

Policy Title:	Legal Access Policy	Classification:	Kindergarten Operations
Monitored by:	Senior Teachers	Approved by:	GM Operations
Effective Date:	August 2021	Review Date:	August 2023

Objective: To ensure that all parents, as guardians, receive information and consultation opportunities regarding their child.

Commitment: The Association is committed to protecting children in our kindergartens, as well as allowing both parents to receive their entitled guardianship rights.

Related Documents

- Licensing Criteria for Early Childhood Education and Care Services (2008)
- Legal Access Procedure (attached)
- Privacy Policy

Policy Details:

1. Non-custodial parents continue to have guardianship rights and are entitled to exercise them.
2. Both parents, regardless of custodial rights, as guardians are entitled to:
 - receive copies of any documentation related to their child
 - discuss their child's development with the teaching team
 - be consulted over major decisions affecting the child
 - be given opportunities to be part of any parent/whānau consultation processes.
3. The teaching team must make reasonable efforts to assist guardians to exercise their rights.
4. It is the responsibility of parents to inform the teachers of custody and access arrangements. A copy of a current Parenting Order must be given to the Head Teacher by the child's custodial parent.
5. Staff, if they have reasonable doubts about the identity, good faith or legal rights of any person wishing to contact a child, will consult the parent who is known to have legal access. When there is any doubt, unrestricted access will not be permitted.
6. Teachers must not be involved or mediate in disputes between the guardians of a child.

Review:

This policy will be reviewed biennially in consultation with staff.

Legal Access Procedure



This procedure sets out the process that kindergarten teams will follow to ensure legal access and custody arrangements are maintained.

For any situation that is not covered by this procedure, kindergarten staff should seek advice from a Senior Teacher or the GM Professional Services.

At the time of enrolment:

1. The Head Teacher is responsible for recording the names and addresses of all guardians and will note any custodial arrangements. Copies will be kept of all relevant documents.
2. The Head Teacher and custodial parent should agree on the process to follow if a non-custodial parent approaches the kindergarten to seek access to the child.
3. The Head Teacher will provide the custodial parent with a copy of the Legal Access Policy and inform them of the rights of the non-custodial parent.
4. The child's guardian must give the Head Teacher a copy of the current Parenting Order.
5. The Head Teacher will inform the kindergarten team of custodial and access arrangements.

Collection of and access to a child:

1. Teachers must not allow a child to leave the kindergarten with anyone other than the people listed on the Enrolment Form.
2. If a non-custodial parent approaches the kindergarten to seek access, the staff must check the custodial and access arrangements on record and seek direction from the custodial parent if necessary.
3. If there is concern that a non-custodial parent is at the kindergarten with the intention of removing the child, the Police and custodial parent must be contacted immediately.
4. When there is any doubt about the legal access of a person to a child, unrestricted access will not be permitted. A teacher will stay with the adult and the child until legal access is confirmed.