



**STANDARD OPERATING PROCEDURE  
FOR CIRCUMSTANCES OF DISAGREEMENTS  
BETWEEN PUPILS' PARENTS OR LEGAL GUARDIANS**



Escuela Europea de Alicante

**1. Objective and scope of application**

The purpose of this document is to establish procedures to be taken by the Alicante European School (EEA) in circumstances where there is a discrepancy or conflict between parents (or legal guardians) which relates to their child's schooling.

**2. Guiding principles in any action.**

In any actions taken by EEA it shall take into account, as a priority, the following guiding principles:

✓ Guaranteeing the best interests of the child

Every child has the right to have their best interests valued and considered a priority in all actions and decisions which affect them. This includes meeting their basic needs: material, physical, education and emotional. If there is any disagreement on the part of the parents, it will be necessary to adhere to the decision of the court, maintaining, in general terms, the pre-existing situation as being in the best interests of the minor.

✓ Defending rights and overseeing responsibilities

The management team at EEA will work to ensure that the rights and responsibilities of pupils, students, fathers, mothers, teaching and administration and service personnel are sufficiently well known within the educational environment and are correctly applied and effectively guaranteed. To this end, EEA shall duly publicise the present standard operating procedures and will inform and train the teachers and administration and service staff in order to ensure they have the knowledge and are able to apply the procedures. It will also establish routes for appropriate consultation and guidance in cases of doubt and by providing the following email address for EEA staff to seek guidance: [ALI-SECURITY-OFFICER@eursc.eu](mailto:ALI-SECURITY-OFFICER@eursc.eu).

✓ Collaboration with other institutions involved in child protection

All EEA personnel are obliged to collaborate with staff from other public administration organisations on child protection issues, in respect of their area of competence.

✓ Collaboration with the Public Prosecution Ministry and the courts and tribunals in regard to situations of continual disagreements between parents or legal guardians which are detrimental to the child or their right to education.

EEA will collaborate with courts and tribunals in legal proceedings and in applying any decisions adopted. EEA shall inform parents/legal guardians that in cases of

disagreement between them in academic and educational decisions relating to their children, they will be required to refer to the competent legal body for these purposes and the decision of that body will prevail.

✓ Prevention of conflict and peaceful conflict resolution

EEA will apply the regulations and the present operating procedures, attempting to anticipate any school-related discrepancies which may arise between the parties who have legal responsibility for pupils, offering them mechanisms which encourage the consensual management of decisions affecting pupils and promoting a peaceful resolution of conflicts or disagreements which occur between them and which could have repercussions on children and EEA itself.

✓ Fulfilment of actions with a legal basis

It is the responsibility of the parents or legal guardians to provide formal and reliable notification to EEA about any documentation (rulings, regulatory agreements, restraining or protection orders for victims of gender-based violence) as well as the activation of these. EEA will exercise its competencies in respect of executing the decisions communicated which have a legal basis.

### **3. Basic terminology**

For purposes of the present instructions, the following terms are used:

❖ Parental rights and responsibilities: A range of powers and responsibilities corresponding to fathers, mothers and legal guardians for exercising their role of assistance, education and care of minors. It is exercised jointly by both parents or by one, with the express or tacit response of the other. Also valid are those actions carried out by one parent/guardian in accordance with appropriate public use and in circumstances of urgent need. In cases of disagreement, either of the two parents/guardians may apply to a Court.

❖ Care and custody: Exercising the care and custody is one of the elements of parental rights and responsibility. It comprises the right to have the child in their company, to provide them with the attention that meets their immediate needs of daily life. In cases of annulment, divorce and separation, the courts and tribunals will establish whether the care and custody of children shall be granted to one parent only or will be shared, as well as the system for visiting and access by the other parent.

❖ Legal documentation which may affect minors: Educational centres must be aware of regulatory agreements and/or resolutions dictated by judges and tribunals, in the form of orders or rulings which may affect their pupils, above all in civil proceedings. Documents presented by parties where no legal ruling has been delivered will not be taken into account, for example: complaints extrajudicial claims, lawyers' letters, applications and petitions to courts etc.

#### ***4. Collaboration of educational centres with Social Services and State Security Services***

In circumstances which may constitute a risk to the child's life, safety, health, dignity or freedom, the management at EEA will provide any known facts to the Public Prosecution Ministry and Social Services, providing these organisations with such facts in writing. In respect of carrying out these communications, it will refer to annex VII of Order 62/2014 in respect of notifications to the Public Prosecution Ministry and confirmation receipts the provisions of Order 1/2010, dated 3 May regarding communications with the Ministry for Social Welfare will apply.

#### ***5. Obligation of parents and/or legal guardians***

**Parents or legal guardians with children attending EEA are obliged to provide a copy of any legal ruling or regulatory agreement which has or may have a consequence in relation to the child's education.**

In the absence of such documentation, all education-related actions by two parents acting jointly or, where relevant, one of them individually, especially in situations or circumstances of urgent need, will be valid for legal purposes when carried out for the benefit of the child.

#### ***6. Instructions related to frequent discrepancies in situations of non-cohabitation (separation, divorce, marriage annulment, relationship break up or similar) legally recognised by the school.***

##### ***❖ Admission and enrolment***

In the process of applying for admission to the school and completing the documentation, data and signatures from both parents will be required. However, this will not apply if only one signatory is required for authentication purposes, in accordance with a corresponding legal ruling which limits the parental rights and responsibility of the non-signing party.

##### ***❖ Departure and change of centre***

The signature of both parents or legal guardians will be required in order to process requests for departure from the centre.

Double consent will not be required when there is a legal ruling which restricts the parental responsibility of one of the parents. Under these circumstances, it will be sufficient to have the consent of the person holding parental responsibility or whichever party is taking decisions with regard to education.

##### ***❖ Right of parents to information***

As long as there is no restriction to the exercising of parental responsibility, both parents have the right to receive the same information about the circumstances surrounding the

child's education. To this end, EEA guarantees that it will provide, in duplicate, information or documentation relating to the education of the child, for example:

- ✓ School qualifications and assessment results.
- ✓ Results of sociopsychopedagogical evaluations.
- ✓ Adoption and development of educational and curricular resources.
- ✓ Adoption of corrective mechanisms and commencement of disciplinary proceedings.
- ✓ Information notices of any type.
- ✓ Course meetings and information sessions, family interviews or individual tutorials.
- ✓ School calendar, timetable and details of extracurricular activities.
- ✓ Attendance at school dining room and menu.
- ✓ Authorisations to participate in complementary and extracurricular activities.
- ✓ List of absences and reasons for these, if requested.
- ✓ Procedures for providing specific health assistance in the school.

When there is a legal ruling which removes or suspends the exercising of parental rights and responsibilities, or excludes or restricts the rights of one of the parents to visit, approach or communicate with the child, that parent will not be provided with information or communication during the school day or at other times when the minor is in the care of the school.

#### ❖ ***Accident or medical emergency***

If there is an accident or medical emergency involving the child during school activities the parent who holds custody will be immediately informed and if the custody is joint or shared, both parents will be informed.

#### ❖ ***Request for reports and certificates***

When parents or legal guardians of pupils request reports or certificates from EEA, the management's responsibility is to send only those reports and certificates related to the educational process and containing details as outlined in the example in the previous point relating to **Rights of parents to information**. Any other information will have to be provided only if a court rules this but not on the direct request of the parents or their legal representatives.

Exercising parental rights and responsibilities will be considered a non-transferable right and duty and therefore, except in circumstances of legal rulings which establish the contrary, no information will be provided in writing nor documentation sent to third parties, including lawyers of the parents, even when these are their legal representatives.

Accordingly, documentation relating to pupils' academic life will be provided exclusively to parents or legal guardians as well as to judges or public prosecutors who request it. Given that this documentation includes personal data of the children, only those

exercising parental rights may have access to it.

❖ ***Criteria for drop off and collection of pupils and attendance at meetings***

In cases of conflict or disagreement, the school must adhere to the provisions of the regulatory agreement legally ratified or a legal ruling regulating custody and access and, based on the aforementioned ruling, it will be obliged to deliver the child to the parent with whom he or she is required to be (in general the parent who has been granted custody, or the other parent when this coincides with the access arrangements).

Either parent, except when the legal ruling explicitly establishes some restriction, may decide who will collect the child from school or may delegate this to third parties. In this latter case, they must notify the school of this in writing. If there is no express authorisation, the child must be picked up at the appropriate times by a parent/legal guardian.

Neither parent nor their legal representatives may question or oppose the attendance at meetings of the other in the company of a party with whom, based on day to day living arrangements, they share responsibility for the care of the child, except when there is a legal ruling which expressly restricts this.

Neither parent/legal guardian can oppose the delegation by either of them to third parties to pick up the child at the school at the corresponding time, except in cases where a legal ruling has established some restriction in regard to this.