

Separated Parents Policy

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Introduction

This policy is applicable to the multi-disciplinary workforce that has contact with parents who are separated, estranged or divorced. It is to assist practitioners with maintaining positive communication with both parents in the best interests of their children.

When parents become separated, positive communication between parents may become more difficult and conflicted. It may place professionals who work with children of separated parents in a difficult position of balancing the requests of one individual parent to the potential detriment of the other; it may result in one parent become less well informed and inadvertently excluded from communication, discussions and assessments related to their child.

The purpose of this guidance is to:

- Provide a multi-disciplinary workforce in Lincolnshire with clear and consistent approach to communicating with separated parents
- Provide workers with the confidence and knowledge to facilitate an open and honest discussion with both parents in the best interests of their children
- Ensure an equality of service provision, support and communication to both separated parents in the best interests of their children.

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- Ensure staff who have contact with separated parents are confident in how and when they can share information and how to respond to requests for information sharing.
- To embed seeking meaningful engagement with both parents as standard practice to best support the interests of their children.
- Communicate expectations on contact and communication to all those with parental responsibility
- Avoid professionals aligning with one parent over another
- Provide information to help all those with parental responsibility to support their child as best they can.

Context of Families

In 2022, the Department for Work and Pensions¹ (DWP) estimated that there were 2.3 million separated families in Great Britain and, within those families, 3.6 million children. Further to this, it is estimated that 89% of resident parents were female and 88% of non-resident parents were male. This policy uses the term 'resident' and 'non-resident' parents as these definitions are currently being used within government policies and guidance.

In Lincolnshire, it is fully acknowledged that the make up of families is varied and diverse and includes, but is not limited to, blended families, same sex parents, guardianships, foster families and multi-generational families.

Benefits of Working With Separated Parents to Support a Child or Young Person

Separation between parents can be a time of emotional stress and high emotions and there are situations where these high emotions can continue for a prolonged time. It is possible that some parents may feel sensitive towards being judged or being stigmatised. Due to these circumstances identifying individual needs within the family and working through issues calmly and rationally may be considered difficult. Developing a positive relationship between the separated parents can support the child or young person adapt to their new family structure.

Unseen Men

In the 2022 document, 'Unseen Men: Learning from Case Reviews'², the NSPCC state that male caregivers can often go 'unseen' by professionals in two respects: men who are positive role models and could have protected children but who were overlooked by professionals, and men who posed a risk to children and were not always identified by professionals. Through their findings, the NSPCC stated that their main finding is that 'it is important that professionals understand the role significant men play in the lives of the children they work with.'

¹ Department for Work and Pensions. (2022). Separated Families Statistics: April 2014 to March 2021 (Experimental). Accessed: [Separated families statistics: April 2014 to March 2021 \(experimental\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/separated-families-statistics-april-2014-to-march-2021-experimental)

² NSPCC. (2022). Unseen Men: Learning from Case Reviews. Accessed: [Unseen men: learning from case reviews \(nspcc.org.uk\)](https://www.nspcc.org.uk/what-we-do/our-work/unseen-men/)

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The Office for National Statistics (2019)³ states that, in separated families, 86% of females are the resident parent. Due to this, there is the potential for professionals to be engaged with by and engage with females more frequently than males.

Legal Responsibilities

General

This section is supported by [Parental rights and responsibilities: Who has parental responsibility - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/parental-rights-and-responsibilities).

Parental responsibility is defined as being responsible for the following elements of the child's life:

- Providing a home
- Protection
- Discipline
- Choosing and supporting education
- Agreeing to medical treatment
- Looking after property of the child.

The following people have legal parental responsibility:

- A biological mother automatically has parental responsibility from birth.
- A biological father has parental responsibility if he is:
 - Married to the mother
 - Listed on the birth certificate after 1st December 2003.
- Adoptive parents.
- A person who has been provided with a parental responsibility agreement with the child's mother.
- A person who has been given a parental responsibility order from a court.
- Same-sex partners will both have parental responsibility if they were civil partners at the time of the treatment such as through donor insemination or fertility treatment.
- For same-sex partners who are not civil partners, the second parent can get parental responsibility by either:
 - Applying for parental responsibility if a parental agreement was made
 - Becoming a civil partner of the other parent and making a parental responsibility agreement or jointly registering the birth.

Children's Services

Children's Services aim to work in an inclusive manner involving all members of the child's family in their work. This will include discussing child with both parents and ensuring both parents are invited to any meetings that take place. Children's Services will inform both parents of these actions for transparency. Professional curiosity will be used to challenge the information provided by the

³ Office for National Statistics. (2019). Families and Households in the UK. Accessed: [Families and households in the UK - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/families-and-households)

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resident parent about who may be involved with the child and encourage the resident parent to involve the non-resident parent, where appropriate.

When there are concerns about involving both parents, Children's Services may need to risk assess to ensure the safety of the child and the surrounding family members. Supervisions should support this process so that front line workers feel confident with the decisions made. There may be circumstances where information may not be shared with one parent where it is felt harm may occur if information is fully disclosed.

Children's Services will need to record any decisions made regarding the involvement of the resident and non-resident parent.

Referrals

In the case where one parent would like to make a referral to Early Help, for example, and the other parent disagrees, each situation should be considered in its own right. The nature of the work required and the relationship of the parents should be examined whilst considering the needs of the child at the forefront of the discussion. Whilst one person with parental responsibility can give permission for support to be provided, the reasons behind decisions made should be explained to both parents. If there is still a disagreement, the aggrieved parent should be advised that the matter should be taken to a Family Court.

Education

The following legislation and guidance has been accessed through the Department of Education's document: [Understanding and dealing with issues relating to parental responsibility](#) (2018).

The Education Act 1996 states that, in education, a parent is considered to be:

- All biological parents, whether married or not
- Any person who, whether a biological parent or not, has parental responsibility for a child or young person such as an adoptive parent, a step-parent, guardian or another relative
- Any person who, although not a biological parent or does not have parental responsibility, has care of the child or young person. This would include anyone the child lives with, either full or part time and who looks after the child.

Any disputes of who is deemed a 'parent' under this definition or how they can interact with an educational provision would be for a court to decide. These disputes could include taking the label of parent away from an individual who is defined as above as a parent or proving that an individual has limited access to their child or young person. Evidence from court would have to be provided to the educational provision in order for them to uphold the court order.

Everyone who is a parent, due to the above definition, has an equal right to participate in their child or young person's education. Due to this, both resident and non-resident parents have the right to:

- Receive information such as accidents, reports and updates.
- Be involved in statutory activities such as voting in governor elections.
- Be asked for consent such as for trips and first aid treatment.
- Be informed about meetings about the child or young person.

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If the educational provisions does not have contact details for the non-resident parent, the resident parent should be asked to provide this. If they are unable to do not provide this, the educational provision should ask the resident parent to pass on information if they are able to do so. Whilst the educational provision should, at this point, advise the resident parent that the non-resident parent has a right to be involved in the child or young person's education, there is nothing more that the educational provision can do.

If, subsequently, the non-resident parent contacts the educational provision then they should be included in their child or young person's education. The resident parent does not have to provide permission to the education provision for this to happen.

Where educational provisions need parental consent to outings and activities, the resident parent's permissions should be sought unless the decision is likely to have a long-term and significant impact on the child, or the non-resident parent has requested to be asked for consent in all such cases. In cases where the educational provision considers it necessary or has been asked to seek consent from both parents, it can be assumed that parental consent has not been given unless all parents agree. This approach ensures that the educational provision has treated the views of each parent equally and will also help to safeguard the position of the educational provision in terms of exposure to any potential civil liability where, for example, the child or young person is injured while on a educational trip.

In all above examples, if there is a dispute between resident and non-resident parents, the educational provision should try to support the parents to come to an agreement whilst being supported by the above legislation and guidance. Where this is not possible, the aggrieved parent should be advised that the matter should be taken to a Family Court.

Health

This section is supported by information provided by the British Medical Association.

Legally, parental responsibility includes the right to consent to medical treatment on behalf of the child, providing the treatment is in the best interest of the child. However, there are limits to parental choices and they are not entitled to make inappropriate treatment for their children or to refuse treatment which is in the best interest of the child. The law only requires permission from one person with parental responsibility to start treatment. If there is disagreement, discussion aimed at reaching consensus should be attempted. If this fails, a decision must be made by the clinician in charge whether to go ahead despite the disagreement. If the person with parental responsibility continues to disagree, then it is their responsibility to seek a court order.

People with parental responsibility have the right to access medical records. However, if the child is capable of giving consent, then this more be sought first.

Types of Court Order

After separation, court orders may be issued to manage the needs of the family. The different types of orders are as below:

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- A Child Arrangements Order will confirm who the child(ren) will live with and how often they spend time with the other parent. The court can order that a child can live under a shared care arrangement and therefore an order may be worded so that it allows the child(ren) to live with both parents. The order can also determine how a child will spend time with the other parent such as face to face contact, indirect (by way of telephone calls or Facetime) or supervised if there are welfare concerns.
- A Specific Issue Order is made about a specific issue that cannot be agreed such as going abroad for a holiday or changing a child's surname. The main difference with this type of order from other orders that arise in relation to children matters is that a Specific Order application is seeking permission to do something.
- A Prohibited Steps Order prevents one person from doing something in relation to a child or children. There are many possible reasons to file a Prohibited Steps Order application but some of the most common reasons are to prevent the other person from going abroad or moving away from the area with the children or stopping medical treatment of a child.
- A Non-Molestation Order is an order preventing one person from acts such as threats of violence, harassment and pestering. It can also be granted against somebody who has been consistently sending abusive letters or text messages. It can also prohibit an abuser from approaching an individual, their property or an area around their property or from making any contact with them in any way.

Reducing Parental Conflict

This section is supported by the DWP document 'Reducing Parental Conflict: The Impact on Children'⁴.

There is strong evidence that conflict between parents – whether together or separated – can have a significant negative impact on children's mental health and long-term life chances. Not all conflict is damaging, but where this is frequent, intense and poorly resolved it can harm children's outcomes.

Frequent, intense and poorly resolved conflict between parents can place children at risk of mental health issues, and behavioural, social and academic problems. It can also have a significant effect on a child's long-term outcomes.

There is a strong body of evidence to show how damaging inter-parental conflict can:

- harm children's outcomes, even when parents manage to sustain positive parent-child relationships
- put children at more risk of:
 - having problems with school and learning
 - negative peer relationships
 - physical health problems
 - smoking and substance misuse

⁴ Department for Work and Pensions. (2021). Reducing Parental Conflict: The Impact on Children. Accessed [Reducing Parental Conflict: the impact on children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/92222/reducing-parental-conflict-the-impact-on-children.pdf)

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- mental health and wellbeing challenges.

Lincolnshire County Council offers advice, resources and online support sessions to support parents in reducing parental conflict. If a family are in conflict or struggling with arguments and would like support to overcome this then please advise that they visit: [Reducing parental conflict – Advice for families - Lincolnshire County Council](#)

The Early Intervention Foundation [Reducing Parental Conflict Hub \(eif.org.uk\)](#) provides evidence and an array of tools to support professionals in guiding parents to build a positive relationship.

Engaging the non-resident parent

Professional curiosity is important in engaging the non-resident parent. By being curious about the child's family and gently challenging if the non-resident parent is not acknowledged, professionals may be able to find out who the non-resident parent is, how to contact them and begin to understand how best to engage them.

Talk to the non-resident parent about any concerns or issues they may have or that they feel the child may have. By being asked, the non-resident parent will feel involved and is provided an opportunity to share their thoughts equally.

Highlighting the importance of both resident and non-resident in the child's life to one another could support a positive and open relationship to benefit the child. This could include discussing the protective factors both parents could provide to the child.

Consider the needs of both the resident and non-resident parents when scheduling appointments wherever possible.

Domestic Abuse

Domestic abuse may be an issue for either individual and needs to be a consideration of professionals working with separated parents. Whilst most non-resident parents who wish to be involved in their child's life do so in order to be an engaged parent, there are some who pursue involvement to exert control over the family. For professional, this can be a difficult issue as both parents have the right to be involved, unless a specific court order is in place, but this risk needs to be managed.

There are a number of measure that can be put into place to support separated parents experiencing domestic abuse. These are:

- Complete a safety plan with the abused parent.
- Complete a DASH Risk Assessment with the abused parent to understand the needs of the family and the protective factors that can be offered.
- Undertake Domestic Abuse training to build awareness and confidence. Training can be accessed here: <https://www.lincolnshirescp.org.uk/>
- Consider a referral to Lincolnshire Domestic Abuse Specialist Services or offer the person their contact details. Email: info@ldass.org.uk or Tel: 01522 510041

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Voice of the Child

Alongside ensuring that the resident and non-resident's views are taken into account, it is important that the voice of the child is heard. Professionals should understand how the child feels in different circumstances where both parents may need to be involved or informed. Although, this information may not be able to change actions taken, professionals can reassure and inform the child what will be occurring.

Gillick competence applies mainly to medical advice but could be applicable to other professionals. For example, if a child or young person would like to have therapeutic support but doesn't want their parents or carers to know about it, is seeking confidential support for substance misuse or has strong wishes about their future living arrangements which may conflict with their parents' or carers' views. Professionals will need to consider several things to assess a child's capacity to consent. For example, child's age, maturity and mental capacity, their understanding of the issue and their ability to explain a rationale.⁵ This may be applicable when the resident and non-resident cannot agree on treatment or other actions taking place.

Resources

- [Working effectively with fathers to reduce parental conflict: The Fatherhood Institute](#)
- [Understanding and dealing with issues relating to parental responsibility - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [What works to enhance interparental relationships and improve outcomes for children? | Early Intervention Foundation \(eif.org.uk\)](#)
- [Parenting together - Cafcass - Children and Family Court Advisory and Support Service](#)
- [Supporting healthy relationships among separating and separated parents: A practical guide | Early Intervention Foundation \(eif.org.uk\)](#)
- [Think Dad – DigiDAD](#)- a tool to help organisations think about how dad can be better included.

⁵ Gillick Competencies and Fraser Guidelines. (2023). [Gillick competence and Fraser guidelines | NSPCC Learning](#)