

Heritage College

Access Arrangements for Separated Parents / Guardians



Document Control

Revision Number	Implementation Date	Review Date	Description of Changes	Prepared By	Approved By
New Policy	August 2020	July 2023		Mark Roberts	School Executive School Council



Purpose of this Policy

The purpose of this policy is to identify and respond to issues related to students under the parental control of individuals who may be subject to contact agreements or court imposed orders.

The Hazard – Access Arrangements

The separation of parents can be extremely traumatic, especially for the children involved. Whilst many separations are amicable, others can result in serious disputes between parents/guardians including the creation of court sanctioned custody arrangements.

When parents of a child under 18 separate, they both have parental responsibility for the child, subject to any court order. Shared parental responsibility differs from equal time and includes obligations regarding the formal education of their child.

Unless an appropriate arrangement is agreed with the school, both parents will also have a duty to support the child financially.

Best Interests of the Child

The Family Law Act 1975 focuses on the rights of children and the responsibilities that each parent has towards their children, rather than on parental rights. The Act aims to ensure that children can enjoy a meaningful relationship with each of their parents, and are protected from harm.

Unless the school is aware that parents/guardians have separated and the status of the separation (including whether there are court orders in place), the safety, wellbeing and development of the child and other students and/or staff may be at risk. In addition, the separation, if not properly managed by the school may affect both the best educational interests of the child and the manner in which the school supports and interacts with the family.

Definitions:

The definitions below are drawn from the Family Law Act 1975 (Cth). Note that there is no definition of parent in the Family Law Act 1975 so, for the purposes of this policy, the definition is taken as the general interpretation.

Guardian:

includes a person who has been granted (whether alone or jointly with another person or other persons) guardianship of the child under the law of the Commonwealth or of a State or Territory.

**Parent:**

the legal mother or father or, when used in relation to a child who has been adopted, means an adoptive parent of the child

Relative of a child means:

- a step parent of the child;
- a brother, sister, half brother, half sister, step brother or step sister of the child; or
- a grandparent of the child; or
- an uncle or aunt of the child; or
- a nephew or niece of the child; or
- a cousin of the child;

Family violence intervention orders:

Family violence intervention orders are made between family members, usually by the Magistrates' Court or the Children's Court and seek to protect one or more family members ('protected persons') from the behaviour of another family member ('respondent').

Personal safety intervention orders:

Personal safety intervention orders are made between people who are not family members, usually by the Magistrates' Court or the Children's Court and seek to protect a person, called the 'protected person' from another person called 'the respondent'.

Heritage College:

In the context of this Policy, the term **Heritage College** covers the primary, secondary and ELC operations of all campuses.

Heritage College's Policy

Heritage College is committed to providing a safe environment for all our students, staff and visitors.

It is our policy that:

- A copy of the court order and relevant information that restricts access to children from certain individuals must be provided to the school upon student enrolment or at the time the order is made;
- Parents/guardians must keep the school informed in the event of separation and the status of any matters affecting access, custodial, living and or financial arrangements (including court proceedings and verdicts);
- A copy of any court orders must be maintained on the relevant student's files and the terms of the court orders affecting access and schooling arrangements must be



advised to the relevant student's teachers and any other staff (such as administration, sports coaches or music teachers) who are responsible for supervising the student or administering communication and student management arrangements;

- Any court order with regard to access/custody arrangements will be upheld by the school;
- Under no circumstances will the school release addresses or contact details of a child or parent, to another parent without a court order, unless there is consent;
- Staff will not become involved in resolving disputes concerning student family matters; and
- If there is reason to believe the child's safety may be at risk, the school will withhold the student until further instructions are received from the appropriate parties and will accord with Child Safety reporting obligations.

Parental Access to Student Information

Parental access to student information will be dependent upon whether or not there is any court order in place affecting such access.

Generally, the school will provide student information concerning a child's education to parents/guardians by giving students documents to take home, delivering them by email, giving them access to the school's student/parent intranet/portal or by any other method agreed by all parties.

Parents/guardians may request access to student information and documents which the school will make available, unless the school is aware that there are court orders that deny access to the relevant information.

The school will release student information to external organisations such as the police and government agencies, if required to do so by law.

Parent Enrolment Obligations

Both parents are required to sign the Enrolment Application and accept the Enrolment Agreement and Terms and Conditions of Enrolment (unless otherwise specified by a Court Order or agreed by the School Principal).

Both parents will be severally and equally responsible for all financial obligations of their child unless they both agree in writing to a change in responsibility or a court order specifically defines the responsibility.



Pick Up of Students at School

Parental access to pick up students either after or during school hours will be dependent upon whether or not there is a court order in place affecting such access.

Generally, either parent/guardian has the capacity to pick up their child at the end of the day. Similarly, either parent/guardian may pick up their child during school hours, upon providing sufficient reasons to the school. Before students leave the grounds during school hours they must sign out and be collected from the designated Reception area.

Parents/guardians/approved carers of ELC students must sign their child into the ELC care at the beginning of each day and collect their child from the appropriate School room at the end of each day. The parent/guardian or approved carer must sign them out.

In cases where a court order is in place and someone other than the usual person arrives to pick up a child during school hours or to pick up a child at the end of the day, caution should be exercised. In these circumstances, reference to the court order on the student's file should be made to ascertain the nature of the relationship between the student and the person who is seeking to pick up the child. The parent named on the student's file as having responsibility for the long term care of the child or responsibility for educational matters, should be contacted to determine whether the request to pick up the student should be permitted.

If the parent does not give permission, the named parent can't be contacted, the child is hesitant to go with the person, or the supervising teacher has reason to believe that the child's safety may be at risk, the Principal of the School (or his / her delegate), will not grant permission for the child to leave the school grounds.

If the person refuses to leave the school or becomes agitated or aggressive, they should be told that failure to leave the premises will lead to the police being called. If the person continues to remain on school premises despite the warning, the police should be contacted. Where such events occur, the Parent Code of Conduct will be enforced and grievance action may be taken by the School.

The school is not the appropriate place for a separated parent who has limited contact with their child under a court order to have contact with their child.

Refer to our Parent Code of Conduct available on our website: ([Links to an external site](#))

Parental Involvement in school Activities

Parental involvement in a child's school activities will be dependent upon whether or not there is a court order in place affecting such involvement.



Generally, both parents may attend and become involved in school activities in the normal course. This may include canteen duties, attending assemblies or providing assistance at specific school events.

Involvement in school activities will be denied if contact is considered inappropriate or there are genuine concerns for the safety and wellbeing of the student, other students and/or staff. Such cases may include where one parent/guardian has a Family Violence Intervention Order against another parent or a child, or where the one parent has been denied the long term care of the child or responsibility for educational matters by court order.

Where a conflict arises, the Principal or other appropriate senior staff member should be contacted and it shall be their responsibility to determine how to handle the conflict situation.

An unsupported objection by the School to participation in the activity by a parent/guardian, is not a sufficient reason to deny participation without a court order, unless there are genuine concerns held for the safety, wellbeing or the best educational interests of the child and/or other students.

Staff Responsibility

All staff are responsible to:

- Familiarise themselves with any court orders including accompanying instructions, that may exist with respect to students in their care;
- Be alert to signs that a child may be suffering stress as a result of a separation and report the same to the student's classroom teacher, Home Room teacher and the Head of School or Principal;
- Refuse permission for a parent to pick up a student under their care where there is any perceived danger to the safety of the child;
- Notify the Principal in the event a conflict situation arises; and
- Follow the guidelines as set out in this policy.

Implementation

This policy is implemented through a combination of:

- Staff training;
- Effective communication with parents/guardians;
- Effective record keeping procedures;
- Briefing by Heads of School to staff as to students under their care where access is subject to a court order;
- Appropriate management of parents seeking access to students at school; and
- Initiation of corrective actions where necessary.



Discipline for Breach of Policy

Where a staff member breaches this policy Heritage College may take disciplinary action.

Sources

DET Intervention Order Policy as cited at:

<https://www2.education.vic.gov.au/pal/intervention-orders/policy>

Related Documents

- HC Child Protection Program
- HC Privacy Policy
- HC Parent Code of Conduct
- HC Intervention Order Policy