

Schools Data Team

Changing a child's name

Both 'Legal' and 'Known As' Name's

Overview

Schools and nurseries are increasingly receiving requests from parents who want to change their child's name in education records. This is both their 'Legal Name' or their 'Known as Name'. This guidance has been prepared to support schools and nurseries in knowledge about circumstances and what is needed before changing a name within their records.

School responsibilities

When a school receives a request to change either a 'Legal name' or 'Known as name' they must confirm with all individuals with parental responsibility that they agree with the change. Any request to change a child's details on a school management information system should be supported with evidence of relevant consent or documentation.

ALL individuals with parental responsibility MUST consent to any name change (Both LEGAL or KNOWN AS) before they are changed on a school management information system

Schools are required to keep records of all persons who have parental responsibility for children at the school. These records will include their names and addresses, together with at least one telephone number at which the parent can be contacted in an emergency. Most schools will extend this to include mobile phone numbers and email addresses.

Parental responsibility

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".

If both parents are married to each other then they both have parental responsibility and can change the name if they both agree.

If parents are divorced, both parents still have parental responsibility and must consent to the change.

If the child's birth was registered after 1 December 2003 and the parents have never been married and both parents are shown on the birth entry, then both parents have parental responsibility and must give their consent to the change. Where a father is not registered on the birth certificate, he can gain parental responsibility in other ways such as by obtaining an order from the Court. In such circumstances, you should seek legal advice to check the position regarding parental responsibility.

If the child's birth was registered before 1 December 2003 and the parents have never been married and if there is no parental responsibility order or agreement in place, then the mother has sole parental responsibility and may change the child's name. However, in line with case law it is good practice that the father who does not have parental responsibility should be contacted to seek consent. This is particularly important if the father has contact with the child and is part of the child's life.

It may sometimes be that a parent is no longer in the child's life however this does not extinguish parental responsibility.

Adoption extinguishes the child's birth parents' parental responsibility and transfers all their parental responsibility to the adoptive parents.

Where a second female parent has acquired parental responsibility by virtue of the Human Fertilisation and Embryology Act 2008, then both parents must consent to the change. There are different ways for a second female parent to acquire parental responsibility, if you have any queries in relation to this, you should seek legal advice.

Known as names

It is important to recognise the distinction between a child's legal name and, if applicable, their 'known as' name. A 'known as' name is similar to a nickname, it is the name that the child prefers to be known as in day-to-day life.

It is important to remember that also in this scenario all individuals with parental responsibility **MUST** agree to the 'known as' name.

If any individual with parental responsibility does not agree with the use of the child's 'known as' name, then it should not be used in school or in any records. Please contact your legal department for more information.

REMEMBER – Schools should be aware and may wish to explain to the person requesting a change of name, that examination boards are likely to issue certificates in a child's legal name and this may cause issues in the

future. Schools may wish to speak to the relevant examination board to clarify their position on this point.

Disagreement or absence of consent

If an individual with parental responsibility disagrees with the name change, or the individual with parental responsibility cannot be contacted, this should be referred to the school's legal department.

Special circumstances

In all special circumstances it is best practices to discuss the individual cases with your legal team.

Special rules apply if a child objects to the proposed change or if the child is over sixteen and is or has been married or in a civil partnership. In such circumstances please consult your legal departments.

Adoptions – where a child has been adopted a copy of the court papers should be supplied as part of the evidence.

Adoptions – where this has not formally been signed by court, you will need permission of the court for any change of name including 'known as' names. This can be applied for as part of the Adoption and Children's Act 2002.

Recommendations

We would recommend that schools have a *Change of name request form* asking for key information including:

- All individuals with parental responsibilities
- Details of the name change
- Dates of name change
- Attach evidence of agreement of the name change by individuals with parental responsibilities

Please note that we recommend that this form is complete even if a deed poll is in place.

Please contact your legal department for further information or further advice in individual cases.