IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2024] SGHCF 19

District Court Appeal No 4 of 2024

Between

VEW

… *Appellant*

And

VEV

… *Respondent*

JUDGMENT

[Family Law — Child — Whether child should be moved from local school to international school]
[Family Law — Consent orders — Variation]

VEW
v
VEV

[2024] SGHCF 19

General Division of the High Court (Family Division) — District Court Appeal No 4 of 2024
Choo Han Teck J
15 April 2024

24 April 2024 Judgment reserved.

Choo Han Teck J:

1 The parties were married in July 2011. They have one daughter, aged 9, and one son, aged 7. Interim judgment was granted on 5 March 2019, and the ancillary matters orders on 8 October 2019. They were awarded joint custody of the children, with sole care and control to the Wife. The Husband is to pay maintenance to the Wife for her and the two children. The children's school fees are to be paid directly by the Husband to the school.

2 The Wife is a teacher at an international school, and the Husband is an English barrister who works as mediator, counsel and arbitrator. They are both Singapore permanent residents. Both children are attending school at the same local primary school. The daughter has been schooling there since her Primary One in 2022. The son, enrolled in the same school, started Primary One in

January 2024. Their attendance at the local school complies with District Judge Jen Koh's orders in FC/SUM 1151/2021 and FC/SUM 318/2023.

3 In FC/SUM 1151/2021, DJ Koh considered the question of the daughter's (who was turning 7 years old) enrolment in the local education sector in Singapore for the year commencing 2022. The Wife had objected to that proposal, and asked that the daughter be allowed to enrol in international schools of her choice. DJ Koh allowed the daughter to be enrolled in the local school, and she has been there since. She found no merit in the Wife's arguments for the daughter's enrolment in an international school, as seen at [23] to [27] of her decision.

4 In FC/SUM 318/2023, the Husband had applied to DJ Koh for similar orders, but this time, for the son to be enrolled in the local education sector for the year commencing 2024. The application was granted by way of a consent order. These summonses formed the background of the Wife's application in FC/SUM 3510/2023.

5 In FC/SUM 3510/2023, the Wife applied to DJ Koh for an order to move the children from the local primary school to the international school where the Wife works. DJ Koh rejected the Wife's application, finding that it was not in the children's best interests to move them from the local primary school to the international school. The Wife appealed against DJ Koh's decision. Both parties appeared before me in person.

6 The thrust of the Wife's submissions before me was that her arguments were not adequately considered by DJ Koh. She now makes the same arguments before me. In my view, DJ Koh had properly considered the Wife's submissions

and I find no reason to disturb DJ Koh's exercise of discretion in dismissing the application.

7 The Wife says that it is in the children's best interests to move them from the local primary school to the international school because she would otherwise be unable to take care of them. She states that the children are dismissed from the local school at 1.30pm but she only finishes work at 4pm. This has required her to employ a childminder to take the children from school and care for them until she returns home at 4.30pm. However, if the children attended the international school where she works, they would be able to travel to school together with her and would be dismissed from school at 3.20pm, which is sufficiently proximate to the end of her workday. This would allow the children to spend more meaningful time with her, the care and control parent, and would also reduce the costs of hiring a caregiver.

8 Similarly, the Wife says that because of the differences in their timetables, the children are unable to spend meaningful time with her and her extended family during holidays. Her scheduled term breaks do not coincide perfectly with the children's as there is only an overlap of 18 days in December between the two. The Wife argues that the period of 18 days is not sufficient for the children to spend their holidays with their maternal relatives residing overseas. Thus, it would be in their best interests to move them to the international school for the alignment of timetables.

9 In my view, these are not sufficient reasons to displace the children from the local primary school. Based on the independent school reports and feedback from the teachers, the daughter is doing very well in school. There is also no evidence that the son will not similarly do well. There must be sufficiently compelling reasons that the move to international school is in the best interests

of the children. Further, these issues raised by the Wife are not insurmountable. As correctly observed by DJ Koh, there are practical workarounds to the present situation, and arrangements can be made to alleviate the issue. DJ Koh accepted that the Husband is willing to co-operate and assist the Wife with the caretaking of the children. I find no reason to doubt that, as the Husband also submits that parties have recently agreed that "one shall have a longer period of access during one holiday with the other having a longer period of access in another holiday period in return". I am of the view that such practical solutions adequately address the Wife's concerns, and displacing the children is not the appropriate move in the circumstances.

10 The Wife says that the children's wishes to attend school at the international school she works at ought to have been given proper weight by DJ Koh. She says that both children were given the opportunity to inspect both schools, and the son "vehemently expresses his dissatisfaction at attending [the local primary school]". DJ Koh did not find the need to conduct a child interview, and she was of the view that parties should not be discussing the litigation with the children and the children should not have been told of the Wife's application or given the impression that they could attend school at the international school. I agree with her entirely.

11 In my view, there is no reason to disturb DJ Koh's exercise of her discretion. I agree with her that the children should be given every opportunity to enjoy the school they are in, especially for the son, who has merely just begun school in January. As for the daughter, it is clear from her satisfactory performance that she has assimilated well into the local primary school, and it can hardly be said to be in her best interests to displace her from an environment that she is thriving in.

12 The Wife also raises her concern with corporal punishment at the local primary school as a reason to move the children out of the local school system. She says that physical punishment varies "significantly from their home upbringing" and can cause "serious physical and psychological harm" to the children. The Wife submits that international schools in Singapore do not permit any form of corporal punishment and exercise restorative practices to deal with student behaviour. In my view, this is not a sufficient reason for moving the children. The Ministry of Education has guidelines on corporal punishment, and prescribes it primarily for male students who commit serious offences, and it is only meted out when other corrective actions have been exhausted. There is no evidence that the children are likely to be subject to corporal punishment. In any event, the different approved modes of punishment in school is not a sufficient ground where the children have already been enrolled.

13 I deal next with the Wife's submission that there are substantial financial savings for the children to enrol in the international school because as part of her employment benefits, she is entitled to staff discounts for school fees should her children attend school at her school. However, the current total cost of school fees at the international school is higher than that at the local school. It is the Husband who has to pay the school fees. Cost savings, for him, will only be achieved after the 5th year of the Wife's employment, when she enjoys a greater staff discount. I therefore do not accept this as a compelling factor to move the children out of the local primary school. As DJ Koh rightly held, affordability is not the yardstick for a change of school or school system. The key consideration is ultimately the best interests of the children. I am not satisfied that the potential financial savings that the Wife seeks to achieve is determinative of the children's best interests, given my finding above that they are and can do well in the local school.

14 Finally, the Wife says that the parties agreed for the children not to undergo the Primary School Leaving Examination (PSLE). Given that it is inevitable that the children attend an international school, it is beneficial for the children to transit to an international school now than later. The Husband says that there was no settled agreement that the children move to an international school, but it is a possibility to be considered in due course given his shared concerns over PSLE. However, he objects to the application to send the children to international school now. This issue has been canvassed before DJ Koh, and I agree with her that there is nothing to suggest that it is in the children's best interests to move now, given that the parties agree to move to an international school at a later stage.

15 I therefore dismiss the Wife's appeal, and I make no order as to costs.

- Sgd -
Choo Han Teck
Judge of the High Court

The appellant-in-person;
The respondent-in-person.
