

June 2009



DRAFT GUIDANCE FOR SCHOOLS ON SHARED PARENTING

EXECUTIVE SUMMARY

This DCSF guidance is aimed at helping schools and teachers to encourage shared parenting where it is appropriate. It defines shared parenting and offers some practical guidance on how to encourage shared parenting and advice on when it may not be appropriate.

Annex A lists key benefits of shared parenting and reviews the evidence of shared parenting's impact on children and of parental involvement on educational outcomes; and summarises some statistics on the prevalence of shared parenting.

What is shared parenting?

The Department for Children, Families and Schools wishes to help both parents to continue, after separation or divorce, to play an important role in their children's lives, unless there is a good reason, supported by evidence, not to do so. This is often known as shared parenting, or co-parenting.

Shared parenting means, at root, that both parents are actively involved in loving and guiding their child throughout their childhood, following separation or divorce. It means that each child spends a significant amount of time with each parent regularly, and both parents are involved in key decisions concerning their child. What those roles will be will depend on the precise circumstances of each case, but they will usually involve both parents having significant overnight contact, being involved in the child's schooling, important (though not emergency) health issues, moral and religious education, hobbies and so on.

Shared parenting does not mean that the child's time is necessarily divided equally between the two parents, though that is an option which should always be considered as a starting point unless there is good reason to advise otherwise. In England, a recent estimate was that 11% of children in separated families share their time equally between both parents.¹

¹ Peacey, V. and Hunt, J. Problematic contact after separation and divorce? A national survey of parents. London. One Parent Families/Gingerbread. 2008 p 19. See also Peacey, V. and Hunt, J. I'm not saying it was easy. London. One Parent Families/Gingerbread. 2009

Shared parenting can have a powerfully positive influence on a child's life. As the Government has said: "We believe that in most cases it is very much in the interests of the child to have an on-going relationship with both parents and so we hope that through improving the system, more non-resident parents will enjoy meaningful ongoing relationships with their children."² Nicola Brewer, Chief Executive of the Equality and Human Rights Commission, has noted: "The present rights of mothers and fathers appear to support the idea that fathers are 'optional seasoning' in children's lives while mothers are the main carers."³ The Children's Plan published by the Secretary of State for Children, Schools and Families, says: "We know that children benefit enormously from having strong relationships with their fathers, yet public services routinely fail to engage with fathers, particularly when the father does not live with the child. We will work with the Children's Workforce Development Council and the new National Academy for Parenting Practitioners to ensure that occupational standards and training for the workforce will reflect the need for public services to engage with both father and mother except where there is a clear risk to the child to do so." The Department's update 'The Children's Plan, One Year On' said "Those providing help and support to families must engage with fathers as well as mothers, except where there is a clear risk to the child to do so." It noted progress in this area while emphasising that there was more to be done.⁴

How can schools encourage shared parenting?

This leaflet is designed to complement the guidance the Department has issued on the law on children, their parents and schools, by suggesting some practical ways that schools and teachers might help children and their parents following divorce or separation. In particular they are designed to help schools to involve both parents in their child's education wherever appropriate. There is, as Annex A shows, a variety of benefits for the child in achieving this goal, including, on average, better educational outcomes, compared with children who lose contact with one of their parents.

We recognise, as schools will, that cases involving separation and divorce can be highly charged for the parents and children. It is important always to remember that schools, within their resources and their role in the child's

² Department for Constitutional Affairs (DCA), the Department for Education and Skills (DfES) and the Department for Trade and Industry (DTI) Parental Separation: Children's Needs and Parents' Responsibilities, London 2004.

³ Speech at launch of 'Working Better': see <http://www.equalityhumanrights.com/en/projects/workingbetter/Pages/WorkingBetterinitiative.aspx>

⁴ Department for Children, Schools and Families The Children's Plan: Building brighter futures London 2007; The Children's Plan, One Year On London 2008

life, must always focus on what is best for the child and cut through any emotion to address that.

When is it inappropriate to encourage shared parenting?

There are of course cases where shared parenting would not be appropriate: in particular, where proven domestic violence and/or child abuse are currently involved. Past actions of this sort need to be considered – in particular their seriousness should be weighed carefully. But they should not be seen as ruling out shared parenting.

Such cases may begin with clear evidence of harm, which will rule out shared parenting as an option.

But other cases will begin with an accusation, or an accusation may be made subsequently, whose proof is not immediately obvious. The risks to the parent with care suffering domestic violence after leaving and during contact must be taken very seriously. (The parent at risk is a woman in the great majority of cases, though men can suffer violence from their ex-partners or other men.) We also need to remember that only a minority of domestic violence cases are reported to the police: between 23 and 35% according to various studies.

Sadly there are also cases where the accusation is made, not because it reflects reality, but because it is seen as an easy way of depriving the other parent of contact, much less shared care. Schools need to be alive to the whole spectrum of possibilities and act appropriately as each case demands. On the one hand, schools must ensure that their actions do not endanger the personal safety of the children or a parent. On the other hand, schools should take steps to get such accusations supported by evidence, involving the police and other agencies where necessary. Where accusations are serious but fall short of implying criminal behaviour, the accused parent must be given an opportunity to comment.⁵

On some specifics:

(a) Legal points

[NB these points are for guidance only, and not intended to discourage schools from taking legal advice if such issues arise.]

⁵ Practice Direction: Residence And Contact Orders: Domestic Violence And Harm 9th May 2008. On domestic violence see Humphreys, C and Thiara, R. (2002) Routes to Safety: Protection issues facing abused women and children and the role of outreach services. (Bristol: Women's Aid Federation of England); Walby, Sylvia and Allen, Jonathan (2004) Domestic violence, sexual assault and stalking: Findings from the British Crime Survey. Home Office Research Study 276. (London: Home Office); British Crime Survey (1998) (London: Home Office; Dodd, Tricia et al., (2004) Crime in England and Wales 2003-2004 (London: Home Office). False reporting is an under-researched area.

- (i) A child's surname cannot be changed without the consent of both parents. It is worth checking this is the case if a parent asks for the school to use a new surname.
- (ii) If a teacher or school nurse or other employee has concerns about whether a parent has, in law, 'parental responsibility', for example to authorise a child's vaccination, these concerns should be put to the parent. This should never be raised with the child.
- (iii) Similarly, a school should not accept a parent's claim that they have sole residence for the child at immediate face value. The parent should be asked to show written proof, typically in the form of an order from a court. In its absence a parent may make false claims. Indeed, the parent may not have a court's permission to move the child from another part of the country or, in other cases, from another country.
- (iv) Both parents may have parental responsibility, or only one may have it. If married at the time of the child's birth, both parents automatically have parental responsibility. If they married after the child's birth they both have it from the date of their marriage. If unmarried, only the mother has parental responsibility as of right. The father must apply to a court, reach a formal agreement with the mother or jointly register the child's birth with the mother. Thus, if successful in using one of these methods, the father will be able to furnish proof of parental responsibility.
- (v) One parent or the other may cite their legal position in support of their stance on their child's education. A parent with sole parental responsibility is in a strong position on legal terms, and parent without parental responsibility much less so. It will be important to put the legal position in the wider context of the child's welfare. If the two are ever inconsistent, the school should aim to persuade a parent that the child's needs should be paramount, while recognising the parent's rights and responsibilities in law.

(b) Practical tips

- (vi) Does the school ask for both parents' contact details wherever possible and appropriate? It may well be useful in an emergency to be able to contact one of the two; and it sends the message that the school wants to involve both parents in their child's education.

- (vii) If no second parent is listed by the first parent in school files, it is worth asking why not.
- (viii) It is important that both parents should see a child's reports and other important communications from the school, such as exam timetables, PTA and school newsletters etc. If the school usually sends such information via the child, this may mean that one parent does not see it. E-mails may be a cost effective way of getting round this problem. Some schools ask for stamped addressed envelopes. This should be very much a last resort, as parents in these circumstances are often on very low incomes.
- (ix) If a child does not want these communications to go to one parent this should, if possible, be discussed with both parents as well as the pupil. The older the child, the more important it is to take their views fully into account. But that does not mean that they should be accepted at face value. A temporary tiff can lead to a parent dropping out of a child's education and perhaps their life more generally. As the research cited at Annex A demonstrates, that is usually not in the child's interest.
- (x) Both parents should be involved in key decisions about the child's education e.g. choice of GCSEs, A-levels, long school trips, exchange visits etc. The school needs to develop ways of involving both parents in such decisions that suit the parents' circumstances. Where the parents disagree, the school is best placed to judge what is best for the child's education and will have to act appropriately.
- (xi) Parents' evenings can be fraught occasions if the two parents' relationship has broken down in a very negative way. The Department realises the pressures on teachers' time, but separate appointments, perhaps on the same evening, can be a solution.
- (xii) Schools can be excellent places to facilitate the handover of the child from one parent to another- without them meeting, if necessary. Work hours can sometimes make this difficult at school finishing times, so it is good for the school to exercise any flexibility it has to facilitate such handovers.
- (xiii) Parents are likely to approach the head teacher about issues concerning their child. If someone else, such as the head of year, is more appropriate, it is worth signposting this to parents where you are aware that their relationship has recently broken down, with any other messages that you wish to communicate.

- (xiv) It is worth asking whether school work is in any way biased for or against either gender. Are there too many projects, for example, on 'sports Dad likes' or 'Mum's home'?
- (xv) The school should always ask why a child is moving schools, especially mid-year. Is it in the child's best interest in educational terms? Has the other parent been consulted and, where appropriate, agreed?
- (xvi) The school should agree to separate viewing visits if parents want them, when arranging a new school for their child.
- (xvii) Is the child going have to have to travel quite a long way to your school? Is there a comparable school nearer to home that would meet the child's needs? Which school is attended by the child's friends? These questions are worth exploring. It may be in the child's best interests to attend your school, but some parents can move simply to make access more difficult for the other parent.

ANNEX A

Why does shared parenting benefit most children of separated or divorced parents?

The key benefits of shared parenting may be summarised as. Most children⁶:

- want and value contact with both parents;
 - view the Non Resident Parent (NRP) as an important figure who is still part of the family, and the loss of contact as painful;
 - miss the NRP and many would like to see more of them;
 - value the effort and commitment of their NRP in making a family life for them.
 - And would like to be actively involved in maintaining contact.
- Looking at the current situation as opposed to 15 yrs ago:
 - more fathers take more involved parenting roles in families prior to separation;
 - more intact families have fathers as primary carers, or at least properly shared primary caring roles;
 - more fathers have residence and shared residence orders for their children than before.

The closer children are to their father, regardless of the quality of the mother-child relationship, the happier, more satisfied, and less distressed they are⁷. The quality of contact is significant, as well as the quantity.⁸

The relationship between father involvement and outcomes for UK children is demonstrated⁹:

⁶ See P Pressdee, J Vater, F Judd QC, J Baker QC, Contact: The New Deal, (2006) Family Law, J Owusu-Bempah (1997) Information about the Absent Parent as a factor in the well-being of children International Social Work 38 pp 235-275 and Dr Bren Neale, Professor Carol Smart, Dr Amanda Wade 1999 New Childhoods? Children and Co-Parenting After Divorce available from <http://www.hull.ac.uk/children5to16programme/briefings/smart.pdf>

⁷ P Amato, Father-child relations Mother-child relations, and Offspring Psychological Well-being in Early Adulthood (1994) Journal of Marriage and the Family

⁸ See J Dunn et al (2004) Children's perspectives on their relationships with their non-resident fathers: Influences, Outcomes and implications Journal of Child Psychology and Psychiatry 45(3) 553; and S Gilmore Contact/shared residence and child well-being: research evidence and its implications for legal decision-making International Journal of Law, Policy and the Family 20 (2006) pp 344-365 a good survey of the literature combined with a defence of the status quo.

⁹ Various papers published by E Flouri & A Buchanan 2002-2004, with the use of data from the British National Child Development Study

- Father involvement established before the age of 7 is associated with good parent-child relationships in adolescence and also later satisfactory partnerships in adult life;
- Children with involved fathers are less likely to be in trouble with the police;
- Father involvement is strongly related to children's later educational attainment.

Research into contact post-separation shows that contact can deliver a number of benefits, including the meeting of the child's needs for¹⁰:

- Warmth, approval, feeling unique and special to a parent – 'experiences that can be the foundation for healthy emotional growth and development';
- Extending experiences and developing (or maintaining) meaningful relationships;
- Information and knowledge;
- Repairing distorted relationships or perceptions.
- Building the child's self esteem and relations with their peers, especially at school.¹¹

What is the educational benefit of shared parenting?

Although we do yet not have research on the impact on education of shared parenting, there is a considerable literature on parental involvement which yields some important and suggestive lessons¹²:

- In the early years, parental involvement has a significant impact on children's cognitive development and literacy and number skills.¹³
- Parental involvement in a child's schooling for a child between the ages of 7 and 16 is a more powerful force than family background, size of family and level of parental education.¹⁴ Parental involvement has a significant effect on pupil achievement throughout the years of schooling.¹⁵

¹⁰ J Sturge & D Glaser Contact and Domestic Violence – The Experts Court Report, Family Law 615, at p 617, 2000

¹¹ L Kurtz Psychological coping resources in Elementary School Children of Divorce American Journal of Orthopsychiatry vol 64 pp 554-563, 1994

¹² More research is summarised in DfES The Impact of Parental Involvement on Children's Education London 2003, available at <http://www.dcsf.gov.uk/research/data/uploadfiles/RR433.pdf>

¹³ Institute of Education Technical Paper 8A. Measuring the impact of preschool on children's cognitive progress 2002

¹⁴ Feinstein, L & Symons, J Attainment in Secondary School: Oxford Economic Papers, 51, 1999

¹⁵ Desforges, C The Impact of Parental Involvement: Parental Support

- Educational failure is increased by lack of parental interest in schooling.¹⁶
- In particular, a father's interest in a child's schooling is strongly linked to educational outcomes for the child.¹⁷
- Most parents believe that the responsibility for their child's education is shared between parents and the school.¹⁸
- Many parents want to be involved in their children's education. In a recent study in England 72% of parents said that they wanted more involvement.¹⁹

Thus it seems likely that the continued involvement of both parents, after divorce or separation, can powerfully reinforce opportunities for positive outcomes in a child's education, if their efforts are mutually constructive and the school and teaching staff are encouraging to both parents.

How much shared parenting exists in the UK?

An Office of National Statistics survey²⁰ cast considerable light on the extent to which children are in close relationships with both parents after separation or divorce, and how this impacted on children's parents' views of these arrangements. The survey indicated that:

- Overall, at least half of all children surveyed had some form of contact (direct or indirect) with their 'non-resident parent' (the parent whom they see for a minority of their time) (NRPs) at least once a week.
- 43% of children in the resident parent sample and 59% of children in the non-resident parent sample had direct contact with their non-resident parent - i.e. they saw him or her - at least once a week.
- A further nine per cent of children in the resident parent sample and 18% of children in the non-resident parent sample had indirect contact – say on the telephone or by e-mail - at least once a week.

and Family Education on Pupil Achievement and Adjustment. DfES Research Report 433 2003

¹⁶ Douglas, J.W.B The Home and School. London : Macgibbon and Kee 1964

¹⁷ Hobcraft (1998) Childhood experience and the risk of social exclusion in adulthood. CASE Briefing Nov 1998.

¹⁸ Williams, B, Williams, J & Ullman, A (2002) Parental Involvement in Education: DfES Research Report 332.

¹⁹ Williams, B, Williams, J & Ullman, A (2002) Parental Involvement in Education: DfES Research Report 332.

²⁰ Alison Blackwell & Fiona Dawe Non-Resident Parental Contact Based on data from the National Statistics Omnibus Survey for The Department for Constitutional Affairs October 2003

- A fifth (21%) of children in the resident parent sample and a tenth (10%) of children in the non-resident parent sample had direct contact with their non-resident parent less than once a week.
- Less than a twentieth of children have indirect contact less than once a week (4% for children in the resident parent sample and 3% of children in the non-resident parent sample).
- A quarter (24%) of children in the resident parent sample and 10% of children in the non-resident parent sample have no direct or indirect contact with their non-resident parent.
- On the whole children's parents were more likely to be 'very satisfied' with the contact arrangements if the non-resident parent saw the child frequently.
- Satisfaction with the contact arrangements among the responding parents of children whose non-resident parent did not have direct contact with the child was very different in the two sample groups. Over half the responding parents in the resident parent sample were 'very satisfied' with the arrangements while only 6% of responding parents in the non-resident parent sample were 'very satisfied'.
- In general, the more frequently the child has some contact with their non-resident parent the more likely it is that the contact arrangements were informally agreed between parents. This pattern is reversed for informal contact arrangements that were never agreed between the parents: the less often the child has contact with their non-resident parent the more likely it is that the informal contact arrangements have never been agreed.

A US study comparing 'joint custody' and 'noncustodial' fathers indicated that the former paid more in child support than the latter (refuting a belief some espouse that shared parenting can be used as a bargaining counter to reduce the non-resident parent's payments to the other parent).²¹ The main likely cause is that NRPs who feel significantly involved in their child's lives are likely to see child maintenance as part of their duties as a parent. Conversely, those deprived of close contact are likely to feel a sense of injustice at the 'system' overall. There are no doubt NRPs who irresponsibly ignore their parenting responsibilities, including financial ones, but Government policy is aimed at keeping their number to the irreducible minimum.

All in all, significant numbers of children do enjoy close relations with both parents, but many do not. Schools and teachers can help the latter to have better relationships with both parents.

For more support and guidance go to www.fnf.org.uk/publications-and-policy/shared-parenting-shared-benefits

²¹ J A Arditti (1992) *Differences between fathers with joint custody and noncustodial fathers* American Journal of Orthopsychiatry 62 pp 186-195 (see especially p 194).

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<http://www.fnf.org.uk/publications-and-resources>

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