



St Peter & St Paul
Catholic Voluntary Academy
Pro Petro Paulo Patria

Policy Document
Status: Approved
Confidentiality level: Public

Parental Responsibility Policy

Policy Ref No. PPR 01

'I have come that they may have life and have it to the full'

John 10:10

The Ethos of St Peter and St Paul

"Our academy is a community where Jesus Christ is our role model and his message the guiding principle behind all we do.

Every member of our community is responsible for creating an environment that is caring, fair and respectful of each individual.

We develop our potential, celebrate our talents and go forward together in faith."

Christ is the foundation of everything we do and the Gospels provide us with our influence and inspiration. We are therefore committed to promoting:

The uniqueness of the individual

We believe that every person is a unique individual, created in God's image and loved by Him. We are therefore committed to treat every person with equality of esteem and the respect and dignity due to a child of God.

The search for excellence

We are called to seek perfection in all aspects of our lives. We celebrate the enrichment of the total community, which flows from diversity of age, gender, racial and social origins, abilities, culture and religion. We are therefore committed to ensure that all are to be given every opportunity to develop their talents to the full.

The education of the whole person

We offer young people the experience of life in a community founded on Gospel values and working in harmony. Through this and a variety of educational experiences and interactions we aim to prepare young people for a life working with others in communities which maybe diverse socially, culturally and religiously. We recognise that it is also important to help pupils to understand their own ethnic identity and cultural heritage as well as helping them to understand that of others irrespective of whether the academy serves or is located in an ethnically diverse community.

The education of all

We have the duty of care for all to ensure that we provide for those who are socially, academically, physically, emotionally or financially disadvantaged.

Moral principles

Our belief in the Gospel message commits us to be in the forefront of the movement for social and racial justice and harmony. We believe this is fundamental to the common good. We aim to prepare our young people to serve as witnesses to these moral and spiritual values in the wider world.

Consequently, we still strive to ensure that:

Any person recruited to the service of the academy, whether as a member of staff or as a volunteer, is made fully aware of our aims and objectives and required to support them;

Children who are admitted to the academy and their families are fully aware of our aims and objectives and undertake to support them;

All of our structures and policies are evaluated and kept under constant review in order to see that no individual is subject in any way to unlawful discrimination, whether intentional or unintentional, and to ensure that all are enabled to reach their full potential.

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Rationale

To ensure all our working practises comply with our duty and responsibility to our parents.

Purpose

Academies are required by law to have a wide range of communication with pupils' parents. The question "Who are a pupil's parents?" is, however, not always as straightforward as it sounds. In addition, academies can find themselves caught up in disputes between a number of adults who each claim to have parental responsibility for a particular child.

The welfare of the particular child will be the paramount consideration for St Peter and St Paul. However, situations will arise from time to time where a parent's action, or proposed action, conflicts with the academy's ability to act in the best interests of the child. In such cases, staff should try to resolve the problem with that parent but should avoid becoming involved in any conflict.

Guidelines

Definition of 'Parent'

For the purposes of education legislation, the meaning of the term "parent" has a particular meaning that is wider than its 'ordinary' meaning. It includes not only the child's father and mother but also:

- Any other person who has **parental responsibility** for a child or young person; and
- Any other person who **has care** of a child or young person, that is, a person with whom the child lives and who looks after the child.

Definition of 'Parental Responsibility'

Having **parental responsibility** means having all the rights, duties, powers, responsibilities and authority that a parent of a child has by law in relation to that child.

The parental responsibility of one party does not stop simply because another person is also given it. So, in some cases, several people may have parental responsibility and may, therefore, be regarded, for the purposes of education law, as being a "parent" of a child.

Who has Parental responsibility?

Parents married to each other at the time of a child's birth both have parental responsibility for that child.

If the parents of a child were not married to each other when the child was born, the mother automatically has parental responsibility but the father does not, unless he has subsequently acquired it in one of the following ways. By:

- Registering as the child's father by jointly registering with the mother the birth of the child, if the child was born on or after 1st December 2003. If the child was born before 1st December 2003, the fact that the father is named on the birth certificate does not give him parental responsibility;

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- Entering into an agreement with the child's mother that he will have parental responsibility. To have legal effect, the agreement must be in the prescribed form and registered in the prescribed manner;
- Court order;
- Marrying the mother of the child.

A person, other than a child's natural parents, can acquire parental responsibility through:

- Being granted a residence order;
- Being granted a special guardianship 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); or
- Adopting a child.

A step-parent (whether the relationship is the result of marriage or civil partnership) may also acquire parental responsibility for a child of their spouse or civil partner, either by agreement between the step-parent and the parents who have parental responsibility for the child, or by order of the court.

In addition, a local authority can acquire parental responsibility if it is named in the care order for a child, although any person who is a parent or guardian retains parental responsibility.

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 after parents separate or divorce. These orders can limit the extent of an individual parental responsibility. There are two types of order which are concerned with particular issues and which still allow everyone with parental responsibility to participate in all other major decisions about a child's education:

- A "**prohibited steps order**" imposes a specific restriction on the exercise of parental responsibility. This means that action which a parent could otherwise take in the exercise of parental responsibility cannot be taken without the consent of the court. For example, the order might prevent one parent taking the child abroad for an extended period or prevent the child from attending a form of religious worship against the wishes of the parent.
- A "**specific issue order**" is an order giving directions for the purpose of determining a specific question which has arisen, or may arise, in connection with any aspect of the exercise of parental responsibility. An example would be an order allowing one parent to arrange for a child to be admitted to a particular academy against the wishes of the other parent.

Other types of order are:

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- A “**residence order**”, which says where and with whom a child should live, and gives the person in whose favour the order is made parental responsibility for the child (if he/she does not already have it).
- A “**contact order**”, which instructs the person with whom the child is living to allow another person to visit the child, have the child to visit or stay with him/her, or have contact by letter or telephone.

Where a court is satisfied that the child is at risk of significant harm, it can make a “**care order**” which gives parental responsibility to a local authority.

What St Peter and St Paul must/should do

General principle

Everyone who is a **parent** for the purposes of education legislation has rights and responsibilities in relation to their child's education. For day to day purposes, the Academy's main contact is the parent with whom the child lives on academy days. If living arrangements for a student are shared and arrangements or details change parents must keep the academy informed. All non-resident parents enjoy the same rights as resident parents to access information about their children's progress at St Peter and St Paul, except, of course, where a court order provides otherwise. For example, all parents can expect to be:

- Sent information by the academy both of a general nature and in relation to their own child (e.g. report on the child's progress and attainment);
- Informed if special educational provision is made for the child at the academy;
- Given the opportunity to participate in academy activities (e.g. vote in elections for parent governors, attend events held for parents at the academy and to meet with staff e.g. to discuss their child's report);
- Told about meetings regarding the child (e.g. a governors' meeting to review the child's exclusion from the academy).

As long as the Academy is informed by all parents of the up to date contact details, including email addresses, as much information is now sent electronically.

All parents also have obligations, for example to ensure that a child of compulsory academy age receives a suitable full-time education.

Administration

The Headteacher:

- Should ask the parent who registers the child at St Peter and St Paul for the names and addresses of *all* the child's parents (within the definition in 576 Education Act 1996);
- Must ensure these details, where known, are included in the admission register;
- Should ensure that the names and addresses of all parents are also included in pupil records (which need to be kept up to date) and are available to the child's teachers;

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- Should ensure the information is forwarded to any academy to which the child moves.

Details of court orders (where known) will also be noted in a pupil's record. Such information will be necessary when deciding who can give parental permission for a academy visit, or who needs to be contacted if the child is ill, as well as what to do in more difficult situations – for example, if a parent, rather than a foster-parent, comes to collect a child in local authority care from academy.

Problems can arise following the breakdown of a marriage in relation to the surname by which a child is known. For example, a mother with whom a child resides following divorce may ask the academy to change the child's name in its records, perhaps to her maiden name. If a residence order or a care order is in force, no one is allowed to change the child's legal surname without the written consent of every other person who has parental responsibility for the child. St Peter and St Paul is happy to use preferred names on a day to day basis but cannot amend a legal name for official documentation e.g. examination entries and certificates, unless the parent has changed the name through deed poll or adoption.

Provision of information to parents

In cases where the Academy does not know the whereabouts of a 'non-resident' parent, it should inform the resident parent that the non-resident parent is entitled to be involved in the child's education and request that information is passed on to the non-resident parent. If the resident parent refuses to share information with the non-resident parent or to provide contact details so that the Academy can deal directly with the non-resident parent, the Academy can do nothing more. However, if the non-resident parent subsequently contacts the Academy and requests access to information, the academy should provide it to that parent direct – after taking reasonable steps to satisfy itself that the individual is, in fact, the child's parent.

Where there is a court order for no contact with a non-resident parent, the Academy might wish to consult the non-resident parent and child (depending on their age and understanding) and, where necessary, seek legal advice.

Parents have a right to see their child's educational record. However, occasions can arise where children do not wish their parent to have access to personal information about them. The extent to which the child can exercise their own rights to data protection and privacy will depend on the individual child's age and understanding. Generally, where a child is sufficiently mature to understand the decision they are making, that decision should be respected. If necessary, St Peter and St Paul Academy might wish to seek legal advice.

Obtaining parental consent

Where the Academy needs parental consent to outings and activities, we 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.

Where the non-resident parent has asked the Academy to provide information about the child, we will inform them that the resident parent has or has not given permission for their child to participate in extra-curricular activities and academy trips.

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In cases where the Academy considers it necessary to seek consent from all parents who have parental responsibility, it is possible that one gives consent and the other withholds it. The Academy will treat the situation as one in which parental consent has *not* been given to the child undertaking the activity in question.

Consent to medical treatment

A person (such as a Headteacher) who does not have parental responsibility but, nonetheless, has care of a child may “do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child’s welfare”. For example, it is clearly reasonable for the academy to take a child who has been injured to hospital. However, the parents – including any non-resident parent who has asked to be kept informed of events concerning the child – should be informed as soon as possible. The power to dispense with the need to obtain prior consent from the child’s parents is limited to genuine emergencies.

Medication in the Academy

The joint DCSF/Department of Health guidance *Managing Medicines in Academy’s and Early Year Settings* explains the roles and responsibilities of employers, parents and carers and local health services. It provides guidance for all academy’s and early years settings on developing local policies on managing and administering children’s medicines, and establishing safe and effective management systems, to support individual children with medical needs. No pupil under 16 should be given medication without his/her parent’s written consent. The consent of one person with parental responsibility (normally the one who has arranged with the academy for medicines to be administered to the child in academy) is sufficient. The guidance can be found on the Teachernet website.

Informing parents about an accident during a residential visit

If an accident occurs during an off-site educational visit, the individual academy is best placed to determine whether a non-resident parent should be notified separately or whether the resident parent can be relied upon to inform the non-resident parent, having regard to that local authority’s guidance.

Sex and Relationship Education (SRE)

St Peter and St Paul Academy will make all parents aware of their right to withdraw their children from all or part of the SRE provided at academy except for those parts that are required by the science curriculum. We are not required to consult each parent individually about this right, but rather it is for the parents who want to withdraw his/her child from SRE to approach the academy and explain their wishes. Those elements of sex education that form part of statutory science lessons are compulsory and parents have no right to withdraw their child from these. We are not required to consult each parent with parental responsibility about the withdrawal of a child from SRE. The Department’s SRE guidance (DfEE 0116/2000), paragraph 5.6, states that “Academys should always work in partnership with parents, consulting them regularly on the content of their SRE programmes. Parents need to know that the academy’s SRE programme will complement and support their role as parents and that they can be actively involved in the determination of the academy’s policy.”

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If a parent, including a non-resident parent, requests to withdraw the child from SRE, excluding that part required by the science curriculum, then they should be withdrawn. We will inform the parent who hasn't made the request of this decision.