

PARENTAL RESPONSIBILITIES POLICY



Help for non-English speakers

If you need help to understand the information in this policy, please contact the school office.

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PURPOSE

The purpose of this policy is to provide a guide as to who is responsible for students and the common decisions which need to be made in relation to their education and wellbeing. It also ensures Richmond West Primary School complies with Federal and State Government policy and the provisions of the:

- *Children, Youth and Families Act 2005 (Vic)*
- *Family Law Act 1975 (Cth)*
- *Family Violence Protection Act 2008 (Vic)*

SCOPE

This policy applies to all students and families at Richmond West Primary School.

DEFINITIONS

Parent - A person that has parental responsibility for a child. This may include a biological parent or another person who has been granted parental responsibility by a court order.

Parental responsibility - All of the duties, powers, responsibilities and authority which, by law, parents have in relation to children.

Parenting orders (also known as Family Law Act orders) - Court orders made pursuant to the Family Law Act 1975 (Cth) and may deal with any of the following issues:

- person with whom the child is to live
- the time a child is to spend with another person
- communication a child is to have with another person
- the allocation of parental responsibility
- any aspect of the care, welfare or development of the child

Family violence intervention orders - Court orders made pursuant to the Family Violence Protection Act 2008 (Vic) that prohibit one family member doing specified actions or behaviours towards another family member or multiple family members. Family violence intervention orders do not take away or grant parental responsibility but may impact the ability of a parent to care for or have contact with their child.

Protection orders - Court orders made pursuant to the Children, Youth and Families Act 2005 (Vic) upon protective intervention by DFFH Child Protection. There are various types of protection orders including:

- family preservation orders
- family reunification orders

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- care by Secretary orders
- long term care orders
- permanent care orders

Parenting plan - A written agreement between parents that meets all of the following characteristics, in that it:

- is made between the parents of the child
- is signed and dated by the parents of the child
- deals with some or all of the following matters:
 - o person with whom the child is to live
 - o the time the child is to spend with a person
 - o the allocation of parental responsibility
 - o any aspect of the care, welfare or development of the child

A parenting plan can affect parental responsibility even though it is not an order made by a court. It can be made subsequent to a parenting order and can vary the parenting order made by a court.

Guardianship - is the person who has been given responsibility for decisions pursuant to a Court Order or Parenting Plan and can make decisions on behalf of the student. This may include long-term issues about the care, welfare and development of the student.

Mature Minor - A student under the age of 18 who is capable of making their own decision i.e. that they are a mature minor for the purpose of making a particular decision. To be considered a mature minor, principals or others working with students must be satisfied that the student has sufficient maturity, understanding and intelligence to understand the nature and effect of their particular decision.

POLICY IMPLEMENTATION

Each parent of a child under 18 years of age has parental responsibility for the child, unless that parental responsibility is varied by a court order or parenting plan or otherwise as set out in this policy.

Parents and carers are expected to provide Richmond West Primary School with up-to-date information and documentation relating to relevant court orders or informal care arrangements. However, our school should request copies from parents or carers of relevant court orders or evidence of informal care arrangements that are in place, if they are aware of them, and make reasonable enquiries with parents and carers about those orders and arrangements from time to time.

In determining who is responsible for making a decision in relation to a student and the information to be provided to the person responsible for making the decision, Richmond West Primary School staff must also consider the human rights of any relevant parties (for example the student's rights and their parents' or carers' rights) as set out in the Charter of Human Rights and Responsibilities Act 2006 (Vic) (the Charter) and must act compatibly with the Charter. For more information, see [Human Rights Charter](#).

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The Department's Legal Division can also provide advice for schools to assist them in determining decision making responsibilities if and as needed at legal.services@education.vic.gov.au or 03 9637 3146.

In determining who is responsible for making a decision in relation to a student, the principal or relevant staff member at Richmond West Primary School must apply the following:

1. If a student under the age of 18 years old indicates that they want to make a decision for themselves, the principal should decide whether the student is a **mature minor** for that decision — refer to: [Mature Minors and Decision Making](#).
2. If the student is **not an adult or mature minor**, consider who has parental responsibility for the child (for example who are the parents listed on the child's birth certificate).
3. If parents are separated, consider:
 - are there any court orders in place that affect decision-making responsibility — for example, parenting order (also known as a Family Law Act order), family violence intervention order or protection order
 - are there any informal arrangements in place that affect decision-making responsibility — for example, parenting plan or informal care arrangements (such as the student living with their grandparent or other non-parent carer, where no court orders are in place for such an arrangement)
 - if the decision is about day-to-day issues affecting the child, in which case a parent or carer who is spending time with the child on a particular day is able to make the decision
 - if the decision is about a major long term issue affecting the child, in which case schools are encouraged to seek the views of each parent or carer with decision making responsibility for the child. A decision made by only one parent or carer in the absence of a contrary view or communication from the other parent or carer is sufficient, unless otherwise set out in Department policy.

Decisions about major long term issues

Separated parents with decision-making responsibility are expected to consult with one another and make a genuine effort to come to a joint decision about an issue. The law does not require others, such as schools, to ensure that both parents have consulted with each other and come to a joint decision. However, schools are encouraged to have processes in place to seek the views of both separated parents about a major long term issue. The following provides some guidance about the usual classification of common decisions.

Major long term issues include:

- enrolment or transfer and choice of school
- year level movement (that is, repeating or skipping a year)
- consents for overseas excursions
- major medical and health decisions
- decision for child to participate in special religious instruction

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- chronic non-attendance at school
- the child's name
- a decision about a day-to-day issue that may have a major long term impact for a particular child

Day-to-day issues include:

- non-attendance at school when it is open for instruction on a particular day
- consent to participate in day excursions
- medical and health decisions that are not major

Disputes between separated parents or carers

Whenever faced with a dispute between persons who are responsible for making decisions for a child, principals and staff must try to:

- avoid becoming involved
- avoid attempting to determine the dispute
- act neutrally and not adopt sides
- act in the best interests of the child or young person involved
- act in the best interests of the school community

School staff should inform parents that schools are not the place to resolve disputes. These disputes should be resolved between the parents and carers through discussion, attendance at the Family Relationship Centre or at court.

Informal carer arrangements

When a child's parents are unable or unwilling to care for them, the responsibility often falls on relatives or significant others to take care of the child. Sometimes this care is provided on an informal basis and does not give the carer any legal status over the child or formal recognition as a carer.

In these circumstances, in order to allow these carers to work with students at Richmond West Primary School, carers should be asked to complete an Informal Carer Statutory Declaration. This is a written declaration by the carer that sets out the care arrangements for the child — refer to: [Informal Carer Statutory Declaration template](#) (staff login required).

Generally, an informal carer who has provided the school with a completed Informal Carer Statutory Declaration may make school-based decisions for the child as set out in this policy and may access school information ordinarily provided to a parent.

However, it is important to note that, generally, a decision of a parent with parental responsibility overrides any decision made by an informal carer to the extent of any inconsistency.

Formal carer arrangements

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Where a child is in out-of-home care following an intervention by Department of Families, Fairness and Housing (DFFH) Child Protection resulting in a protection order, an 'authorisation' may be issued to the carer in order to enable them to make decisions about the child.

The types of decisions that a carer is authorised to make for the child are specified in the authorisation and will generally include day-to-day decisions about education and routine medical care. Generally, carers are not authorised to make major long term decisions for a child, unless DFFH Child Protection have issued a specific authorisation allowing the carer to make decisions about issues of a long term nature.

Carers are responsible for providing the principal and staff of Richmond West Primary School with a signed instrument of authorisation and for providing up-to-date information relating to any changes in care arrangements. However, the principal and staff should ask for a copy of this authorisation whenever they are aware a change has been made.

In some circumstances, these orders may grant parental responsibility for major long term issues or day-to-day decisions for a child to someone other than the natural parent(s) of the child, including the child's day-to-day carer, the Secretary of DFFH, a person authorised under an Instrument of Authorisation by the Secretary of DFFH or the child's permanent care parents.

Where there are protection orders in place, the principal must ensure the school retains a copy of the orders and update the student's records to reflect any impact of these orders on care arrangements or decision making responsibility for students.

If the principal (or their nominee) has any concerns about any aspect of decision making processes, they will seek advice from the DET Legal Division.

COMMUNICATION

This policy will be communicated to our school community in the following ways:

- Included in staff induction processes and staff training
- Available publicly on our school's website communications platform (COMPASS)
- Included in staff handbook/manual
- Discussed at staff briefings/meetings as required
- Included in transition and enrolment packs
- Discussed at parent information sessions
- Reminders in our school newsletter
- Hard copy available from school administration upon request

FURTHER INFORMATION AND RESOURCES

Related School Policies:

- Camps and Excursions Policy
- Complaints and Concerns Policy

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- Code of Conduct Policy
- Critical Incident and Accident Reporting Policy
- Duty of Care Policy
- Student Engagement and Wellbeing Policy
- Statement of Values and School Philosophy
- Yard Duty and Supervision Policy

The Department's Policy and Advisory Library (PAL):

- [Excursions](#)
- [Expulsions](#)
- [Intervention Orders](#)
- [Mature Minors and Decision Making](#)
- [Student Support Groups](#)
- [Student Support Services](#)
- [Suspensions](#)

Relevant Legislation

- [Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#)
- [Children, Youth and Families Act 2005 \(Vic\)](#)
- [Family Law Act 1975 \(Cth\)](#)
- [Family Violence Protection Act 2008 \(Vic\)](#)

Appendix 1:

POLICY REVIEW AND APPROVAL

This policy will be reviewed within the school review cycle and/or updated to reflect changes in Government and/or DET regulations or school circumstances.

Policy last reviewed	February 2022
Approved by	Principal
Consultation	N/A -Local Policy
Next scheduled review date	February 2026

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Appendix 1:

Decision to Be Made	Who is Responsible
<ul style="list-style-type: none"> ◦ Enrolment/transfer ◦ Year level movement 	<ul style="list-style-type: none"> · Persons with parental responsibility for “major long-term issues” · Persons with guardianship · Persons allocated this responsibility pursuant to a Court Order or Parenting Plan
<ul style="list-style-type: none"> ◦ Nomination of emergency contacts 	<ul style="list-style-type: none"> · Persons with parental responsibility · Persons with custody · Persons who are carers
<ul style="list-style-type: none"> ◦ Non – attendance at school when it is open for instruction 	<p><u>If it relates to a specific day(s)</u></p> <ul style="list-style-type: none"> · Persons with parental responsibility · Persons with custody · Persons who are carers <p><u>If it relates to chronic non-attendance</u></p> <ul style="list-style-type: none"> · Persons with parental responsibility for “major long term issues” · Persons with guardianship · Persons allocated this responsibility pursuant to a Court Order or Parenting
<ul style="list-style-type: none"> ◦ Leaving school early / commencing late 	<ul style="list-style-type: none"> · Persons with parental responsibility and with whom the child is spending time with · Persons with custody · Persons who are carers
<ul style="list-style-type: none"> ◦ Development of Student Health Support Plan 	<ul style="list-style-type: none"> · Persons with parental responsibility for “major long term issues” · Persons with guardianship · Persons allocated this responsibility pursuant to a Court Order or Parenting Plan
<ul style="list-style-type: none"> ◦ Development of Individual Education Plan ◦ Development of Behaviour Management Plan 	<ul style="list-style-type: none"> · Persons with parental responsibility for “major long term issues” · Persons with guardianship · Persons allocated this responsibility pursuant to a Court Order or Parenting Plan
<ul style="list-style-type: none"> ◦ Consent to participate in day excursion 	<ul style="list-style-type: none"> · Person with parental responsibility and with whom the child is spending time with · Persons with custody · Persons who are carers
<ul style="list-style-type: none"> ◦ Consent to participate in overnight excursion, camps, overseas excursions 	<ul style="list-style-type: none"> · Persons with parental responsibility for “major long term issues” - It is important to note that where there is a parenting order or a pending application for a parenting order, it is an offence for a person to take or send a child outside Australia unless it is with the written consent of each person with parental responsibility. · Persons with guardianship · Persons allocated this responsibility pursuant to a Court Order or Parenting Plan
<ul style="list-style-type: none"> ◦ Consent to referral to student support service officers 	<ul style="list-style-type: none"> · Persons with parental responsibility for “major long term issues” · Persons with guardianship · Persons allocated this responsibility pursuant to a Court Order or Parenting Plan