

Parental responsibility (PR) is defined in law as being the rights, duties, powers and responsibilities a parent has to their child and the child's property.

A child is someone under 18 years old.

This includes, e.g.:

- Providing a home
- Providing financial support
- Protecting and maintaining the child
- Discipline
- Choosing and providing for education
- Agreeing to medical treatment
- Naming & changing of name for the child
- Looking after the child's property.

Who has parental responsibility? (Eng./Wales):

A. The **birth mother** has parental responsibility unless it has been taken away by a court order.

B. The **birth father** has parental responsibility:

- If he was married to the mother at the time of birth, or they got married after that date
- By jointly registering the birth of the child with the mother (after 1/12/2003)
- By getting a parental responsibility agreement with the mother or a parental responsibility order from a court

C. **Same-sex partners** who:

- Were civil partners at the time of donor insemination or fertility treatment
- Weren't civil partners at the time of treatment but have:
 - applied for parental responsibility if a parental agreement was made
 - become a civil partner of the other parent and made a parental responsibility agreement
 - jointly registered the birth

Who else can have parental responsibility?

- An adult who has been granted a 'Child Arrangements' or 'Special Guardianship Order' by the court
- The child's legally appointed guardian or adoptive parents
- The local authority if it is named in the care order for a child (Child Looked After - CLA).

Applying for Parental Responsibility:

- If you're not the mother, you can apply to court to get parental responsibility
- You need to be connected to the child, e.g. as their father, step-parent or second parent.
- More than 2 people can have parental responsibility for the same child.

If someone new gets parental responsibility, do others lose it?

Not necessarily, several people can have parental responsibility at the same time.

Adoption and care proceedings can take parental responsibility permanently away in the final stages.

Parental responsibility can be lost where:

- The parent dies
- The child is formally adopted
- A person was given parental responsibility through a court order, and the order was later revoked by the court
- A local authority has a Care Order and the order was later revoked by the court
- A guardian is replaced in court by another guardian

Guidance for local authorities and schools dealing with adults who have legal rights and responsibilities for children at their school:

[Understanding and dealing with issues relating to parental responsibility, DfE 2016](#)

Advice & support about fostering & adoption:

Families, Adopters & Carers Team (FACT)

Tel 2734998, Mon–Fri, 1.00–4.00pm

Email: adoptionssupport@sheffield.gov.uk

For further advice & support about children:

- **Early help - ring MAST on 0114 2037485**
- **Child protection & significant harm – ring Sheffield Safeguarding Hub on 0114 2734855**

It is important that settings are aware that parents may be recognised differently under education law than under family law.

For the purpose of education, the Education Act 1996 (s576) defines a 'parent' as:

- All biological parents, whether married or not
- Any person who has parental responsibility for a child or young person e.g. a step-parent, guardian or other relative
- Any person who has **care** of a child or young person i.e. if they are the person with whom the child lives and who looks after the child, irrespective of what their relationship is

Staff must treat all parents equally, unless there is a court order limiting an individual's exercise of parental responsibility.

Everyone who is a parent (as above) has a right to participate in decisions about a child's education and receive educational information about the child.

This applies even if the main contact is a different parent e.g. with whom the child lives on school days.

Individuals who have parental responsibility for, or care of, a child have the same rights as natural parents, for example:

- To receive information, e.g. pupil reports
- To participate in statutory activities, e.g. vote in elections for parent governors
- To be asked to give consent, e.g. to the child taking part in school trips
- To be informed about meetings involving the child, e.g. parents evenings or a governors' meeting to discuss the child's exclusion.

Useful web links & resources:

- [Understanding and dealing with issues relating to parental responsibility, DfE 2016](#)
- [Family Lives](#) helpline (formerly Parentline): **tel. 0808 800 2222**
- [Relationships - Citizens Advice](#)
- [Splitting Up? Put Kids First Parenting Plan](#)
- [Children And Family Court Advisory and Support Service \(CAFCASS\)](#)

Advice for parents & carers:

- [Parental rights and responsibilities - Gov.uk](#)

'The welfare of the child must be the paramount consideration for schools. In the event of a concern being raised where the school is unclear how to act, independent legal advice should be sought to ensure that a parent's rights and responsibilities are not infringed and the actions of the school are compliant with education'

'Understanding and dealing with issues relating to parental responsibility' DfE 2016

Changing a surname:

A change of surname is a private law matter and should be resolved between parents.

Where the parents have divorced, settings should ensure that a child's surname is not changed without written consent of the 'other parent' or by anyone else who has parental responsibility for the child.

Where a child is subject to a Special Guardianship Order, no-one can change the child's surname without either the written consent of every person who has parental responsibility for the child, or the agreement of the court.

Top Tips:

- Certain decisions about children and young people can only be made by the parent or carer with 'PR' e.g. non-emergency medical treatment
- As well as the full contact details of all parents, keep a record of who has 'PR' e.g. on your admissions register and pupils' records and ensure that they are forwarded to any education setting that a pupil moves to
- Do not get involved in child arrangement disputes between parents, this is not your role
- If parents cannot agree arrangements informally, direct them back to court to determine exactly what decisions each parent can make in respect of the child
- Ensure that details of court orders are noted in pupils' records
- Ensure that you have full contact details of who to contact in the case of an accident or medical emergency