

DRAFT — FOR SCHOOL REVIEW ONLY

This document has been prepared by the Morna International College PTA and is offered to the school as a starting point for discussion. It is not intended to be final, binding, or prescriptive in any way. The PTA's aim is to support the school in developing policies and frameworks that work for the whole community — not to direct or dictate. The school is invited to review, adapt, and adopt this document in whatever form best serves that purpose.

Parental Code of Conduct — A Note on Enforceability

The Legal Basis for the Parental Code of Conduct and Structured Accountability Framework
June 2026 | Draft — Pending Legal Review

Why the PTA Has Produced This Note

Schools everywhere — and private schools in particular — can face situations where parental pressure could, in some circumstances, make it harder to apply decisions consistently and in the best interests of all children. A clear, documented framework helps the school navigate those situations with confidence, ensuring that every decision is grounded in an agreed process rather than the circumstances of any individual case.

The Parental Code of Conduct and the Structured Accountability Framework are a key piece of work produced by the PTA to support the school in ensuring it can take decisions based in the best interests of every child — confidently, consistently, and with a clear documented basis. They are tools, drafted by parents with relevant expertise, and offered to the school to adopt, adapt, or build on as it sees fit.

This note sets out the legal basis that underpins both documents. The PTA's understanding is that under Spanish law, the school already has the authority to enforce the standards described in those documents. What the documents do is make that authority visible, documented, and consistently applied — so that the school can act with confidence when it needs to, and parents know from the moment of enrolment what they have agreed to.

The core purpose

Both documents are drafted on the basis that a privately operated school in Spain is a commercial entity operating under a service contract with parents. That contract can include conditions of enrolment — and can be terminated where those conditions are materially breached. This is not a new power. It is an existing right that, when clearly documented and consistently applied, protects the school, its staff, and every child in it.

The Legal Framework

1. Morna International College as a private school

Morna International College is operated by Morna Valley School S.L., a Spanish commercial entity (sociedad limitada). It is not a state school and is not directly funded by the Spanish Ministry of Education. As a private school, it operates under a contractual relationship with families, governed by Spanish private law and consumer protection legislation.

This distinction matters because state school exclusions in Spain are subject to strict administrative law protections and are not easily available for primary-age children. Private school enrolment terminations operate under contract law — a fundamentally different framework, and one that gives the school considerably more flexibility, provided the right contractual foundations are in place.

2. The enrolment agreement as a contract

When a parent enrolls a child at Morna, they enter into a contract with the school. Under Spanish civil law (Código Civil) and the Ley de Contratos de Servicios, this contract can legitimately include:

- Conditions of enrolment specifying expected conduct from both child and parent
- Grounds for termination of the contract, including material breach of those conditions
- A process for exercising that termination right — notice, opportunity to respond, written decision

The Parental Code of Conduct is designed to operate as an annex to the enrolment agreement with the same contractual force. Provided the conditions are clearly stated, proportionate, and not contrary to public policy, they are enforceable. Parents sign before their child starts — which means the school is never imposing a new rule. It is applying one the parent already accepted.

3. The Ley Orgánica de Educación (LOE) and LOPIVI

The LOE establishes the framework for all education in Spain, including private schools. It does not prevent private schools from setting and enforcing conduct standards — but it does require that any disciplinary process be proportionate, documented, and fair.

LOPIVI (Ley Orgánica 8/2021, de protección integral a la infancia y la adolescencia frente a la violencia) creates a legal obligation on all educational establishments — including private schools — to:

- Maintain a safe environment free from violence, bullying, and sexual harassment
- Have documented procedures for identifying, reporting, and responding to incidents
- Act on disclosures and complaints — inaction is itself a breach of the school's legal duty

This means the Structured Accountability Framework is not optional. It reflects obligations the school already has. The Framework makes those obligations explicit — and gives parents the transparency they are entitled to about how the school will meet them.

4. Age and exclusion — the common misconception

A frequent point of pressure from parents is the suggestion that primary-age children cannot be excluded. Whether this is accurate depends entirely on which legal framework applies.

State school exclusion	Private school enrolment termination
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Governed by administrative law. Formal exclusion of primary-age children is rarely available and subject to appeal.	Governed by contract law. The school terminates the service contract. Age is not the determining factor — breach of contract is.
Requires extensive procedural protections. Decisions can be appealed to the education authority.	Process is defined in the contract itself. An internal review is the prescribed remedy. There is no automatic right of appeal to a public body.
Permanent exclusion requires regional education authority approval.	Termination of enrolment is a commercial decision. Subject to the agreed process being followed, it does not require external approval.

The Code of Conduct is drafted on the basis of the right-hand column above. When the process is followed and documented, the school is in a strong legal position. When it is not, the school is vulnerable — not because the law is against it, but because a process that wasn't followed cannot be defended.

What Makes the Documents Legally Defensible

For an enrolment termination to withstand challenge, four things must be in place. Both documents have been drafted with these requirements in mind:

Requirement	How the documents meet it
Conduct grounds must be clearly defined in writing before enrolment.	Section 7 of the Code sets out specific categories of conduct that may result in termination. Parents sign before their child starts.
The parent must have accepted those grounds in a signed document.	The Code is a signed annex to the enrolment agreement. Signature is a condition of enrolment.
The school must follow the process set out in the contract.	Sections 6 and 7 define the process: written notice, meeting, review, written decision. The school must follow it exactly.
The process must be proportionate and not contrary to public policy.	The Code explicitly preserves statutory rights under Spanish consumer law. The waiver is scoped only to contractual termination claims.

What This Means in Practice

For the school

The Code of Conduct gives the school a contractual basis for decisions it may already be taking, or wants to take, but currently has limited documented authority for. It does not create new powers — it formalises existing ones. The practical effect:

- When a parent challenges a consequence, the school can point to a signed document the parent agreed to at enrolment. The conversation changes from a negotiation to an application of an agreed process.
- When a parent suggests legal action, the school has a documented process it followed. A termination where every step is recorded is a termination that can be defended. The threat of litigation becomes significantly less credible.
- When staff apply consequences, they do so within a framework that is visibly consistent and backed by the school's contractual authority — rather than relying on individual judgement that can be challenged.

The most important practical point: the process must be followed every time, without exception. The documents are only as strong as the record behind them.

For the PTA

The PTA's role is not to enforce these documents — that is the school's responsibility entirely. The PTA's role is to ensure that parents understand what they are signing and why it is reasonable.

A clear, consistently applied framework benefits every family. It means:

- Consequences are the same regardless of whether a parent is quiet or vocal, present or absent, wealthy or not. The framework removes the ambiguity that makes individual pressure feel worth trying.
- Parents who have helped shape the values underlying these documents — through the proposed values workshop — have a different relationship to the rules than parents handed a document they had no part in. That is why the workshop matters.
- When the school has to take a difficult decision, the parent community understands the basis for it. That protects the school's reputation as much as its legal position.

Before these documents are used

This note is a plain-language summary of the legal position as understood by the PTA. It is not legal advice. The PTA recommends that before the Code of Conduct is formally adopted and issued to parents, the school should:

- Obtain a review from a Spanish-qualified lawyer, specifically on the litigation waiver in Section 2 and the termination provisions in Section 7 of the Code
- Confirm that the Code can be annexed to the existing enrolment agreement without requiring a full contract renegotiation with current families
- Take advice on how to introduce the Code to existing families, as opposed to new families signing at enrolment

The PTA is willing to help source appropriate legal advice if the school wishes.