 999** where: a person attempts to remove a child by force, or against the child's wishes; a person refuses to leave or becomes aggressive or threatening; the person is subject to an order or condition prohibiting contact with the child or attendance at the school; there is a concern that the child may be removed from the jurisdiction; or the child is otherwise at immediate risk. Call 101 to report a non-urgent concern or a suspected breach of an order after the event. Staff do not delay a 999 call to obtain authorisation.
8. **Record the incident on My Concern the same day**, including who attended, what was said and what action was taken. The DSL will consider whether a referral to children's social care is required, whether the recorded arrangements or a risk assessment need to be reviewed, and whether reception, gate and after-school staff need to be briefed.

9. Staff must not confirm to a person subject to a restriction whether a child is on site, or disclose the child's timetable, activities or expected movements.

Where no authorised adult arrives to collect a child, staff follow the Uncollected Children Policy, which sets out the escalation and the point at which the local authority and the police are contacted. Repeated late or missed collections arising from a dispute between parents will be raised by the school with both parents and recorded on My Concern.

- **Court Orders:** The school is not a party to private Family Court proceedings and is not responsible for interpreting or enforcing Court Orders. Parents must provide copies of any Court Orders or Undertakings relevant to the child's education, welfare, or contact arrangements. This includes Child Arrangements Orders, prohibited steps and specific issue orders, non-molestation orders, occupation orders and undertakings given to the court (see "Domestic Abuse" above). The school will act consistently with any order of which it has been given a copy, so far as it affects the school's role, and will take advice where the position is unclear. The school will act in accordance with such Orders only to the extent necessary to ensure the child's safety and well-being. Confidential Orders must not be shared without the Court's permission.

Financial Responsibilities

- All individuals with parental responsibility who have signed the School's Parent Contract are jointly and severally liable for payment of fees and associated charges. The school is not bound by private financial agreements or Court Orders between parents regarding fee division. Any queries about fees or bursaries should be directed to the finance department in writing.

Management and Review

- **Responsibility:** The Headmaster and Designated Safeguarding Lead will ensure that this policy is well understood by all staff, governors, and volunteers. Updates will be provided to ensure that everyone is equipped to handle situations involving separated parents. All staff will receive periodic training on managing issues relating to separated parents, including safeguarding considerations and legal responsibilities.
- **Communication:** Parents should direct concerns regarding disputes or access arrangements to the Headmaster or Designated Safeguarding Lead in the first instance, rather than to Personal Tutors or teachers.
- **Policy Availability:** This policy will be made available to all parents and published on the school website to ensure transparency.
- **Review Cycle:** The policy will be reviewed annually. The next scheduled review is in September 2027, with any necessary updates implemented promptly to reflect changes in legislation or school practice.

By adopting this policy, MVS reaffirms its commitment to ensuring that all parents, regardless of their personal circumstances, are supported in their shared responsibility for their child's education. We believe that through clear communication, consistent procedures, and a strong focus on the child's best interests, we can create a positive educational environment for every student.

Appendix 1

Useful Resources for Parents

Parents may find the following resources helpful when navigating family changes:

- [Making child arrangements if you divorce or separate \(GOV.UK\)](#)
- [Guide for separated parents: children and the family courts \(CB7\)](#)
- [Supporting your child through divorce and separation \(Cafcass\)](#)
- <https://www.operationencompass.org/>
- National Domestic Abuse Helpline (Refuge), free and 24 hours: 0808 2000 247
- [Cafcass Parenting Plan](#) — a template for recording arrangements without going to court
- Family Mediation and the Family Mediation Voucher Scheme - <https://www.gov.uk/guidance/family-mediation-voucher-scheme>

These resources are provided for information only. The school does not give legal advice and cannot recommend a course of action to either parent.