

## Parental Contact Policy rev 5

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**History of review:** This is the fifth revision of the original policy, which was the first of its kind at South Devon Steiner School. This policy now incorporates parental responsibility and the way in which the school manages parental disputes of this nature.

**Date for next review:** October 2019

### Policy Statement

South Devon Steiner School recognises that everyone who is a parent has a right to participate in decisions about their child's education even though the school's main contact is likely to be the person with whom the child lives on school days.

Therefore, unless there is a court order limiting an individual's exercise of parental responsibilities (PR), such as an order preventing the absent parent from having contact with the child, the school staff must treat all parents equally.

It is important for schools to know who the pupil's parents are and whether there are any court orders limiting an individual parent's PR. The school therefore uses the procedures set out in this policy to ensure that it records the necessary information, both on the school admission register and in a pupil's individual record, to effectively deal with resident and non-resident parents who wish to be involved in their child's education.

This policy also sets out the school's position on parental contact with school pupils during the school day.

### Definition of parent

Under [section 576](#) of the [Education Act 1996](#) (EA 1996), a "parent" in relation to a [child](#) or [young person](#) is defined as:

- The natural parents of a child, whether they are married or not.
- Anyone who although not a natural parent has parental responsibility for a child.
- Any person, who although not a natural parent, has care of a child.

### Definition of parental responsibility

Parental responsibility (PR) is defined in [section 3\(1\)](#) of the [Children Act 1989](#) (CA 1989) as all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to a child and his property. This means that those with PR:

- Have the power to make important decisions that affect their child's upbringing unless there is a court order in place specifying otherwise.
- Are entitled to information about their child unless there is a court order in place preventing such disclosure.

### **Who has parental responsibility?**

The following individuals have or can acquire PR:

- The biological mother.
- The father, **if** he was married to the child's mother when the child was born or has since married her (*section 2(1), CA 1989*).
- The father, **if** he was not married to the child's mother when the child was born **but** he now has:
  - a child arrangements order (which replaced residence and contact orders);
  - a court order which gives him PR; or
  - a formal "parental responsibility agreement" with the mother.
- A guardian of the child (usually appointed by a court or a will)
- Someone who holds a child arrangements order
- A local authority if it is named in the care order for a child. In these circumstances, a local authority has a duty to consult the parents but is responsible for deciding what is in the best interests of the child.
- Someone who holds an emergency protection order.
- A person who has adopted a child.
- Unmarried fathers registered as the child's father at the time of birth.
- Both married parents, or an unmarried mother have PR automatically and they continue to have it after separation or divorce. It can be removed only by an adoption order.

The school acknowledges that, from time to time, it may find itself in the position of having to deal with several people who have PR for a child which may create potential difficulties.

In this event, the school will endeavour not to get involved in disputes between the parents of pupils, but it will seek to obtain copies of court orders (from the parents) so that the school records may be kept up-to-date.

In the event of a parental dispute, the school will ensure that it has copies of the most up to date and relevant court order and adhere to it as appropriate.

### **Procedure**

- Contact with pupils from any parent during school hours is discouraged and generally will only be permitted in the case of an emergency or for vital personal arrangements to be made.
- The school is able to take messages to the students if absolutely necessary such as in the case of a change in pick-up arrangements.

- Any staff member contacted by the parent during the school day will take the name and telephone number of the person calling. Pupils will be given a message to ring the parent back during a break time or after the end of school using the school telephone; pupils shall not normally be summoned to answer an incoming call.
- The standard admission application forms require the applicant parent/guardian to provide the names and contact details of **every** parent and carer of the pupil so that the school can:
  - record who they are and with whom the pupil usually lives with;
  - note emergency contact details for the parents and carers; and
  - inform the resident parent that the non-resident parent is entitled to be involved in the child's education, although the school can do nothing if the resident parent refuses to share information on the pupil with the non-resident parent.
- Where a court order or other legally enforceable agreement is in place, parents are asked to provide the school with copies of any such documents prior to the child being enrolled or as soon as such an order or agreement is issued in the case of an enrolled child. It is the parents' duty to ensure the school has the most up to date version of any such agreement.
- The school will seek to obtain parental consent for pupils using the Pupil Information and Annual Consent Form at the point of admission and then at the start of each academic year. This form details educational visit consent, permission for emergency medical treatment, first aid and vaccinations, and emergency contact information for the pupil, should the resident parent(s)/carer(s) not be available. Normally, the resident parent(s) would complete and sign this form, in cooperation with any non-resident parent where possible and applicable.
- There is nothing in law that requires schools, when seeking consent for school trips, to contact both parents where both the resident and non-resident parent have PR. However, in cases where the school considers it necessary or has been asked to seek consent from both parents, the school will follow the DfE guidance which indicates that it is best for the school to assume that parental consent has not been given unless both parents have given their consent. This approach helps the school to ensure that it has treated the views of each parent equally and helps to safeguard the school's position in terms of exposure to any potential civil liability where, for example, the child is injured while on a school trip.

## Right of Contact

- Where there is a parental dispute, the family will be encouraged by the school to keep it fully informed of what is happening and provide them with any court orders that may affect school life, such as child arrangement orders, that may prohibit one parent from collecting the child or having direct or indirect contact with them in school.
- It is not up to the school to decide, where the parents have separated or divorced, whether an absent parent should have contact with the child at school. Where a child arrangements order is in force, unless there is also a contact order dealing with the issue, it is for the child's **carer** to determine contact. Therefore, if an absent parent requests contact at school, the school will:
  - i) Seek consent from the parent who cares for the child

- ii) Permit contact only if it is clear under the terms of an order or the parent who cares for the child consents and it is considered safe and reasonable to do so.

If the parents cannot agree they should be invited to resolve their differences with legal advice rather than through the school

**In the event that the school or any other agency, deems any person with parental responsibility to pose a significant safeguarding risk to a child, the school's Safeguarding and Child Protection Policy (and relevant procedures) will override this policy.**

### **Compliance:**

- Independent School Standards
- Section 576 of the Education Act 1996 (EA 1996)
- Section 3 (1) of the Children Act 1989 (CA 1989)
- KCSIE

### **Information/ Advice/ Guidance:**

- Guidance published by the Department for Education: Understanding and dealing with issues relating to parental responsibility

### **Linked Policies:**

- Safeguarding & Child Protection Policy
- Parent Information Policy
- Equality & Discrimination Policy
- Drop-Off and Pick-Up Policy for Classes 1-5
- Late Collection of Children Policy
- Educational Visits – Planning Advice & Guidance
- Health & Safety Policy