

MONASTERY NATIONAL SCHOOL

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Monastery National School Custody / Separation Policy

The Staff of Monastery National School encourages parents experiencing separation to come and speak confidentially to the teacher(s) and /or Principal. It is our aim to handle such matters with sensitivity, compassion and understanding, and ultimately, our primary concern is for the well-being and overall development of the child. In handling such sensitive information pertaining to family issues the school is fully aware of its obligations to comply with the Data Protection Acts 1998 and 2003.

The following are the key procedures in place for separated parents of pupils in the school:

1. Changes to Home / Family Circumstances:

1.1 It is the policy of this school that the parent / guardian of each child has full responsibility for informing the school in writing, of any change in circumstances at home e.g. separation, divorce, new partner, custody arrangements, access to the child / children.

2. Contact Details:

2.1 In the case of separation and / or when a child spends time in two homes, it is requested that the school be provided with both sets of addresses, contact details, contact numbers and emergency numbers.

3. Collection From School:

3.1 Regarding the collection of a child / children from school - it is requested that the school be informed of the collection arrangements and that any changes in these arrangements be confirmed in writing to the school.

3.2 Where a dispute arises between parents of a non-marital child regarding the collection of the child / children during the school day or after school, then the onus will be on the father to produce evidence of a Court Order or A Statutory Declaration (*i.e. an agreement made by the mother and father of a non-marital child, enabling the father to become a guardian of the child jointly with the mother*) to instruct the school.

2. Custody - Guardianship:

- 2.1 In the absence of a custody / guardianship arrangement, both parents will be treated as equal partners in terms of parenting rights and responsibilities.
- 2.2 The school cannot be asked to withhold a child / children from either parent in the absence of a court order.
- 2.3 In such instances where a court order does exist, the school will require a formal letter from the parent's solicitor confirming the content **of the relevant section** of any such court order to clarify its impact, if any, on the school.
- 2.4 If there is a serious concern about a parent / guardian abducting or leaving the country / jurisdiction with a child/children, the other parent /guardian should request their solicitor to seek a court order instructing the school and any other carers regarding rights of access.
- 2.5 In the case where the estranged parent/guardian is not known to the class teacher, the concerned parent/guardian should provide a family photograph enabling the class teacher to identify the person in question.

3. Parent - Teacher Meetings:

- 3.1 For the support and well-being of the child it is the policy of the school to **strongly recommend** that both parents / guardians attend parent-teacher meetings together.

Each parent / guardian has a right to attend such meetings and receive school progress reports unless there is a court order to the contrary. The school has a defined procedure in relation to such meetings; i.e. *the teacher will give one report to both parents. Each parent will be asked in turn if they have questions in relation to the report or their son's learning and progress in school. Questioning and comments between the parents is not permitted as it may result in conflict.*

- 3.2 However where one parent is unable or unwilling to attend the designated parent teacher meeting they may request to meet the teacher at any stage during the year to discuss their son's education.

4. Home - School Communications:

4.1 It is the policy of the school to provide a separate letter/communication to **each** parent / guardian in the case of **Category 1 Communications**.

These shall be:

- School reports
- Notice of formal parent-teacher meetings
- Notice of meetings with NEPS, SENO, TUSLA etc.
- Notice of formal preparation meetings for the various sacraments.
- Newsletters and other school notices.

4.2 With regard to **Category 2 Communications**, i.e. notes, school communication via schoolbags, the school journal, texts etc, it is assumed that **the parent with whom the child principally resides** will keep the other parent informed.

In the case of such **Category 2 Communications** it is the policy of the school **not** to issue a separate note / communication to each parent / guardian.

5. Non-Marital Relationships:

5.1 In the case of a child / children of a non-marital relationship, the school will cooperate with the arrangements in place between the parties regarding the child /children unless a dispute arises.

5.2 Where such a dispute arises it is the policy of the school to issue only **one** letter / communication with regard to **Category 1 Communications** to the natural mother **and** to the father, only if he is in possession of,

- a) A Court Order or
- b) A Statutory Declaration agreed with the natural mother appointing him guardian.

The school will request copies of the relevant sections of such orders / declarations.

6. New Partners.

6.1 The School recognises that new partners have no statutory rights in relation to the child but may have a role with regard to collection from school etc.

6.2 Accordingly, communications from the school to new partners will be limited to that which has been agreed between **both** natural parents, or that which has been provided for by a court order.

The School will require a copy of the relevant sections of the court order.

6.3 **Category 1 Communications** will only be issued to the natural mother and natural father. No letter / communication will be issued to new partners unless there is express agreement between the parties or unless such is provided for in a court order.

7 School Staff and Separated Parents

7.1 Teachers are expected to;

- (a) Act in a fair, open and even-headed manner in respect of both parents and treat all information supplied in a sensitive, confidential and professional manner and in compliance with the Data Protection Acts 1998 and 2003.
- (b) Pass all relevant information concerning a child/children from one teacher to another within the school, on "a need to know" basis, to enable the school to cater for the well-being and development of the child in the most effective manner possible.
- (c) Advise both parents separately, of **Level 1 Communications**, in accordance with the school policy on Custody-Separation.
- (d) Facilitate a request to meet the teacher at any stage during the year to discuss their son's education where one parent is unable or unwilling to attend the designated parent-teacher meeting.
- (e) Comply with the parent who has de facto day to day control of the child (i.e. Custody) in the event of a dispute.
- (f) If in any doubt, seek advice / guidance from the Principal and Board of Management.

8 Notes: Guardianship / Custody

Definitions. (This note is for guidance only and does not purport to be a legal interpretation)

8.1 Guardianship:

- Married parents are '*Joint Guardians*'.

A Guardian is a person who has legal rights to make decisions regarding the upbringing and welfare of the child as well as having a duty to ensure that the child is properly maintained and cared for.

- One of these rights is **Custody**.

Custody is the right to day-to-day physical care and control of the child.

- In the case of non-marital relationships, the natural father has **no automatic** custody or guardianship rights, even though his name may be on the birth certificate, unless **a court or the natural mother** grants those rights to him.

The natural mother only, has automatic right of guardianship.

- If a guardian is deprived of custody rights by a Court, they still retain a say in relation to matters regarding a child's welfare i.e. the religious, moral, intellectual, physical and social welfare of the child. They can also be awarded access.
Access gives a parent a "temporary" right to visit with the child.

This policy was ratified by the Board of Management of Monastery National School

Date: December 2014

Signed (Chairperson): *Father Peter Murphy*

Signed (Principal): *Mr Jim McGee*

Next review date: 2018