

Keeping parents informed



All parents must be treated equally unless there is a court order limiting either’s access. Individuals who have parental responsibility have the same rights including to:

receive information, such as pupil reports

participate in activities, such as voting in elections for parent governors

be asked to give consent, such as to the child taking part in school trips

be informed about meetings involving the child, such as a governors' meeting regarding the child's exclusion.

Key information should automatically be sent to all parents in order to keep them fully involved. This includes: newsletters, term dates, curriculum evening invitations

Process for Changing a Legal Name

A child’s name can be changed at any time provided there is no court order to the contrary and it is not done to deceive or defraud another person. There is no legal procedure that has to be followed, but everyone with parental responsibility must give their consent.

A child's name can be changed by either parent, provided that all those with parental responsibility agree. If the parents are divorced, the parent who has custody can change the child’s surname. If there is a custody order still in force, the parent with custody cannot change the child's name without the permission of the court.

If there is a residence or care order in relation to a child, the child's surname cannot be changed without either the written consent of everyone with parental responsibility for the child or the leave of the court.

How Courts Decide on a Name Change. When deciding whether a child's name should be changed, the court will consider what would be in the child's best interests. This includes any social implications of the change of name. The long-term interests of the child. The importance of retaining the existing name, eg to preserve links with the child's father.

A statutory declaration can be drawn up by the person who is changing their name, or by a solicitor, on their behalf.

Absent Parents, It may in exceptional circumstances be possible for a parent who has custody of a child to change their name by deed poll without the other parent's consent. This may apply if the other parent's whereabouts are not known.

Even if a deed poll is issued in the case where one of the parents is uncontactable, there is no guarantee that official record holders, including schools, will need to alter their records. This is because **all record holders need to satisfy themselves that all those with parental responsibility have consented to the child's name change.** If this is not the case, then schools can refuse to amend the records.

JOHN RANKIN SCHOOLS



NURSERY, INFANT & JUNIOR

SCHOOL



Information about

Parental Responsibility and Children's Names

Parental responsibility is defined by the Children Act 1989 as “all the rights, duties, powers, responsibilities and authority which by law a parent has in relation to a child or his property”. Schools are required to keep records of all persons who have parental responsibility for children at the school.

Under English law, parents are free to choose any forename or surname for their child. There are no restrictions to what surname may be registered for a child in the UK and this may be changed by parents acting jointly. **A child can only be known by a new name at school if everyone with parental responsibility has given consent, and schools are required to take reasonable steps to establish that this is so.**

01635 42376

Website: jrs.w-berks.sch.uk

What is Parental Responsibility

A mother automatically has parental responsibility from the time when her child is born but for fathers this can vary according to where in the UK the child was born. A father usually has parental responsibility if he is married to the child's mother.

If the father is not married to the child's mother:

- in England and Wales he will have had joint parental responsibility if the child was registered in both their names after 1 December 2003
- If the father subsequently marries the mother this will normally automatically give him parental responsibility.
- When a couple jointly adopt a child, both will have parental responsibility. This will equally apply to M/F and same-sex partnerships.
- Same-sex partners who were civil partners at the time of the treatment will both have parental responsibility.



- If same-sex partners are not civil partners, the second parent can get parental responsibility either:
- by applying for parental responsibility; or by becoming a civil partner of the other parent and making a parental responsibility agreement or jointly registering the birth.

Removal and restriction, Parental responsibility can be taken away fully only when:

- **an adoption order is made**
- **it is brought to an end by the court, either by application of a person who has it, or by the child.**
- **Parental responsibility can also be limited by care orders, contact orders or prohibited steps orders.**

List of Relevant Legislation

- *Education (Information about Individual Pupils) (England) Regulations 2006*
- *Education Act 1996*
- *Children Act 1989*

Preferred names & informal name changes

There remain requirements to fulfil before this can be done at the request of a parent. The school must be satisfied that, taken into account all of the circumstances, the name change is in the best interests of the child.

It is important to remember that the school is under no legal obligation to make any informal name change and is fully entitled to refuse to do so.

Where the informal name change is accepted by the school, any other person with parental responsibility who disagrees with this action may choose to apply to Court for a Prohibited Steps Order. The court will consider what is in the best interests of the child and therefore the Order will be made only where the court makes a finding that it is better for the child to only be called by their legal name.

