

Hillingdon Local Authority's protocol & guidance regarding parental responsibility & disputes when applying for a school place

Purpose of the guidance

The School Placement and Admissions team have seen a significant increase in the numbers of disputes between parents relating to where their children should go to school. We understand that parental disputes when trying to come to a mutual agreement on child arrangements can be extremely upsetting for all involved (including the children).

This guidance has been published to help parents understand Hillingdon Local Authority's protocol for dealing with situations in which parents disagree. This is general guidance intended to help parents understand their rights and responsibilities in line with the law.

We appreciate that everyone's circumstances are different, and some situations are more complex than others, however we hope this guidance will provide clarification to parents on what to expect in the event of a dispute about choice of school when applying and how your case will be managed by the School Placement and Admissions team.

Please note that the School Placement and Admissions team are unable to get involved in civil disputes. Instead, parents are required to resolve matters between themselves, Hillingdon Council provides support to separated parents to assist in reducing conflict, more information and referral pathways are available here:

[Parenting Apart Programme - Hillingdon Council](#) or, where this is simply not possible, seek a resolution through formal mediation or the courts.

Applying for a school place

We appreciate that conversations surrounding school applications can be frustrating for parents, however we strongly recommend that, before an application is submitted, parents discuss which school they wish their child to attend, and attempt to reach agreement, especially where more than one person has parental responsibility. To understand who qualifies as a person with parental responsibility, please see the section below on the legal definition of 'parental responsibility.'

The person completing the application form must ensure that:

- they have parental responsibility for the child in question; and
- the application has the agreement from everyone with parental responsibility.

The applicant must sign the declaration on the application form to confirm the above. The declaration on the application form reads as follows:

I wish to make an application to the schools listed on this application form.

I confirm that I am the person with parental responsibility for the child named on the application and I have received agreement from all parties who share parental responsibility for the child or have confirmed that there are circumstances surrounding one parent being absent or uninvolved.

Hillingdon Council will use the information you have provided to determine eligibility for a school placement for your child. Any information shared with, or by, the council will be done so as the law permits, to check accuracy of information, data matching purposes, prevent/detect crime or protect public funds. We may check information we receive about you with information in our records; this can include information provided by you as well as by others, such as government departments and agencies.

I give Hillingdon Council permission to make any enquiries needed to confirm the information given on this form, including the sharing of information for the prevention and detection of crime and protection of public funds.

I confirm that, to the best of my knowledge and belief, the information provided on this form is correct and complete. I understand that if I give false or misleading information or omit information for the purpose of gaining a school placement, it may be regarded as a criminal offence, and action could be taken against me including court action and the withdrawal of the placement offer.

Parental disputes over school applications

In the event that parents cannot agree on a school – for example, if two forms are received or the declaration on agreement is not signed – the local authority will establish whether both parents have parental responsibility and whether any court order has been made that is relevant to the issue of where the child should attend school. Parents will be asked to supply evidence at this point – for example, in the form of the child's birth certificate or a court order.

If only one parent has parental responsibility, the local authority will give effect to that parent's wishes by processing their application/preference(s).

If it transpires that both parents have parental responsibility, the School Placement and Admissions team will require agreement from both parties with parental responsibility on the preferences submitted. We will not process an application until both parties agree – the team can only process one application per child. We would instead suggest that both parties seek legal advice to come to an agreement and, where necessary, resolution through the court system. The School Placement and Admissions team will not take sides nor choose between them. Instead, the application will not be processed until both parents have indicated that they are happy for it to be or there is a court order.

If there is a relevant court order concerning parental responsibility or the school application, the local authority will comply with it.

In the absence of one parent

When both parents have parental responsibility, but one parent is absent, uninvolved, or uncontactable, navigating the school application process can be challenging. In such cases, it is important for the actively involved parent to approach the application in an honest and transparent manner. One approach could involve clearly indicating the unavailability or absence of the other parent on the application form. Providing accurate information while explaining the circumstances can help avoid misleading claims.

Withdrawal of school place where the declaration has been signed without the necessary agreement

Please note that if a parent signs the declaration to say that they have parental responsibility and indicates that all others with parental responsibility also consent to the application and it is subsequently proved that this was incorrect, this may result in the application not being processed. In the event that a school place has already been allocated, that place may be withdrawn in accordance with paragraph 2.13 of the School Admissions Code, which allows for withdrawal of places offered in error or obtained through a fraudulent or intentionally misleading application.

The School Admissions Code states:

2.13 An admission authority must not withdraw an offer unless it has been offered in error, a parent has not responded within a reasonable period of time, or it is established that the offer was obtained through a fraudulent or intentionally misleading application. Where the parent has not responded to the offer, the admission authority must give the parent a further opportunity to respond and explain that the offer may be withdrawn if they do not. Where an offer is withdrawn on the basis of misleading information, the application must be considered afresh, and a right of appeal offered if an offer is refused.

Information sharing

Where Hillingdon Local Authority receives contact from a person who has parental responsibility wishing to seek information on a child's application, but who is not named as an applicant, we are obliged to provide this information, however, this will only be disclosed once we have received proof of parental responsibility, i.e. a child's birth certificate.

Please note that before any information is shared, even where evidence of parental responsibility has been provided, the School Placement and Admissions team will contact the applicant (the person who submitted the application) to ensure there are no legal concerns in doing so, i.e. Domestic Violence cases & safeguarding concerns. If the applicant advises that there are legal concerns, then we will also request proof of this – for example, crime reference numbers or police reports.

Under the principles of the General Data Protection Regulations 2018 (GDPR) and the Data Protection Act 2018 (DPA 2018), children and young adults can assume control over their personal information and restrict access to it from the age of 13. However, parents are entitled to request access to, or a copy of their child's educational record, even if the child does not wish them to access it. This applies until the child reaches the age of 18. A parent is not, however, entitled to information that the school could not lawfully disclose to the child under the GDPR or in relation to [which the child would have no right of access](#). If you have any queries about the GDPR or DPA 2018, please contact the [Information Commissioners Office](#).

Definition of 'parental responsibility' as stated in the Children Act 1989

(quoted directly from [section 3](#) of the Act)

(1) In this Act "parental responsibility" means all the rights, duties, powers, responsibilities, and authority which by law a parent of a child has in relation to the child and his property.

(2) It also includes the rights, powers, and duties which a guardian of the child's estate (appointed, before the commencement of section 5, to act generally) would have had in relation to the child and his property.

(3) The rights referred to in subsection (2) include, in particular, the right of the guardian to receive or recover in his own name, for the benefit of the child, property of whatever description and wherever situated which the child is entitled to receive or recover.

(4) The fact that a person has, or does not have, parental responsibility for a child shall not affect—

(a) any obligation which may have in relation to the child (such as a statutory duty to maintain the child); or

(b) any rights which, in the event of the child's death, he (or any other person) may have in relation to the child's property.

(5) A person who—

(a) does not have parental responsibility for a particular child; but

(b) has care of the child, may (subject to the provisions of this Act) do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare.

**The guidance on this page is for general information purposes only and reflects the position at the date of publication. It is not legal advice and should not be treated in that way. Please seek your own independent legal advice where necessary.*

Agreed by:

Laura Baldry, School Placements and Admissions Manager

Abi Preston, Director of Education & SEND

Created: July 2023

Date of next review: July 2024