



DECISION-MAKING RESPONSIBILITIES FOR STUDENTS POLICY

Statement of Context and Purpose

This policy clarifies the responsibilities of parents and the School regarding decision-making for students, particularly in cases of parental separation. Each parent of a child under 18 has parental responsibility unless otherwise specified by a court order or an agreement. Separated parents with shared decision-making responsibility are expected to consult with each other on major long-term issues affecting their child. While the School is not required to ensure parents reach a joint decision, they are encouraged to seek input from both parents.

This policy aims to minimise the emotional impact of parental separation on students, who may experience distress if one parent loses contact. It sets expectations for both parents and the School, ensuring clear guidance on decision-making and support for the child's welfare.

Application

This policy is relevant to separated parents, staff members, school leadership and legal or welfare advisors. This policy also outlines the role of school staff in seeking input from both parents, managing disputes and ensuring the child's best interests are prioritised. It assists in clarifying roles and responsibilities in cases of parental separation, fostering clear communication and support for the student.

This policy has been written on the basis that both parents have co-signed the enrolment form for their child(ren).

Parental Responsibilities

Each parent of a child under 18 has parental responsibility unless a court order or a parenting plan states otherwise. When determining who makes decisions for a student the School should consider:

1. Any student may indicate a desire to make their own decision, in which case the Principal must assess whether they qualify to do so.
2. If the student is not an adult or mature minor, the person with parental responsibility (typically the parents listed on the birth certificate) make the decision
3. If parents are separated:
 - Check for any court orders (e.g., parenting orders, family violence orders)
 - Consider any informal arrangements (e.g., parenting plans or living with a non-parent carer).
4. For day-to-day decisions, the parent or carer spending time with the child on that particular day is able to make the decision
5. For major decisions, the School should seek input from all parents or carers with decision-making responsibility. A decision made by only one parent is sufficient unless otherwise stated in this policy

To modify parental access to school information or update parental responsibility, the School requires written confirmation from one or both of the parents, depending on circumstances, that reflects this change before any updates can be made to the student's file.

Provision of Court Orders

Parents, legal guardians and carers must provide the School with up-to-date information on relevant court orders or informal care arrangements. The School will also request copies of such documents when aware of them and make periodic inquiries. [See Guide to Intervention and Court Orders.](#)

Decisions about major long-term issues

Separated parents with joint decision-making responsibility should consult each other and attempt to reach a joint decision. While the School is not required to ensure both parents consult, the School will try and seek input from both on major long-term issues. A parent with sole decision-making responsibility can generally make decisions independently; however, this is dependent on the specific details of the Order. Common decisions are typically classified as follows:

Major long-term issues:

- Enrolment, school transfer or year-level movement
- Consents for overseas trips and camps
- Major medical decisions
- Concerning Ongoing non-attendance
- Changing the child's name
- Day-to-day decisions with long-term impact

Day-to-day issues:

- Non-attendance on a given school day
- Consent for excursions
- Non-major medical or health decisions

Disputes between separated parents or carers

Whenever faced with a dispute between parents or carers who are responsible for making decisions for a child, the Principal and staff members will try to:

- Avoid becoming involved
- Avoid attempting to determine the dispute
- Act neutrally and not adopt sides
- Act in the best interests of the student involved
- Act in the best interests of the School Community

Staff members should inform parents that the School is not the place to resolve disputes. These disputes should be resolved between the parents and carers through discussion, attendance at the Family Relationship Centre or at court.

Other decision-making arrangements

There are a range of other circumstances in which persons other than a child's parents may make decisions about a student.

Students who turn 18 may notify the School of their intention to make decisions independently or jointly with their parents/carers. Additionally, students under 18 may be assessed as mature minors for specific decisions if they demonstrate sufficient maturity, understanding and intelligence to comprehend the nature and consequences of the decision. Unless a student has clearly indicated their intention to make a decision independently, it is assumed that parent/carers retain decision-making responsibility. Any student who expresses a desire to make their own decisions will be assessed by the Principal on a case-by-case basis, according to the specific matter at hand.

Informal carer arrangements

When a child's parents are unable or unwilling to care for them, the responsibility often falls on relatives or significant others to take care of the child. Sometimes this care is provided on an informal basis and does not give the carer any legal status over the child or formal recognition as a carer.

In these circumstances, in order to allow these carers to work with the School, carers should be asked to complete an informal carer statutory declaration. This is a written declaration by the carer that sets out the care arrangements for the child – refer to: [Informal carer statutory declaration template \(PDF\)](#).

Generally, an informal carer who has provided the School with a completed informal carer statutory declaration may make school-based decisions for the child as set out in this policy and may access school information ordinarily provided to a parent.

However, it is important to note that, generally, a decision of a parent with parental responsibility overrides any decision made by an informal carer to the extent of any inconsistency.

Formal carer arrangements

Where a child is in out-of-home care following an intervention by Department of Health and Human Services (DHHS) Child Protection resulting in a protection order, an ‘authorisation’ may be issued to the carer in order to enable them to make decisions about the child.

The types of decisions that a carer is authorised to make for the child are specified in the authorisation and will generally include day-to-day decisions about education and routine medical care.

Generally, carers are not authorised to make major long-term decisions for a child, unless DHHS Child Protection have issued a specific authorisation allowing the carer to make decisions about issues of a long-term nature.

Carers are responsible for providing the Principal and staff member with a signed instrument of authorisation and for providing up-to-date information relating to any changes in care arrangements. However, the Principal and staff member should ask for a copy of this authorisation whenever they are aware a change has been made.

In some circumstances, these orders may grant parental responsibility for major long-term issues or day-to-day decisions for a child to someone other than the natural parent(s) of the child, including the child’s day-to-day carer, a person authorised under an Instrument of Authorisation of DHHS or the child’s permanent care parents.

Where there are protection orders in place, the Principal must ensure the School retains a copy of the orders and update the student’s records to reflect any impact of these orders on care arrangements or decision-making responsibility for the student.

Access to School Information

Key school information is available on the School’s website and HT Connect once the student is enrolled. All parents are invited to make regular use of the School’s website as it contains all newsletters and has a range of information and links. Parents may receive information via email and/or text.

Between School and separated parents

Newsletters and general school updates are sent via email to all parents for whom we have up-to-date contact details. These updates contain all the main school events, including productions, sports days, parent evenings and trips.

Student Reports

Both parents will receive student reports unless an Order is in place restricting either parent from receiving them.

The release of Child(ren)

Parents/carers must inform the School of any alternate arrangements for their child's release on a specific day if these differ from the usual agreed arrangements. The School will release children to parents in accordance with arrangements notified to the School. If one parent seeks to remove the child from school in contravention of the notified arrangements and the parent to whom the child would normally be released has not consented, the following steps will be followed:

- The Principal or the Principal's Delegate will meet with the parent seeking to remove the child and, in their presence and speak with the parent to whom the child would normally be released and explain the request
- If the parent to whom the child would normally be released agrees, the child may be released and the records will reflect that the permission was granted orally
- In the event that the parent to whom the child would normally be released to cannot be reached, the Principal or the Principal's Delegate dealing with the issue may make a decision based upon all relevant information available to them
- The Principal may have to refuse permission if consent cannot be obtained
- During any discussion or communication with parents, the child will be supervised by an appropriate staff member in a separate room
- In extreme circumstances if there is a belief that a possible abduction of the child may occur or if the parent is disruptive, the Police should be notified immediately.

Definitions

Parent: A person that has parental responsibility for a child. This may include a biological parent or another person who has been granted parental responsibility by a court order.

Guardian: A person legally appointed by a court to make decisions about a child's care, welfare, and development. Guardians may or may not be the child's parent and hold authority as set out in a court order.

Parental responsibility: All of the duties, powers, responsibilities and authority which, by law, parents have in relation to children.

Parenting orders (also known as Family Law Act orders): Court orders made pursuant to the Family Law Act 1975 (Cth) and may deal with any of the following issues:

- Person with whom the child is to live
- The time a child is to spend with another person
- Communication a child is to have with another person
- The allocation of parental responsibility
- Any aspect of the care, welfare or development of the child

Family violence intervention orders: Court orders made pursuant to the Family Violence Protection Act 2008 (Vic) that prohibit one family member doing specified actions or behaviours towards another family member or multiple family members. Family violence intervention orders do not take away or grant parental responsibility but may impact the ability of a parent to care for or have contact with their child.

Protection orders: Court orders made pursuant to the Children, Youth and Families Act 2005 (Vic) upon protective intervention by DHHS Child Protection. There are various types of protection orders including:

- Family preservation orders
- Family reunification orders
- Care by Secretary orders
- Long term care orders
- Permanent care orders

Parenting plan

A written agreement between parents that meets all of the following characteristics, in that it:

- Is made between the parents of the child
- Is signed and dated by the parents of the child
- Deals with some or all of the following matters:
 - person with whom the child is to live
 - the time the child is to spend with a person
 - the allocation of parental responsibility
 - any aspect of the care, welfare or development of the child

A parenting plan can affect parental responsibility even though it is not an order made by a court. It can be made subsequent to a parenting order and can vary the parenting order made by a court.

Related Documents

Family Law Act 1975 (Cth)

Family Violence Protection Act 2008 (Vic)

Children, Youth and Families Act 2005 (Vic)

Disability Discrimination Act (1992) (Commonwealth)

Equal Opportunity Act 2010 (Victoria)

Child Safe Standards

Communication

This Policy is available to staff, parents/carers, guardians, students and the school community via the School's website. In addition, relevant aspects of this Policy may be raised at relevant meetings.

Evaluation

The Principal is primarily responsible for monitoring Huntingtower's overall compliance with this Policy, which will be reviewed as part of Huntingtower's policy review cycle (and otherwise as and when required).

Authorisation

This policy was authorised by the Principal July 2025

Date of next review: July 2026