

## Related Policies

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Enrolment Policy for Catholic Systemic Schools

## Related Legislation

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*Family Law Act 1975 (Cth)*  
*Education Act 2004 (ACT)*  
*Education Act 1990 (NSW)*  
*Children and Young People Act 2008 (ACT)*  
*Children and Young Persons (Care and Protection) Act 1998 (NSW)*  
*Domestic Violence and Protection Orders Act 2008 (ACT)*  
*Crimes (Domestic and Personal Violence) Act 2007 (NSW)*

## Purpose

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Catholic Education, Archdiocese of Canberra and Goulburn (Catholic Education) recognises that some families experience family breakdown and that parents may disagree about short and long term decisions regarding their children and what is in their best interests.

The purpose of this policy is to ensure that Catholic Education workers understand and respond appropriately in situations involving family law issues, and to ensure Catholic Education's obligations under the relevant legislation are met. It also aims to assist workers and parents to understand how the school's and parents' responsibilities interact in this area.

## Policy

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Catholic Education is committed to ensuring that Catholic systemic schools and Early Learning Centres deal with family law and related issues in a consistent manner and in compliance with their obligations under the *Family Law Act* and the relevant ACT and NSW education, child protection and domestic violence legislation.

The following principles should be considered in matters involving family law and related issues:

- Parents have the primary responsibility for the welfare of their children.
- Catholic systemic schools have no role in resolving and will not take sides in family disputes.
- Catholic systemic schools should take all reasonable steps to facilitate compliance by the parties with Parenting Orders and Parenting Plans. However, it is not a school's role to oversee compliance with such orders and plans and a principal has no authority to oversee a parent's compliance or to enforce the orders.
- Decisions should be made on the basis of ensuring, as far as reasonably possible, the safety, welfare and continued education of children and of the effective and efficient operation of the school.

## Guiding Principles

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This policy is underpinned by the following guiding principles:

- Every child has a right to receive a high quality education;
- Children's best educational interests are the paramount consideration;
- Catholic systemic schools are not the appropriate place for resolving family disputes. If parents do not agree about their child's best interests, it is the role of the court, not the school, to determine those interests.

## Definitions

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**Child**, consistently with the definition in the *Family Law Act*, means a person under the age of 18 years.

**Family Violence Order** (including interim order) is generally made under a prescribed law of a state or territory to protect a person from family violence. These orders are called a Domestic Violence Order (DVO) in the ACT and an Apprehended Domestic Violence Order (ADVO or AVO) in NSW. The orders may forbid one parent from coming within a set distance of another parent and their child, stalking or harassing them, and impose restrictions or conditions on contact. Breach of a Family Violence Order is a criminal offence punishable by a fine or imprisonment.

**Parent** includes all persons who have parental responsibility for the child.

**Parental Responsibility** in relation to a child, means all the duties, powers, responsibilities and authority which, by law, parents have in relation to children. Parental responsibility for child protection matters may be granted to the Director-General of the Family and Community Services Directorates in the ACT or NSW or other persons.

**Parenting Order/Family Law Order** is a set of orders made by the Family Court of Australia or the Federal Circuit Court of Australia about parenting arrangements for a child. A court can make a parenting order based on an agreement between the parents (consent orders) or after a court hearing. An order may deal with: allocation of Parental Responsibility, who the child lives with, how much time the child will spend with each parent and other people (such as grandparents), and any other aspects of the care, welfare or development of the child.

**Parenting Plan** is a written agreement that sets out parenting arrangements for a child. It is worked out and agreed jointly by the parents. Unless a Court orders otherwise, parents can agree to change a **Parenting Order** by entering into a **Parenting Plan**. Unlike a **Parenting Order**, a **Parenting Plan** is not legally enforceable.

**School** is a Catholic systemic school in the Archdiocese of Canberra and Goulburn.

**Workers** include: employees, contractors, sub-contractors, workers holding positions due to their religious devotion, apprentices, trainees and volunteers.

## Roles and Responsibilities

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### Parents

Parents have the responsibility on enrolment and immediately when there is any change in family circumstances to inform the principal of Family Law Orders, Family Violence Orders and any other court orders and Parental Plans which may have the potential to impact on the relationship between the school and the parents or students. Certified copies of these documents must be provided as soon as practically possible.

In the absence of court orders to the contrary, each parent is entitled to:

- enrol their child in school
- know at which school their child is enrolled
- participate in school related activities including teacher/parent interviews
- have access to school documentation relating to the child, subject to the provisions of privacy legislation.

In relation to children who live with one parent during the school week, school information and documentation relating to the child will be communicated and sent to that parent. It is the responsibility of the other parent to request provision of this information and documentation directly from the school. As a general proposition and subject to any Court Orders, school is not the appropriate place for a parent to exercise contact visits with their child.

## School

In the absence of any court orders or notification to the contrary, the school will assume that both parents retain a shared and equal Parental Responsibility for their child. This means that the school will recognise that each parent has equal duties, obligations, responsibilities and opportunities in relation to matters involving their child's education at the school.

While parents retain Parental Responsibility for their child up to the age of 18, it is generally accepted that as the child becomes older and more mature and more capable of making their own decisions about a wide range of issues, such as entering into contracts, choosing their subjects, or giving consent in relation to their privacy and other personal matters. Where views of a child are in conflict with those of the parent, decisions by the school should be based primarily on what is considered to be the best educational interests of the child.

## Consultation with Catholic Education Office/ Human Resource Services

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Advice from Catholic Education Office/ Human Resource Services may be sought in matters involving family law and related issues.

All requests to provide written statements or give evidence or information on behalf of families in family law, family violence or other legal proceedings and for information (other than school records generally provided in accordance with the enrolment contract) should be directed to Human Resource Services. Human Resource Services should also be consulted regarding all child, family law and family violence and related communications from the Legal Profession or pertaining to legal matters.

## General

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This Policy summarises some of the rights and obligations created by the relevant legislation. This Policy is not intended to go beyond the legislation. This Policy is not a term of any contract, including any contract of employment and does not impose any contractual duties, implied or otherwise, on Catholic Education. This Policy may be varied by Catholic Education from time to time and any change will be notified to employees.

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