

FLEDGLINGS DAY NURSERY SEPARATED FAMILY POLICY

This policy sets out how our setting will support separated families. We recognise that when parents separate it can be a difficult situation for all concerned. We will work closely with the parents to build relationships which will support the child's/ children's emotional wellbeing during what may be a difficult time. Please bear in mind that we do not have the authority to restrict access to a child to any parent with Parental Responsibility (PR) unless a formal Court Order is in place. Information about PR is shown in the attached Appendix.

To comply with this, the setting will:

- Ensure the child's welfare is paramount at all times within the setting.
- Comply with any details of a Court Order where they are applicable to the setting's situation, provided the setting has a copy of the Court Order attached to the child's file.
- Provide both parents with relevant information on the child's progress and time at the setting, including incidents and accidents.
- Ensure that all matters known by the staff pertaining to the family and the parents' separation shall remain confidential.
- Ensure that no member of staff takes sides within the separation and treats both parents equally and with due respect to ensure that we stay focussed on the child's needs.
- Ensure both parents know how to access all relevant information about the setting e.g. newsletters, website, Facebook page etc. and invite both parents to all our events.

We ask parents:

- To provide us with all information relating to Parental Responsibilities, Court Orders and injunctions on the child's registration form
- To update information that changes any of the above as soon as practicably possible.
- Not to involve setting staff in any family disputes, unless this directly impacts on the care we provide for the child.
- To talk to the manager/key person away from the child when discussing family matters in order to avoid the child becoming upset. This can be arranged as an informal chat or a more formal meeting can be set up on request.
- To notify us if there is a change to the normal routine of collecting the child. If we haven't been notified of a change in the normal routine we will telephone the parent who would normally collect the child to notify them of the situation.

In Extreme Circumstances

If a parent or the setting has any concerns about who is collecting the child and there is no Court Order in place, the setting will follow these steps:

- The Manager or designated deputy will meet with the parent seeking to remove the child and, in his/her presence, telephone the parent to whom the child would normally be released and explain the request.
- If the parent being notified is concerned, we will discuss with both parents any possible alternative arrangements to try and reach an amicable solution. However, we do not have the right to refuse to release a child to a parent with PR unless there is a Court Order in place.
- During any discussion or communication with parents, the child will be supervised by an appropriate member of staff in a separate room, if possible
- In extreme circumstances, including if there is a belief that a possible abduction of the child may occur or if the parent is disruptive, the police should be notified immediately.

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Parental Responsibility

Parental Responsibility (PR) is defined as '*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*'. Therefore, parents with PR are recognised in the eyes of the law as having all the legal powers to make appropriate decisions in relation to the upbringing of their child.

The EYFS states that the setting must keep a record of who has parental responsibility and legal contact for each child.

Only a person with PR can give valid consent for medical permissions etc. It is possible to delegate the responsibility of looking after a child to a child minder, teacher, friend or relative, but the person with PR is still liable and responsible to ensure that proper arrangements are made for the child. This must be given in writing.

Who has PR?

The Children Act 1989 sets out who has PR.

- A mother automatically has PR for her child, as does a married father irrespective of whether the marriage to the mother occurred before or after the birth of the child.
- Unmarried fathers of children whose birth is registered on or after 1st December 2003, provided they are named on the birth certificate of the child, also have PR.

For children born on or after 1st December 2003, unmarried fathers whose name is not on the birth certificate will need to apply for PR.

For civil partnerships, both partners have PR if they were civil partners at the time of the treatment (i.e. insemination).

What about step parents?

- A step parent, even if married to a parent of children, does not automatically acquire PR for a child. This needs to be legally obtained through the courts.

What about adoptive or foster parents?

- An adoptive parent would have Parental Responsibility via an adoption court order. If the adoption is in process then settings could liaise with the adoptive parents and the adoption social worker about the legal situation and who holds PR.

- A foster parent generally does not have Parental Responsibility. The setting could liaise with the foster parents and/or child's social worker about the legal situation and who holds PR.

What about care orders?

- When a child is made the subject of a care order, the local authority has PR for the child.

For detailed information about PR see: <https://www.gov.uk/parental-rights-responsibilities/who-has-parental-responsibility>