

## **Parental responsibility ... why is it so important?**

Most childminders are now asking parents about whether they have parental responsibility for the child before the contract starts... because they know that it is a statutory requirement of the EYFS. They are noting the information on child record forms or contracts and are aware of the legal implications of not asking the question (they are breaking the law if they do not ask and write down the reply).

Most childminders are also aware of who might and might not have parental responsibility.

For example...

- A mother will always have PR for her child unless it has been taken away by a court;
- A father will have PR, if the parents were married at the time of the birth;
- An unmarried father (since Dec 2003) will have PR if he has registered the birth jointly with the mother;
- A step father might not have PR unless granted by a court;
- Grandparents or other family members will need a court or residence order;
- A local authority might have a care order and therefore have PR...

However, many childminders still do not fully understand why getting this information is so important and this is causing problems. I have heard of a number of childminders recently who are saying to parents, 'Never mind if you're not sure, we'll just put you down should we?'

This is totally wrong and could end with the childminder being taken to court for breaching the statutory requirements of the EYFS.

Childminders must be aware that if the person does not have PR for the child then they cannot...

- Sign the childminding contract;
- Sign permission for the childminder to request medical advice and treatment for the child in an emergency;
- Sign to say the child can be taken on outings;
- Leave the premises with the child unless the person with PR has given specific permission for another adult to collect the child and safeguarding procedures are securely in place;
- Sign medication or accident forms;
- Give permission for the childminder to take photos etc.

So before you start working with the child it is a good idea to put together a list of people with PR. This will make it easier when you asking family members to sign forms – if, for example, grandparents do not have PR then they cannot legally give permission for an outing and you must send a form home to the parents.

There are some concerns among childminders about sharing information and PR. For example, if a family break up and the mother says the father must not be given information about the child. The legal view on this is that if the father has PR, then the marriage break up does not change this. The father can only be denied PR by a court.

Other issues many childminders have noted occur when coping with the situation of absent fathers. Sometimes mothers bring their child as a single parent and do not mention the child's father and his PR status. However, if he turns up for the child one day, the childminder must know what to do and if the father has PR then he can legally collect his child at any time.

The childminder must be very careful of his/her legal responsibilities if this happens and it is best to ask the question and discuss the issue at the outset. I know it can be a difficult question, especially if you then have to explain that the absent father may pick up his child if he chooses, but rather than misunderstandings happening in the future.

It is also a good idea to ask the family member with PR if there is anyone who must not collect their child. If they state 'the father' then you can again discuss the issues surrounding the father's legal rights and encourage them to take further advice about gaining a court order, especially if there is a significant child protection issue.

When you are filling in children's emergency forms stating who will come and collect a child in an emergency situation, it is a good idea to note whether the people collecting do or do not have PR for the child. This will not make a difference in a life saving situation, as the medical professionals will make a judgment in the best interests of the child but it will be relevant later when the child is being treated. You could do this easily by putting (PR) next to those people with parental responsibility and the relationship of the contact to the child (aunt / grandparent / friend of mother) next to other contacts.

Keeping information updated is important as well. If the PR status of a family member or local authority changes, you should immediately update your paperwork and ask the person with PR to sign to say it is now correct. This is so that you always know who can sign forms and give permission on behalf of the child.