



CP003	Access to Students Policy
<b>Purpose</b>	This policy describes the school's position regarding access to students.
<b>Authority</b>	Criminal Code Family Law Reform Act (1995) School Education Act (1999) School Education Regulations (2000)
<b>Policy</b>	The school will take all reasonable steps to ensure that only authorised persons have access to students and student information.
<b>Delegation</b>	Principal
<b>Related Policies</b>	Emergency, Crisis and Critical Incidents (PC005) Screening Staff and Volunteers (CP005) Child Protection (CP001) Camp and Excursions (I002) Student Supervision (R002) Records Management (G006)
<b>Date approved</b>	February 2012, February 2015, July 2019
<b>Next Review Due</b>	April 2021
<b>Review Authority</b>	Governance
<b>Keywords</b>	Access; contact; family court order; Parenting Plan
<b>Authorised by:</b>	
<b>Board Chairman</b>	
<b>Date:</b>	
<b>Author/Reviewer:</b>	Jolanda Mulder – October 2018



## CP003

## Access to Students Procedure

### **Background:**

Under the Family Law Reform Act 1995, both parents have full parental responsibility for and are entitled to access a child and information related to the child's schooling, unless a Parenting Plan or an order of the Family Court provides otherwise.

The Principal as well as teachers and administration staff need to have a clear understanding of which persons are entitled to have access to students whilst they are at school or at a school function, and under what circumstances this right of access may be exercised.

After a separation, parents regularly make formal agreements, called Parenting Plans, regarding the care and welfare of a child. Parenting Plans are made between the parents of the child, must be recorded in writing and signed by both parties.

Parenting Plans deal with matters such as:

- With which parent the child will reside
- What contact the child will have with the other parent
- The maintenance of the child
- Any other aspects of parental responsibility of the child.

Sometimes Parenting Plans include other persons concerned with the care and welfare of the child, such as grandparents or carers.

As Parenting Plans are not necessarily registered by the Family Court, a school must check to ensure that the document provided to them has been signed by both parents.

### **Court Orders:**

In situations where parents cannot agree on the care and welfare of a child, the Family Court will issue orders to protect the best interests of the child. Where differences arise between parents regarding contact or the residence of a student the school should **not** take sides in the dispute or do anything that could be construed as taking sides or essentially favouring one parent ahead of the other. The differences should be left to the parents to resolve in conjunction with their professional/spiritual advisors.

There are four types of Family Court orders:

1. A Contact Order
2. A Residence Order
3. A Specific Issues Order
4. A Maintenance Order
5. A Violence Restraining Order

A school is likely to be mainly concerned with the first types of orders. Following is a brief expansion of these three

A **Contact Order** will usually stipulate which person is allowed to access a student during school hours and is permitted to collect a student from school.

A **Residence Order** usually deals with whom a student is to reside.



**Specific Issues Orders** deal with aspects of parental responsibility for a student, such as medical, education and religious matters. Under Specific Issues Orders, a parent's responsibility may be reduced and/or access to information relating to the child's schooling may be limited, including school reports, parent and teacher meeting and school newsletters.

A **Violence Restraining Order (VRO)** may be issued against one of the parents. A VRO restricts access that a parent may have with the other parent and/or children of the relationship. Unlike a breach of other family court orders, it is a criminal offence to breach a VRO. If a parent is subject to a VRO and the school becomes aware that the order is being breached, the Principal may contact the police. However, it is not the school's responsibility to enforce a VRO and staff should not place themselves at risk in trying to enforce the terms of the VRO.

The school should always seek a copy of any Parenting Plan or Family Court Order to assist in clarifying the parent's wishes with respect to contact and release of information concerning a student.

Any differences that arise between parents regarding contact, access to school information concerning the child or the residence of the child must be sorted out between the parents and their advisors. The school must not become involved in these issues, and if in doubt, contact should be made with AISWA.

### **Principal's Information Service at the Family Court**

Principals of independent schools may access the Principals' Information Service at the Family Court to find out current information in relation to parenting orders or access arrangements. Principals can email a request to the Family Court ([http://www.familycourt.wa.gov.au/R/requesting\\_copies\\_of\\_court\\_documents.aspx](http://www.familycourt.wa.gov.au/R/requesting_copies_of_court_documents.aspx)) or Email: [family.court@justice.wa.gov.au](mailto:family.court@justice.wa.gov.au) Attention: Senior Records Officer, Family Court of WA).

A request must state the names of the parties and a file number (if known). If no file number is known, then include as much identifying information as possible. The letter must also be on a school letterhead and, most importantly, must state what proper interest the principal has in the case.

### **Persons seeking access to a student:**

All persons authorised, by either a Parenting Plan or a Court Order, to have access to a student should be allowed this access subject to the School's usual rules and requirements. However, the Principal is obliged to refuse access to a student by anyone the Principal considers to be a potential or actual risk to the physical or moral wellbeing of a student.

Other than in exceptional circumstances, unauthorised persons who call at a school and seek access to a student whom they claim they know should not be permitted to have access to the student. In those exceptional circumstances that they are permitted access to a student, the Principal or a teacher should remain in attendance at all times.

### **Other matters:**

Unless there is a court order to the contrary, each parent has equal rights to information about their child from school. If the parents are separated, school reports should be forwarded to the parent with whom the child is living the majority of the time. The school, may, if it wishes, send copies to the other parent or if the other parent requests this, unless there are court orders to the contrary (e.g. if a court order gives sole control of educational matters to only one parent, or denies the other parent shared parental responsibility.)

The same applies to photographs, newsletters and other documentation about the child and access to teachers (e.g. parent-teacher interviews.), i.e. – they go to the parent with whom the child is residing the majority of the time. Step-parents who wish to have access will need the approval of both parents.

Both parents, including the parent with whom the child is not living, may attend school activities where the child is present, unless there is a court order to the contrary.