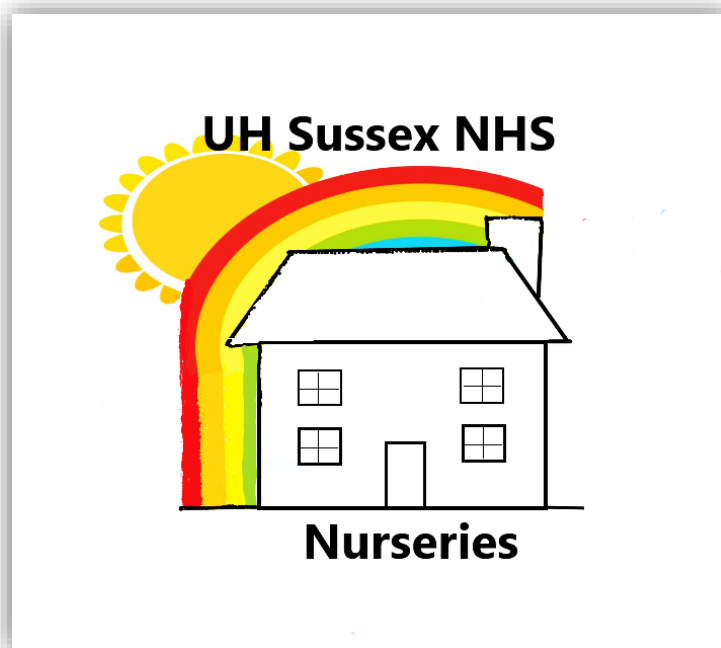


TRUST POLICY

Nursery Handbook – Parental Responsibility Policy



Approval		
Director Approval	Date approved:	13 th March 2026
Ratification		
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2.0				

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1. Introduction

The Early Years Foundation Stage (EYFS) refers to those that have Parental Responsibility in terms of the legal rights and duties of deciding about a child's welfare, this includes Health and Education.

The Children Act 1989, section 3 under Family Law says Parental Responsibility means all the rights, duties, powers, responsibilities and authority that a parent has in relation to the child. It is that person[s] who can make decisions about their child's upbringing and who is entitled to information about the child.

2. Policy Statement

During the registration process it is important for the nursery to know all the details about the parents, this includes details about who does/does not have Parental Responsibility (please see information the legal position of 'Who Has Parental Responsibility')

If a child is registered by one Parent of a separated family the nursery requests that all details relating to the child and the other parent are disclosed wherever possible.

We value the relationship we have with our nursery parents and recognise them as the experts on their child; therefore, it is important that we can work collaboratively with developmental next steps, transitions in the nursery and school and supporting emotional wellbeing of the child.

We recognise that during a child's time in the nursery family circumstances can change, therefore the nursery will require the following information if a parent is unpermitted to collect a child from nursery or Parental Responsibilities have been relinquished:

- Court Order stating removal of Parental Responsibility
- Any Court Orders or Injunctions involving the Child
- Any further Court Orders and Injunctions relating to the immediate Family Members and not the Child is requested to avoid any difficult situations

3. What Does Parental Responsibility Mean?

For those with Parental Responsibility it allows that person to make decisions regarding the upbringing of the child, however on a day-to-day decision this would fall with the person the child resides with without interference from other Parental Responsibility holders.

A Parental Responsibility Holder can make important decisions in relation to:

- Choosing and registering a child name
- Changing a child's name
- Educational decisions
- Appointing a child's guardian in the event of a parent's death

- Medical treatment and accessing medical notes
- Consenting to take a child abroad
- Representing the child during legal proceedings
- Determining the religion, a child should be brought up with until the child has reached an age, they are able to make the decision themselves

4. Who has Parental Responsibility

A Mother automatically has Parental Responsibility for the child from birth.

A Father usually has Parental Responsibility if he is:

- Married to the Child's Mother
- Listed on the Birth Certificate (dependent on date and part of UK child born)
- Applied for Parental Responsibility from the Courts

Parental Responsibility for Child's Birth Registered in England and Wales

- If Parents are married when the child is born
- Jointly Adopted a child

For unmarried Parents:

- Jointly registered the birth with the mother (from Dec 2003)
- Parental Responsibility Agreement with the mother
- Obtained responsibility from the Court

Parental Responsibility for Child's Birth Registered in Scotland:

- The Father is married to the mother when the child is conceived or marries any point afterwards
- Unmarried Father is named on the Birth Certificate (from May 2006)
- Parental Responsibility for Child's Birth Registered in Northern Ireland:
 - The Father is married to the mother when the child is born
 - If he is named / becomes named on the child's Birth Certificate (April 2002)
- Parental Responsibility for Child's Birth Registered outside the UK:
 - Is dependent on the part of the United Kingdom the child is now resident.

Stepparents and Grandparents do not automatically have Parental Responsibility.

If a child is born overseas and come to live in the UK, Parental Responsibility depends on the part of the UK they reside in.

5. Same Sex Parents

Same sex-parents who were civil partners at the time of treatment will both have Parental Responsibility.

Non- Civil Partners

Same-sex parents who are not civil partners the two parents can obtain Parental Responsibility by either:

Applying for Parental Responsibility Becoming Civil Partners or jointly registering the birth

6. Procedure

Nursery Procedures on Parental Responsibility / Share Care of Parents. University Hospitals Sussex NHS Foundation Trust will:

- Ensure the Child's welfare is paramount in all operations relating to their time within the nursery.
- Comply with details of a Court Order where they are applicable to the settings situation, provided the setting has a Copy in the Childs File.
- Provide information on the Childs progress within the nursery to both parents.
- Invite both Parents to nursery events, including parent consultations, social events – subject to terms and conditions of any Court Order / Injunction.
- Ensure any Incident / Accident within the nursery relating to the child is reported to both parents as soon as possible.
- Ensure that all matters known by the Nursery Staff relating to the family shall remain confidential (subject to any Child Protection concern, please see Safeguarding Policy)
- Ensure that no member of staff takes sides AND treats both parents equally.

The Nurseries requests that all Parents

- Speak to staff members appropriately and in-line with our Conduct Policy.
- Talk to Nursery Management Team either informal chat or an informal meeting away from the child to avoid upset.
- Work with the Nursery Staff to ensure continuity of care and to support the child.
- Not to involve staff members in any family dispute unless it directly impacts on the care of the child.

- Not to ask the Nursery to take sides in any dispute.
- Provide us with copies of all information relating to Parental Responsibility Agreement, Court Orders, and Injunctions.
- Ensure contact names and details are up to date and correct.

University Hospitals Sussex NHS Foundation Trust Nurseries CAN NOT restrict or refuse access to any Parent with Parental Responsibility unless a formal Court Order is in place

7. Links to other Trust policies

UHSN006 Nursery Handbook - Admission Policy

UHSN016 Nursery Handbook - Settling Policy

UHSN008 Nursery Handbook - Safeguarding and Child Protection Policy