

Ms Oona Hickie  
Joint Birth Registration Team  
Dept of Children Schools and Families  
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Great Smith Street  
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31/01/2010

Dear Ms Hickie

**Family Rights Group's Response to Consultation on Joint birth registration: recording responsibility**

Family Rights Group is a charity in England and Wales that advises parents and other family members whose children are involved with or require social care services. We run a confidential telephone advice service for families. Established as a registered charity in 1974, we work to increase the voice children and families have in the services they use. We promote policies and practices that assist children to be raised safely and securely within their families, and campaign to ensure that support is available to assist grandparents and other relatives who are raising children who cannot live at home. As an organisation providing support to families across the spectrum of need, we are motivated by a desire to safeguard children's welfare as well as to promote parental responsibility where it would be beneficial to children.

We welcome the fact the government has addressed previous concerns following responses to the White paper and have the following comments on the draft Registration of Births (Parents Not Married And Acting together) Regulations 2010:

**1. Paternity Testing**

We welcome the removal of the 'requirement' of the alleged father to have a paternity test in circumstances where he denies paternity. We feel this kind of compulsion would more likely lead to mothers not divulging information and where she does, it would be more likely lead to conflict within relationships. However, whilst the white paper gave the alleged father the option of having a paternity test in circumstances where the mother didn't acknowledge him as the father, this option is now removed from the current proposals. The Regulations and any associated guidance need to be clear as to what options are available to the father in these circumstances.

Similarly, the proposed regulations state that where a father who has not been identified by the mother subsequently approaches the registrar claiming paternity the mother is given 10 days to respond. If the mother fails to do so no further action would ensue. In these circumstances there would need to be

clear advice given to the alleged father as to any course of action he could subsequently follow.

## **2. Penalties for non-compliance**

We were interested to see that Regulation 7 proposes that alleged fathers are contacted where the mother has named them and they are then required to respond within 10 days to confirm or deny the allegation, but there is no mention of whether any sanction would be applied to those men who fail to comply. We are keen to understand more about how the Government proposes to respond in such circumstances

## **3. Safeguarding the mother**

In our response to the green paper we were concerned about the difficult choices that the proposed changes would place on a mother who was fearful of disclosing information about the child's father. For example, how would a woman who has escaped a violent partner and does not want him named on the birth certificate demonstrate it is 'unreasonable' for him to be registered if neither the police nor other statutory agencies have been involved? Home Office research suggests that on average there will have been 35 assaults before a victim calls the police so it is likely that in many cases there will be no formal record of violence. We therefore welcome the statutory provision that she is able to make a declaration to the effect that she is exempt because

'She has reason to fear for her safety or that of the child if the father is contacted in relation to the registration of the birth.'

Our interpretation of this<sup>1</sup> is that this constitutes a self-declaration and would not require endorsement by a third party as was initially proposed in the white paper, or that it would be subject to challenge by the registrar. If this is not the case then the guidance needs to be clear as to what corroborative evidence the mother should provide and as to how any such declaration could be challenged.

We are also concerned that there is no mechanism for ensuring the mother's safety in the event of the alleged father registering as a parent before she does so. Under Section 2d she is required to acknowledge him or not as the father; it does not specify what course of action is open to her where she fears for her or her child's safety.

Similarly the Regulations are not clear as to what would happen in the event of the mother making an exempt declaration and then the father whom she perceives as a risk presents himself at the registry office.

We are also concerned about the requirement that when the mother provides information about the father at the time of registering the birth, that she should provide information about the father's place of employment. Whilst seeing the value of this information, both to assist in contacting the father and in providing useful information to elicit financial contributions for the child, this

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<sup>1</sup> Along with the other criteria for exemption

may further inhibit the disclosure of information and may add to tension in relationships.

#### **4. Timescales for registering**

We are also concerned under the current proposal that where the mother gives information as to the father who is then subsequently approached but fails to acknowledge his paternity within the allotted time, the alleged father would be able to appear at any time in the future and the mother's initial declaration would stand.

We agree with the suggestion proposed that there should be a limit on the length of time during which the father can approach the registry office and be registered simply on the mother's former information. We feel that in these circumstances the mother should be approached again to ascertain her views before registration because the consequence will be that he acquires parental responsibility for a child he may not have known or taken any responsibility for for years. We feel there should be a mechanism for the mother to apply for him not to acquire parental responsibility, despite being registered on the birth certificate, where she feels this would be damaging to her child.

We also question why the mother is not able to register herself on the birth certificate whilst the father is approached to acknowledge his paternity or not. Under the proposed regulations she would not be registered on the birth certificate until after the 10-day period has elapsed. There are no circumstances where her maternity would be in question so we see no reason why she cannot be registered pending the approach to the alleged father.

#### **5. Improving information about the registration process**

In our response to the white paper we welcomed the commitment to improve information about registration and to make the process more accessible for both parents by enabling registration to happen in different settings (such as at job centres, GP surgeries and possibly at the birth itself). We are concerned that a major reason for the numbers of single registration, that the changes are aiming to address, lies with the lack of information available to parents about the process. Further we agree with the premise in the White paper that the failure of parents to jointly register is, in part due to the inaccessibility of the current arrangements for some parents. Indeed the research commissioned for the white paper 'highlighted the fact that some parents have little understanding of about how the birth registration system works and are unsure about where to find out more'.

Through our direct services, advice lines and training programmes, we are very alert to this issue, since we regularly support mothers, fathers and professionals to understand the current legislation, including whether or not a father has parental responsibility, the implications for the child and how a father/step parent/carers can acquire parental responsibility. In our view the non-legislative initiatives, outlined in Chapter 4 of the white paper, would provide considerable impetus in achieving the aim of increasing the proportion of joint birth registrations. We are concerned then that these initiatives are not repeated in the proposed guidance.

We trust these comments are of use and would be keen to meet with you to discuss these issues raised in this letter in greater depth. We would also wish to be part of any stakeholder consultation you arrange.

Yours sincerely,

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Policy Adviser

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Legal Adviser