



KINROSS WOLAROI SCHOOL

SEPARATED PARENTS POLICY

1 POLICY STATEMENT

- 1.1 The School acknowledges the difficulties faced by students and parents undergoing separation, divorce or remarriage and the importance of providing a clear framework for matters relating to the School.
- 1.2 At all times, the safety, welfare and wellbeing of students will be the paramount consideration in all decision making and action taken by the School.
- 1.3 The purpose of the policy is to establish a framework to guide the way in which the School will manage issues in relation to separated families, including:
- a) communication with parents;
 - b) administration of enrolments and fees; and
 - c) the establishment of responsibilities and boundaries in relation to family law issues which impact the School.

2 CONTEXT

- 2.1 The School strives to ensure that every child is given the opportunity to achieve their educational potential. In meeting this obligation, the School relies to a significant degree on the cooperation and assistance of parents.
- 2.2 Under the *Family Law Act 1975 (Cth)* (the Act) there is a presumption that both parents will have an equal parental responsibility and a role in decision making about major long-term issues. The Act also states that children have the right to know and be cared for by both their parents, regardless of whether their parents are married, separated, have never married or have never lived together. The School expects parents of children to collaborate in relation to the education of their child, subject to any exceptional circumstance or court orders to the contrary.

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2.3 For the purposes of this policy, “parent” includes a legal guardian or other person who has the lawful custody and care of a child.

3 GUIDING PRINCIPLES

3.1 The School will be guided by the following principles:

- a) the primary consideration of the School in all matters is the educational, safety, wellbeing and welfare needs of the child;
- b) it is not the role of the School to enforce Family Court orders or resolve family law disputes;
- c) parents and primary care givers have a responsibility to provide the School with copies of any court orders that impact on the relationship between the family and the School and any other relevant information; and
- d) the School will adopt the principle of neutrality and is not to be engaged as an advocate for one parent over another in any family dispute.

4 ENROLMENT

4.1 As a general position, and in the absence of any court orders to the contrary, either parent has the capacity to enrol their children at the School. The School will accept an enrolment form signed by only one parent in the absence of any information that the other parent does not agree with the proposed enrolment.

4.2 A student must be formally enrolled using the name that appears on their birth certificate unless it has been changed to another name by a legal process recognised in New South Wales.

4.3 Upon request, a parent must provide a copy of a child’s birth certificate and proof of any change of name.

4.4 In the absence of court orders to the contrary, each parent is entitled to know where their child is enrolled. It is the obligation of the parents to inform each other of a child’s enrolment.

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5 PAYMENT OF FEES

- 5.1 Payment of fees due to the School is the responsibility of any person who has signed the enrolment form accepting that liability. This policy does not impact on the payment of fees under that agreement.
- 5.2 The payment of fees by a parent does not impact on the rights or responsibilities of another parent under this policy.

6 SCHOOL PARTICIPATION

- 6.1 In the absence of a court order to the contrary, or exceptional circumstances, each parent is entitled to spectate or participate in School related activities including for example speech day, parent teacher interviews, school performances, athletics carnivals or School sport.
- 6.2 The School reserves the discretion to refuse entry to the School grounds or ask any person to leave the grounds as considered appropriate in any circumstances.

7 CONTACT AND COLLECTION FROM SCHOOL

- 7.1 In the absence of any court order to the contrary, children may be collected from the School by any parent. It is the responsibility of the parents to make arrangements for collection of their children from the School and to comply with any relevant court order.

8 COMMUNICATION FROM THE SCHOOL

- 8.1 The School will send School communications including for example newsletters, School reports and permission notes to the email or postal addresses nominated on the enrolment form.
- 8.2 In some circumstances (for example, where there are system limitations), School communication will be sent to a default address being the primary contact nominated on the enrolment form.
- 8.3 In the absence of court orders to the contrary, each parent is entitled to have access to School communication relating to their child and the parents have a responsibility to share that information with each other as appropriate.

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9 COURT ORDERS

- 9.1 Parents must promptly provide a copy of relevant court orders to the School, including any amendments to those orders.
- 9.2 The School Principal should ensure that the orders are treated as sensitive, are held securely and are only made available to staff required to make relevant decisions about them.
- 9.3 The School will comply with court orders to the extent that the orders explicitly apply to the School, but it is not the role of the School to enforce any court order or provide any legal advice to any party regarding a court order.

10 RESPONSIBILITIES OF PARENTS

- 10.1 It is important that where a family breakdown does occur, parents reach agreement regarding issues which might impact on the child's attendance at the School. Where parents cannot agree it is expected that they take steps to obtain court orders that deal with the issues relating to their child's schooling and provide a copy of those orders to the School.
- 10.2 Parents must not involve the School as the referee or arbiter of any dispute, or attempt to involve the School as their advocate or to "take sides" in any dispute.
- 10.3 In addition to copies of a child's birth certificate and any court orders, parents must provide copies of any other information which is relevant to the child's attendance at the School.
- 10.4 The School expects that parents share all relevant information with each other regarding their child's enrolment and attendance at the School as appropriate.

11 SUPPORTING PROCEDURES AND RELATED POLICY

Child Protection Policy

Privacy Policy

Staff Code of Conduct

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12 LEGISLATION AND REGULATIONS

Education Act 1990 (NSW)

Uniting Church in Australia Act 1977 (NSW)

Children and Young Persons (Care and Protection) Act 1998 (NSW)

Family Law Act 1975 (Cth)

13 REFERENCE MATERIAL

NSW Department of Education – Family Law Guidelines 2020 (accessible at:
<https://education.nsw.gov.au/about-us/rights-and-accountability/legal-issues-bulletins/family-law-guidelines>)

14 POLICY HISTORY

Original policy adopted by School on 27 July 2021

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