

## **The School's Obligation to Parents – Guidelines**

### **Based on Article 41/Constitution.**

### **Guardianship of Infants Act 1964**

- Where parents are married, both are regarded as guardians.
- Where the mother of a child has not married the child's father, she alone shall be the guardian.
- The status of a guardian carries with it the right to be consulted and have input into important decisions that affect the child.
- When parents separate, if one spouse is given custody of a child, this does not deprive the other spouse of their status and consequent rights.
- School authorities must have regard to particular circumstances while viewing the welfare of the child as the first and paramount consideration.
- Notices must be sent to both parents with regard to important matters that might affect the welfare of the child, i.e. serious misbehaviour.
- If separated parents request separate meetings during a Parent/Teacher meeting that request should be acceded to.

- Copies of school reports should be sent to both guardians unless it was unduly difficult to do so.
- If a student is to be taken out of the jurisdiction or participate in an activity which might cause a risk both guardians should be notified.
- If emergency medication is to be given to a student, the school, in advance, should get permission from both parents.
- If a student is to be removed from R.E. class both separated parents would be notified and consulted.
- If a disciplinary problem has potential for serious implications both parents need to be informed and consulted. This does not mean, however, that they both come to the school together.
- The school would not be obliged to allow a child to be removed from the school if there were reasonable grounds that the child would be at risk. The school would first have to consult with the other parents or in a serious case contact the Gardai.
- A school is not required to allow a partner of a separated parent to participate in discussion regarding the child's welfare but it may be that the school would as a matter of discretion allow a partner to be present when discussions with a parent are taking place. If, following separation, a parent has remarried, the new spouse should be considered to be in a

stronger position than simply a partner is. If a guardian of the child has indicated that communication should not be accepted from or sent to a partner this would considerably strengthen the case not to accept communications from the partner but ultimately a school might be well advised in such circumstances, if there was real ongoing dispute, to invite the parents to bring an application seeking a direction in regard to the dispute pursuant to Section II of the 1964 Act as amended.

- If there is a dispute over the child's surname it is not for the school to decide, but the courts.
- If the child is living with grandparents, the best course of action would be to communicate with both grandparents and parents.
- If need be, the school would be justified in requesting an extract from a separation order.

**In all cases, the paramount consideration should be the welfare of the student.**