

June 2008

# Joint birth registration: recording responsibility

## Impact Assessment



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## Summary: intervention and options

### **What is the problem under consideration? Why is government intervention necessary?**

Every year around 45,000 children in England and Wales have only one parent named on their birth certificate. An unmarried father who is not recorded in the birth register does not automatically obtain shared parental responsibility with the mother, which means by law he does not have equal authority over important decisions in his child's life.

Research published by the Department for Work and Pensions in 2007 revealed that some new parents are confused over the practicalities of joint registration.<sup>1</sup> The process of birth registration for unmarried parents is somewhat more complicated than that for married parents.

### **What are the policy objectives and intended effects of the policy?**

The Government's ambition is to promote child welfare and parental responsibility by significantly increasing the number of unmarried fathers who acknowledge their responsibilities by signing their child's birth certificate whilst ensuring the protection of vulnerable women and children.

The Government wants to make it easier for either parent to insist that the father jointly registers and to encourage and persuade both parents to jointly register through better information and a simplification of the registration process.

<sup>1</sup> Graham, J., Creegan, C., Barnard, M., Mowlam, A. (2007), (National Centre for Social Research), McKay, S., (University of Birmingham), *Sole and joint birth registration: Exploring the circumstances, choices and motivations of unmarried parents*, Department for Work and Pensions Research Report No 463, Corporate Documents Services.  
<http://www.dwp.gov.uk/asd/asd5/rports2007-2008/rrep463.pdf>

**What policy options have been considered?**

The Green Paper set out two proposals – non-legislative measures (option b, below) and a specific exemptions system (option d, below). The White Paper considers a third proposal – non-legislative measures adapted from the Green Paper combined with a modified version of the Green Paper’s legislative option (option c, below).

- a. Do nothing
- b. Information campaign promoting and informing about joint registration
- c. Legal requirement to register jointly unless registrar agrees a sole registration – supported by information and simplification of registration process
- d. Legal requirement to register jointly with very specific exemptions.

Having considered all the options, and consulting widely on the issue, the Government’s proposal is to carry forward option c. The proposals are set out in the White Paper which this Impact Assessment accompanies.

**When will the impact of policies be reviewed?**

The impact assessment is a working document that has developed alongside the proposed policies. The assessment will continue to be updated as more information becomes available and policies are implemented. There will be an evaluation of the policies to further identify the impact of proposals and inform the accuracy of this document three years after implementation.

**Ministerial sign-off**

I have read the impact assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible minister:

Date:



James Purnell

## Summary: analysis and evidence

### 1. No change

Making no change to the current system of birth registration would not reflect the Government's view that all fathers should acknowledge their responsibility and commitment to their child and would do nothing to reduce the number of children whose births are sole registered from the current level of around 45,000 per year in England and Wales.<sup>2</sup> It would also do nothing to address the current process of joint registration for unmarried parents, which research identifies is an area that needs modernisation and simplification in order to make joint registration more accessible for unmarried couples.

The proportion of births that are sole registered is slowly decreasing. However, this does not reflect a real improvement as there is still a core of around 45,000 sole-registered children who will not experience any positive effect under the current legislative framework.

### 2. Information campaign

This approach was originally outlined in the Green Paper as a standalone option or to complement a more robust legal requirement. It would go some way towards encouraging unmarried parents to jointly register but would be insufficient to persuade more reluctant fathers to acknowledge their responsibilities and gain parental responsibility through joint registration.

### 3. Legal requirement to jointly register with scope for exemption where appropriate alongside encouragement and simplification

The Government believes that this approach would balance its ambition to significantly increase the number of joint birth registrations each year with its commitment to protecting vulnerable women and children. By informing parents and simplifying the process of joint registration for unmarried couples, the Government believes that the legal compulsion element would then be necessary only for those fathers and mothers who deliberately intend to avoid a joint registration for no good reason. The Government is therefore publishing a White Paper setting out this approach in detail. This impact assessment analyses the costs and benefits relating to this approach.

<sup>2</sup> Office for National Statistics

#### 4. Legal requirement with specific exemptions

This approach was outlined in the Green Paper. It would certainly increase the number of joint registrations. However, the approach would be intrusive for vulnerable mothers, who would need to provide detailed reasons as to why they should qualify for exemption to jointly register. As the research published in 2007 highlighted, these women are likely to be at high risk of social exclusion and it would be unfair to pressurise a woman to this extent to either name the father or to convince the registrar that she should be exempt.

### Summary: analysis and evidence

#### White Paper model

#### Costs

<i>Monetised Costs</i>		Description and scale of <i>key monetised costs</i> by 'main affected groups'
One-off (transition)	£2 million, over 2 years	<ul style="list-style-type: none"> <li>• Pilot study:                             <ul style="list-style-type: none"> <li>– Resources made available for register offices to increase flexibility of opening hours etc.</li> <li>– Possible changes to the process of witnessing declarations of paternity (subject to extensive consultation)</li> </ul> </li> <li>• Paternity tests</li> <li>• Nationwide information campaign</li> <li>• Costs to the legal system which are subject to ongoing estimation are not included.</li> </ul>
Ongoing	£650,000	
Other <i>key non-monetised costs</i> :		
None that can be identified		

<i>Monetised Costs</i>		Description and scale of <i>key monetised costs</i> by 'main affected groups'	
One-off (transition)	£0		
Ongoing	£0		
Other <i>key non-monetised costs</i> :			
Substantial decrease in sole registrations a year			
<p><b>Key assumptions:</b></p> <p>Costs and benefits have been estimated by breaking the current population of sole registrants down into three subgroups – potential joint registrants, disputes and cases where joint registration would be impossible, impracticable or unreasonable.</p> <p>Of those parents who jointly register, it is assumed some will separate, and a small proportion of those may dispute parental responsibility of the jointly registered child.</p> <p>Because the policy would introduce a legal obligation on parents to ensure the father is named on the birth certificate, some of those who do not register may seek legal advice.</p>			
<p><b>Risk and sensitivities:</b></p> <p>The main risk to the costs is variation in the proportion of cases that jointly register, dispute and sole register (where joint registration is impossible, impracticable or unreasonable). An increase in disputes or sole registrations above the anticipated levels could increase the cost of the policy, mainly via added burdens on the legal system.</p>			
Price base year – yet to be finalised	Time period – ongoing	Net benefit range (NPV): see below*	Estimated net benefit (NPV): see below*
*This cannot be accurately stated at this time because potential costs to the legal system, which may form a significant proportion of overall costs, are subject to ongoing estimation.			

## Other issues

### **Geographic coverage**

1. The proposals set out in the White Paper will apply to England and Wales only. Birth registration is a devolved issue to Scotland and Northern Ireland.

### **When will the policy be implemented?**

2. This will be determined later in the legislative process once legislation has been drafted.

### **Which organisation(s) will enforce the policy?**

3. It will be enforced in the same way as existing birth registration legislation, through the General Register Office and the courts.

### **What is the total annual cost of enforcement for these organisations?**

4. We do not expect that this policy will have any significant effect on the enforcement costs of the General Register Office, although a review of the policy would reassess whether the General Register Office requires extra funding to deal with the added enforcement burden.

### **Will implementation go beyond minimum EU requirements?**

5. N/A

### **What is the value of the proposed offsetting measure per year?**

6. None

### **What is the value of changes in greenhouse gas emissions?**

7. None

### **Will the proposal have a significant impact on competition?**

8. No



### **Impact on businesses and the third sector**

9. Contractors providing paternity tests may be required to perform more tests than they do currently. Legal advice charities may receive a limited number of extra customers.

### **Impact on admin burdens baseline**

10. The policy would create an extra burden for local authorities, were the policies trialled in the pilots to be implemented across England and Wales. However, since the Department for Work and Pensions is committed to funding the entire policy then there would be no need for council tax to be affected.

## Evidence base

### **Introduction and policy rationale**

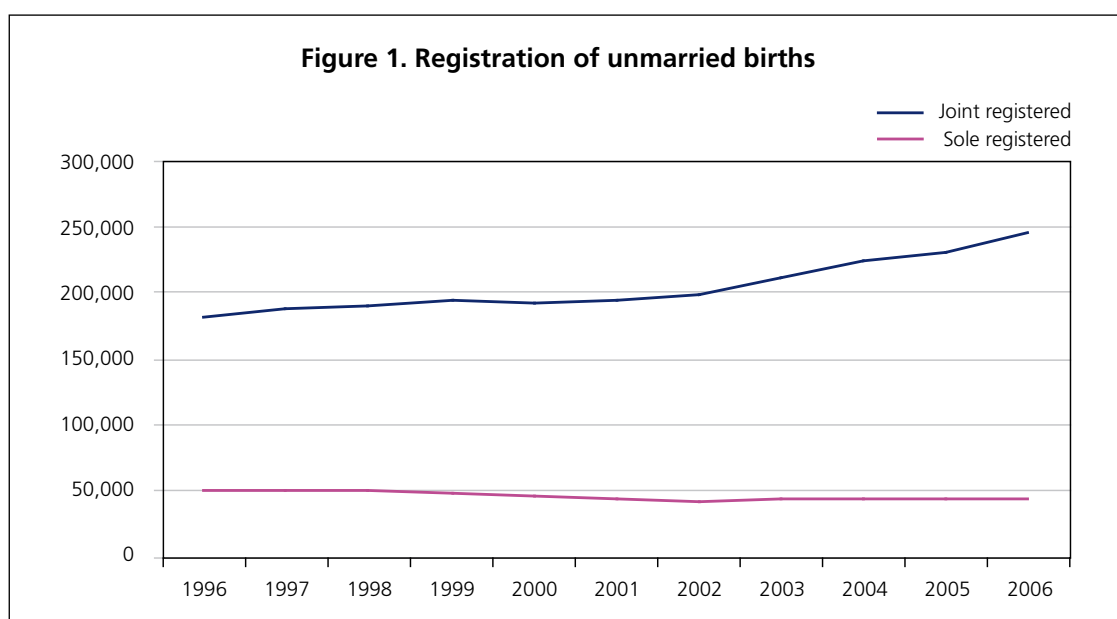
11. Every year around 45,000 birth registrations in England and Wales have only one parent's name recorded. This can be problematic for the families affected for two main reasons.
12. Firstly, if a father's name is not declared on the birth certificate then he does not have parental responsibility. Parental responsibility refers to the rights, duties, powers and responsibilities that most parents have in respect of their children. It includes the right to make decisions about schooling, medical treatment, religious upbringing etc.
13. Secondly, the point at which a birth is registered is one of the first milestones in the life of a child which can shape his or her future identity. It can be the time at which unmarried fathers realise that they can have a real influence in their child's life and that they are playing an extremely privileged and important role as father.
14. The Government's ambition is to promote child welfare and parental responsibility by getting more unmarried fathers to formally acknowledge their responsibilities through recording their details in the birth register.

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15. The birth registration system at present works well for married parents; either or both parents can attend the registry office, both parents are recorded in the birth register automatically, and the father automatically obtains parental responsibility by virtue of being married to the mother, who also automatically has parental responsibility. This has been the case since the nineteenth century when a large majority of parents coming to register their child were married.
16. The process is more onerous for an unmarried couple; if the father wishes to be registered and the mother agrees, both parents must attend the registration or the father must sign a statutory declaration, which the mother should present to the registrar in lieu of his attendance. A statutory declaration of paternity has to be witnessed by a solicitor and it carries a small charge.
17. The intention behind a change in legislation in this area is to promote child welfare and parental responsibility by significantly increasing the number of unmarried fathers being recorded in the birth register. The Government proposes to do this firstly by making joint birth registration a legal requirement and secondly by making the process of joint registration simpler, more accessible and more attractive to unmarried parents.
18. The Department for Work and Pensions published research in 2007<sup>3</sup> which captured the characteristics of sole-registering mothers in comparison with their jointly registering and married counterparts. The research also carried out a qualitative study into the motivations that influence a mother's choice to either jointly or solely register her child's birth. Quantitative research revealed that sole-registering mothers are typically significantly younger, more economically disadvantaged and with lower educational and health outcomes than mothers who choose to register jointly or who are married.
19. The qualitative interviews revealed that many new parents do not understand the registration process, for example whether the father has to be present at the registry office in order to have his name recorded. Interviewees also reported minimal communication from midwives and hospital staff over the practicalities of birth registration for unmarried parents.

<sup>3</sup> DWP (2007) op. cit.

20. Figure 1 shows that while the number of joint registrations has been going up in previous years, the number of sole registrations has remained level at around 45,000. While this does mean that the proportion of unmarried birth registrations each year that are sole registered will slowly fall, it will do nothing to reduce the number of sole registered births. It is the number of sole registered births which this policy aims to target, the 45,000 children born every year with a record of only one of their parents.



21. The Government realises that there are fathers who are keen to be identified as their child's father and to gain parental responsibility but who are currently prevented from doing so by the choice of the mother. On the other hand, there are also some fathers who are reluctant to acknowledge their responsibility to their child. This policy would give men more of a right to insist that they be acknowledged, and it would give mothers a new right to insist that a man who is proven to be the father acknowledges this fact.
22. The Government considers the protection of vulnerable women and children to be very important and so sole registrations would be permitted where a joint registration would be impossible, impracticable or unreasonable.

### **Estimating costs and benefits (including cost-benefit assessment)**

23. It has been agreed that all costs resulting from the changes would be met by the Department for Work and Pensions.

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24. It is anticipated that a majority of costs may result from legal proceedings – for example, paternity disputes or parental responsibility disputes. These costs are reliant on assumptions about the number of occasions when such disputes will arise. Final costs have not been included because potential costs to the legal system are subject to ongoing estimation.
25. A pilot study is intended to investigate the impact of a number of policies on birth registration. Funding would be made available to participating local authorities to increase the flexibility of the services of their register offices. Furthermore, midwives will be consulted over proposals to give them authority to witness paternity declarations and to discuss the benefits of joint registration with presenting mothers.
26. Estimates of the benefits, and a majority of the costs, are determined by assumptions about behaviour. While surveys and administrative data can give an indication about what people might do, there is a wide range of possible outcomes.

### **Implementation**

27. This will be determined later in the legislative process once legislation has been drafted.

### **Monitoring**

28. Given the objective of reducing the number of sole-registered births, regular reporting can be achieved via Office for National Statistics registration statistics. These are published annually and give an accurate picture of the number of married, joint and sole registrations.

## **Enforcement**

29. The policy will be enforced in the same way as current birth registration rules, according to General Register Office guidance.

## **Sanctions**

30. Sanctions will follow current General Register Office guidance for contravention of birth registration rules.

## **Compensatory simplification (offsetting)**

31. This policy would create a new legal requirement for both parents to register the birth of their child. However, the Government also proposes measures for simplifying the process for those unmarried parents whom the Government would be requiring to register.

## **Specific impact tests**

### **Legal aid**

32. We estimate that the policy may result in additional legal aid costs but this is subject to ongoing investigation.

### **Gender equality**

33. The Government believes that both parents should have equal responsibility for the welfare of their child. Making joint birth registration a legal requirement would give children more opportunity to have the influence of both parents in their life. This policy would give mothers a new right to insist that a man who is proven to be the father acknowledges this fact, and would give men more of a right to insist that they be acknowledged.

### **Disability equality**

34. Pilot schemes will make available to participating local authorities funding to enable them to increase the flexibility of register office services. This would mean that people with mobility difficulties could have greater access to registrar services.

## Race equality

**Table 1. Birth registration by banded ethnic group of the child<sup>4</sup>**

Column percentages*							
Registration status	White	Mixed	Indian	Pakistani and Bangladeshi	Black or black British	Other ethnic group	Total
Married	58	46	91	92	38	75	59
Unmarried, jointly registered	36	40	8	7	50	23	34
Sole registered	7	14	1	1	12	1	7
Weighted base	16,070	582	335	765	490	215	18,494
Unweighted base	15,247	552	462	1,262	661	266	18,480

\* Subject to rounding

35. Mothers with black, black British or mixed ethnicity are twice as likely to sole register as the general population. Mothers from other ethnic minority backgrounds are much less likely to sole register as the general population (see Table 1). Therefore, this policy would have greater impact on black and black British mothers, their children and the fathers of those children.

<sup>4</sup> DWP (2007), op. cit., p.21

## Age equality

**Table 2. Mean age of sole-registering women at birth of first child<sup>5</sup>**

ONS longitudinal study (LS) to 2000		
<b>Year of birth of woman</b>	<b>Mean age of sole registrant at birth of first child</b>	<b>Difference from all mothers in ONS LS sample</b>
1955	21.4	-3.4
1956	21.3	-3.9
1957	21.3	-4.0
1958	21.5	-4.0
1959	20.9	-4.4
1960	22.1	-3.5
1961	21.4	-4.4
1962	21.6	-4.3
Total	21.4	-4.0

36. Mothers who sole register are, on average, four years younger than all women born in the same eight-year period when they give birth to their first child (see Table 2). Therefore, this policy would have a greater impact on younger women than older women.

<sup>5</sup> Smallwood, S, 2004, "Characteristics of sole registered births and the mothers who register them", *Population Trends*, No. 117, Autumn

## Rural proofing

37. One objective of the policy is to make birth registration easier. People who live in rural areas are more likely to have greater difficulty travelling to register offices – than people who live in more urban areas. Therefore, increasing the flexibility of register office opening hours should have a greater benefit for people resident in rural areas than for those resident in urban areas.

## Human rights

Article 8 is likely to be engaged but departments are working on the proposals to try to ensure that they are effective and that any interference with the rights set out is proportionate.

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