COMMUNICATION WITH SEPARATED PARENTS

QUALITY AREA 6 | ELAA VERSION 1.0

PURPOSE

The purpose of this policy is to outline how Emma McLean Kindergarten and Daycare manages matters related to family law issues involving children enrolled at our early childhood/kindergarten centre. This policy should be read in conjunction with other relevant centre policies.

POLICY STATEMENT

VALUES

In early childhood settings, positive relationships between educators and families are essential for the wellbeing and development of children. Many separated parents are able to work cooperatively in the best interests of their child. However, some families experience conflict or estrangement, particularly during or shortly after separation.

These situations can be highly stressful for children, and can impact their emotional wellbeing and daily experiences at the centre. The purpose of this policy is to minimise any negative impact on children, to clarify expectations for separated parents, and to outline what they can expect from the centre and its staff.

Educators and staff must be clear about who is legally permitted to have contact with, or access to, a child while they are in our care, and under what circumstances those rights apply

This policy is based on the general presumption that, except for when it would be contrary to a child's best interests:

- children have a right to know and be cared for by both of their parents.

Children have the right to spend time on a regular basis with both of their parents

- Parents jointly share duties and responsibilities concerning the care, welfare and development of their children

- Parents should agree about the future parenting of their children

- Children have a right to enjoy their culture

SCOPE

This policy applies to the approved provider, persons with management or control, nominated supervisor, persons in day-to-day charge, early childhood teachers, educators, staff, students, volunteers, parents/guardians, children, and others attending the programs and activities of Emma McLean Kindergarten and Daycare, including during offsite excursions and activities.

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CENTRE RESPONSIBILITIES

Emma McLean Kindergarten and Daycare is committed to promoting the best interests of each child and working respectfully with all parents and guardians.

We recognise the rights of both parents to participate in centre events and discussions regarding their child's learning and wellbeing, unless restricted by a court order.

The centre maintains an open and inclusive approach, and educators and/or the Centre Director are available (by appointment) to discuss any concerns relating to the care of children from separated or estranged families.

Parents will be encouraged to resolve issues relating to separation, communication, or parenting arrangements privately, without involving the centre wherever possible.

Family law matters are civil matters. The centre **cannot**:

- provide mediation
- facilitate contact between an estranged parent and a child
- provide the centre premises as a location for contact visits

The child's wellbeing will always be the **paramount consideration** when responding to requests from separated parents. Where a court order restricts access or communication, the centre is legally required to comply. In such circumstances, the centre may seek advice from the relevant regulatory or safeguarding authority.

If a child's health, safety, or emotional wellbeing appears to be affected by family conflict or estrangement, the centre must follow child safeguarding procedures and may consult with the appropriate authority.

At all times, the centre's primary responsibility is its **duty of care** to the child.

PRIMARY AND ADDITIONAL CONTACT DETAILS



For practical reasons, Emma McLean Kindergarten and Daycare requests that families nominate one parent as the Primary Guardian on XAP (**this is the parent with whom the child is linked with through Centrelink in order for any applicable CCS to be paid**).

The other parent will be listed as an Additional Contact. Where the enrolment information that Emma McLean Kindergarten and Daycare receives from Hobson's Bay City Council only contains the details of one Parent, they will be designated as the Primary Contact.

The provision of personal student information by the School will be subject to any legal considerations including the wishes of the specific student, family arrangements, the School's Privacy Policy and relevant law, including any Court Orders.

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GENERAL INFORMATION

Information regarding contact details will initially be drawn from the Application for Admission and thereafter from any School request for confirmation of student details.

Separated parents are required to update Emma McLean Kindergarten and Daycare with any changes to contact details. Separated parents are required to notify Emma McLean Kindergarten and Daycare of any change in the status of enrolment.

If the service is notified of a change of enrolment by one parent/guardian, the parent/guardian will be contacted; unless there is a Court Order or law that prohibits this.

There is an expectation that parents will communicate with each other regarding the enrolment status of their child.

Both the Primary and the Additional Contact will be provided with the following:

- Teacher emails
- Parent/Teacher Interviews
- Student Reports
- Parent Information Nights
- Events Information

Where parental consent is required, for an excursion or separate activity, the service will ONLY accept the signature of **BOTH** the Primary or the Alternate Contact.

If communication to parents is via email, those emails will go to both parents. A response to a query will go to both parents, unless expressly identified as confidential. It is expected that parents will communicate with each other to give a consistent response to their child's teachers and Emma McLean Kindergarten and Daycare.

STORYPARK

Storypark is an online platform that Emma McLean Kindergarten and Daycare uses to communicate messages to families, and to document children's learning and development periodically throughout the year.

The service is only able to invite one contact to Storypark to create the child's profile (generally the Primary Contact). There is an expectation that parents will communicate with each other, and an invite will be sent to the Additional Parent for both parents to have access to the children's learning and development.

In the circumstance that this is not possible, two profiles will be created for the child, one for the Primary Contact and one for the Additional Contact.

ILLNESS

If a student requires medical treatment or needs to be sent home from the service due to illness, the designated Primary Contact will be contacted in the first instance. If they are unavailable, the Additional Parent will be contacted. If neither parent is available, additional nominees/emergency contacts will be contacted. If the service is unable to reach any of the contacts on file, emergency services may be contacted.

It is the responsibility of the Primary Contact to share this information with the other parent.

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LONG DAYCARE/ FEES FOR AFTER KINDER CARE

Payment of any fees incurred is the responsibility of the Primary Parent. Any arrangements made between parents for the payment of fees is not the responsibility of Emma McLean Kindergarten and Daycare.

EXCEPTIONS

If any parent requires specific communication arrangements outside of this policy, a request must be made in writing to the Centre Director and the Committee of Management detailing the reason behind the request.

EXPECTATIONS OF PARENTS

Parents are required to notify Emma McLean Kindergarten and Daycare of the terms of any Court Order, including a Family Court parenting order that contains residence or specific issues orders that may affect the manner in which the service is to communicate with either or both parents.

If any order changes, parents are responsible for providing an updated copy to Emma McLean Kindergarten.

In the event that a court order is not in place, but parents have separated, then a parenting plan/agreement is to be provided and signed by both parents.

This will assist Emma McLean Kindergarten and Daycare in meeting expectations and obligations. Any dispute between parents in relation to matters affecting the educational welfare of their child should be resolved between the parents or by the appropriate Court.

Emma McLean Kindergarten and Daycare will uphold any Court requirements and will endeavour to meet parent requirements where they are in the best interest of the child, and in accordance with service policies and procedures.

Emma McLean Kindergarten and Daycare will not act as an intermediary between parents.

Emma McLean Kindergarten and Daycare is not to be drawn into custody battles and court hearings.

Emma McLean Kindergarten and Daycare has the right to alter this policy in the best interests of students, staff and the community.

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BACKGROUND AND LEGISLATION

BACKGROUND

Children enrolled in early childhood education and care services come from a wide variety of family structures, including families where parents are separated, divorced, remarried, or share care across multiple households. When families experience separation or conflict, young children can be particularly vulnerable, as changes in routine, communication, and stability may impact their emotional wellbeing, sense of security, and daily experiences at the kindergarten.

Early childhood services have an important role in supporting children through these transitions by providing a consistent, predictable, and nurturing environment. At the same time, the service must remain neutral in all family matters and act in accordance with relevant legislation, court orders and the rights of both parents, provided the child's safety is not compromised.

In many cases, separated parents are able to work cooperatively in their child's best interests. However, early childhood educators may also encounter situations where parents disagree about communication, collection arrangements, access to information, or involvement in centre activities. It is therefore essential for the kindergarten to have clear guidelines that outline how staff manage these situations, how information is shared, and how the service responds to legal requirements.

This policy provides a framework to help educators, parents and guardians understand their responsibilities, support respectful communication, and ensure decisions made by the service prioritise the safety, wellbeing and best interests of the child at all times.

LEGISLATION AND STANDARDS

- **Family Law Act 1975 (Cth)**
- **Family Law Reform Act 1995 (Cth)**
- **Family Court Act 1997** (for de-facto relationships)

The most current amendments to listed legislation can be found at:

- Victorian Legislation – Victorian Law Today: www.legislation.vic.gov.au
- Commonwealth Legislation – Federal Register of Legislation: www.legislation.gov.au

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DEFINITIONS

Additional Contact: The child's parent or guardian, who is not linked to the child via Centrelink/CCS.

Custody: An older legal term previously used to describe where a child lives.

Guardianship: An older legal term referring to long-term responsibility for a child.

Living with: Replaces custody; specifies who the child lives with.

Spending time with / Have communication with: Replaces former "access" or "contact."

Major long-term issues: Decisions about a child's care, welfare, and development that parents with shared parental responsibility must consult on (e.g., education, health, religion, and major living arrangements).

Parental responsibility: All legal duties, powers, and responsibilities parents have for their child.

Parenting Plan: A written agreement between parents about parenting arrangements; not legally binding.

Parenting Order: A legally binding set of orders made by a court about parenting arrangements.

Primary Contact: The parent with whom the child is linked with at Centrelink, for the purposes of claiming CCS from Centrelink.

Shared Parental Responsibility: Requires parents to jointly make decisions about long-term issues; established by court order.

Family Violence Order / Interim Order: Court orders designed to protect individuals from family violence.

Location Order / Recovery Order: Court orders compelling information about, or return of, a child.

SOURCES AND RELATED POLICIES

SOURCES

Australian Children's Education and Care Quality Authority (ACECQA) – National Quality Framework Glossary. [acecqa.gov.au]

Australian Government Department of Education – National Quality Framework Guidance. [education.gov.au]

NSW Department of Education – Authorised Officers. [education.nsw.gov.au]

NT Department of Education – Delivery, Collection and Transportation of Children Procedure. [education.nt.gov.au]

Family Law Act 1975 – Sections 61B, 61C, 61D. [classic.au...lii.edu.au], [classic.au...lii.edu.au], [classic.au...lii.edu.au]

Attorney-General's Department – Children and Family Law Guidance. [ag.gov.au]

Down South Therapy – Separated Parents Policy. [downsoutht...apy.com.au]

Blue Gum Montessori School – Separated Parents Policy. [bluegummon....wa.edu.au]

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Community Early Learning Australia (CELA) – Childcare Policies. [cela.org.au]

RELATED POLICIES

- Child Safe Environment and Wellbeing
- Code of Conduct
- Compliments and Complaints
- Delivery and Collection of Children
- Enrolment and Orientation
- Governance and Management
- Privacy and Confidentiality

EVALUATION

In order to assess whether the values and purposes of the policy have been achieved, the approved provider will:

notifying all stakeholders affected by this policy at least 14 days before making any significant changes to this policy or its procedures, unless a lesser period is necessary due to risk *(Regulation 172 (2))*.

ATTACHMENTS

Parent/guardian relationship and custody form

Separated Parents – Code of Conduct

Change of Family Circumstances form

AUTHORISATION

This policy was adopted by the approved provider of Emma McLean Kindergarten and Daycare May 2026.

REVIEW DATE: May 2027

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ATTACHMENT 1. CODE OF CONDUCT ACKNOWLEDGEMENT FORM

I hereby acknowledge that on [Insert Date], I received a copy of the *Code of Conduct policy* for Emma McLean Kindergarten and Daycare.

I have read this policy and understand its contents. I commit to abiding by the *Code of Conduct* and fulfilling my responsibilities as outlined in this policy whilst my child is attending Emma McLean Kindergarten and Daycare.

I agree to abide by the values, principles and practices set out within.

I understand that a breach of the *Code of Conduct* may lead to limitations being placed on my attendance at the service.

_____	_____	_____
Signature	Name (please print)	Date

_____	_____	_____
Witness signature	Name (please print)	Date

Thank you for your contribution to making Emma McLean Kindergarten and Daycare an open, safe, welcoming and friendly environment.

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ATTACHMENT 2: PARENT/GUARDIAN RELATIONSHIP AND CUSTODY FORM

Child's Full Name: _____ **Date of Birth:** _____

1. Parent/Guardian Details

Parent/Guardian 1 (Primary Contact)	Parent/Guardian 2 (Additional Contact)
Name: _____	**Name:** _____
Relationship to Child: _____	**Relationship to Child:** _____
Address: _____	**Address:** _____
Phone: _____	**Phone:** _____
Email: _____	**Email:** _____

2. Relationship Status of Parents/Guardians

Please tick one:

☐ Married / De facto (living together)
☐ Separated
☐ Divorced
☐ Never lived together
☐ Other: _____

3. Living Arrangements for the Child

Please tick the option that best describes the child's current living arrangements:

☐ Lives with both parents
☐ Lives primarily with Parent/Guardian 1
☐ Lives primarily with Parent/Guardian 2
☐ Shared care arrangement (e.g. week on/week off)
☐ Lives with another guardian (please specify):

Details of arrangement (days/times if shared care):

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4. Court Orders / Custody Arrangements

Are there any formal custody or parenting orders in place?

☐ Yes
☐ No

If yes, please provide details and attach a copy of relevant court orders:

5. Access to Information

Storypark

The child will require:

☐ One profile, Primary Contact agrees to add/invite Additional Contact
☐ Each Parent/Guardian requires their own profile
☐ Other (please specify):

6. Restrictions (if applicable)

Are there any restrictions on contact, access, or information sharing?

☐ Yes
☐ No

If yes, please provide details and attach supporting documentation:

7. Communication Preferences

Please indicate how the kindergarten should communicate:

☐ Send all communication to both parents
☐ Send communication to Primary contact only
☐ Separate communication required for each parent

Additional notes:

8. Additional Information

Please provide any additional information that may assist us in supporting your child:

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9. Declaration

I/We confirm that the information provided in this form is accurate and up to date.
I/We agree to inform the kindergarten of any changes to these arrangements.

Parent/Guardian 1 Signature: _____ Date: _____

Parent/Guardian 2 Signature: _____ Date: _____

This information is collected to ensure the safety, wellbeing, and appropriate care of your child while attending the kindergarten. All information will be handled in accordance with privacy legislation.

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ATTACHMENT 2. CHANGE OF FAMILY CIRCUMSTANCES

Parent Name: _____

Child's name: _____

Details of change: _____

_____

_____

_____

_____

Effective date: _____

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