



June 2007

## Joint birth registration: promoting parental responsibility



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Presented to Parliament by  
the Secretary of State for Work and Pensions  
by Command of Her Majesty  
June 2007

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# Ministerial foreword

For those of us who have the privilege of being parents, bringing up a child is the single most important thing we will do in our lives. Even when the relationship between parents breaks down, this fundamental responsibility remains as important as ever.

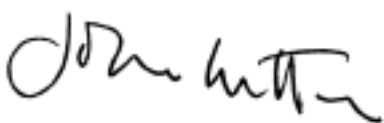
The publication of the Child Maintenance and Other Payments Bill earlier this month laid the foundation for a new system of child maintenance in the UK. A new approach that would empower parents to take responsibility for making their own maintenance arrangements but provide radically strengthened enforcement powers to chase down those who fail to pay.

These reforms will play a crucial role in ensuring that more money reaches more children. But at a time when fewer people are making the decision to formalise their relationships through marriage, we believe we need to go further in promoting and supporting joint parental responsibility.

Research has highlighted that fathers who officially acknowledge the birth of their child from the outset are more likely to stay in contact with that child if their relationship with the child's mother breaks down. And if a father has jointly registered the birth and is later unwilling to pay maintenance, it will be simpler for the mother to claim the child maintenance he owes.

The law currently automatically assumes married couples will be jointly registered whereas unmarried parents both have to agree before a father's name can appear on the birth certificate. This Green Paper sets out proposals to change this, alongside a number of further non-legislative measures designed to maximise the number of joint registrations. We have been clear all along that we would only legislate if, and when, we are sure that sufficiently robust safeguards can be put in place to protect the welfare of children and vulnerable mothers. This paper describes those safeguards and we would welcome your views.

Together with our reforms to the Child Maintenance system, these proposals offer the opportunity to embed a new culture in our society which places much more equal weight on the relationship of both parents with their children. They re-affirm both the rights and responsibilities of parenthood for mothers and fathers, and, most crucially of all, ensure the best possible outcomes for all children.



The Rt Hon John Hutton MP  
Secretary of State for Work and Pensions  
June 2007

# Chapter 1: Introduction

1. The Child Maintenance White Paper set out the Government's intention to consult on changes to the current position regarding joint birth registration and ways to encourage both parents' names to be registered, following the birth of their child. The Government undertook that legislation would only be changed once Government was sure that robust safeguards could be put in place to protect the welfare of children and vulnerable mothers.
2. Sole registrations in England and Wales constitute about 7 per cent (45,000 children) of total birth registrations each year. The figure is slightly higher in Northern Ireland, about 9 per cent (2000 children). Around 45 per cent of fathers, who are not registered on the birth certificate, are nevertheless in some kind of contact with their child.<sup>1</sup> Research shows that sole registration is linked to social exclusion. Mothers who register solely are likely to be younger and poorer, with lower levels of educational attainment than those who jointly register.<sup>2</sup>
3. The Government believes that joint birth registration should be a key part of its determination, "to develop a culture in which the welfare of children is paramount and people are clear that fatherhood, as well as motherhood, always comes with both rights and responsibilities".<sup>3</sup>
4. There is clearly a significant public interest in encouraging parents, fathers as well as mothers, to play a major role in their children's lives throughout childhood. Joint birth registration measures which require fathers to acknowledge paternity at birth could underpin current cross-government work to improve parenting.
5. This Green Paper sets out a new legislative requirement for joint registration of births, so that both parents will be responsible for registering the births of their children, as well as outlining measures that use information, education and advice to achieve joint birth registration. We believe that making joint registration the default position and doing more to ensure parents are aware and understand this, will publicly embed an expectation that the usual course of events is for both parents to acknowledge and be involved in the upbringing of their children. Most fathers are fully engaged in bringing up their children. For those who aren't, we want them to realise that they do have a stake in their children's lives and for fewer fathers to have no clear accountability or commitment to their children.
6. It is essential that women are protected from having to name a father if there is good cause for them not to do so. We need to ensure that the system builds in effective safeguards that reflects these real concerns.

<sup>1</sup> *Characteristics of Sole Registered births and the mothers who register them* – ONS (2004)

<sup>2</sup> There are limited instances where fathers might be sole registrants.

<sup>3</sup> *A new system of child maintenance*, December 2006, Command paper CM6979

7. A similar legislative approach to the one proposed in this Green Paper has been adopted in Australia. This coincided with a significant decrease in the level of sole birth registrations of approximately 20 per cent between 1994 and 2004.
8. Our ambition is to significantly increase the number of joint birth registrations in the UK. In the 45 per cent of cases where there is a sole registration the father is still in regular contact with his child. The Government believes that by making joint registration the default position, a significant proportion, if not all, of these children will have joint birth registrations.
9. This Green Paper seeks your views on our proposals to achieve the objective of increased joint birth registrations. These include taking forward a change to the legislation surrounding birth registration. We are consulting on whether the proposed legislative changes offer sufficient safeguards to protect vulnerable women and will only legislate if we are sure that robust safeguards can be put in place. The Green Paper also sets out a range of non-legislative measures to promote joint birth registration and seeks views on these. We believe that these measures should be implemented to complement the legislative approach and therefore maximise the number of joint registrations. The Green Paper asks for your views about whether we should pursue a joint approach or, if you believe that the safeguards described will not protect vulnerable mothers and children, that we should develop options to promote joint registration within the current legislative framework.
10. Registration of births and family law are matters devolved to the Scottish Parliament and therefore this Green Paper does not apply to Scotland.

## Why joint birth registration?

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11. The characteristics of those who register births solely are significantly different from those where both parents appear on the birth certificate. Research shows that sole registered births are much more common among younger mothers and particularly common for those who gave birth under the age of 21. Sole registrant mothers are more likely to be poor and have low levels of educational achievement. There were indicators of poor health related outcomes for sole registrants and their children. Among those who had not received any antenatal care, some 18 per cent of mothers had registered the birth without the father. This was three times as high as for mothers who had received some antenatal care.
12. At present the birth registration system does very little to actively promote joint birth registration amongst unmarried parents. Making joint birth registration the default position will form a key part of a more holistic group of cross government policies to promote good parenting, fatherhood and parental responsibility with the consequential benefits for child welfare.

13. The point at which births are registered is an ideal point to identify vulnerable or at risk young women who are likely to subsequently experience problems with parenting, and fathers who risk becoming detached from the lives of their children. Furthermore the Government believes that it should take action to even up rights and responsibilities between married and unmarried couples to reflect the variety of modern day relationships. The importance of this has been outlined in the recent work of the Law Commission.
14. There are a series of benefits to making joint birth registration the default position that are set out below.

### **Equal parental status**

15. Parents and the home environment they create are the most important factors in shaping their children's well being, achievements and prospects. Fathers and mothers matter to children's development. Father-child relationships, be they positive, negative or lacking, have profound and wide ranging impacts on children that last a lifetime, particularly for children from the most disadvantaged backgrounds.
16. In the majority of situations, it is most beneficial for children if both parents are involved in their upbringing. Joint birth registration is one of the very first steps a father can take, regardless of the type of relationship he has with the mother. Parents do not have to live together in order for the father to take an active role in the upbringing of their child and joint birth registration can help to build a culture where a father can feel he has a real purpose and stake in his child's life. A father who has his name on his child's birth certificate also has an enhanced status as a legal guardian should anything happen to the mother.

### **Parental responsibility**

17. Children have a right to know that their parents take responsibility for them. Many unmarried fathers, including young fathers, do not get registered but nevertheless have a close relationship with their child and their child's mother. The Government believes that their relationship with their child could be strengthened by having their name on the birth certificate and levels of involvement could be improved. This is backed up by evidence from research on a project, carried out in the United States, to encourage fathers to acknowledge paternity at the point of their child's birth.<sup>4</sup>

### **Paying and receiving maintenance**

18. The results of the United States research suggest that getting a father to acknowledge paternity at the outset improves levels of contact and increases the likelihood that they will pay maintenance as a result. Where there is no relationship between the mother and father, joint birth registration can also assist the mother in claiming child maintenance from the father to pay for the upbringing of their child.

<sup>4</sup> Garfinkel I et al (2005) *In Hospital Paternity Establishment and Father Involvement in Fragile Families*.



### **Clear messages of expectation**

19. Making joint birth registration the default position will help to embed a cultural norm that fathers should reach the birth of their child with an expectation that they have clear responsibility for their child. Joint birth registration alone does not offer a complete solution; it will not necessarily change the attitude of a father who does not have an interest in their child. However, by publicly encouraging joint registration and by making it understood, the Government can work to change those with more passive attitudes towards joint birth registration.

### **Early intervention**

20. The point at which births are registered is an ideal point to identify vulnerable or at risk young women who are likely to subsequently experience problems with parenting, and fathers who risk becoming detached from their children's lives.

### **Changing culture**

21. There is clearly a significant public policy interest in encouraging parents, fathers as well as mothers, to play a major role in their children's lives throughout childhood. The Government believes that joint registration of births can be a key part of our determination, "to develop a culture in which the welfare of children is paramount and people are clear that fatherhood, as well as motherhood, always comes with both rights and responsibilities".<sup>5</sup>

## **Encouraging parental responsibility – the wider environment**

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22. The policy review paper on Families, published by the Prime Ministers Strategy Unit in May 2007,<sup>6</sup> sets out a number of proposals to support families to exercise their rights and to manage their own affairs while living up to the responsibilities they have as parents. The Government recognises that it has an important role to play in setting out the rights and responsibilities that parents have towards their children and should ensure that parents are made fully aware of these.
23. We want to ensure that all parents, including non-resident parents, have access to clear information and support to help them carry out their duties. As part of this undertaking to support parenthood, the Government accepts that the role that parents and families play within society requires a legal framework to function effectively. One of the first steps in building this framework is to ensure that having both parents' names registered following the birth of their child is standard practice, unless it would be unreasonable to do so. This is a key measure to enhance parental responsibility, promote early engagement in the lives of children and encourage parents to have an ongoing relationship with their children.

<sup>5</sup> *A new system of child maintenance*, December 2006, Command paper CM6979

<sup>6</sup> *Building on Progress: Families* (PMSU) (May 2007)

24. In addition, the recently published children and young people's thematic review – *Aiming High for Children: Supporting Families* (which builds on *Every Parent Matters*) made clear undertakings to strengthen the focus of government on parents and parenting, with the aim of creating better outcomes for children and families. It committed to do more to support and engage fathers and raise parents' aspirations for their children. The Department for Education and Skills is leading cross-government work to achieve this.
25. This focus on fathers is in recognition of the significant influence their presence or absence from children's lives has on child and family outcomes. The thematic review acknowledged the need to do more to engage fathers, particularly as it can be a challenge to involve fathers in services targeted at families. Fathers can feel that family services are not for them, which may be reinforced by staff in services underestimating the significance of a father's involvement if he is not visible to a service or not living with the child.
26. The cross-government work from the thematic review is considering mechanisms to engage with and involve fathers more effectively in parenting throughout childhood. It is looking for opportunities to maximise the impact of planned measures such as the programme on the themes of health and paternity. Joint birth registration measures that ensure fathers acknowledge paternity at birth could significantly strengthen the cross-government package.

## How we got here

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27. The Government's commitment to joint registration is built on Sir David Henshaw's finding that there "are significant and wide ranging potential benefits to be gained from encouraging the joint registration of births"<sup>7</sup> and his recommendation that the Government should consider the best way to further develop a policy to promote the joint registration of births.
28. In the Child Maintenance White Paper<sup>8</sup> the Government stated that "The birth registration system needs to do more to actively promote joint registration and current legislation should be changed to require both parents' names to be registered following the birth of their child." The White Paper stated that, "The Government will now come forward with proposals on joint birth registration in England, Wales and Northern Ireland, which should first be subject to future consultation and legislation. The default position will be that both parents' names should be registered but, in taking this work forward, the Government will only legislate when it is sure that robust and effective safeguards can be put in place to protect the welfare of children and of vulnerable women. We received a wide variety of views in response to the proposal as part our consultation on the White Paper.

<sup>7</sup> *Recovering child support: routes to responsibility*, Sir David Henshaw, July 2006

<sup>8</sup> *A new system of child maintenance*, December 2006, Command paper CM6979

## Joint Birth Registration

29. The Government agreed not take forward this work as part of the Child Maintenance Bill.<sup>9</sup> Instead, the work on joint birth registration has been taken forward by a cross-departmental group, chaired by the Cabinet Office.
30. The remainder of this Green Paper sets out the Government's approach to making joint birth registration the default position. The Green Paper sets out a series of questions about our approach and we would welcome responses to them.

<sup>9</sup> The Child Maintenance and Other Payments Bill 2007

## Chapter 2: Birth registration – as it is now

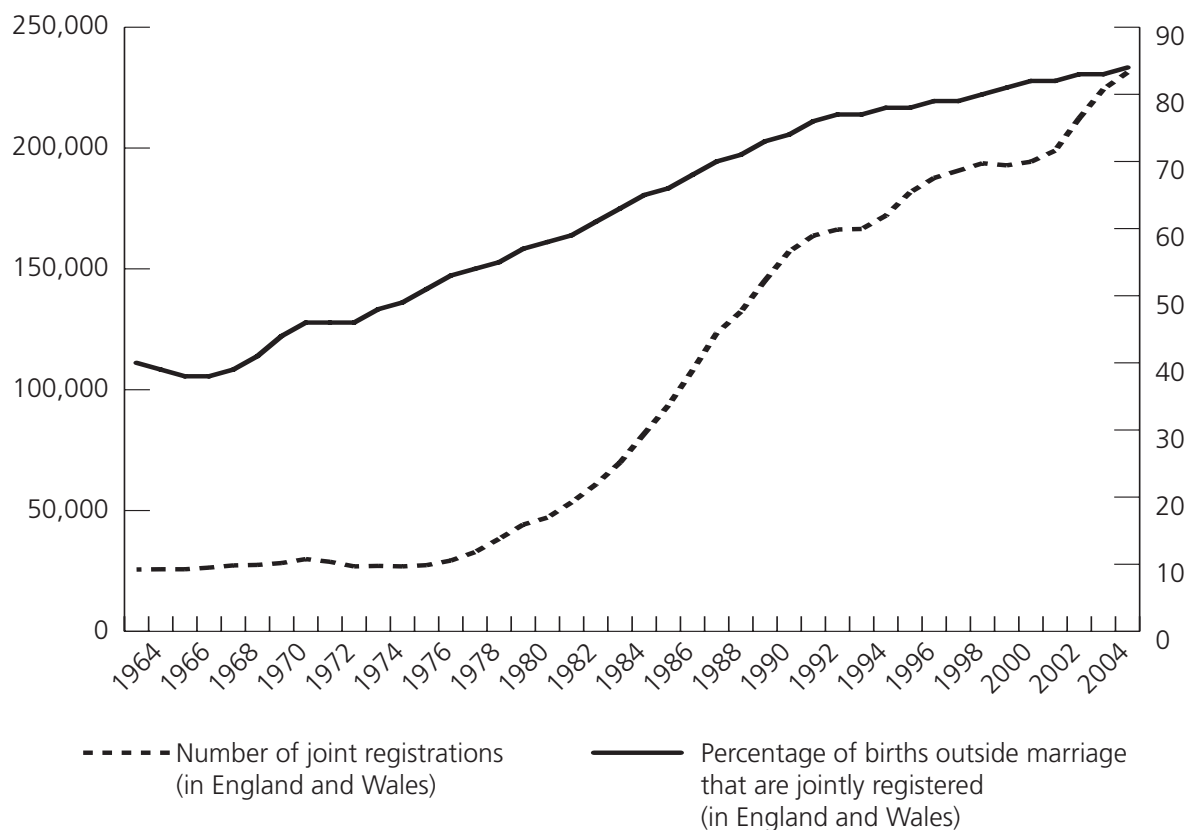
31. Civil registration of births, deaths and marriages has existed since 1837. The service has developed gradually to adapt to social and technological change. Changes made have been accepted by users of the service and have built on its good reputation for impartially collecting and recording the facts and maintaining confidentiality. Acceptance of the legal requirement to register key life events and recognition of the benefits it brings to individuals have been key to the high levels of compliance, so that consistently each year 99.9 per cent of births are registered.
32. Birth registration is inextricably linked to parental responsibility. Parental responsibility equates to all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and their property (Section 3 Children Act 1989). This gives parents the right to make decisions on behalf of a child on key aspects of their life (for example, schooling, religion and medical treatment), and also ensures that they must be consulted on a number of important decisions (for example, whether the child is adopted, whether another adult can be given parental responsibility and on taking the child outside the jurisdiction of the UK).
33. Single mothers and married couples automatically have parental responsibility for their children. Since December 2003 (2002 in Northern Ireland), this has been extended to unmarried fathers if they are named on the birth certificate, either at registration of the birth or subsequently. Where the mother and father are not married, both must consent to the father being named on the certificate. At present the current registration system does very little to actively encourage unmarried parents to jointly register the birth of their child.

### Trends in birth registration

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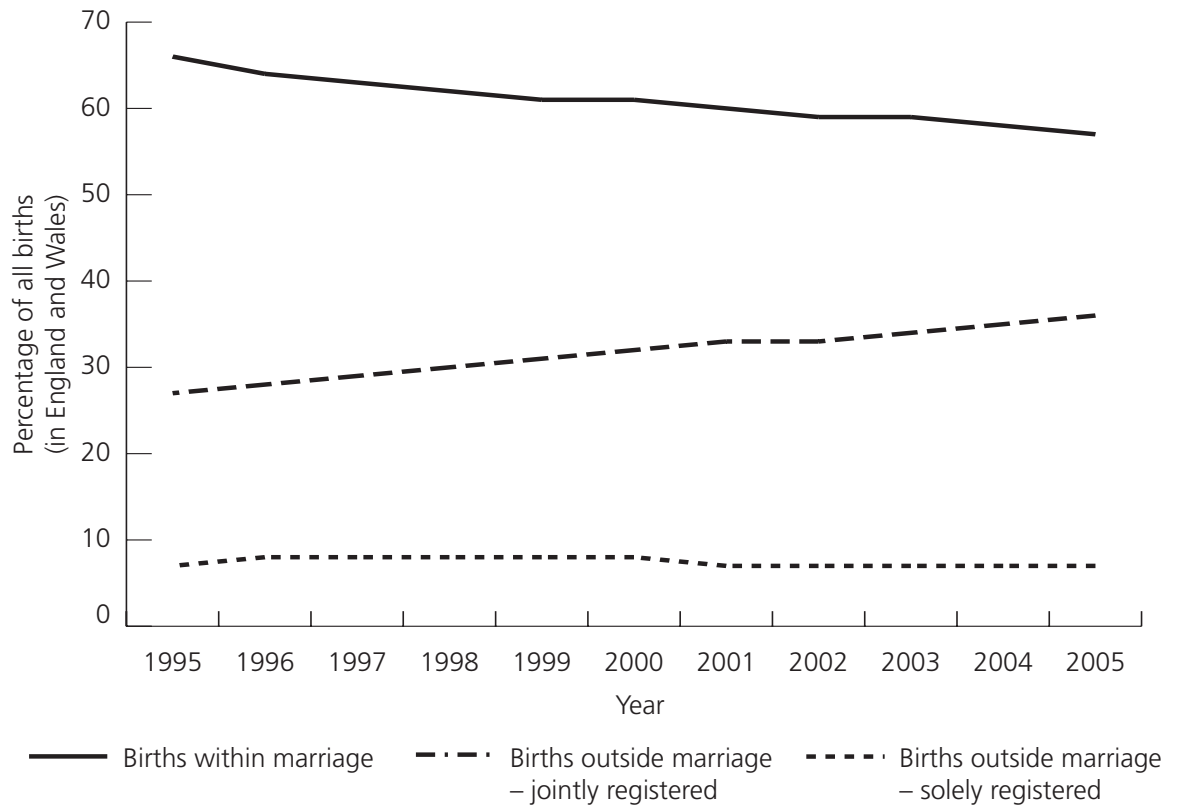
34. In the UK, the large majority of birth certificates have both parents' names on them. As set out above, where parents are married this happens automatically; in all other cases, both parents have to agree before a father's name can appear on a birth certificate.
35. The sole registration rate is a by-product of the number of children born outside marriage and the proportion of those births that are jointly registered. There has been a significant increase in the number of joint birth registrations outside marriage over the last 30 years.
36. Sole registration (that is, where only the mother's name appears on the birth certificate) accounts for around 7 per cent of the total birth registrations in England and Wales.

Figure 1



- 37. As the number of births outside marriage has increased over the last 40 years, there has also been a significant increase in the number of births jointly registered outside of marriage, from around 26,000 in 1964 to around 231,000 in 2005 (as shown in Figure 1 above). In 1964 the proportion of all births outside of marriage that were jointly registered was 40 per cent and by 2005 this had increased to 84 per cent. However, there are still some 45,000 children each year in England and Wales who are sole registered.
- 38. The sole birth registration rate has reduced slightly over the last ten years from 8 per cent to 7 per cent of all births. The trend over the last 10 years is shown in Figure 2.
- 39. The increase in joint birth registrations is mainly attributable to more people choosing to cohabit and have children, whereas in the past they would have had children within marriage. Social attitudes have also changed. There used to be a greater level of stigma attached to births outside of marriage thus people were less willing to claim parentage and jointly register their child's birth. The trend of increasing joint birth registration appears to be continuing.

Figure 2



40. The characteristics of those who register births solely are significantly different from those where both parents appear on the birth certificate. A quantitative study examined evidence from the first wave of the Millennium Cohort Study (MCS)<sup>10</sup> and goes some way to profile the characteristics that make mothers more likely to register on their own. It contrasts their characteristics with those jointly registering a birth and with married mothers.

### Age

41. Research shows that sole registered births are much more common among younger mothers, and particularly common for those who gave birth under the age of 21. The younger the mother, the more likely that the birth of her child will be sole-registered; 39 per cent of sole registrants were aged 20 or younger, compared with just 2 per cent of married mothers and 20 per cent of jointly registering mothers. The differences in median ages between the groups are quite stark. Married mothers had a median age of 31, jointly registering unmarried mothers were aged 26 and sole registrants were aged 22.

<sup>10</sup> *Sole birth registration: Analysis of the Millennium Cohort Study*. Stephen McKay, Institute of Applied Social Studies, University of Birmingham. This research will be published later in 2007

## Incomes and qualifications

42. Sole registrant mothers are more likely to be poor and have low levels of educational achievement. In households with an income of less than £10,400 per annum, the sole registration rate was 20 per cent and 16 per cent for recipients of income-related benefits. Housing tenure is a good indicator of affluence, 17 per cent of sole registrants were local authority tenants and 15 per cent housing authority tenants (although the youngest mothers will be living with their parents or in care). Similarly, mothers with higher level of qualifications were least likely to be sole registrants and amongst sole registrants 16 per cent had no qualifications.

## Health

43. There were indicators of poor health related outcomes for sole registrants and their children. Among those who had not received any antenatal care, some 18 per cent of mothers had registered the birth without the father. This was three times as high as mothers who had received some antenatal care. In addition, among sole registrants, 63 per cent were smokers, compared with 45 per cent of unmarried jointly registering mothers and just 16 per cent of married mothers. Sole registrants were less likely to breastfeed than other mothers and more likely to have a baby with a low or very low birth weight.
44. The above quantitative research shows that sole registration is linked to social exclusion. It is not sole registration itself that is the cause of this, nor would joint birth registration alone offer a complete solution, but it is apparent that joint birth registration is more open to richer and better educated parents. We must ensure that there is an equal opportunity for parents in all sections of society to understand the benefits of joint birth registration.

## Qualitative research

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45. Early findings from a qualitative research study that is being conducted with unmarried parents<sup>11</sup> by the National Centre for Social Research<sup>12</sup> suggests that choices and decisions about registering the birth of a child on a sole or joint basis exist on a spectrum. Three broad positions can be identified along this spectrum. These positions are not necessarily fixed and, in real life experience, do overlap. Sole registrant mothers' experiences can be mapped onto this spectrum in the following ways:

a. **No Choice**

This situation would come about if the mother was unable to identify the father or if she did not know his whereabouts.

<sup>11</sup> Interviews were conducted with both sole and joint registrants, mothers and fathers

<sup>12</sup> These findings are based on preliminary analysis of a partial data set (29 out of 45) depth interviews with sole and joint registrant unmarried parents. The study is an exploratory one concerning the motivations for sole and joint birth registration. It is ongoing and detailed findings will be published later this year

b. **Choice made without conscious decision**

This would be the case if the mother chose to register the birth on a sole basis in the absence of a clear decision making process either with or without the father. For example, she might not attempt to contact the father but does not actively deny him the chance to register.

c. **Conscious decision**

Sole registrant mothers in this category might make a decision with the intention of excluding the father, or including him because sole registration fits with his wishes and appears in fact to be the surest way of securing his ongoing involvement. This is particularly the case where identification on a birth certificate is seen as being directly linked to the pursuit of child maintenance payments.

46. A decision to exclude the father might relate to his behaviour (for example, drug taking), circumstances (for example, being in prison) or because the mother feels the level of reliability displayed by the father does not fit with her expectations of what a good father should be. Alternatively, sole registration may, in the mother's judgement, be the best way to include the father without the threat of enforced financial responsibility. Those who make a conscious decision to exclude fathers may also include parents in same-sex relationships who are co-parenting the child. Here there is also a concern about the status and recognition of the non-birth co-parent within the birth registration process.
47. In practice, the choices exercised, and the decisions made, seem to be informed by three broad sets of factors related to the rights of the child, involvement in parenting and the relationship between the parents. These sets of factors are in turn informed by a range of influences including finance, the parents' own life experiences, experience with older children, the perceived suitability of the father, the religion of both parents, cultural expectations and the naming of the child.
48. The research indicates that there is a group of mothers who do not make a conscious choice about sole or joint registration. If in some of these cases the father has regular contact with the child even though the birth was not registered jointly, the Government believes these couples would be more likely to register jointly if there was a legal requirement, or they were encouraged to do so.



## Chapter 3: Looking to the future

49. The previous chapters have outlined the advantages of early paternal involvement in the lives of children. The registration of a birth is one of the first early milestones in a child's life which may shape his or her identity. In its recent White Paper, the Government identified joint registration of births as one area where it could do more to establish a clear sense of responsibility for unmarried fathers for the welfare of their children.
50. We now want to set out our views on how to construct an improved system of birth registration that underpins the Government's belief that it is usually best for children if both parents acknowledge them and are involved in their upbringing from an early stage. We want to make it clear that parenthood is a serious undertaking which conveys rights, duties and responsibilities to both mothers and fathers.
51. A detailed assessment of costs has yet to be completed. We acknowledge that the proposals set out in the Green Paper, legislative and non-legislative, will have resource implications for local authorities, HM Courts Service and the Legal Services Commission. We will ensure that the net additional cost falling on local authorities is fully funded as required under the Government's new burdens rules. Our response to the consultation responses will include an impact assessment that considers these costs in more detail.

### Principles for joint birth registration

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52. The Government believes that the principles that currently underpin birth registration policy should not change when developing new proposals for birth registration. The principles are:
  - the two people named must be the biological parents unless the law provides that some other person is the legal parent of the child
  - a husband is presumed to be the father of his wife's child, unless this is shown not to be the case. The process for married couples works well and will remain the same as it is now
  - unmarried couples who register jointly are required to declare that the man named is the child's father
  - a sperm donor (someone who donates through a licensed organisation), is not the legal father of the child even if he is the biological father
  - the woman who carried and gives birth to a baby is the child's legal mother, even if she is not the biological mother having used a donated egg or embryo
  - same sex couples will be able to be recognised as parents under proposals in a draft Bill published by Department of Health on 17 May 2007

53. The Government also wants to ensure that failure to register births jointly should not affect any of the benefits currently associated with birth registration, in particular legal parental responsibility, and that the integrity of the register should be promoted.

## Joint responsibility

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54. Our proposal is that legislation around birth registration for unmarried parents should reflect that parenting is a joint undertaking and it should therefore make both parents equally responsible for registering the birth of their child. Joint parental registration of births should become the legal default position. However, we recognise that there are circumstances where joint registration is either not possible or not desirable. There should be exemptions to permit sole registration where a joint approach would not protect vulnerable mothers and children. Exemptions from the normal rule are discussed later in this chapter.
55. The key benefit of an approach that places equal responsibility on both parents to register is that it is in keeping with the Government's desire to promote responsible fatherhood. The concept of mutuality avoids singling out mothers and placing all the responsibilities of registration on them.

### Question 1:

**Do you agree with the underpinning principles that the Government has developed for birth registration? Are they sufficient for a system that proposes to require joint birth registration?**

### Question 2:

**Is making parents jointly responsible for registration the right approach?**

## Exemptions from a requirement to register jointly

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56. We understand that, similar to the Australian system, it is essential that women are protected from having to name a father if there is good cause for them not to do so. We need to ensure that the system builds in effective safeguards that reflect these real concerns. We are consulting on whether the proposed legislative changes offer sufficient safeguards to protect vulnerable women and will only legislate if we are sure that robust safeguards can be put in place.
57. Following the work of the cross departmental group on birth registration, we believe effective safeguards can be constructed to ensure a secure, workable system. With this in mind, joint registration will not be required where the:

## Joint Birth Registration

- mother does not know, or is not clear about, who is the father of her child;
  - mother does not know where the father of her child is; or
  - father is deceased.
58. In addition, we believe that certain cases should be exempt from joint registration: These cases are where the:
- mother alleges that a father is, or could become, violent or abusive;
  - mother alleges that the child was conceived as a result of rape or non-consensual sex;
  - mother alleges that the child was conceived as a result of incest;
  - man alleges that he is not the father of a child;
  - mother alleges that the man claiming paternity is not the father of her child.
59. In these cases, if either parent wants to continue to pursue joint registration, the matter should be decided by the courts rather than by the registration service. The courts currently deal with establishing paternity and conveying parental responsibility and will be in a position to examine all the facts of a particular case and determine a suitable outcome. More detail about what we are proposing can be found in the next section.
60. This approach to policy on joint birth registration will need to fit closely with the aims and policies of the Teenage Pregnancy Unit in the Department for Education and Skills to provide an early intervention point for positive assistance and ensure adequate safeguards to protect vulnerable young mothers and fathers.
61. This approach will also have to be designed to take account of the most vulnerable mothers who may understand the concept of compulsion but not the exceptions available, for example very young mothers or mothers with very limited learning abilities.

### **Question 3:**

**Do you agree that we have identified the appropriate exemptions? Are there any other circumstances in which parents should be exempt from joint responsibility to register a birth?**

## Developing a new system of joint registration – The legislative approach: how our proposal would work

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62. The majority of unmarried parents currently register births jointly. However, where an unmarried mother attends a sole registration, we propose that:
- where either a mother or a father claims that they fall into an exempt group, a sole registration should always take place;
  - where the father has not come forward to register, a mother should be required to pass on those details which would enable him to be traced and invited to register, unless she gives reasons that fall within one of the exempt categories;
  - fathers who wish to register have the right to do so unless the mother raises an objection from one of the exempt categories;
  - a father who acknowledges paternity but refuses to register will be subject to the current penalty regime, which is a fine, that exists for failure to register a birth;
  - where there is a dispute regarding parentage or the invocation of an exempt category, the matter should be decided by the courts rather than by the registration service. In effect this would mean that if a mother claimed that the father was abusive and wanted an exemption, but the father insisted on having his name on the birth registration, the dispute would be dealt with by court. The courts currently deal with establishing paternity and conveying parental responsibility and will be in a position to examine all the facts of a particular case and determine a suitable outcome.
63. The point at which births are registered is an ideal point to identify vulnerable or at risk young women who are likely subsequently to experience problems with parenting, and fathers who risk becoming detached from their children's lives. It is essential that we consider how the registration service can develop a more effective approach to signposting families in need towards appropriate assistance. We believe in developing an active approach to signposting where registrars ask potentially vulnerable mothers if they would like to contact, or receive a visit from, appropriate support.
64. Any system which requires joint registration and improves current practice will inevitably mean additional duties for registrars and some change to their role. However, the approach we are proposing strikes a balance between a desire to distribute the benefits of joint registration more widely, the need to reflect the views of both parents, and the need to design a workable system for the registration service.
65. This proposal will also mean more work for the courts. However, as stated above, more work will be undertaken with local authorities, HM Court Service and the Legal Services Commission to establish the impact of these changes.
66. Figure 3 overleaf shows how our approach would work in different situations.

Figure 3

		<b>Father</b>		
<b>Mother</b>	<b>Actively wants to be on birth certificate at the point of registration</b>	<b>Is passive</b>	<b>Denies paternity</b>	<b>Accepts paternity but refuses to cooperate</b>
<b>Doesn't know father or his whereabouts</b>	Sole registration but if he later discovers he is a father he can either get her consent to re-register or apply for paternity/parental responsibility via court.	Sole registration and no further action.	Sole registration and no action, unless she later finds out his identity/ whereabouts and wants him on the certificate.	Sole registration and no action, unless she later finds out his identity/ whereabouts and wants him on the certificate.
<b>Knows who and where the father is but actively does not want him on birth certificate</b>	If she can demonstrate that she is in one of the exempt categories then sole registration. He would have to go to court to overturn. If she is not exempt then joint registration and she will need to go to court to divest him of parental responsibility.	If she can demonstrate that she is in one of the exempt categories then sole registration.	Sole registration and no action.	Sole registration and no action.
<b>Knows who and where the father is and actively wants him on birth certificate</b>	Joint registration.	Registrar would contact him and ask him to register.	Mother could apply to court to establish paternity.	Mother could apply to court to establish paternity.
<b>Knows who and where the father is but is passive</b>	Joint registration.	Registrar would contact him and ask him to register.	Sole registration and no action.	Sole registration and no action.

67. The Government did consider an alternative approach to the one set out above. This would have been based on a more active model where Registrars would have been expected to conduct detailed interviews with mothers, and at times fathers, to identify whether they might fall within an exempt group. Where, for example, the mother provided limited or incomplete information about the father's identity or location, this would then have been potentially followed up by the proactive tracing of fathers. Such an approach may have resulted in a further reduction in sole birth registrations beyond the levels expected to flow from the above proposals. However, the Government was concerned about the possible impact of such an active approach on some mothers and the practical challenges for the Registrar Service.
68. The Government was concerned that such an active model could lead to a number of mothers, and indeed some vulnerable fathers, being intimidated by a high level of intervention in the registration process. For some mothers, the time immediately following childbirth is an occasion when they feel particularly vulnerable.
69. In acting to make joint registration the default position the Government wants to ensure that the level of intervention would not dissuade mothers from deciding to register a birth. This would have resulted in some mothers losing out on some social security benefits or their children could face problems in obtaining services later, such as registering with a doctor or school, or obtaining a passport.

**Question 4**

**Does the approach set out strike the right balance between the new right of both parents to register the birth of their child and the need to protect children and vulnerable women?**

**Question 5**

**Do you consider a fine to be an adequate penalty for a father who accepts paternity but refuses to be registered on his child's birth certificate?**

## Chapter 4: Non-legislative measures to promote joint birth registration

70. The Government is committed to promoting actively joint birth registration. The Government believes that current legislation should be changed to require both parents' names to be registered following the birth of their child as set out in the preceding chapters. There are a range of practical measures which could be developed to complement legislation on joint registration to achieve a situation where the default position is joint birth registration. The Government believes that these are critical to ensuring the success of our approach to joint registration of births.
71. However, we understand that stakeholders hold a wide variety of views on birth registration. Therefore this chapter asks for your views about whether we should pursue a joint approach? Or, if you believe that the legislative approach is not required, or that the safeguards described will not protect vulnerable mothers and children, and that therefore we should only develop our options to promote joint registration within the current legislative framework?
72. To actively promote joint birth registration, we consider that initiatives should be developed in the following areas.

### Changing culture

#### a. **Widespread publicity campaign to promote joint registration**

We believe that a publicity campaign promoting the benefits of joint birth registration drawing on wider government work on parental responsibility would increase the rate of joint birth registrations.

Alongside traditional media this could include education and persuasion via register offices, hospital paternity packs, doctors' surgeries, jobcentres, prenatal and antenatal class providers, the courts and voluntary groups, and would be a positive means of increasing the existing trend in joint birth registration. In this way the benefits of fathers acknowledging paternity could be highlighted through programmes on the development of parenting skills (and take up of training and employment). Re-registration of births which have been registered without fathers' details could be encouraged further by ensuring that single mothers leave the register office with the information and forms needed to apply for re-registration.

#### b. **Updating information literature on joint birth registration**

Tied to the publicity campaign above we should develop new literature for Registrars, local hospitals and other sources of information for new parents, to make information about joint birth registration more understandable, informative and user friendly.

## Improving the registration process

### c. **Work to reduce re-registration fraud**

From informal research in the field interviewing registrars, it has emerged that some registrars are frustrated by what they perceive as an abuse of the birth registration system. The problems of a minority of single parents attempting to use re-registration as a way to obtain a second birth certificate for their child and possibly using that document for fraudulent purposes, which some registrars think may happen, could be met by wider use of electronic records so that the public are not required to produce certificates. Electronic transfer of records already happens for some purposes (for example, all deaths are notified to the DWP Pensions database each week). Work on making registration records available electronically to other agencies is ongoing.

This could be complemented by introducing more rigorous statistical records for England and Wales, particularly for re-registration, building on the recent improvements made by the Office of National Statistics.

### d. **Consultation with Registrars**

We propose to consult with registrars to develop ways in which they might act more proactively to promote joint registration.

- e. A project is currently being developed by the Office of National Statistics as part of their work on registration modernisation to explore ways to ease the current process for statutory declaration of paternity. At the moment it has to be witnessed by a solicitor, but this could be extended to the midwife or doctor at the maternity hospital.

### **Question 6**

**Do you agree with the registration service developing a proactive signposting role for potentially vulnerable mothers?**

### **Question 7**

**Do you think that the non-legislative initiatives identified above would promote joint birth registration? Do you think that there should be any further initiatives in this area?**

### **Question 8**

**Should we work to promote joint registration within the existing legislative framework, or should we use non-legislative measures to compliment the legislative approach set out in chapter 3?**



## Chapter 5: Consultation arrangements

73. The publication of this Green Paper signals the start of our formal consultation period in line with the Cabinet Office's Code of Practice on Consultation. A copy of the Code can be found at [www.cabinetoffice.gov.uk/regulation/consultation](http://www.cabinetoffice.gov.uk/regulation/consultation). The six consultation criteria set out by the Cabinet Office are to:
- consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy;
  - be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses;
  - ensure that your consultation is clear, concise and widely accessible;
  - give feedback regarding the response received and how the consultation process influenced the policy;
  - monitor your department's effectiveness at consultation, including through the use of a designated consultation coordinator; and
  - ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

### How to respond

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74. To facilitate the consultation process, a series of questions have been posed throughout the Green Paper. These are listed again in Annex A, along with a page reference for where they appear in the main body of the document.
75. The consultation period covers 13 weeks from 26th June to 25th September. Please ensure that your response reaches us by the closing date of 25th September. Your response can be submitted by letter, fax or e-mail to:

Joint Birth Registration  
Department for Work and Pensions  
5th Floor  
The Adelphi  
1–11 John Adam Street  
London  
WC2N 6HT

By internet: [www.dwp.gov.uk/childmaintenance](http://www.dwp.gov.uk/childmaintenance)  
By e-mail: [joint.birthregistration@dwp.gsi.gov.uk](mailto:joint.birthregistration@dwp.gsi.gov.uk)  
By fax: 020 7962 8545

By textphone: 020 7712 2707  
By telephone: 020 7712 2743

76. When responding please state whether you are responding as an individual or are representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents, and, where applicable, how the views of members were assembled.
77. We will produce a summary of the responses that we receive, along with a response from the Government on how we intend to proceed, within three months of the close of this consultation.

## Confidentiality

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78. The information you send us may need to be passed to colleagues within the Department for Work and Pensions and may be published in a summary of responses to the consultation, along with a response from the Government.
79. Under the Freedom of Information Act (2000), all information contained in your response, including personal information may be subject to publication or disclosure. By providing personal information for the purposes of the public consultation exercise, it is understood that you consent to its disclosure and publication. If this is not the case, you should limit any personal information that is provided, or remove it completely. If you want the information in your response to the consultation to be kept confidential, you should explain why as part of your response, although we cannot guarantee to do this. We cannot guarantee confidentiality of electronic responses even if your IT system claims it automatically. The contact point to discuss Freedom of Information Act issues is:  
  
Charles Cushing  
Department for Work and Pensions  
Adjudication and Constitutional Issues Information Policy Division  
Freedom of Information Unit  
1–11 John Adam Street  
London  
WC2N 6HT  
  
Telephone: 0207 962 8581  
Email: Charles.Cushing@dwp.gsi.gov.uk
80. Departmental guidance on the Freedom of Information Act can be found at [www.dwp.gov.uk/pub\\_scheme](http://www.dwp.gov.uk/pub_scheme)
81. Further information about the Freedom of Information Act can be found on the website of the Department for Constitutional Affairs at: [www.dca.gov.uk/foi/guidance/exguide/index.htm](http://www.dca.gov.uk/foi/guidance/exguide/index.htm)

## Feedback on our consultation

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82. The Department for Work and Pensions values feedback on how well it consults. If you have any comments on the process of this consultation (as opposed to the issues raised), please contact the Department for Work and Pensions' Consultation Co-ordinator. In particular, please tell us if you feel that the consultation does not satisfy the criteria set out at paragraph 73. Please also make any suggestions as to how the process of consultation could be improved. Please contact:

Roger Pugh  
Department for Work and Pensions' Consultation Coordinator  
Room 2A, Britannia House  
2, Ferensway  
Hull  
HU2 8NF

Telephone: 01482 609571  
email: [Roger.Pugh@dwp.gsi.gov.uk](mailto:Roger.Pugh@dwp.gsi.gov.uk)

# Annex A: Consultation questions

The following questions have been raised in this Green Paper.

- **Question 1 (page 15):** Do you agree with the underpinning principles that the Government has developed for birth registration? Are they sufficient for a system that proposes to require joint birth registration?
- **Question 2 (page 15):** Is making parents jointly responsible for registration the right approach?
- **Question 3 (page 16):** Do you agree that we have identified the appropriate exemptions? Are there any other circumstances in which parents should be exempt from joint responsibility to register a birth?
- **Question 4 (page 19):** Does the approach set out strike the right balance between the new right of both parents to register the birth of their child and the need to protect children and vulnerable women?
- **Question 5 (page 19):** Do you consider a fine to be an adequate penalty for a father who accepts paternity but refuses to be registered on his child's birth certificate?
- **Question 6 (page 21):** Do you agree with the registration service developing a proactive signposting role for potentially vulnerable mothers?
- **Question 7 (page 21):** Do you think that the non-legislative initiatives identified above would promote joint birth registration? Do you think that there should be any further initiatives in this area?
- **Question 8 (page 21):** Should we work to promote joint registration within the existing legislative framework, or should we use non-legislative measures to compliment the legislative approach set out in chapter 3?

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