
FATHERS AND PARENTAL RESPONSIBILITY



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Definition of Parental Responsibility (PR)

Parental Responsibility is defined in the Children Act 1989 and means:

“Assuming all the Rights, Duties, Powers, Responsibilities and Authority which by law a parent of a child has in relation to a child and his property”



Who has PR?

Prior to the enactment of the Adoption and Children Act 2002 unless the couple were married, only the mother was automatically granted PR.

However following the change in the law, any father who is registered as such in the Register of Births and Deaths now automatically has PR.

(This does not preclude the right of fathers to apply for PR at a later date)



Who “can” have PR

1. Step-parents (which includes civil partners) can acquire PR by entering into an agreement with a parent with parental responsibility.
2. Other non-biological parents can acquire PR through:
 - being granted a Residence order
 - being appointed a guardian
 - adopting a child
3. Conversely, PR may also be restricted by a court order.



However:

Parental Responsibility being granted to any of the previous does NOT stop the original holder simply because it is extended to another.

It is possible therefore that there can be several people regarded as having PR for a particular child.



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“Excluded” Fathers

Fathers can be excluded from attaining PR around the time of the birth for a number of reasons:

- Self-exclusion – to avoid being responsible for maintenance payments.
- Domestic Violence cases where it would be unsafe for the mother to give the identity of the father.
- “Accidental pregnancies” where the mother has no intention of entering into a relationship with the father.
- Around 1 in 25 men in Wales today are not actually the biological father of “their child”



“Excluded” Fathers contd.

- Fathers not attending the registration of their child, often for logistical reasons.
- Lack of information. Failing to recognise the implications of not registering their paternity.
- Disputed paternity.
- Family pressure.



Working with Separated Fathers

- Around one in three children and young people in Wales today will have experienced family breakdown by the time they reach their mid-teens.
- Amongst the young people sampled in the *Growing up with Dad* research, almost one in four did not see their biological father.
- It is therefore inevitable that amongst the families we are likely to be working with, a significant number will fall into one of these categories.



Working with Separated Fathers

- The fact that a father is invisible to a service however is in no way indicative as to whether or not that individual has Parental Responsibility.
- As a general rule, everyone who is a parent has a right to participate in decisions about their child.
- More importantly, children and young people have the right (UNCRC) to, *“maintain personal relations and direct contact - - - -”* (Article 9.)
- This right is not qualified by whether or not the father has PR



Working with Separated Fathers

- If services are unaware of the whereabouts of a non-resident parent (generally the father), they should attempt to make the resident parent aware of their ex-partner's right to be involved, and request that any relevant information is passed on to them.



Consents

Parental consent may be required for any one of a number of reasons. These can range from organised activities or trips, through to medical consents or even permission to take photos.

They apply to the whole range of organisations working with children.



The following is taken from the Welsh Assembly Government Guidance for schools:

Within the context of the general rule mentioned earlier:

Where both parents have asked for their consent to be obtained, a school should seek to obtain consent from both parents

However,

It remains the case that a single parent's consent remains good and can be acted upon by a school.



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- *one parent's exercise of parental responsibility is not any more 'valid' than another.*

For example, one parent may consent to a child going on a trip. However the other parent could, once the trip is underway, exercise his or her parental responsibility so as to remove the child from the trip.

In the event of a conflict, where agreement cannot be reached,

The safer decision would be to interpret that consent has not been given. This safeguards the school against any civil liability, for instance in the event of the child being injured.



When a parent's action conflicts with - - -

If a school feels that an action, or proposed action, of a natural parent, person with parental responsibility, or carer conflicts with their ability to act in the best interest of the child staff should try to resolve the issue with them but avoid becoming involved in any conflict



Implications for separated fathers

- Provided they have PR, non-resident fathers have the right to obtain information about decisions which affect their child (unless this might cause harm to the child).
- Schools, and other children's services are not the arbiters of disputes between separated parents. This remains the responsibility of the courts.
- It is not best practice for service providers to ignore non-resident fathers – irrespective of whether they have PR, or not, simply because they are invisible.



For a full version see:

“Parents” and “Parental Responsibility”

Guidance for schools

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