

# Education Information for Parents Living Apart

## A Guide for Parents

## What is a parent?

Under the Education Act 1996 a parent is defined 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 in the sense that the child lives with them and they look after that child.

## What is parental responsibility?

Under the Children Act 1989, the following people have parental responsibility:

- Mothers
- Fathers, if:
  - They are, or have been, married to the mother at any time since the birth of the child.
  - They are registered jointly with the child's mother on the birth certificate (applies to children born on or after 01 December 2003 only).
  - They have acquired parental responsibility by formal legal agreement with the mother or by court order (section 4 of the Children Act 1989).
- Step-parents, if they have acquired parental responsibility by formal agreement with both parents with parental responsibility (section 4A of the Children Act 1989).
- Anyone else who has been granted parental responsibility under a court order (such as a residence order, a special guardianship order or interim care order).
- Guardians who have been formally appointed in accordance with section 5 of the Children Act 1989.

### Why might a person want parental responsibility?

Having parental responsibility means assuming all the rights, duties, powers, responsibilities and authority that a parent of a child has by law.

Parental responsibility is needed in order to make decisions about a child's school, religion or surname, and to appoint a guardian in the event of a parent's death.

## General Principles

Everyone who is a parent (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. However, for day-to-day purposes, the school's main contact is likely to be a parent with whom the child lives on school days. Non-resident parents can take part in decision-making and request information by contacting their child's school.

School and Local Authority staff will treat all parents equally, unless there is a court order limiting an individual's exercise of parental responsibility.

Parents should work together to reach agreements that are in the best interests of their child, and should not attempt to draw the school into disputes between them.

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 will avoid becoming involved in disputes between parents.

Parents should keep their child's school informed about any changes in their family circumstances (including any relevant court orders relating to the child). If schools are told about the changes then they can make sure that they keep everyone up to date about the child's progress. This enables schools to keep parents fully involved in their child's education.

## Consent

Schools will generally seek consent for outings and activities from the resident parent. However, in some cases (such as educational trips abroad and where non resident parents have requested to be asked for consent) schools will consider it necessary to seek consent from both parents. If there is any dispute between parents regarding consent for school activities, the school will usually assume that parental consent has not been given. It is to be hoped that parents will work together to reach an agreement when consent has been sought, for the benefit of their child.

## Sources of help for parents:

Surrey County Council Contact Centre	03456 009 009
Parentline Plus	0808 800 2222
Familyline Surrey	0808 800 5678
Citizens' Advice Bureaux	<a href="http://www.citizensadvice.org.uk">www.citizensadvice.org.uk</a>