



# Harvard Park Policies and Procedures:

## **Separated Families**

## 11. Separated Families

### Policy statement

This policy summarises the legal framework and recommended guidance in respect of separated parents/carers. This policy is an attempt to minimise any impact, clarify to all parties what is expected from separated parents/carers and what can be expected from the nursery. This policy should be read in reference to and alongside: Child Protection and Safeguarding young people and vulnerable adults.

At Harvard Park, we support families going through separation by working closely with the parents/carers to establish the most effective transition and support. We understand that this can be a difficult time and may affect child's emotional well-being. Our Nursery and/or Pre-School team will observe the child and report any significant changes in behaviour to the parent. Research and experience have shown that separated parents/carers can work well together in the best interests of their children and together can play a vital role in their children's education.

The nursery and/or pre-school team will try and assist parents/carers where possible by signposting to national and local support groups, and where they can get independent advice. The nursery and/or pre-school does not have the power to act on the request of one parent to restrict the other parent's involvement. We can only do so if there is a specific legal basis such as a court order.

### Parental responsibility

While the law does not define in detail what parental responsibility is, the following list sets out some of the key features of someone holding parental responsibility. Under the Children's Act 1989, amended by the Children and Families Act 2014, "*parental responsibility*" means 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.

For example, this would include:

- Providing a home
- Having contact with and living with them
- Protecting and maintaining them
- Disciplining them
- Choosing and providing for their education.
- Agreeing to medical treatment.
- Appointing a guardian.

The Children's Act 1989 also sets out who has parental responsibility for a child in other circumstances.

### **England**

If the parents/carers 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/carers 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/carers. According to current law, a mother always has parental responsibility for her child. However, a father 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.

### **Registration at Harvard Park**

During the registration process we collect details about both parents/carers including who has parental responsibility, as this will avoid any future difficult situations.

The information provided to the nursery when the child was enrolled detailing whether parents/carers 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 nursery and/or pre-school.

It is the responsibility of the parents/carers to inform the nursery and/or pre-school when there is a change in family circumstances. Both Harvard Park Day Nursery and Pre-School need to be kept up to date with contact details, arrangements for collecting children and emergencies.

We request these details on the child registration form. If a parent does not have parental responsibility or has a court order in place to prevent this, we must have a copy of this documentation for the child's records.

If a child is registered by one parent of a separated family, we request disclosure of all relevant details relating to the child and other parent such as court orders or injunctions. This will make sure we can support the child and family fully in accordance with the policy set out below. We aim to collaborate with parents/carers in the best interest of the child and listen to all parties without bias. All parents/carers can also receive information about the child, even though, for day-to-day

purposes, the nursery's and/or pre-school's main contact is likely to be a parent with whom the child lives on nursery days.

The nursery and/or pre-school will:

- Ensure the child's welfare is always paramount that they attend the setting.
- Comply with any details of a court order, where applicable, to the child's attendance at the setting where we have seen a copy/have a copy attached to the child's file.
- Provide information on the child's progress, e.g. learning journeys, progress checks within the setting, to both parents/carers where both hold parental responsibility.
- Invite both parents/carers to nursery and/or pre-school events, including parental consultations and social events where both hold parental responsibility.
- Ensure any incident or accident within the setting relating to the child is reported to the person collecting the child.
- Ensure that all matters known by the staff pertaining to the family and the parent's separation remain confidential.
- Ensure that no member of staff takes sides regarding the separation and treats both parents/carers equally and with due respect.
- Not restrict access to any parent with parental responsibility unless a formal court order is in place. We respectfully ask that parents/carers do not put us in this position.

We ask parents/carers 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 the child
- Not involve setting 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 to avoid the child becoming upset. This can be arranged as a more formal meeting or as an informal chat.
- Not ask the setting to take sides in any dispute. We will only take the side of your child, and this will require us to always be neutral. In any event whereby the parents/carers being separated is appearing to impact upon the health, wellbeing and safety of a child the matter will be referred to the Local Authority for advice.

This Policies and Procedures pack was adjusted by Harvard Park.

Date meeting was held on 30/04/2026

Signed on behalf of the Directors and Proprietors

**Nicki Saunders and Tracey Milstead**