Custody, Separation and Family Arrangements Policy

Bandonbridge National School

Core principle: The welfare, safety, dignity and educational continuity of the child are the school's primary concerns. The school will remain neutral in disputes between adults and will act in accordance with applicable law, valid court orders, child-protection requirements and data-protection obligations.

Date of ratification: 01/10/2026

1. Purpose and Scope

Bandonbridge National School recognises that separation, divorce, relationship breakdown and changes in family arrangements can be difficult for children and families. Parents/guardians are encouraged to speak confidentially with the Principal and/or class teacher where family circumstances may affect a child's welfare, attendance, collection arrangements or school experience.

This policy applies to pupils, parents, guardians, persons with custody or access arrangements, staff and any other adult seeking to collect, contact or obtain information concerning a pupil.

2. Legal and Policy Framework

This policy should be read in conjunction with relevant Irish law and school policies, including:

- Guardianship of Infants Act 1964, as amended, including amendments made by the Children and Family Relationships Act 2015;
- Children and Family Relationships Act 2015;
- Children First Act 2015, Children First: National Guidance and the current Child Protection Procedures for Primary and Post-Primary Schools;
- Education Act 1998 and Education (Welfare) Act 2000, as amended;
- General Data Protection Regulation (GDPR) and Data Protection Act 2018;
- Domestic Violence Act 2018, where relevant; and
- the school's Child Safeguarding Statement, Data Protection/Privacy Notice, Admissions Policy, Attendance Policy and procedures for collection and release of pupils.

Family law is fact-specific. The school does not provide legal advice and may seek advice from its management body, insurer or legal adviser where a dispute or court order creates uncertainty.

3. Key Terms

Guardianship concerns legal responsibility for major decisions about a child's upbringing and welfare. Custody (day-to-day care) concerns the child's everyday care and living arrangements. Access concerns contact between a child and a parent/guardian or another person. These concepts are distinct and the existence of one does not necessarily determine the others.

4. Information the School Requires

- Where a child lives in more than one home, the school should be given current addresses, telephone numbers and emergency contact details for each relevant household.
- Parents/guardians must keep the school informed, in writing, of significant changes to guardianship, custody, access or collection arrangements that affect the school.
- Where a court order, agreement made a rule of court, safety order, barring order or other legally relevant document affects the school, a complete and current copy should be provided to the Principal. The school will retain such documents securely and only for as long as necessary.
- The school may request reasonable evidence of guardianship or legal authority where this is genuinely in question. Staff should not be expected to determine disputed legal status from conflicting verbal accounts.

5. Communication with Parents and Guardians

The school will communicate in a fair, practical and child-centred manner. Where both parents are guardians, separation or divorce does not of itself remove guardianship rights. The school will not assume that one parent must pass all school information to the other where the school has been asked to communicate separately and it is lawful and practicable to do so.

- Each parent/guardian should provide their own up-to-date contact details and preferred school communication address.
- Copies of general school reports, notices and relevant educational information may be provided separately to a parent/guardian who is entitled to receive them, subject to law, court orders, safeguarding and data-protection requirements.

- Separate parent-teacher meetings may be arranged where necessary and reasonably practicable. The school is not required to mediate between parents or facilitate contentious joint meetings.
- Information about one parent will not ordinarily be disclosed to the other unless there is a lawful basis to do so.

6. Collection and Release of Pupils

During the school day pupils are in the care and supervision of the school. All requests to collect, meet or remove a pupil during school hours must be made through the school office and in accordance with the school's collection procedures.

- Parents/guardians should notify the school promptly of changes to normal collection arrangements, preferably in writing or through the school's approved communication system.
- The school will follow any valid court order of which it has been given a copy. Staff will not vary, interpret or negotiate a court order on behalf of parents.
- Where there is no court order restricting collection or contact, the school will act on the legal rights and responsibilities known to it and on the child's safety. It will not become an arbiter of a private family dispute.
- If conflicting instructions create uncertainty about whether a child may safely and lawfully be released, the Principal may keep the child supervised while clarification is sought. Where necessary, the school may contact An Garda Síochána, Tusla, its legal advisers or other appropriate authorities.
- A person who is not a parent/guardian may collect a child only in accordance with the school's normal authorised-collection arrangements, unless another lawful arrangement applies.

7. Guardianship and Unmarried Parents

The statement in older school policies that an unmarried father automatically has no guardianship rights is no longer accurate. Under current Irish law, a birth mother is generally an automatic guardian. Married parents are generally guardians, and separation or divorce does not by itself end that status. An unmarried parent may also have guardianship automatically in qualifying cohabitation circumstances, may become a guardian by statutory agreement, or may be appointed by a court.

Accordingly, where guardianship is disputed, Bandonbridge National School will not make assumptions based solely on marital status or on whose name appears in ordinary school records. The school may ask the parties to provide appropriate documentary evidence or obtain legal clarification.

8. Court Orders, Domestic Abuse and Safety Concerns

Any parent/guardian who relies on a court order that affects school contact, collection, custody, access or communication should provide the Principal with a current copy as soon as possible. The school will comply with the order insofar as it applies to the school.

Where the school becomes aware of an immediate risk to a child or adult, safety takes priority. The school may contact An Garda Síochána or emergency services. Child-protection concerns will be managed under the school's Child Safeguarding Statement and the current Child Protection Procedures, including referral to Tusla where required.

9. Child-Centred Practice

- Staff will treat children experiencing family separation with sensitivity, respect and discretion.
- Children will not be used to carry messages, legal documents or information between adults.
- Staff will avoid questioning a child about family disputes unless this is necessary for the child's welfare or safeguarding.
- Where appropriate, the school may provide pastoral support and may signpost parents/guardians to suitable family, mediation or support services.
- The child's privacy will be respected; information will be shared internally only with staff who need it for the child's education, welfare or safety.

10. Data Protection and Confidentiality

Information about family circumstances, court proceedings and contact arrangements is personal data and may include sensitive information. Bandonbridge National School will process such information only where there is a lawful purpose, will keep it secure, will limit access to those who need it, and will apply the school's retention and data-protection procedures.

Requests for access to pupil records or personal data will be considered under applicable education and data-protection law. A request will not automatically entitle one adult to receive another adult's personal information.

11. Disputes at the School

Parents/guardians must not involve staff or pupils in confrontations about family-law matters on school premises. If a dispute arises at collection time, staff will prioritise the child's safety, minimise distress and refer the matter to the Principal. The school may ask adults to leave the premises and may contact An Garda Síochána where safety, public order or compliance with a court order requires it.

12. Useful Information

Courts Service – Arrangements for Children: www.courts.ie (guardianship, custody and access guidance)

Tusla – Child and Family Agency: www.tusla.ie

Data Protection Commission: www.dataprotection.ie

Citizens Information: www.citizensinformation.ie

These sources are provided for general information. Families should obtain independent legal advice where their circumstances are disputed or complex.

13. Ratification and Review

This policy was adopted by the Board of Management of Bandonbridge National School on 01/10/2026 and will be reviewed periodically, and sooner where there is a material change in legislation, Department of Education guidance or school procedures.