



Parent and parental responsibility in a school setting

What is Parental Responsibility?

'Parental responsibility' is defined in s 3(1) of the Children Act 1989 as, 'all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property'.

This means, in essence, that those with parental responsibility have the power to make important decisions affecting their child's upbringing, including, for example, the choice of preferred school – at least whilst the child is of compulsory school age or younger.

Who has Parental Responsibility?

Parental responsibility can be acquired in various circumstances. The following¹ are *likely* to be the most pertinent:

1. The child's natural mother
2. The child's natural father if he is married to the mother at the time of birth;
3. The child's natural father if he marries the mother later on;
4. The child's natural father if he is named on the birth certificate where the child is born after 1st December 2003;
5. Where a child has been adopted, the adoptive parent[s] acquires parental responsibility
6. Where a residence order (or child arrangements order) is made by the court in favour of an adult – that order may confirm parental responsibility at the same time (so this might apply to a family relation, for example an aunt or grandparent)

Can Parental Responsibility be Removed?

Once a parent has parental responsibility, only a court order can operate to remove it. Neither separation nor divorce per se will remove it. However, it may be removed by court order in conjunction with divorce.

Meaning of Parent under the Education Act 1996

A parent as defined under the Education Act as

- (i) the natural parent ;
- (ii) those who have parental responsibility; or
- (iii) someone who has care of a child.

Simply because someone does *not* have parental responsibility for a child does not mean they have no rights in respect of the child's education. So all parents (whether or not they have parental responsibility) have a right to be involved in the child's education. It is also important to be clear that those with parental responsibility or who have care of a child are captured by the definition of parent.

¹ This is not an exhaustive list. If you have any doubts then you should take independent advice