

# PARENT DISPUTES POLICY

## PURPOSE

The purpose of this policy is to explain to the Monivae College community how our school will approach disputes that may arise between parents in relation to decisions about a student's education.

## SCOPE

We acknowledge that a range of people may be involved in providing care for students at our school, this policy only relates to disputes between a student's parents or persons with parental responsibility under a court order.

## DEFINITIONS

Key word/abbreviation	Definition
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	is defined as all of the duties, powers, responsibilities and authority, which, by law, parents have in relation to their 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: <ul style="list-style-type: none"> <li>• person with whom the child is to live</li> <li>• the time a child is to spend with another person</li> <li>• communication a child is to have with another person</li> <li>• the allocation of parental responsibility</li> <li>• any aspect of the care, welfare or development of the child.</li> </ul>
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 DHHS Child Protection. There are various types of protection orders including: <ul style="list-style-type: none"> <li>• family preservation orders</li> <li>• family reunification orders</li> <li>• care by Secretary orders</li> <li>• long term care orders</li> <li>• permanent care orders.</li> </ul>
Parenting Plan	A written agreement between parents that meets all of the following characteristics, in that it: <ul style="list-style-type: none"> <li>• is made between the parents of the child</li> <li>• is signed and dated by the parents of the child</li> </ul>



	<ul style="list-style-type: none"><li>• deals with some or all of the following matters:<ul style="list-style-type: none"><li>○ person with whom the child is to live</li><li>○ the time the child is to spend with a person</li><li>○ the allocation of parental responsibility</li><li>○ any aspect of the care, welfare or development of the child</li></ul></li></ul> <p>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.</p>
Major Long Term Issues	<p>Major long term issues include:</p> <ul style="list-style-type: none"><li>• enrolment or transfer and choice of school</li><li>• year level movement (that is, repeating or skipping a year)</li><li>• consents for overseas excursions</li><li>• major medical and health decisions</li><li>• decision for child to participate in special religious instruction</li><li>• chronic non-attendance at school</li><li>• the child's name</li><li>• a decision about a day-to-day issue that may have a major long term impact for a particular child.</li></ul>
Day-to-Day Issues	<p>Day-to-day issues include:</p> <ul style="list-style-type: none"><li>• non-attendance at school when it is open for instruction on a particular day</li><li>• consent to participate in day excursions</li><li>• medical and health decisions that are not major.</li></ul>

## POLICY STATEMENT

Monivae College acknowledges and welcomes all family structures and parenting arrangements, including single parents, step-parents, same-sex parents, co-parents and informal carers. We also recognise that parents and carers play an invaluable role in a child's learning and wellbeing by being actively involved in school life.

### 1. Informal Carers

- 1.1. Monivae College understands that there may be families in our school community where students are being cared for by a relative or other adult, rather than their parents.
- 1.2. In these circumstances, in order to allow these carers to work with Monivae College and make decisions about the student's education, we may ask carers to complete an Informal Carer Statutory Declaration Form. This is a written statement that sets out the care arrangements for the child.
- 1.3. Generally, an informal carer who has provided the school with a completed Informal Carer Statutory Declaration may make school-based decisions for the student and may access school information ordinarily provided to a parent.

### 2. Decision Making and Parental Responsibility

- 2.1. Parental responsibility is defined as all of the duties, powers, responsibilities and authority, which, by law, parents have in relation to their children. Each parent of a



child under 18 years of age has parental responsibility for his or her child unless this responsibility is varied by a court order or parenting plan.

- 2.2. When a decision relates to a major long-term issue for a student, Monivae College will generally seek to approach both parents, or those who have parental responsibility, in relation to that decision (where those parents are known to and are in contact with the school).
- 2.3. For day-to-day decisions, Monivae College will generally approach the person with whom the student is living with or residing with on that day.
- 2.4. Parents can find more guidance on how the school will manage decision making for students in the Department of Education's policy on ['Decision Making Responsibilities for Students'](#).

### **3. Family Law Act Orders and Formal Care Arrangements**

- 3.1. Parents are responsible for providing Monivae College with up-to-date information and documentation relating to:
  - 3.1.1. Family Law Act Orders
  - 3.1.2. parenting plans
  - 3.1.3. informal arrangements that are in place in respect of students our school
- 3.2. It is not the responsibility of school staff to monitor or to enforce Family Law Act Orders (or other parenting or care arrangements) for students.

### **4. Formal Carer Arrangements**

- 4.1. Where a child is in out-of-home care following an intervention by Department of Health and Human Services (DHHS) 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.
- 4.2. 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.
- 4.3. Generally, carers are not authorised to make major long term decisions for a child, unless DHHS Child Protection have issued a specific authorisation allowing the carer to make decisions about issues of a long term nature.
- 4.4. Carers are responsible for providing the School with a signed instrument of authorisation and for providing up-to-date information relating to any changes in care arrangements. The School will ask for a copy of this authorisation whenever they are aware a change has been made.
- 4.5. 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 DHHS, a person authorised under an Instrument of Authorisation by the Secretary of DHHS or the child's permanent care parents.
- 4.6. Where there are protection orders in place, the Principal or delegate 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.

### **5. Intervention Orders**

- 5.1. Monivae College understands that some families may have Family Violence Intervention Orders in place.
- 5.2. Parents are responsible for providing Monivae College with up to date information and documentation relating to Intervention Orders and should contact the Director of Students to discuss how staff can best support students in these circumstances.



- 5.3. Should your Intervention Order be changed or varied, it is important that you inform the Director of Students and provide any updated documentation.
- 5.4. All breaches of Intervention Orders will be reported to Victoria Police.

## **6. Enrolment and Transfer**

- 6.1. If parents who have equal shared parental responsibility disagree on the decision to enrol a student, Monivae College may:
  - 6.1.1. defer admission and request that parents resolve their dispute and reach an agreement, or
  - 6.1.2. if failure to enrol the child or young person is likely to have an adverse effect on their education and wellbeing, Monivae College may conditionally enrol the student and encourage the parents to resolve their dispute and reach agreement.
- 6.2. Where the enrolment or transfer documentation is signed by a one (1) parent/guardian only, the School will require a Statutory Declaration stating the reason, unless an exemption applies, or court documentation is provided.

## **7. Collection**

- 7.1. Monivae College understands that Family Law Act Orders or parenting plans will often include arrangements about which parent is to spend time with the children, and when.
- 7.2. Generally, providing that both parents have shared parental responsibility, parents can collect their children from school. Whilst Monivae College encourages parents to abide by Family Law Act Orders, school staff are not responsible for enforcing them.
- 7.3. If a dispute between parents over the collection of a student happens at Monivae College, generally, we will:
  - 7.3.1. encourage the parents to resolve their dispute away from school;
  - 7.3.2. encourage to parents to ensure the child's attendance at school is not compromised as a result of the dispute over collection;
  - 7.3.3. where appropriate, move the student to a safe place away from the dispute;
  - 7.3.4. ask the disputing parties to leave the school grounds if the dispute is causing disruption or concern to the child or any other members of the school community; and/or
  - 7.3.5. if the dispute cannot be resolved, Monivae College may contact Victoria Police and/or Child Protection.

## **8. Visits During School Hours**

- 8.1. We understand that there may occasionally be a reason why a parent or carer may want to speak to or see their child at school, during school hours.
- 8.2. If there is a particular pressing or unavoidable issue that cannot wait until the end of the school day, we ask that parents or carers call the school reception office to make the request to speak to or see their child during school hours.
- 8.3. We also ask that parents avoid arranging to visit their children at school wherever possible, as this can cause inappropriate disruptions to the school day.
- 8.4. All parents or carers who visit our school during school hours, other than during usual school pick up and drop off times, are required to sign in as a visitor at the school office.

## **9. Requests for Information**

- 9.1. Parents are generally entitled to information ordinarily provided to parents, including school reports and newsletters.

9.2. Parents seeking information that is not ordinarily provided to parents are encouraged to apply for access through the Freedom of Information process, or, if the information is sought for use in court proceedings, by issuing a subpoena.

9.3. Freedom of Information requests should be directed to the Principal or delegate.

#### **10. Managing Disputes**

10.1. Whenever faced with a dispute between persons who are responsible for decision-making in relation to a child, staff at Monivae College will seek to:

- 10.1.1. avoid becoming involved
- 10.1.2. avoid attempting to determine the dispute
- 10.1.3. act neutrally and not adopt sides
- 10.1.4. act in the best interests of the student involved
- 10.1.5. act in the best interests of the school community

10.2. Monivae College encourages parents and carers to seek the assistance of the Family Relationship Centre or obtain independent legal advice if they are unable to reach an agreement about important decisions.

#### **GOVERNANCE**

Supporting procedures	Nil
Supporting schedules	Nil
Associated policies	Camps and Excursions Policy
Related Legislation	Charter of Humans Rights and Responsibilities Act 2006 (Vic) Children, Youth and Families Act 2005 (Vic) Family Law Act 1975 (Cth) Family Violence Protection Act 2008 (Vic)
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Approval	School Leadership Team 07/03/2022
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Policy Owner	Compliance and Risk Manager
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