

# Information regarding parental disputes in school admission applications



The School Admissions team will sometimes encounter instances where there is a lack of agreement between parents as to their preference of school when their child is starting primary school, transferring from primary to secondary school or when seeking to transfer to another school within the academic year.

The School Admissions team is unable to resolve or take sides in such instances and therefore, we would advise that you consult the information below so that you are aware of the position we adopt in cases of parental disputes in admission applications processed by the local authority.

## Parental Responsibility:

All mothers and most fathers have legal rights and responsibilities as a parent - known as 'parental responsibility'.

Amongst others, this includes being responsible for choosing and providing for the child's education such as when submitting a school place application and selecting the preferred school(s).

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)

You can [apply for parental responsibility](#) if you do not automatically have it.

For more information on parental responsibility, please visit [Parental rights and responsibilities: Who has parental responsibility - GOV.UK](#)

## Before applying:

We advise that parents (all parties with parental responsibility) discuss their preferences of school prior to submitting an application and attempt to reach agreement.

In any case, the person completing the application must ensure that:

- they have parental responsibility for the child the application is for
- the application has agreement of all those with parental responsibility or, where agreement cannot be reached, they are in possession of a relevant court order allowing them to make the application

In order to submit an application, the declaration on the form states that the applicant has confirmed the agreement of all parental responsibility holders or has authority to make their application by virtue of a court order.

## **After an application has been made:**

Where a parent submits an application and it subsequently becomes evident that this has been done without the consent of all others with parental responsibility, the School Admissions team may put a hold on their processing of the application.

Where there is evidence of disagreement (e.g. if two application forms are received for the same child with different school preferences) or a parent has contacted School Admissions to challenge/dispute a submitted application, we will seek to establish whether both parents have parental responsibility and whether any relevant court order has been made regarding the determination of who has authority to make an application. Parents will be asked to provide evidence at this point (e.g. copy of the child's birth certificate and/or relevant court order).

If only one parent has parental responsibility, the School Admissions team will give effect to that parent's wishes by processing their submitted application. If there is a court order pertaining to the child, the School Admissions team will comply with it.

If both parents have parental responsibility and no agreement has been reached or there is no relevant court order in place, the School Admissions team will cease processing of the application. It will not be processed until both parents have indicated their agreement or a court order has been obtained.

## **After a school place has been allocated:**

If, prior to the raising of a valid challenge to a school place application, a place has already been allocated, that place may be withdrawn in accordance with the statutory School Admissions Code, which allows for withdrawal of places offered in error or obtained through a fraudulent or intentionally misleading application.

If the child has already been admitted to the allocated school by the time a challenge is received, the associated school place will not be automatically withdrawn; in deciding whether to withdraw the place, the length of time that the child has been at the school must be taken into account. For example, it might be considered appropriate to withdraw the place if the child has been at the school for less than one term.

In any case we would advise parents in dispute to seek legal advice pursuant to reaching agreement or obtaining a relevant court order.

## **Summary:**

Parents are advised that the School Admissions team is unable to resolve or take sides in disputes between parents who have parental responsibility for a child. Accordingly, parents are required to resolve matters between themselves, and, where this is not possible, to seek independent legal advice pursuant to a resolution through the courts.

## **Further Information**

The *Education (Pupil Information) (England) Regulations 2005* give parents the right to access information about their children's 'educational record'. The regulations define 'parent' widely to include parents who do not have parental responsibility, non-parents

who do have parental responsibility and any person who 'has care of (the child)'. However, because an application for a school place does not fall within the definition of 'school record' a parent will only normally be entitled to the information if he or she has parental responsibility.

If one person with parental responsibility requests information about an application made by another parent, they will normally be entitled to this under the provisions of the Data Protection Act 2018 unless there is a good reason for not supplying it (e.g. where a court has specifically said that a named parent is not entitled to it or if there is reason to believe that providing the information might harm the child). If a person making an application thinks there are reasons why the details should be kept secret, they should notify the School Admissions team.

Before passing on the information, the School Admissions team will make efforts to check that there is no legitimate objection from the person who submitted the application form. When passing on details of an application, any personal information pertaining to the other parent (e.g. home address and telephone number) will be redacted.

For any further queries please contact:

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