



Separated Family Policy

When parents separate it is a difficult situation for all concerned. The setting understands that emotions run high and this policy lays out how Spice Childcare will support the child and their family within the setting. We feel this policy will support all parties in this difficult time including our team.

Parental responsibility

While the law does not define in detail what parental responsibility is, the following list sets out the key roles:

- Providing a home for the child
- Having contact with and living with the child
- Protecting and maintaining the child
- Disciplining the child
- Choosing and providing for the child's education
- Determining the religion of the child
- Agreeing to the child's medical treatment
- Naming the child and agreeing to any change of the child's name
- Accompanying the child outside the UK and agreeing to the child's emigration, should the issue arise
- Being responsible for the child's property
- Appointing a guardian for the child, if necessary
- Allowing confidential information about the child to be disclosed.

England and Wales

If the parents of a child are married to each other at the time of the birth, or if they have jointly adopted a child, then they both have parental responsibility. Parents do not lose parental responsibility if they divorce, and this applies to both the resident and the non-resident parent.

This is not automatically the case for unmarried parents. According to current law, a mother always has parental responsibility for her child. A father, however, has this responsibility only if he is married to the mother when the child is born or has acquired legal responsibility for his child through one of these three routes:

- By jointly registering the birth of the child with the mother (From 1 December 2003)
- By a parental responsibility agreement with the mother
- By a parental responsibility order, made by a court.

Scotland

A father has parental responsibility if he is married to the mother when the child is conceived, or any time after that date. An unmarried father has parental responsibility if he is named on the child's birth certificate (from 4 May 2006). Alternatively, unmarried fathers can also be named following a re-registration of the birth.

Registration

During the registration process it is important for the setting to know all details about both parents. This includes details about who does or does not have parental responsibility as this will avoid difficult situations that may arise at a later date.

The setting requests that all details are logged on the child registration form. If a parent does not have parental responsibility, or has a court order in place to prevent this, the setting needs a copy of this documentation for the child's records.

If a child is registered by one parent of a separated family, the setting requests that all details relating to the child and other parent are disclosed wherever possible, e.g. court orders, injunctions. This will allow the setting to have all the appropriate information in order to support the child fully.

The setting will:

- Ensure the child's welfare is paramount in all operations relating to their time within the setting
- Comply with any details of a Court Order where they are applicable to the setting's situation, provided the setting has seen a copy/has a copy attached to the child's file
- Provide information on the child's progress within the setting to both parents
- Invite both parents to events, including parental consultations and social evenings
- Ensure any incident or accident within the setting relating to the child is reported to both parents as soon as possible
- Ensure that all matters known by the staff pertaining to the family and the parent's separation shall remain confidential

- Ensure that no member of staff takes sides within the separation and treats both parents equally and with due respect.

The setting cannot restrict access to any parent with parental responsibility unless a formal Court Order is in place. We respectfully ask that parents do not put us in this position.

We ask parents to:

- Provide us with all information relating to parental responsibilities, Court Orders and injunctions
- Update information that changes any of the above as soon as practicably possible
- Work with us to ensure continuity of care and support for your child
- Not involve staff in any family disputes, unless this directly impacts on the care we provide for the child
- Talk to the manager/key person away from the child when this relates to family separation in order to avoid the child becoming upset. This can be arranged as a more formal meeting or as an informal chat
- Not to ask the setting to take sides in any dispute. We will only take the side of your child and this will require us to be neutral at all times.

Internal use only

This policy was adopted on	
Signed on behalf of Spice Childcare	
Date for review	