

Parental Responsibility Guidance 2025

(Please keep this for reference)

What is parental responsibility?

All mothers and most fathers have legal rights and responsibilities as a parent-known as “parental responsibility or PR”.

If you have PR, you are responsible for disciplining the child, choosing and providing for the child’s education, naming the child and agreeing to any change of name, and looking after the child’s property.

Parents have to ensure that their child is supported financially, whether they have PR or not.

Who has parental responsibility?

A mother automatically has parental responsibility for her child from birth.

A father usually has parental responsibility if he’s either:

- married to the child’s mother
- listed on the birth certificate (after a certain date, depending on which part of the UK the child was born in)

In addition

- 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.

You can apply for parental responsibility if you do not automatically have it.

Births registered in England and Wales

If the parents of a child are married when the child is born, or if they’ve jointly adopted a child, both have parental responsibility.

They both keep parental responsibility if they later divorce.

Unmarried parents

An unmarried father can get parental responsibility for his child in 1 of 3 ways:

- jointly registering the birth of the child with the mother (from 1 December 2003)
- getting a parental responsibility agreement with the mother
- getting a parental responsibility order from a court

Civil partners

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.

Non-civil partners

For same-sex partners who are not civil partners, the 2nd parent can get parental responsibility by either:

- applying for parental responsibility if a parental agreement was made
- becoming a civil partner of the other parent and making a parental responsibility agreement or jointly registering the birth

Defining who is a parent

Parents may be recognised differently under education law and family law.

Section 576 of the Education Act 1996 states that, in relation to a child or young person, a 'parent' includes any person who is not a parent (from which can be inferred 'biological parent') but who has parental responsibility for or care of the child.

For the purposes of education law, the Department for Education considers a 'parent' to include:

- All biological parents, whether they are married or not
- Any person who, although not a biological parent, has parental responsibility for a child or young person- this could be an adoptive parent, a step-parent, guardian or other relative.
- Any person who, although they are not a biological parent and do not have parental responsibility, has care of a child or young person.
- A person typically has care of a child or young person if the child lives with them either full or part time and they look after them, irrespective of what their biological or legal relationship is with the child.

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).

Parents' Evenings, meetings with school staff or appointments with other professionals- guidance for separated parents

We regret that we only have capacity to offer **one appointment per child**. Parents should agree with each other who will attend or attend together. They should communicate any concerns about school to each other and not through school staff. We do not offer duplicate meetings unless there is a Court Order/bail condition/other judicial reason why parents cannot attend together or communicate with each other.

Useful web links/resources

www.gov.uk/parental-rights-responsibilities/who-has-parental-responsibility
www.familylives.org.uk/advice/divorce-and-separation/shared-parenting-and-contact/parental-responsibility

<https://www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility/understanding-and-dealing-with-issues-relating-to-parental-responsibility>