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CHILDREN AND FAMILIES

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**Policy on Contact with Parents, including non resident Parents**

**Policy Number**

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VERSION 6

**TABLED ITEM 5**

**Consultative Committee with Parents**

**13 May 2008**

Definition: Policy – A course of action or set of standards adopted by the City of Edinburgh Council.

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## Policy on Contact with Parents, including non resident Parents

### Policy Number

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#### 1. Purpose

- 1.1 The Scottish Schools (Parental Involvement) Act 2006 places a duty on Education Authorities to develop a strategy for Parental Involvement in their child's education and promote the involvement of the parents, of a pupil in attendance at a public school in the authority's area, in the education provided by the school.

The City of Edinburgh Council Parental Involvement Strategy has as one of its objectives the production of a policy to support the involvement of non-resident parents in their child's education. The strategy makes the following statement on the involvement of non-resident parents:

*"In terms of non-resident parents, our view is that, unless there is a pressing reason to the contrary, for example, in terms of child protection, non-resident parents have the same rights to information about their children and responsibilities to be involved in their learning and education as resident parents."*

This policy supports the key messages in the Parental Involvement Act. It aims to help parents to be:

- Involved in their child's education
- Welcome as active participants in the life of the school
- Encouraged to express views on school education

There are many benefits for children, parents and schools from promoting and supporting these aims. It is important that education authorities and schools do as much as they can to support the continued involvement of parents who don't live with their children. In doing so, educational establishments must be sensitive to the needs and wishes of both parents, who may not always agree. Schools have to take care not to make judgements based on what one parent says about the other – non-resident parents have the right to speak for themselves.

This policy sets out the legislative requirements and outlines key procedures to follow in communication and information sharing. It also intends to promote good practice in the involvement of non-resident parents in their child's education.

#### 2. Scope

##### 2.1

The policy covers all City of Edinburgh Children & Families educational establishments (Nursery Schools, Children and Family Centres, Primary Schools, Secondary Schools and Special Schools) and includes all children who receive educational provision from the City of Edinburgh Council.

#### 3. Policy Statement

##### 3.1 Rationale

**Definition: Policy – A course of action or set of standards adopted by the City of Edinburgh Council.**

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There are many benefits to be gained by both child and adult through involving all parents and carers in the education of a child. The influence a parent has on a child is very important and children benefit greatly from parental involvement and support. There are also many benefits a school can gain through strong partnerships. In many cases the involvement of parents in the life of their child is something that is easy to achieve and schools should always be mindful of what constitutes parental involvement. A parent who manages to get their child to school on a regular basis and on time, for example, is doing much to support that young child. Attendance and active participation at school events can also help forge good partnerships with school and home.

In some cases however, relationships may have broken down in families and the involvement of both parents can be difficult and at times complex. There is a requirement on parents and schools to be aware of the pressures that this can cause and seek to find a way forward that does not preclude any individual party or affect the child but at the same time promotes parental involvement on an equitable basis. The views of the child or young person can also be crucial in these instances.

There is increasing recognition of the importance of involving fathers in work with children and families and of the importance of fathers in their child's developments. Schools should try to think creatively about developing the engagement of fathers. There are or have been some very good examples of practice around this issue:

- Putting Dad in the Picture (Community Learning & Development photography project)
- Edinburgh Family Group Conferencing service. This provides expertise in engaging and empowering family members including fathers and overcoming barriers to involvement.
- The Dads' Club (Edinburgh Lone Father's Project) is an activity bases parenting support project for single and contact fathers with young children in Edinburgh. It is carried out jointly by Gilmerton Children & Family Centre and One Parent Families Scotland.

### **3.2 Parental Rights and Responsibilities**

Everyone who is a parent including non-resident parents, as defined in terms of the 1980 Act, has rights under the Act. This includes the right to receive advice and information about their child's education, general information about the school, to be told about meetings involving their child, and to participate in activities, such as taking part in decisions relating to a Parent Council.

Establishments should treat parents equally; the exception to this general requirement being where there is a court order limiting an individual's exercise of parental rights and responsibilities. In complex cases Heads of establishments should contact their line managers for advice. See Appendix 1

### **3.3 Establishment & Informing of Parental Rights**

It is the responsibility of a parent or carer to inform the establishments of their parental rights and responsibilities. If the main carer has included the details of the non-resident parent in the contact records held on a child then it will not be necessary to seek documentary evidence to substantiate this. However, if a non-resident parent approaches an establishment to claim parental rights and responsibilities and the establishment does not hold any record of this, the non-resident parent is required to provide documentary evidence to verify this claim.

It is important to note that the Family Law (Scotland) Act 2006 introduced new criteria giving parental responsibilities and rights to unmarried fathers who are named on the child's birth certificate. Because this legislation did not apply retrospectively, it is important with regard to this act to follow the arrangements outlined in the table below, taking account of the date of birth of the child.

Evidence of Parental Rights		
Date Child Born	Evidence required - Mother	Evidence required - Father
Before 4/5/06	Birth Certificate	<ul style="list-style-type: none"> <li>Married to Mother at the time of conception or at any time subsequently (marriage certificate)</li> <li>A court order giving parental responsibilities and rights under section 11 of the Children (Scotland) Act 1995</li> <li>Parental Responsibilities and Parental Rights Agreement form ( PRPRA)</li> </ul>
On or after 4/5/06	Birth Certificate	Birth Certificate

### 3.4 Informal Care Arrangements

In some cases the arrangements for care may be informal e.g. a grandparent who looks after the child. In such cases the establishment should verify the validity of the claim through other means e.g. Social Work or Working Together. It should be noted however that in some cases where informal arrangements exist, there is no requirement to have this registered with Social Work staff. Establishments should therefore only satisfy themselves that the person requesting contact regarding the child is the main carer. Once this is established then the carer should be treated equally regarding parental contact.

### 3.5 Looked After & Accommodated Children and Young People

It is important that educational establishments hold the details about fostering and other care arrangements so that parents can be kept fully informed about their child's education. Most parents of looked after children retain their parental rights and responsibilities. Many parents who do not live with their children still wish to be involved in their education. In effect, unless parental rights and responsibilities have been removed, parental involvement in a child's education should not be affected by the looked after status of the child or young person. Where a child or young person is accommodated by the City of Edinburgh Council, the establishment must ensure that all relevant information in relation to the child or young person is provided to both carer and parent.

### 3.6 Exceptions

The above guidance does not apply when a looked after child or young person's care plan specifically states that there should be no involvement with the parent, even if they retain parental rights and responsibilities. The most likely reason behind this decision is that it is in the best interest of the child or young person, e.g. for child protection reasons. Where parents are unavailable, or their contact has been minimised, other relatives, such as grandparents, may be able to play a useful role in offering support. In such complex situations the Head of Establishment should consult with appropriate agencies in relation to establishing the best arrangements for involvement.

## Promoting effective communication with parents

### 3.7 Contact details kept on a Child

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When enrolling and updating information kept on a child, establishments should try wherever possible to establish the rights and responsibilities allocated to both sets of parents. It is appreciated that in some cases this may not always be an easy task or that some parents withhold or are reluctant to share such information.

- 3.8** The Parenting Agreement for Scotland (Guide and Plan) includes some good resources to help families plan the arrangements for their children when a separation occurs. To help non-resident and resident parents cooperate and work together in the interest of their child, a useful section of the document has been attached (see Appendices 2 and 3). Establishments should encourage parents to use this document where appropriate.

**3.9 Means of communicating**

Communicating with parents is essential to ensure that the key objectives of the policy are being delivered and that children, parents and staff benefit.

There are many ways that an establishment can communicate effectively with parents, including:

- phone calls;
- letters and newsletters;
- face to face contact;
- emails, website and fax;
- parent information evening and parent workshops; and
- meetings- e.g. pupil progress meetings, Additional Support for Learning meetings, Pupil Support Group meetings

**3.10 Information Sharing**

An important element of communicating with parents is sharing information about a wide variety of things, including specific information about a child's development and progress. The following list defines what is essential and must be shared and what is desirable and should be shared subject to agreement with the school:

Essential

- annual or regular educational progress reports;
- attainment information including co-ordinated support/care plans and Individual Education Plans;
- attendance information;
- exclusions and behaviour information;
- parent/teacher consultation meetings;
- School Quality Improvement Plan (SQIP) parent version;
- school handbooks;
- school newsletter; and
- Parent Council and Parent Forum information.

Desirable

- photographs; and
- general events information e.g. sports days, outings, residential events

**Establishing information agreement with non-resident parents**

**3.11 Permissions**

In certain circumstances, there is a requirement on schools to seek written permission/approval from parents to authorise a range of activities, for example excursions, attendance at an event, health procedure. The resident parent would normally be the person responsible for giving written approval. If this is not the arrangement, the establishment would require a written statement from both parents to clarify who is taking on this responsibility.

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- 3.12 The following procedures should be followed to establish agreements on information:
- Firstly, establishments should satisfy themselves **who** has parental rights and responsibilities and that sharing of information does not fall within the 'exceptions' (see 3.6).
  - Then, establishments should seek agreement with the parent as to **what** information would be reasonable and appropriate to be shared.
  - Lastly, establishments and parents should agree **how** the information is to be shared. A record of this agreement should be made. Establishments have a responsibility to ensure that the agreed plan is implemented.

### 3.13 Specific requests for information

If a parent requests access to specific information held on record about the child, the establishment should follow procedures as defined in City of Education Council Headteacher Guidelines 1 'Access To Pupil Records'. The requirement for disclosure of educational records is:

- upon request by a parent the records must be made available for inspection free of charge to that parent within 15 school days;
- upon request a copy of the records or any part thereof must be provided within 15 school days upon payment of a fee.
- any additions, corrections or amendments to the pupil's record which are made between the date of request and the supply of the records must also be supplied.

## Promotion of Parental involvement- Key strategies

3.14 The City of Edinburgh Council and all establishments should pay particular attention to the involvement of non-resident parents when developing and implementing strategies to comply with the Parental Involvement Act. Non-resident parent involvement should be encouraged and relevant policies should make reference to their involvement. This applies to all aspects of parental involvement in their children's learning and education, such as help with homework, involvement in school trips and activities, membership of Parent Councils and Parent Forums. Non-resident parents need to feel that they are welcome participants in supporting their children's learning and in the life of the school community in general.

## Views of the Child

### 3.15

It is important that establishments and parents pay particular regard to the views of the child or young person. In complex cases the Heads should seek advice from line manager.

### 3.16

The Children Scotland (Act) 1995 sets out the legal requirements in regard to the views of children. For the purposes of the policy and parental contact the following guidance from 'Family Matters: Family Law and Young People in Scotland' should be followed:

"When any big decisions are being made that affect the children, parents should ask them what they think and should listen to what they say. If they don't want to say anything they don't have to. This doesn't mean that parents have to agree with what their children say, or do what they ask. It does mean that parents have to give their children the chance to say what they think, and then think about what their children want.

## 4 Key responsibilities for implementing this policy

### 4.1

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The Children and Families Department has a responsibility to monitor and evaluate the implementation of this policy and to provide guidance and support to schools to achieve this.

#### 4.2

Headteachers are responsible for ensuring that all the legislative requirements are carried out in accordance with the Act. They also have a responsibility for developing and maintaining an ethos within their school which promotes good practice and encourages parental involvement of non-resident parents.

#### 4.3

Parents have a responsibility to inform the school of their rights and ensure that contact details are updated. They also have a responsibility to become involved in their Child's education.

### 5. Legislative Context

#### 5.1 The Scottish Schools (Parental Involvement) Act 2006

Guidance documents clearly states that schools should consider how non- resident parents can be informed of their child's progress:

*"Schools should also consider how non-resident or absent parents can be kept informed of their child's progress and have policies in place to ensure this happens whilst also taking account of any child protection considerations. Where it acts as the corporate parent of a 'looked after' child, the local authority should ensure that it has effective arrangements in place to liaise effectively with the child's school and to provide encouragement and support for the child's learning outwith school."*

### 6. Links with other legislation and policy

#### 6.1

The Act should be seen within the broad context of legislation and policy which supports children and families. In particular, it reflects the vision of Scottish Ministers that Scotland's children and young people will become successful learners, confident individuals, responsible citizens and effective contributors by being safe, nurtured, active, healthy, achieving, included, respected and responsible.

<http://www.hmsso.gov.uk> (the following legislation can be downloaded from this site)

- Education (Scotland) Act 1980
  - The Standards in Scotland's Schools etc. (Scotland) Act 2000
  - The Children (Scotland) Act 1995
  - The Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002
  - Equality Act 2006
  - The Education (Additional Support for Learning) (Scotland) Act 2004
  - Disability Discrimination Act 1995 and 2005
  - Race Relations Act 1976 and Amendment 2000
  - Sex Discrimination Act 1975
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- Family Matters Family Law and Young People In Scotland [www.scotland.gov.uk/familylaw](http://www.scotland.gov.uk/familylaw)
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- City Of Edinburgh Headteacher Guidelines 01 -Access to Pupil Records
  - City Of Edinburgh Headteacher Guidelines 03- Access to information about Pupils

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## 7. Appendices

Appendix 1 - Definitions

Appendix 2 - Parenting Agreement Plan

Appendix 3 – A Parenting Agreement for Scotland Guide

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# Appendix 1

## Definitions

<b>Child</b>	For the purpose of this policy child refers to children and young persons
<b>Educational Record</b>	Any information kept on the child other than information which is kept and intended to be kept by a teacher or an employee of the responsible body for their own use.
<b>General Information</b>	This is defined as information relating to: educational progress; personal & social development the general life of the school, i.e. newsletters, outing information, Standards & Quality Improvement Plan pupil photographs
<b>Non resident parent and other parents/carers</b>	The parent who is not the main day-to day carer of the children. If the children stay with both parents, the non-resident parent is the one who spends fewer nights with the children. In the case of other parents/ carers, this can include a person who has been allocated parental rights and responsibilities on behalf of the natural parent.
<b>Parent</b>	Defined in the Education (Scotland Act) 1980 as amended. Includes guardian and any person who is liable to maintain or has parental responsibilities (within the meaning of Sec 1(3) of the Children (Scotland) Act 1995) in relation to, or has care of a child or young person. e.g. <ul style="list-style-type: none"><li>• Non-resident parents who are liable to maintain or have parental responsibilities in respect of a child</li><li>• Carers who can be parents</li><li>• Others with parental responsibilities, e.g. foster carers, relatives and friends who are caring for children and young people under supervision arrangements</li><li>• Close relatives, such as siblings or grandparents caring for children who are not looked after or are under home supervision arrangements</li></ul>
<b>Parental rights and responsibilities</b>	As defined in Family Matters Family Law and Young People In Scotland <a href="http://www.scotland.gov.uk/familylaw">www.scotland.gov.uk/familylaw</a>  <i>extract</i> <b>"Who has Parental Responsibilities and Rights (PRRs)?</b> Following changes made in the Family Law (Scotland) Act 2006, a child's mum and dad are both given PRRs if they

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register the child's birth together. That means both of their names appear on the child's birth certificate.

For children born in Scotland before the changes made by the Family Law (Scotland) Act 2006, if the child's mum and dad were married to each other (or got married later), then both parents were given PRRs. If a child's mum and dad were not married, then only the mum was given PRRs. The changes made to the rules by the Family Law (Scotland) Act 2006 will not change that. But a dad can still get PRRs if he wants them by:

- marrying the mum; or
- filling in a form called a Parental Responsibilities and Parental Rights Agreement (PRPRA), provided the mum agrees; or
- asking the court to give them to him.

Other people can also ask the court for PRRs, for example step-parents, grandparents, aunts or uncles. They might want to do this if the mum or dad could not look after the child for some reason or if a step-parent wanted to be legally responsible for a step-child.

When deciding whether to give someone PRRs the court will always be thinking about what is best for the child, not what is best for the adult who has asked for the PRRs. The court will give the child the opportunity to express their view and will take that into account when making a decision. If you are ever in this position, you can tell the court what you want to happen but you don't have to say anything if you don't want to.

#### **What are these responsibilities and rights and how should they work?**

Parents have the **responsibility** to look after their children, to help them to be healthy and encourage their growth, development and welfare. That means they must make sure you are looked after and taken care of when you are ill. They have to make sure you go to school or are given other suitable education and have the opportunity to develop your full potential in life. In order to do this, they have the **right** to have you live with them, or to decide where you will live.

They have both the **responsibility** and the **right** to say how their children should be brought up. This includes being in charge and saying what you can and cannot do until you are 16\* and advising and guiding you until you are 18.

If they are not living with their children they have both the **responsibility** and the **right** to stay in touch with, and be involved with the lives of their children. This means that even if your mum or dad don't live with you, you should be able to keep in touch with them and have the chance to have a good relationship with them, as long as it is safe for you to do so.

Finally, they have both the **responsibility** and the **right** to act for their child in legal proceedings. This means that if you need to do anything that involves the law your mum or dad will

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take care of speaking to lawyers for you if you want them to. If you are old enough, you could do this yourself.

**Pupil**

Defined in the Education (Scotland Act) 1980 Act but for the purposes of this policy includes any child who receives educational provision from the City of Edinburgh Council.

**Shared care arrangements**

Where parents share responsibility for the care and welfare of the child.

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## Appendix 2

### A Parenting Agreement For Scotland - Plan (Scottish Executive)

Full document can be found on <http://www.scotland.gov.uk/Publications/2006/04/19135817/7>

See Guide notes (Appendix 3)

#### Section 11 School

Page 11 of the Guide discusses some of the issues to be considered concerning your children's schooling. You may wish to read this before completing the following section.

How will the school be informed about your family's change of circumstances - will you meet with the school's guidance staff, for example?

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How will you ensure that each parent receives school reports and other details of your children's progress?

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How will you ensure that each parent receives information about school events?

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Will both of you attend school functions such as parents' evenings and sports days? Will you attend these functions together or separately?

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How will you and your former partner make decisions about which school the children will attend; how will you help them make decisions about their choice of subjects and future career options?

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If one of your children is ill, or if there is any kind of emergency, who should the school contact?

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If one of your children has problems at school, who should the school contact?

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Have you informed the school about who will be picking up the children on particular days?

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Who should be consulted on, and give consent to, school trips? How will these be paid for?

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## Appendix 3

### A Parenting Agreement For Scotland -Guide (Scottish Executive)

#### SCHOOL

In addition to their education, school has a huge influence on children's emotional and social development.

It's natural that, following separation, both parents will want to be kept informed about, and involved in, their children's schooling.

#### **Even though you're no longer partners, you are still parents**

However, when parents separate, this can often prove difficult for the parent with whom the children are not living. Perhaps this is because these parents don't know how to engage with the school following the separation or perhaps they are even discouraged from doing so by the other parent. Not only is this unfair on the parent who is excluded but it can have adverse effects on the children too.

We know that children's education and their general development can suffer if they are upset over their parents' break-up. But there is clear evidence that if parents remain courteous to one another and united in their approach to their children's welfare, including education, adverse effects on children can be greatly reduced.

#### **Keep the school informed**

The more information available to the school, the easier it will be for them to accommodate your family's new circumstances. So as soon as possible after you and your partner break-up, you should let the school know. If you can agree to do this jointly, all the better.

Tell the school if the children's address will change. Let them know about the children's living arrangements and be sure to tell them the contact details for both parents so that they can keep each of you informed about the children's progress. The school may also need to know what arrangements have been made to collect a child from school. You may have to vary these arrangements from time to time, for example, if the children are staying overnight with their other parent.

You should find that your children's school is understanding and helpful. After all, they too want what's best for your children and you will be helping them to help you.

*" Both my parents want to go to Parents' Evening but they refuse to go together. My mate's parents are divorced but they go to these things together. Why can't mine? "*

Some things to consider

- How will you let the school (or nursery) know about your separation?
- Does the school know about the children's living arrangements?
- Who should the school get in touch with in the event of an emergency?
- Does the school know to keep you both informed about your children's progress?
- What about parents' evenings and other school functions - who will attend and will you attend together?

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- How will you and your former partner make decisions about which school your children will attend; how will you help them make decisions about their choice of subjects and future careers?

At page 11 of the *Parenting Agreement for Scotland - Plan document*, you will see a series of similar questions where you and your former partner may want to keep a record of what you agree.

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