

**Determining who has parental responsibility and who to share information with**

**All services are advised to establish who has parental responsibility at the families’ initial point of contact with the service**

A mother automatically has [parental responsibility](https://www.gov.uk/parental-rights-responsibilities/what-is-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 provided registration or re-registration took place after December 2003

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. An unmarried father will also have parental responsibility for his child if he has one of the following:

* a child arrangements order specifying that the child is to live with him;
* a court order which gives him parental responsibility; or
* a formal "parental responsibility agreement" with the mother.

Source: <https://www.gov.uk/parental-rights-responsibilities/who-has-parental-responsibility>

**If there is disagreement over who has responsibility then either parent can produce a marriage, birth or adoption certificate or court order to prove that they have parental responsibility.**

For the purposes of education law, section 576 of the Education Act 1996 defines a 'parent' as:

* all natural (biological) parents, whether they are married or not;
* any person who, although not a natural parent, has parental responsibility for a child or young person (this could be a step-parent, guardian or other relative);
* any person who, although not a natural parent, has care of a child or young person.

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. a governors' meeting on the child's exclusion.

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

However, this is not an automatic right. Information can be withheld if disclosure;

* could cause serious harm or is likely to cause serious harm to the physical or mental health or condition of the child or another person or
* could reveal that the child or another person has been a subject of or may be at risk of child abuse, and the disclosure is not in the best interests of the child; or
* is likely to prejudice an ongoing criminal investigation; or
* the information about the child also relates to another person who could be identified from it or the information has been given by another person who could be identified as the source, unless the person has consented to the disclosure or the person providing the information is an employee of the establishment or the Local Authority.

If in doubt about when, or what, to share contact Information Governance. When disclosing information, all third party information must be removed, or consent sought for its disclosure from the person concerned.

**Natural parents and those with parental responsibility have rights under the Education Act 1996 including to receive reports, participate in statutory activities, give consent and be informed about meetings involving the child.**

The Department for Education (DfE) has published departmental advice on understanding and dealing with issues of parental responsibility. The guidance applies to local authority maintained schools and nursery schools, academies and free schools in England. The guidance aims to provide guidelines for schools who may find themselves caught up in disputes between a number of adults, each claiming to have parental responsibility for a particular child. It contains assistance in defining who is a parent, what parental responsibility is, advice about court orders, and a set of general principles.

Source:

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