



## **Access Rights to Children in Schools**

### **Policy Developed By:**

Louise Caraher (Principal)

Wendi O'Donoghue (Behaviour Analyst)

### **Revised By:**

Louise Caraher (Principal)

Wendi O'Donoghue (Behaviour Analyst)

### **Hypothesis**

- Saplings Special School for Children with Autism and Complex Needs in Kill (hereafter Saplings) will always release a student to a parent or guardian **unless** the school has been informed of a Court Order restricting access to the student.
- There is no basis for any staff member to deny either parent or guardian the right to collect his/her child from school unless there is a court order instructing the school otherwise. A solicitor's letter is not a court order.
- In the absence of a custody arrangement, both parents will be treated as equal partners in terms of parenting rights and responsibilities

### **Duties and Rights of Parents**

- The staff of Saplings encourage parents experiencing separation to come and speak confidentially to their class teacher and/or Principal and/or Behaviour Analyst. It is our aim to handle such matters with sensitivity and compassion, and ultimately, our primary concern is for the well-being and overall development of the child. The reasoning is that this can have adverse effects on the student's behaviours and work at school.
- Parents/Guardians must inform the school if there is a court order against their partner restricting that person access to the child.
- In the case where a legal order is in place, a copy of this order must be furnished to the school.
- Regarding the collection of child/ children from school - it is requested that the school be informed of any changes in collection arrangements in writing.
- When a child spends time in two homes, it is requested that the school be provided with

both sets of emergency/contact numbers.

- 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 and other staff members, the concerned parent/guardian should provide a family photograph enabling the staff members to identify the person in question.
- In the case of unmarried parents, the natural father has no custody or guardianship rights unless a court or the natural mother grants those rights to him. The onus is on the father to produce evidence of a court order in the case of a dispute regarding the collection of a child during or after school

### **Duties and Rights of School**

- To dismiss the students into a safe environment
- That the Principal assures the concerned parent/guardian that maximum awareness and attention will be given by the class teacher, SNA, Behaviour Analyst, and others in the school who are involved in the care of their child/ children with respect to all aspects of parent-school communication and the collection of children.
- Teachers and Behaviour Analysts are under no legal obligation to provide any reports about a child if requested to do so by any third party (e.g. Solicitor/psychologist).
- Teachers and Behaviour Analysts are not obliged to attend court unless under subpoena or summons.

### **School Meetings and Reports**

In situation where parents are separated/divorced and in the interest of the child the school will provide:

- Individual Education Plan meetings once per year. This is a collaborative meeting of all parties (Behaviour Analyst, Principal, Class teacher, SNA, Parents/Guardians). Each parent has a right to attend such meetings unless there is a court order to the contrary.
- The school will endeavour to facilitate parents during the year for any meetings they may wish to have with any staff member . This can be done on an individual basis.
- It is assumed that when we wish to communicate with parents regarding their child, the parent who is contacted (i.e. the parent with whom the child principally resides) will inform the other parent of meetings, arrangements etc. Special requests for separate communication can be accommodated.
- Separate end of year school reports on pupil progress. Each parent has a right to receive school reports unless there is a court order to the contrary.
- Regarding notes, school communication via schoolbags, school reports etc. it is assumed that the parent with whom the child principally resides will keep the other parent informed

**Implementation Data:**

This policy is effective from March 2020.

All records held from before that date will continue to be maintained in the school.

**Ratification:**

This revised policy was reviewed and ratified by the Board of Management in March 2020. It is envisaged that this policy will be reviewed in 2023, or should a new circular which affects this policy be issued by the Department of Education and Skills.

Ratified by Board of Management on:

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Signed (chairperson):

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