



## **St Michael at Bowes CE Junior School SCHOOL PARENTS AND PARENTAL RESPONSIBILITY POLICY**

Schools are required by law to have a wide range of dealings with pupils' parents. Schools can find themselves caught up in disputes between a number of adults, each claiming to have parental responsibility for a particular child.

The basic guidelines are followed below. Where the school feels the need to we will take our own independent legal advice from the LA or LDBS about any particular individual set of circumstances. The terms 'resident' and 'non-resident' parent are used to distinguish between parents who do and do not live with a child.

### **Definition of parent**

Section 576 of the Education Act 1996 defines 'parent' as

- all natural parents, whether they are married or not
- any person who, although not a natural parent, has parental responsibility for a child or young person
- any person who, although not a natural parent, has care of a child or young person (having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law).

### **Parental responsibility**

Having parental responsibility means assuming all the rights, duties, powers, responsibilities and authority that a parent of a child has by law. People other than a child's natural parents can acquire parental responsibility through

- being granted a residence order
- being appointed a guardian
- being named in an emergency protection order (although parental responsibility in such a case is limited to taking reasonable steps to safeguard or promote the child's welfare)
- adopting a child
- (in the case of step-parents) in agreement with the child's mother (and other parent if that person also has parental responsibility for the child) or as the result of a court order.

Where a child's parents are not married to each other, the child's father can gain parental responsibility by

- registering the child's birth jointly with the mother
- through a 'parental responsibility agreement' between him and the child's mother

- as the result of a court order.

In addition, a local authority can acquire parental responsibility if it is named in the care order for a child

## **Court orders and parental responsibility**

Court orders under section 8 of the Children Act 1989 (often called section 8 orders) settle areas of dispute about a child's care or upbringing, and can limit an individual's parental responsibility.

## **General principles for schools**

Everyone who is a parent, as defined above (whether they are a resident or non-resident parent) has a right to participate in decisions about a child's education and receive information about the child (even though, for day-to-day purposes, the school's main contact is likely to be a parent with whom the child lives on school days).

ST Michael at Bowes and the LDBS/LA staff will treat all parents equally, unless there is a court order limiting an individual's exercise of parental responsibility. Individuals who have parental responsibility for, or care of, a child have the same rights as natural parents, for example

- to receive information, e.g. pupil reports
- to participate in activities, e.g. vote in elections for parent governors
- to be asked to give consent, e.g. to the child taking part in school trips
- to be informed about meetings involving the child, e.g. a governors' meeting on the child's exclusion.

Where a parent's action, or proposed action, conflicts with the school's ability to act in the child's best interests, the school will try to resolve the problem with that parent but avoid becoming involved in conflict.

## **Administration**

Headteachers will:

- ask parents or guardians for the names and addresses of all parents when they register a pupil
- ensure that names and addresses of all parents, where known, are included in the admission register and also in pupil records and are available to the pupil's teachers
- ensure that names and addresses of all parents are forwarded to any school to which the pupil moves
- ensure that details of court orders are noted in a pupil's record
- where the address of a non-resident parent is unknown, tell the resident parent that the non-resident parent is entitled to be involved in their child's education and ask that information is passed on to them.

## **Obtaining consent**

Where the school needs parental consent to outings and activities, the headteacher will seek the consent from the resident parent unless the decision is likely to have a long-term and significant impact on the child or the non-resident parent has requested to be asked for consent in all such cases.

In cases where the school considers it necessary to seek consent from both parents, it is possible that one gives consent and the other withholds it. When this happens it is best to assume that parental consent has not been given. Such an approach safeguards the position of the school, ensuring that it is not exposed to any potential civil liability if, for example, the child is injured while on the school trip.

## **Changing a surname**

A change of surname is a private law matter and should be resolved between parents. Where the parents have divorced, schools should ensure that the surname by which a child is known should not be changed without written evidence (independent of the parent seeking to make the change), that consent has been given by the 'other parent' or by anyone else who has parental responsibility for the child. However, there may be circumstances where a name change has already been effected by the school and therefore it would not be in the best interests of the child who might be known by a new name to refer back to a different name. Ultimately it is a matter of policy for the school to decide but the best interests of the child must be the paramount consideration when making a decision.