



# Estranged Families Correspondence and Communication Protocol

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<b>Responsible</b>	Executive Principal	

'Raising standards and improving life chances for the young people of the communities in which we work.'

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### 1. Introduction

Nunthorpe Multi Academy Trust (the Trust) is committed to ensuring that we are entirely impartial in the unfortunate circumstances of separated and divorced parents/carers who are estranged.

Where parents/carers are unwilling and/or unable to communicate directly with each other, the appropriate NMAT Academy will deal primarily with the parent/carer listed as living with the child/young person at the main residence but will ensure it continues to comply with its statutory responsibilities toward all those applicable.

### 2. Definition

A parent is defined by section 576 of the Education Act 1996 as anyone who is the natural parent of the child, a person who although not a natural parent has parental responsibility for a child or any person who although not a natural parent, has the day to day care of a child.

A birth certificate proves a biological link however this does not automatically mean that there is a parental responsibility for the child, as fathers do not have automatic parental responsibility.

A father will have parental responsibility of a child if they were married to the mother at the time of the birth or subsequently married her or if father was not married to mother at time of the birth nor has married her since, but the father will have parental responsibility if he has:

- A residence order,
- A court order which gives him parental responsibility,
- A formal parental responsibility agreement with the mother or
- He was named on the birth certificate for a child born on or after 1.12.2003

Where two female parents have a child through fertility treatment, the mother's female partner is treated in the same way as a father. She has parental responsibility if she is married to or in a civil partnership with the mother at the time of the treatment (or if the two women agree in writing that she will be the child's second parent). She can also acquire parental responsibility in the same way that a child's father can.

People who are not the child's biological mother, father or second female parent can also acquire parental responsibility.

Civil partners have parallel rights to married people in terms of parental responsibility. The same provisions for married people apply to them in terms of:

- acquiring parental responsibility - adoption, agreement with their civil partner or by an order from the court
- holding parental responsibility

***In all such circumstances, the needs of the child/young person will be paramount at all times.***

### **3. What Services do we provide to estranged parents/carers?**

All NMAT Academies will guarantee that, where a legitimate written request from an estranged parent/carer is received, we will ensure the following information is routinely shared with them.

1. The most up to date information on a student, regarding attendance, punctuality, behaviour points and achievement points, it is essential to have access to the parental portal used by the Academy.

*N.B. All parents/carers with parental responsibility for a student can apply for access to the parental portal by requesting the appropriate form from the Academy's Main Reception.*

2. A copy of the Academy Student Reports issued each academic year – either electronic (preferred) or paper (please specify in any written request as above).
3. Parental Review Evenings/Parents Evenings are held across the year (see Academy calendar) via pre-booked individual teacher interview for Parental Review Evenings.

*We offer one or other of the above to the parent/carer listed in the main residence; where parents/carers are unable to jointly attend this/these interviews, additional appointment times for the estranged parent/carer will be made available at request via emailing your child's form tutor/subject teachers.*

4. Any additional correspondence the Academy deems significant enough, or that is required by law for an estranged parent/carer to see will be provided.

**Any estranged parent/carer (with parental responsibility for a student) wishing to receive such information as listed above should write to the Head of School's Personal Assistant at the appropriate Academy.**

### **4. What about legal disputes over parental rights?**

Legal advice (from the Trust's solicitors) will be sought by the Trust with regards to the disclosure of information on students in any cases of family disputes such as where court orders apply.

Court orders under section 8 of the Children Act 1989 (often called section 8 orders) settle areas of dispute in relation to the exercise of parental responsibility or a child's care or upbringing, and can limit how an individual exercises their parental responsibility.

There are different types of section 8 orders which can be made to address particular issues:

- A **prohibited steps order** imposes a specific restriction on the exercise of responsibility. This means that no step specified by the Court, which a parent could

take in meeting his/her parental responsibility, can be taken without the consent of the Court.

- A **specific issue order** is an order giving directions for the purpose of determining a specific question which has arisen, or may arise, in connection with any aspect of parental responsibility.
- A child arrangements order is an order which sets out the arrangements relating to whom a child is to live with and when, and arrangements relating to whom a child spends time with or otherwise has contact with. It replaces the former residence and contact orders. **Parents may first need to seek the permission of the court to share orders with third parties, including the Academy.**
- A care order is an order which sets out the role that parents can play in their child's life and schooling may be limited by the local authority.

## **5. How can I keep up to date with my child's progress if I am an estranged parent/carer?**

You can do so by writing to the Academy as described above – especially by registering to get access to the Parent Portal.

For up to the minute general information about the Academy log on to the Academy website.

## **6. Information sharing**

It's important that the Trust balances the requests of parents/carers with their statutory duties. Having parental responsibility does not allow a parent/carer to obstruct the Trust and its academies from carrying out their duties under legislation.

Under the principles of the General Data Protection Regulations 2018 (UK GDPR) and the Data Protection Act 2018 (the DPA 2018), children and young adults can assume control over their personal information and restrict access to it from the age of 13, in these circumstances, consent will be obtained from the child to providing information.

Requirements on academies are derived from Part 6 of the Schedule to the Education (Independent School Standards) Regulations 2014.

Under Part 6, academies must provide an annual written report of each registered pupil's progress and attainment in the main subject areas taught, to the parents/carers of that registered pupil (except that no report need be provided where the parent/carer has agreed otherwise).

## **7. Monitoring arrangements**

The Executive Principal monitors the implementation of this policy. This policy will be kept under review in light of legal developments and best practice and approved by the Board of Trustees every two years.