

# Parental Responsibility Guidance

(Please keep this for reference)

## What is parental responsibility?

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

If you have parental responsibility for a child you don't live with, you don't necessarily have a right to contact with them - but the other parent still needs to keep you updated about their well-being and progress.

## Who has parental responsibility?

- The mother automatically has parental responsibility for her child from birth
- The birth father, if he was married to the mother at the time of birth or married after the birth but before the child's 16<sup>th</sup> birthday.
- The birth father if both parents jointly registered the birth in person on or after 1<sup>st</sup> December 2003.
- The birth father if he has been granted parental responsibility through a court order or through prescribed form of agreement.
- Same-sex partners will both have parental responsibility if they were civil partners at the time of the treatment e.g. donor insemination or fertility treatment.
- An adult who has been granted a residence or care order by the court.
- The child's legally appointed guardian or adoptive parents.
- The local authority if the child is in care under an order.

## Parental responsibility in Education

### Collecting Children

If only one parent has parental responsibility, they can say who should pick up the child. If both parents have parental responsibility, but there is a court order prescribing who should have residence and only limited contact for the other parent, then schools should normally respect the wishes of the parent who has residence. In the event of a dispute, the parents should be asked to take the matter back to court.

### Trips and Visits

Only a parent with parental responsibility can give a full and informed consent. However, any other person who has actual care of the child can do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare (Children Act 1989).

## Useful web links/resources

[www.gov.uk/parental-rights-responsibilities/who-has-parental-responsibility](http://www.gov.uk/parental-rights-responsibilities/who-has-parental-responsibility)  
[www.familylives.org.uk/advice/divorce-and-separation/shared-parenting-and-contact/parental-responsibility](http://www.familylives.org.uk/advice/divorce-and-separation/shared-parenting-and-contact/parental-responsibility)