



Family Arrangements: Relevant Procedures

Socraithe Clainne: Nósanna Imeachta

The staff of Gaelscoil an Bhradáin Feasa encourage parents experiencing separation or who are separated to come and speak confidentially to the teachers and /or Principal. We will handle them with sensitivity and compassion. Ultimately, our primary concern is for the well being of the child/children

The staff will endeavour at all times to deal sensitively and caringly with children experiencing separation. This is in keeping with Our Vision Statement.

Rationale

In order for us to respond professionally and appropriately when separation of parents occurs, we need to give teachers clear guidelines to follow.

Aims

The aims of this policy are:

- to define 'Family Arrangements' for members of staff
- to set out for teachers and parents the procedures we follow when separation occurs
- to assist teachers to respond professionally, appropriately and within the law
- to advise teachers when they should consult Principal and Board of Management for guidance

Family Arrangements

In a marital relationship both parents are joint guardians. In a non-marital relationship the mother is automatically the guardian of any children. It is open to the natural father to be appointed a guardian through the courts. The legal position is that an unmarried father may also be the child's guardian where the parents have so agreed and there is a statutory declaration to that effect or following a minimum period of cohabitation.

Permanency of Guardianship

Irrespective of the issue of custody in **marriage** breakdown, parents remain as joint guardians of their children and their legal obligations and rights as guardians remain unaltered. Guardianship gives both parents a say in all matters affecting the welfare of their child/children whether physical, religious, moral, social, educational - irrespective of the issue of custody. As guardians, parents continue to have rights in relation to the upbringing of their child. Essentially the issue of guardianship supersedes that of custody.



Custody and Access

Custody may be defined as the daily care and control of the child. The right of custody is only one of the rights that arise from the guardianship relationship between parent and child. In cases of marital breakdown the issues of custody and access arise. This may be resolved with both parents sharing joint custody, or with one parent having or being awarded custody and the other parent having access.

Implications for Gaelscoil an Bhradáin Feasa

1. In cases of separation, Separation Agreements, details relating to the custody of children, access, etc. are generally considered private to the parties involved and are not copied to school authorities. The guardianship relationship remains unaltered.
2. Because of the guardianship relationship, and the way it gives both parents in matters affecting the welfare of their children, both parents, unless precluded by Court order, (note, a solicitor's letter is not a court order) continue to have a right to:
 - consult with class teachers;
 - attend parent teacher meeting;
 - have access to the normal end of year school reports;
 - be notified of meetings of parents, etc.
 - Collect child/ren from school

Parent/teacher Meetings

- It is school policy in Gaelscoil an Bhradáin Feasa to facilitate the option of separate parent/teacher meetings, if so requested.
- The school invites parents to parent- teacher meeting by sending notification on the school app.

Communication

In practice in the case of separated parents, both parents will be informed of meetings, arrangements through the school app and copies of school reports will be sent to both home addresses if requested. In the event that a communication from the school or a teacher concerns more routine matters, as opposed to matters pertaining to the student's educational progress, for example the student being unwell in school or being asked to go on a playdate after school, it would be appropriate to contact the parent with whom the student principally resides first and thereafter the other parent.

- **If there is a serious concern about a parent abducting or leaving the country with the child, the parents/guardian should request their solicitor to seek a court order instructing the school and any other carers regarding rights of access**



- In the case where the estranged parent/guardian is not known to the class teacher, the concerned parent/guardian should provide a family photograph enabling the class teacher to identify the person in question
- In the case where a court order is in place, a copy of this order must be furnished to the school
- The parent/guardian of each child has full responsibility for informing the school in writing of any change in circumstances at home e.g. separation, divorce, custody arrangements.

Report

- Appropriate information, relevant to the child, regarding family structure etc., may be passed on from teacher to teacher within the school on a need to know basis, as part of normal professional communications.
- Increasingly teachers are requested by a range of professionals (social workers, psychologists, probation officers etc.) to provide written reports on pupils. Likewise, in custody/access cases solicitors acting for one parent may seek a written report from a teacher. Note: **(Teachers are under no legal obligation to provide any such reports)**

Accordingly, the Board of Management advises that:

- any reports provided should relate to the type of information a teacher is professionally capable of giving and be within the teacher's area of expertise.
- The report should be similar in content to the normal end of year school report and supported by verifiable data (attendance, test results etc.) where required.
- The terms of the report should be discussed with other colleagues who have a responsibility for the child (learning support teacher etc.) and with the principal teacher.

12. Teachers are not obliged to attend court unless under subpoena or summons

Compiled by principal, staff & Board of Management: November 2019

Signed: Cathaoirleach: *L. MacLeavain*

Príomhoide: *Sod li Ouid*

Ratified by Board of Management on 13/1/2020

