



Ashgate Primary School

Policy Statement on Parental Collection Rights /Disputes between parents with Parental Responsibility

1. Introduction and Aim:

Ashgate Primary School is committed to ensuring the safety and well-being of all pupils. This policy statement outlines the procedures for the collection of children from school by parents and authorised individuals, particularly addressing situations where parental relationships are complex. Our aim is to facilitate smooth and safe transitions for children while upholding our statutory safeguarding duties.

2. Definition of Parental Responsibility (PR) Parental Responsibility (PR) is defined under **Section 3 of the Children Act 1989**. It encompasses "all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property."

In essence, a person with PR has the legal right to be involved in key decisions about a child's upbringing, including their education, health, and welfare.

- **Who automatically has PR?**
 - Mothers always have PR.
 - Fathers married to the mother at the time of the child's birth (or subsequently married to her).
 - Fathers whose names are registered on the birth certificate (for births registered after 1st December 2003).
- **Others who can acquire PR:**
 - Fathers not automatically having PR can acquire it through a Parental Responsibility Agreement with the mother or by obtaining a Parental Responsibility Order from the court.
 - Step-parents can acquire PR through a Step-Parent Parental Responsibility Agreement or Order.
 - Guardians appointed by a court.
 - Local authorities may hold shared PR under a Care Order.
- **Removal of PR:**
 - Parental Responsibility (PR) can be removed by the courts in the UK, but it is rare and only happens under specific circumstances. The courts always prioritise the child's welfare as the paramount consideration. Where PR may be in dispute or cannot be established, the school reserves the right to investigate before making any associated decisions. This could occur, for example but not exclusively, when one parent makes a claim that the other does not have PR, if there are contradicting legal documents, where court order dates have been exceeded, or where requests for sensitive information sharing has been requested.

3. General Principles of Collection

- **Notification of Changes:** Parents with PR must inform the school immediately of any changes to collection arrangements or authorised individuals.

- **Confirmation of PR status:** The school may seek to confirm PR status where there may be a complex parental relationship. This may be done through third parties and or seeking the views of both parents if there is the risk of disputed status.
- **Identification:** The school reserves the right to ask for photographic identification from anyone collecting a child, particularly if they are not known to staff.

When both parents are wishing to exercise their right to collect their child or make a decision on their behalf:

- The default position will be that, subject to terms and conditions listed below, the parent identified as being Priority 1 on the school database or with whom a status quo for collection has been established, will be given priority for access. Details are listed below for actions where disputes or agreements are complex.

4. Parental Responsibility and Collection Disputes

The school recognises that parents with Parental Responsibility generally have the right to collect their child. The school can and will act in accordance with best safeguarding practices to maintain the status quo for existing collection arrangements, prioritising the child's welfare.

However, either parent with Parental Responsibility may be denied immediate access to or collection of their child under the following specific safeguarding circumstances:

- **Court Order in Place:** If the school has been provided with a legally binding court order (e.g., a Child Arrangements Order, Prohibited Steps Order, or Non-Molestation Order) that specifically restricts a parent's access, contact, or collection rights. It is the responsibility of the parent seeking to enforce such an order to provide a certified copy to the school office.
- **Imminent Risk to Child Safety:** If the parent attempting to collect the child appears to be in a state that poses an immediate and direct risk to the child's safety or well-being (e.g., appearing to be severely under the influence of alcohol or drugs, exhibiting aggressive or highly erratic behaviour that frightens the child or staff). In such circumstances, the school will retain the child in a safe environment and immediately contact the police and/or social services as per our safeguarding procedures.
- **Police or Social Services Intervention:** If the school has been advised by the police or children's social care that releasing the child to a particular parent would place the child at immediate risk, and they have issued a direct instruction to the school.
- **Serious and Credible Safeguarding Allegations:** If the school has received serious and credible safeguarding concerns or allegations that necessitate the child remaining in the school's care while relevant authorities (e.g., social services, police) investigate and advise on the appropriate course of action. This would be an exceptional circumstance where retaining the child is deemed necessary to prevent immediate harm.
- **Where it is identified by a senior leader that the demeanour of an adult is not conducive to safe and appropriate collection;** for example, is aggressive, confrontational or likewise not in a frame of mind to care for a child.

In any situation where a parent is denied access or collection rights, the school will document the incident, including reasons, actions taken, and individuals contacted.

5. Resolution of Disputes

The school's role is not to mediate or arbitrate disputes between parents regarding contact or collection arrangements. Such matters are legal in nature and should be resolved through appropriate channels.

If parents are unable to agree on arrangements, they should pursue resolution through:

- **Mediation:** A neutral third party helps parents communicate and reach mutually agreeable solutions.
- **Legal Advice:** Consulting a family law solicitor for advice on rights and options.
- **Court Proceedings:** Applying to the family court for a Child Arrangements Order (CAO) or other relevant orders. Possible outcomes of court orders include:
 - **Live With Order:** Specifies where the child lives (formerly "residence order").
 - **Spend Time With Order:** Specifies the contact arrangements the child has with the non-resident parent (formerly "contact order").
 - **Prohibited Steps Order (PSO):** Prevents a specific action from being taken regarding the child (e.g., preventing a parent from removing a child from the school).
 - **Specific Issue Order (SIO):** Resolves a specific dispute about a child's upbringing (e.g., which school they should attend).

The school will always comply with legally binding court orders once they have been formally provided to the school office and no immediate safeguarding concerns have been identified.

6. Mutual Respect and Understanding

We understand that family situations can be challenging and emotionally difficult. Ashgate Primary School expects all parents and carers to show mutual respect towards each other, school staff, and the children at all times. We ask for your understanding that the school's paramount concern is always the safety, welfare, and best interests of the child. By adhering to this policy and respecting safeguarding considerations, we can collectively ensure a safe and secure environment for all pupils.

NOTE: This policy is in place to provide operational consistency regarding actions and is not a statutorily required policy. As such it is not subject to Governor ratification but is in line with DfE Guidance, Safeguarding Policy and recommended best practice.