




Estranged Parents Policy

VERSION NO: 1.0	TITLE: Estranged Parents Policy	ISSUE DATE: 01/02/2024
PLANNED REVIEW: 24 Months	PREPARED BY: David Johnson CEO 	PLANNED REVIEW DATE: 01/02/2026

Introduction and Context

Research and experience have shown that separated parents can work well together in the best interests of their children and can together play a role in their children's education. However, 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 child and on the schools and childcare the children attend.

This policy is an attempt to:

- minimise any impact,
- clarify to all parties what is expected from separated parents and,
- what can be expected from our staff.

Who has "Parental Responsibility"? (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.

What does having "care" of a child mean"?

Having care of a child or young person means that 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 law.

This could be shown by:

Interaction with their school or our provision – attending meetings, making phone calls, being on the School's record 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 our records?
- Do we have contact details for them?
- Do they live with the child?
- How long have we known of them being connected with the child?
- Does the adult bring/collect the child to/from our provision?
- 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 to 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 us.

The information provided to the us by the parent when completing their account on our booking system 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 company.

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 the company.

Our responsibilities

PEAK 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.

PEAK will maintain our open door policy with all parents. The staff at the provision or any of our management team will be able to discuss any issues or concerns, with regard to separation/divorce, that estranged parents may have in relation to their child or children at the provision.

Parents will be encouraged to resolve any issues around estrangement, contact and access to information, in some cases with support from the company.

The issue of estrangement is a civil/private law matter and PEAK cannot be involved in providing mediation, helping an estranged parent to communicate with their child or children, or using the provision premises for purposes of contact.

In the event that the parents are unable to agree with one another on decisions regarding their child’s childcare programme, the company 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 company 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.

Our Policy

It is the responsibility of the parents to inform PEAK when there is a change in family circumstances. It is the responsibility of the parents to maintain their booking system records 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.

In the matter of the release of a child or children:

PEAK will follow the standard agreed procedure in the release of a child or children.

In the case of separated parents PEAK will release a child or children to a parent in accordance with our booking system.

Parents are encouraged to have a pick-up PIN which is stored securely on our system. As update of the information on the booking system is the responsibility of the parents, if the person collecting the child has the correct PIN then we would assume that this person has been given the PIN by the account holder.

If we have been made aware by the child's school or other authority that a child cannot be collected by a specific parent then this would over-ride the PIN security.

If one parent seeks to remove the child from the provision school 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 site leader 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 site leader should immediately contact a company DSL who will make a decision, however in these circumstances it is unlikely that the DSL will agree to the child being collected by the parent present unless our records show that they have permission to collect the child.
- The site leader 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.

- PEAK cannot prevent the other parent collecting the child or children (where that parent has the child's security PIN) but we will endeavour to reach an agreement and this may mean keeping the child or children safe whilst we try to reach such an agreement.
- If there is a Court Order restricting contact or it is in contravention of any access agreement, the child or children will not be released into their care and the other parent advised to take the necessary action which does not involve the company.
- 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.