Separated Parents Policy

Policy Statement

Research and experience have shown that separated parents can work well together in the best interests of their children and together can play a role in their children’s education. However, Binfield Preschool is aware that some parents become estranged, and do not work together or in the best interests of their children, especially during the initial stages of their separation. This is very often traumatic for any children concerned where personal family problems can have an impact on the children and on the schools the children attend. This policy is an attempt to minimise any impact and clarify to all parties what is expected from separated parents, and what can be expected from Binfield Preschool.

Procedures

Parent

In line with the definition by the Education Act 1996, Binfield Preschool recognises parents as:

- All natural parents, including those that are not married
- Any person who has parental responsibility but is not a natural parent e.g. a legally appointed guardian or the Local Authority named in a Care Order
- Any person who has care of a child i.e. a person with whom the child resides and who looks after the child irrespective of the relationship

Parental Responsibility

According to The Children Act 1989, having parental responsibility means assuming all the rights, duties, powers, responsibilities and authority that a parent of a child has by law. People other than a child's natural parents can acquire parental responsibility through:

- Being granted a Residence Order
- Being appointed a Guardian
- Being named in an Emergency Protection Order (although parental responsibility in such a case is limited to taking reasonable steps to safeguard or promote the child's welfare)
- Adopting a child.

If the parents of a child were not married to each other when the child was born, the mother automatically has parental responsibility; however, the father only has parental responsibility from 1st December 2003 and by
jointly registering the birth of the child with the mother. He can, however, subsequently acquire parental
responsibility by various legal means.

Care of a child
Having “care” of a child or young person means a person who the child lives with and who looks after the child,
irrespective of what their relationship is with the child, is considered to be a parent in education law. This could
be shown by: Interaction with preschool – attending meetings, making phone calls, being on preschool’s
records as being involved (in whatever capacity) etc. Residence with the child where, for all intents and
purposes, the person is part of the family, a man or woman married to a parent of a child. For example:

- Are they listed on preschool records?
- Does preschool have contact details for them?
- Do they meet with key workers/attend parents’ meetings?
- Have they been involved with the measures designed to improve attendance?
- Do they contact preschool on behalf of the child when s/he is ill?
- Do they live with the child?
- How long has preschool known of them being connected with the child?
- Does the adult bring/collection the child to/from preschool?
- Is the adult married to the parent of the child?

It would not be appropriate to assume that someone having a “casual” relationship with the parent of a child
necessarily has ‘care of the child’ unless we have cause to believe the person has some involvement with the
child’s life – living with the child could be a determining factor as could the other examples outlined above. It is
therefore those adults who are having significant input into a child’s life who can be classified as “parent”,
having “parental responsibility” or who have “care of a child”.

Parents as defined above are entitled to share in the decisions that are made about their child and to be
treated equally by preschool. In particular, these entitlements include:

- appealing against admission decisions
- completing Ofsted & preschool based questionnaires
- participating in any exclusion procedure
- attendance at parent meetings/preschool events
- having access to preschool records, receiving copies of preschool reports, newsletters, invitations to
  preschool events, preschool photographs relating to their child and information about preschool trips.

The Committee recognise that while the parents of some children may be separated, they are entitled to the
above and this entitlement cannot be restricted without a specific court order. In particular, the preschool does
not have the power to act on the request of one parent to restrict another.
The information provided to preschool when the child was enrolled detailing whether parents have parental responsibility for the child will be presumed to be correct unless a court order or original birth certificate proving otherwise is provided to the school. Similarly, the information provided on the address(es) where the child resides will be presumed to be correct unless a court order proving otherwise is provided to preschool.

Our responsibilities

Binfield Preschool fully recognises its responsibilities, and it is our sole wish is to promote the best interests of the child, working in partnership with all parents.

Binfield Preschool will maintain our open-door policy with all parents. The manager and/or keyworker will be available by appointment to discuss any issues or concerns with regard to separated/divorce estranged parents may have in relation to their child or children at preschool.

Parents will be encouraged to resolve any issues around estrangement, contact and access to information without involving Binfield Preschool directly.

In the event that the parents are unable to agree with one another on decisions regarding their child’s educational programme, preschool will arrange a meeting with all parents (preferably together or separately if required) to attempt to assist the parents to resolve the situation; if it cannot be resolved the school may refer the matter to the relevant department of the Local Authority.

The interests of the child will always be paramount when deciding whether to accommodate a request from an estranged parent. We recognise that a Court Order can restrict a parent in having contact/access to information and we may be bound by this. In this situation we will consult with the Local Authority to obtain advice as this may constitute a safeguarding concern.

In any event whereby the parents being estranged is appearing to impact upon the health, wellbeing and safety of a child the matter will be referred to the Local Authority for advice.

It is the responsibility of the parents to inform Binfield Preschool when there is a change in family circumstances. The preschool needs to be kept up to date with contact details, arrangements for collecting children and emergencies.

We encourage parents to tell us at an early stage if there is a change in family circumstances. Whenever possible, staff will be informed of such changes so that suitable support can be offered. We will, however, recognise the sensitivity of some situations and maintain the level of confidentiality requested by parents as far as possible.
Newsletters & general preschool updates can be sent to all parents. We would expect parents to communicate these messages to each other as and when appropriate.

With regards to meeting with keyworkers to discuss a child’s progress, Binfield Preschool will consider separate appointments but by prior agreements only or when a court order is in place restricting contacts with both parents.

A parent as defined in this policy has the right to receive progress reports and review records relating to their child. If the parents are separated or divorced, progress reports will be sent to the parent at the address in preschool’s records specifying where the child resides with the expectation that he/she will share the report with the other parent.

If the child is subject to a joint residence order and the school’s records formally capture that the child resides at two addresses, then progress reports will be sent to both addresses.

Binfield Preschool will send copies of the progress reports to a parent with whom the child does not reside only if that parent submits a written request.

*Release of a child*

In the case of separated parents, Binfield Preschool will release a child or children to a parent in accordance with any specific arrangements notified to the preschool.

If one parent seeks to remove the child from preschool in contravention of the notified arrangements, and the parent to whom the child would normally be released has not consented, the following steps will be followed:

- The manager, assistant manager or Designated Safeguarding Lead will meet with the parent seeking to collect/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 to whom the child would normally be released agrees, the child may be released, and the records will reflect that the permission was granted verbally.
- In the event that the parent to whom the child would normally be released to cannot be reached, the manager or staff member dealing with the issue may make a decision based upon all relevant information available to him/her.
- The manager or staff member may have to refuse permission if agreement/consent cannot be obtained and may need to take advice before a child or children are collected/released.
- Binfield Preschool cannot prevent the other parent collecting the child(ren) but we will endeavour to reach an agreement and this may mean keeping the child(ren) safe whilst we try and reach such an agreement.
• If there is a Court Order restricting contact or it is in contravention of any access agreement, the child(ren) will not be released into their care and the other parent advised to take the necessary action which does not involve preschool.
• Any discussion or communication with parents, would be conducted in either the foyer area or the kitchen, away from the child(ren).
• In circumstances 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, and the Local Authority notified.

Visitation during Preschool sessions
In agreement with our open-door policy, all parents have the right to attend preschool stay and play sessions, events, concerts, meetings etc, or otherwise be in the preschool. Such rights are not restricted in the event that a parent is estranged, unless there is a Court Order in place. Visitation will only be denied if it is deemed that there are already too many visitors in the preschool. Therefore, we ask that where possible, visits are pre-arranged.

Sharing information about visitation during sessions
In the case of estranged parents, unless a Court Order is in place, Binfield Preschool will respect the right of each parent to privacy and confidentiality. Therefore, Binfield Preschool will not share with an estranged parent any details about the residency, relationship, family situation or visitation with the other party, unless it is deemed in the interest of the child. Unless a Court Order is in place, a parent may be informed of a visit by an estranged parent after the visit has taken place but details of the visit itself will not be shared unless deemed necessary and in the best interest of the child.