

## **ADVICE TO SCHOOLS RE: CONTACT WITH NON-RESIDENT PARENTS**

### **Parental Responsibility**

All people with Parental Responsibility (PR) for a child have rights, duties, powers, responsibility and authority in relation to that child and his/her property. If more than one person has PR in respect of a child their rights, duties, powers etc are equal and so if agreement cannot be reached on decisions about the child the parties will ultimately need to seek the Court's intervention. This happens in cases where those with PR cannot agree who the child is to live with, what contact arrangements should be with a non-resident parent, by what name the child should be known, and even which school the child should attend.

### **The Schools Role**

Schools are frequently faced with situations where parents have split, the children live with one parent, and the other parent is seeking contact. In such cases, where Court Orders have been made, the school should seek to be made aware of them and abide by their terms.

Where there are no such Orders in place, schools must treat each parent with PR in the same way, regardless of whom the child lives with. This includes, even for parents without PR, sending out copies of school reports and invitations to parents' evenings.

Problems arise for schools in situations where there is animosity between the parents of a child and one seeks to prevent the other from exercising their PR by e.g. instructing the school not to let the non-resident parent collect the child from school, or not send out copies of school reports etc. There may be good reasons for the parent with day to day care of the child (the resident parent) giving such instructions. However, the school cannot legitimately discriminate between the parents and it is for them to either reach agreement between themselves or take the matter to the Court where the issue will be decided there.

Where serious allegations are made by one parent against the other, schools will naturally be concerned about sending information to or releasing a child into the care of that other parent. However, strictly the school have no power to stop a person with PR collecting their child from school. What schools, particularly primary and middle schools, have been advised in the past is to have a policy which clearly sets out that children will not be released to anyone, with PR or without, about whom the resident parent has not given written permission. Although such a policy can be legally challenged, it does deal with emergency situations where a parent arrives at a school seeking to remove their children against the strict instruction of the resident parent. If such circumstances did arise, the resident parent should take immediate steps to take the matter before the Court and seek appropriate Orders.

Further advice, if required, can be sought from County Hall 823487 or 823494