



GUIDANCE NOTES ON PARENTAL RESPONSIBILITY

Please ensure that all persons with Parental Responsibility tick the box in Section B – Contact Information. If there are any persons who have Parental Responsibility who are not part of the student's main household please ensure that their details are completed in Section C.

The following guidance from the Department of Education may assist you in completing Section C of the Humphry Davy School Admissions form.

Definition of parent

Section 576 of the Education Act 1996 defines 'parent' 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 (having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law).*

Definition of Parental Responsibility

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

Where a child's parents are not married to each other, the child's father can gain parental responsibility:-

- *by registering the child's birth jointly with the mother*
- *by subsequently marrying the child's mother*
- *through a 'parental responsibility agreement' between him and the child's mother which is registered with the court*
- *by obtaining a court order for parental responsibility*

Where two female parents have a child through fertility treatment, the mother's female partner is treated in the same way as a father. She has parental responsibility if she is married to or in a civil partnership with the mother at the time of the treatment (or if the two women agree in writing that she will be the child's second parent). She can also acquire parental responsibility in the same way that a child's father can.

People other than a child's natural parents may acquire Parental Responsibility in other ways:

- *adoption - only the adoptive parents will hold parental responsibility*
- *when a child is placed with prospective adopters they get parental responsibility for the child along with others holding parental responsibility, such as the local authority*
- *obtaining a parental order following surrogacy*
- *in the case of step-parents, through agreement with the child's mother - and other parent if that person also has parental responsibility for the child - or as the result of a court order*
- *being granted a child arrangements order determining that the child should live with him or her, or if the court determines that a parent should only spend time with the child, the court may also decide to grant parental responsibility*
- *being appointed a guardian or special 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*

A local authority can also acquire parental responsibility, if it is named in the care order for a child.

Everyone who is a parent, as defined above (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 (even though, for day-to-day purposes, the school's main contact is likely to be a parent with whom the child lives on school days).

The school and LA staff will treat all parents equally, unless there is a court order limiting an individual's exercise of Parental Responsibility.

Obtaining consent

Where we as a school need parental consent for 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.

Further details can be obtained from the Department of Education website www.education.gov.uk