PARENT DISPUTES POLICY 2026 – 2030



Help for non-English speakers

If you need help to understand the information in this policy, please contact the Watsonia Heights Primary School Office on (03) 9435 4617.

AIM

To ensure that Watsonia Heights Primary School has guidance as to who is responsible for decisions about students, including common decisions that need to be made in relation to their education and welfare, to help avoid parent disputes.

SUMMARY

When making decisions for students at Watsonia Heights Primary School, all members of the school community must consider the following:

- Each parent of a child under 18 years of age has parental responsibility for a child unless this has been varied by a court order, parenting plan or otherwise as set out in this policy.
- Separated parents with decision making responsibility are expected to consult with one another and make a genuine effort to come to a joint decision about an issue. The law does not require others, such as schools, to ensure that both parents have consulted with each other and come to a joint decision. However, schools are encouraged to have processes in place to seek the views of both separated parents about a major long term issue – see below for more information about 'major long term issues'.
- School staff must try to avoid becoming involved in parent disputes about decision making for students.
- Principals of Victorian government schools can seek legal advice about a particular court order or family and student circumstances from the department's Legal Division on 03 9637 3146 or email: legal.services@education.vic.gov.au

GUIDELINES

Parental responsibility for decision making

Each parent of a child under 18 years of age has parental responsibility for the child, unless that parental responsibility is varied by a court order or parenting plan or otherwise as set out in this policy.

In determining who is responsible for making a decision in relation to a student, the Principal or relevant staff member must apply the following:

- if the student is not an adult or mature minor, consider who has parental responsibility for the child (for example who are the parents listed on the child's birth certificate).

- if the parents are separated, consider:
    - are there any court orders in place that affect decision-making responsibility – for example, parenting order (also known as a Family Law Act order), family violence intervention order or protection order
    - are there any informal arrangements in place that affect decision-making responsibility – for example, parenting plan or informal care arrangements (such as the student living with their grandparent or other non-parent carer, where no court orders are in place for such an arrangement)
    - if the decision is about day-to-day issues affecting the child, in which case a parent or carer who is spending time with the child on a particular day is able to make the decision
    - if the decision is about a major long term issue affecting the child, in which case schools are encouraged to seek the views of each parent or carer with decision making responsibility for the child. A decision made by only one parent or carer in the absence of a contrary view or communication from the other parent or carer is sufficient, unless otherwise set out in this or other department policy.

Parents and carers are expected to provide schools with up-to-date information and documentation relating to relevant court orders or informal care arrangements. However, schools should request copies from parents or carers of relevant court orders or evidence of informal care arrangements that are in place, if they are aware of them, and make reasonable enquiries with parents and carers about those orders and arrangements from time to time.

In determining who is responsible for making a decision in relation to a student and the information to be provided to the person responsible for making the decision, school staff must also consider the human rights of any relevant parties (for example the student's rights and their parents' or carers' rights) as set out in the Charter of Human Rights and Responsibilities Act 2006 (Vic) (the Charter) and must act compatibly with the Charter. For more information, see Human Rights Charter.

The Department's Legal Division can also provide advice for schools to assist them in determining decision making responsibilities if and as needed at legal.services@education.vic.gov.au or 03 9637 3146.

Decisions about major long-term issues

Separated parents with decision-making responsibility are expected to consult with one another and make a genuine effort to come to a joint decision about an issue. The law does not require others, such as schools, to ensure that both parents have consulted with each other and come to a joint decision. However, schools are encouraged to have processes in place to seek the views of both separated parents about a major long term issue.

The following provides some guidance about the usual classification of common decisions.

Major long-term issues include:

- enrolment or transfer and choice of school
- year level movement (that is, repeating or skipping a year)
- consents for overseas excursions
- major medical and health decisions
- decision for child to participate in special religious instruction
- chronic non-attendance at school
- the child's name
- a decision about a day-to-day issue that may have a major long term impact for a particular child.

Day-to-day issues include:

- non-attendance at school when it is open for instruction on a particular day
- consent to participate in day excursions
- medical and health decisions that are not major.

Disputes between separated parents or carers

Whenever faced with a dispute between persons who are responsible for making decisions for a child, principals and staff must try to:

- avoid becoming involved
- avoid attempting to determine the dispute
- act neutrally and not adopt sides
- act in the best interests of the child or young person involved
- act in the best interests of the school community.

School staff should inform parents that schools are 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.

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 schools that the child is attending or seeking to attend, 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)(opens in a new window).
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 principals and staff with a signed instrument of authorisation and for providing up-to-date information relating to any changes in care arrangements. However, principals and staff 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, the Secretary of DHHS, a person authorised under an Instrument of Authorisation by the Secretary 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 students.

If a principal or their nominee has any concerns about any aspect of decision making processes, seek advice from the Legal Division.

COMMUNICATION

Watsonia Heights Primary School must communicate this policy within their school community and encourage students, families and carers to be guided by the policy's information, to reduce the incidence of parent disputes. This policy is communicated via the school's website.

RELATED POLICIES

If you require further information regarding decision making for students and minimising parent disputes, please refer to the Department of Education's website for the following related school policies:

- Excursions
- Expulsions
- Intervention Orders
- Student Support Groups
- Student Support Services
- Suspensions

For further information regarding related Department of Education's policies, please visit https://www2.education.vic.gov.au/pal/decision-making-responsibilities-students/policy .

RELEVANT LEGISLATION

Legislation relevant to decision making for students include:

- Chart of Human Rights and Responsibilities Act 2006 (Vic)
- Children, Youth and Families Act 2005 (Vic)
- Family Law Act 1975 (Cth)
- Family Violence Protection Act 2008 (Vic)

To access this legislation, please visit https://www2.education.vic.gov.au/pal/decision-making-responsibilities-students/policy .

POLICY REVIEW AND APPROVAL

Policy last reviewed	October 2026
Approved by	Tony Ryan, Principal on 19 October 2026
Next scheduled review date	October 2030