

Access to Students

All staff at Child Side School need to have a clear understanding of which persons are entitled to have access to students whilst they are in the care of the school. ***At all times the school's responsibility is it's duty of care to the child and it should always act with that foremost in its mind.***

Related legislation:

- Family Law Act (Cth) 1975
- Family Law Reform Act (Cth) 1995

No child will be allowed to leave the school premises with any person who does not have the legal right to remove them. The school must receive consent from the custodial parent/guardian before allowing a child to leave the school premises with another adult. It is the responsibility of the classroom educator to ensure that consent has been obtained.

Access by non-custodial parents: The school will allow access to students by Non-custodial parents **only** after receipt of written permission by the custodial parent/guardian. In the case of court orders limiting or denying access the school will be bound by such orders.

It is not the role of the school to enforce the terms of a court order. If the school considers that a parent may be in breach of a court order, every effort should be made to verbally persuade them to cease acting in that manner. However, if they continue to act in that manner they should be warned that continuation of the behaviour may be in breach of the court order. In those circumstances, the school should endeavour to contact the other parent immediately. **On no account should any member of staff try to physically bar or eject a parent, as this may amount to assault.**

The separation of parents is often a stressful and emotional time for all parties involved, particularly any children that may be involved. It is imperative that the school handle family issues such as these with compassion, common sense and with the welfare of the child being of paramount concern .

The School Administrator should always seek a copy of any Parenting Plan or Family Court Order to assist in clarifying the parents' wishes with respect to contact and release of information concerning a student. In the absence of these documents a school should act as if both parents have *'equal shared responsibility for the child'*. (Family Law Act – s61DA)

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

There is a wide range of issues that may arise in these situations and the school management should always refer to the guidelines by AISWA in the attachment and seek professional advice before it acts.

