



JSENSE

Supporting Separated or Divorced Parents and Carers

First Written: April 2026	Last Reviewed:	Next Review: April 2028
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* JSENSE helpline is an independent and totally impartial and unbiased service.

I. Purpose

This policy sets out how our SEND Advocacy Service will work with parents and carers of children and young people with Special Educational Needs and Disabilities (SEND) where parents are separated or divorced.

The aim is to ensure that our service remains child-centred, impartial, and compliant with legal and professional responsibilities, while supporting families in a fair, respectful and consistent manner.

Legal Framework

This policy is informed by, and should be read in conjunction with, the following legislation and statutory guidance:

- **Children Act 1989** – particularly in relation to *parental responsibility* (s.3) and the rights and duties of those with parental responsibility
- **Children and Families Act 2014** – duties relating to children and young people with SEND, including Education, Health and Care (EHC) plans
- **SEND Code of Practice (0–25 years) 2015** – statutory guidance on working with parents and young people, participation in decision-making, and information sharing
- **Education Act 1996** – duties relating to education provision and parental involvement
- **Data Protection Act 2018** and **UK GDPR** – requirements for lawful processing and sharing of personal data
- **Human Rights Act 1998** – particularly Article 8 (right to respect for private and family life)
- Relevant **Family Court Orders** (e.g. Child Arrangements Orders, Prohibited Steps Orders, Specific Issue Orders), which may affect decision-making and information sharing

Staff must ensure that practice aligns with current legislation and seek advice where there is any uncertainty.

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2. Scope

This policy applies to all staff and volunteers providing advocacy support to:

- Parents and carers with parental responsibility
- Children and young people with SEND

- Cases where parents/carers are separated, divorced, or in dispute

3. Principles

Our work will be guided by the following principles:

- **Child-centred approach:** The needs and best interests of the child or young person will always be at the heart of our work.
- **Impartiality:** We do not take sides in parental disputes.
- **Respect and fairness:** All parents and carers will be treated with respect and without bias.
- **Confidentiality:** Information will be handled sensitively and in line with data protection requirements.
- **Clarity and transparency:** Our role and boundaries will be clearly explained to all parties.

4. Parental Responsibility

Where parents are separated or divorced, staff will:

- Establish who holds parental responsibility at the earliest opportunity
- Record this information clearly on the case file

We recognise that individuals with parental responsibility have the right to be involved in decisions relating to a child's education, unless restricted by a legal order.

5. Working with Both Parents/Carers

Where appropriate and safe to do so, we will:

- Offer to work with both parents or carers where both hold parental responsibility
- Encourage cooperative working in the best interests of the child
- Share general information about SEND processes equally, where consent allows

However, we will not:

- Act as a mediator between parents
- Become involved in personal disputes or conflict unrelated to SEND

6. Consent and Information Sharing

- We will agree at the outset who our primary point of contact is
- We will seek informed consent before sharing personal or case-specific information
- Where both parents have parental responsibility, we will be clear about what information can be shared and with whom
- If there is a dispute about information sharing, we will pause and seek appropriate guidance

7. Managing Disagreements

In situations where parents disagree:

- We will remain neutral and focused on the SEND needs of the child
- We will not advocate for one parent over another
- We may limit involvement if conflict prevents effective advocacy support
- We will signpost parents to appropriate mediation or dispute resolution services where necessary

8. Safeguarding and Risk

- The safety and wellbeing of the child, young person, and all parties is paramount
- Where there are safeguarding concerns, staff will follow safeguarding procedures
- Where there are court orders in relation to the child, these must **always** be respected.

9. Professional Boundaries

Staff must:

- Always maintain clear professional boundaries
- Avoid being drawn into conflict or taking on roles outside advocacy
- Seek support from managers where situations are complex or unclear

10. Recording and Documentation

- All interactions, decisions, and relevant information must be clearly recorded
- Any legal documentation provided should be stored securely
- Case notes should reflect neutrality and factual information only

11. Ending Support

We may decide to close a case where:

- The advocacy outcomes have been achieved
- The level of conflict prevents safe, effective or impartial support
- There is a breakdown in communication or agreement about our role

In such cases, we will:

- Clearly explain the reasons for closure
- Provide information about alternative sources of support

12. Review

This policy will be reviewed regularly to ensure it remains up to date with legislation, guidance, and best practice.