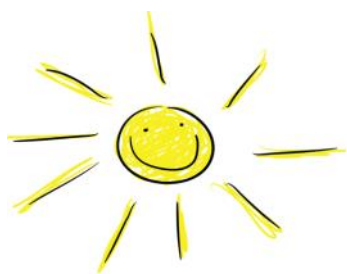


Family Information Service

Legal Issues and Advice for Families



Introduction

The Family Information Service holds a wide range of information for families with children aged 0-19 (up to 25 years for children with additional needs) in the Gloucestershire area. You can speak to one of our advisers by calling 0800 542 02 02 / 01452 427362 or emailing us at familyinfo@gloucestershire.gov.uk. Alternatively why not visit our directory at www.glosfamiliesdirectory.org.uk

The FIS cannot accept any responsibility for errors or omissions in this factsheet. All information provided is for guidance only and is not intended as a substitute for independent legal advice.

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Legal aid and legal advice

Coram Children's Legal Centre

Coram is the UK's leading children's legal charity who are committed to promoting children's rights in the UK and worldwide. They provide free legal information and advice to children, young people, their families, carers and professionals.

Coram Child Law Advice Service is a digital-first service offering a wide range of e-resources, including Fact Sheets and 'how to' guides, on all aspects of child, family and education law including bullying and family contact issues. These resources are available from our website.

For people who require specialist advice or have a complex area of need e.g. school exclusions, they can provide legal telephone consultations from a low cost advice line, the number for which is displayed on the e-resource sheets.

Community Legal Advice Education Law Line: 0845 345 4345

Migrant Children's Project Advice Line: 0207 636 8505

For more information go to www.childrenslegalcentre.com

Citizens Advice Bureau

The Adviceguide website is the main public information service of Citizens Advice, providing people with round-the-clock access to CAB information on their rights - including benefits, housing and employment, and on debt, consumer and legal issues, CAB web address is

www.adviceguide.org.uk

CAB aim to empower people by providing them with the information they need to solve their own problems and to signpost them to appropriate advice when necessary.

Adviceguide helps you to have a better understanding of your rights and entitlements, and also to take the first steps in resolving your problems.

The information in their website is for general guidance on your rights and responsibilities. If you need more details on your rights or legal advice about what action to take, please contact an adviser or solicitor.

For details of CAB offices in your area visit

www.glosfamiliesdirectory.org.uk

Gloucester & District Citizens Advice Bureau

Offer free, confidential, impartial and non-judgemental advice to residents of Gloucester, Cheltenham, Tewkesbury and surrounding areas. For more information visit

<http://gloucestercab.org.uk/>

Gloucester Office
75—81 Eastgate Street
Gloucester, GL1 1PN

Monday to Thursday 9.30 – 4 pm. Friday 9.30 –
3.30pm

Appointments are available at this location and also at
Quedgeley Library

Advice Line 01452 527202



Cheltenham Office
3 St George's Place
Cheltenham
GL50 3LJ

Monday to Thursday 10.00 to 4 pm

Appointments are available at this location

Stroud & District Citizens Advice Bureau
Brunel Mall
London Road
Stroud GL5 2BP

Monday, Tuesday, Thursday, Friday 10.00 – 1.45 p.m

Additional details are available by visiting their website at

<http://www.stroudcab.org.uk/>

Appointments also available at Berkeley Town Hall, Dursley
Library, Arkell Community Centre, Nailsworth, Stonehouse
Town Hall, Stonehouse APT Centre, Wotton under Edge
Civic Centre.

Full details available by visiting

<http://www.stroudcab.org.uk/visit-us/visit-us.html>

Tewkesbury CAB
Tewkesbury Council Offices
Gloucester Road
Tewkesbury, GL20 5TT
Telephone 01452 527202
Monday 12.00 – 2pm Tuesday & Thursday 10.00 – 12.pm

Appointments are also available at Bishops Cleeve,
Brockworth Community Project, Priors Park Neighbourhood
Project, Winchcombe.

Forest of Dean CAB
Forest Road Resource Centre
Forest Road, Cinderford
Glos GL14 2NR
Telephone 01594 823937
Monday 10 – 12.30pm, 1.30 – 4.pm, Wednesday and
Thursday 10 – 12.30pm Thursday 1.30 – 4.pm
Further information available at
<http://www.forestofdeancab.co.uk/>

Cotswold District CAB
2-3 The Mews
Cricklade Street
Cirencester, Glos GL7 1HY
Telephone 0808 8000511
Monday, Tuesday, Wednesday & Thursday 10.00 – 4pm

Further information available at
<http://www.cotswoldcab.org.uk/>



Parenting

Birth Certificates

Parents are required by law ('Births and Deaths Registration Act 1953') to register every new born baby in England and Wales within 42 days of the birth. Your baby's birth needs to be registered in the district where it took place.

If the baby's mother and father were married to each other at the time of the birth, either parent may register. If the mother and father were not married at the time of the birth, the mother may register alone, but the father's details can only be entered if both parents attend to register together. If this is difficult the mother or father may make a statutory declaration on the certificate, or the father's details can be added by re-registering the child at a later date. Other people may register the birth in exceptional circumstances. To book an appointment on line or find out where your local registration office is visit www.gloucestershire.gov.uk/registration or contact Gloucestershire County Council on 01242 532455

Parental Responsibility

If the parents of a child are married to each other at the time of the birth, or if they have jointly adopted a child, then they both have parental responsibility. Parents do not lose parental responsibility if they divorce.

This is not automatically the case for unmarried parents. According to current law, a mother always has parental responsibility for her child.

A father however, has this responsibility only if he is married to the mother when the child is born or has acquired legal responsibility for his child through one of these three routes;

- By jointly registering the birth of the child with the mother (in effect since 1st December 2003)
- by a parental responsibility agreement* with the Mother
- by a parental responsibility order or residence order, made by a court

Living with the mother, even for a long time, does not give a father parental responsibility and if the parents are not married, parental responsibility does not always pass to the natural father if the mother dies.

*Parental Responsibility Agreement is a legal document in which the mother and father of a child agree that the child's father shall have parental responsibility for the child, in addition to the mother having parental responsibility. People other than a child's mother or father can also acquire parental responsibility.

You should seek legal advice before you make the Agreement.

For more information visit <https://www.gov.uk/parental-rights-responsibilities/what-is-parental-responsibility>

Parental Leave

If you're a working parent, you can take up to 18 weeks parental leave for each child until their 5th birthday (up to 18 if you have a disabled child). Your employer doesn't have to pay you when you take this leave, but they might as part of your employment package.

For more information about Parental Leave go to <https://www.gov.uk/parental-leave>

Recent changes have been made which allow parents to share parental leave and details of this can be found by visiting <https://www.gov.uk/shared-parental-leave-and-pay>

Flexible Working

Flexible working lets you ask your employer for a new working pattern to help you care for your child. You have a right to request a flexible working pattern if you've got a child aged under 6 or a disabled child under 18. Legally your employer must seriously consider your application and only reject it if there are good business reasons for doing so.

For more information about Flexible Working go to <https://www.gov.uk/flexible-working>

Lone Parenting Gingerbread

A leading national charity working to help the UK's 1.9 million lone parents and their children.

They believe in a fairer society for all families in which people bringing up children on their own are recognised for their positive contributions and where they and their families can thrive and enjoy equal opportunities financially and socially.

The website www.gingerbread.org.uk offers a range of information and advice for lone parents including factsheets on issues such as 'making arrangements for child maintenance' and 'changing your child's name'. Parents can become members of Gingerbread. Becoming a member gives parents the opportunity to meet other lone parent families for mutual support, access self help groups, training and events.

The Gingerbread Single Parent Helpline 0808 802 0925 is open as follows:

- Mondays: 10am to 6pm
- Tuesdays/Thursdays/Fridays: 10am to 4pm
- Wednesdays: 10am-1pm and 5pm-7pm

Family Breakdown

If you are seeking information and advice on issues around mediation and arranging a separation or divorce, you can contact a range of providers from counsellors to legal and financial advice lines. There is also information on support available by visiting www.glosfamiliesdirectory.org.uk.

Child maintenance

Child Maintenance Options is a free service that provides impartial information and support to help separated parents make decisions about their child maintenance arrangements.

Tel: 0800 988 0988 8am to 8pm Monday to Friday 9am to 4 pm Saturday. or visit www.cmoptions.org

The CSA will be phased out by 2017 and will only deal with existing cases. CSA helpline 0345 713 3133 Monday to Friday 8am—8pm, Sat 9am—5pm

How child maintenance affects your benefits

Since 12 April 2010, you can keep all of the maintenance that you are paid without it affecting your benefit entitlement. However, you must continue to tell Jobcentre Plus about any maintenance payments you get.

Contact Centres

National Association of Child Contact Centres (NACCC)

This organisation supports and promotes safe child contact at around 350 Child Contact Centres.

A Child Contact Centre is a safe, friendly and neutral place where children of separated families can spend time with one or both parents and sometimes other family members. They are child centred environments that provide safe toys, games and facilities that reflect the diverse needs of children affected by a family breakdown. Contact 0845 4500 280 email: contact@naccc.org.uk for more information or visit <http://www.naccc.org.uk/>

For details of local Contact Centres contact the Family Information Service on 0800 542 02 02 or visit www.glosfamiliesdirectory.org.uk

Grandparents

The Grandparents Association

The Grandparents Association offers the following services; an advice line with information for grandparents, families and professionals on contact and residence issues; support groups being set up around the country; a Residence Order Project which supports families, friends and carers in the court process to gain a Residence Order; specialist welfare benefits information for those grandparents (or other family members and friends) who are caring for their grandchildren full time and a unique, confidential telephone mediation service tailored to the needs of grandparents who wish to re-establish contact with their grandchildren.

Contact 0845 434 9585, Monday to Friday 10am—4pm or go online at <http://www.grandparents-association.org.uk/> or email: advice@grandparents-association.org.uk

Grandparents Plus

This is a National Charity which champions the vital role of grandparents. They have a Advice and Information line on 0300 123 7015 Monday to Friday 10am—3pm or more information can be found by visiting their website at www.grandparentsplus.org.uk

Fostering or Adopting

Fostering and Adoption

Adopting or fostering is all about providing loving and caring homes for children from Gloucestershire who, for whatever reason, are unable to live with their own family in the short or long term.

If you are considering **Adoption** you should visit the GCC website www.gloucestershire.gov.uk/adoption or if you wish to know more contact the Adoption Team on 01452 427753.

If you are interested in **Fostering** information can be found on the GCC website at www.gloucestershire.gov.uk/fostering or you can telephone the Fostering Recruitment Team on 01242 532654 or email: fostering@gloucestershire.gov.uk

After Adoption

After Adoption offers a wide range of services, providing information, support and advice to all those affected by adoption, in a number of ways. Working with children, families and adults they offer support throughout the adoption process.

This can involve helping a birth relative to deal with loss, supporting all parties involved to search for a relative and providing counselling and information to adoptive families, birth relatives and adopted people.

Call 0800 0568 578 or email:

information@afteradoption.org.uk

Website: www.afteradoption.org.uk

Natural Parents Network helpline

Natural Parents Network (NPN) is a self-help organisation which offers non-judgmental, confidential and independent support to people who share similar experiences.

NPN provides the opportunity to be listened to, for those living with the memories and feelings that surround the adoption of their children, the resulting separation and for some, the emotions around contact and reunion. There are local support groups in some areas and a regular newsletter is circulated. Contact their helpline 0845 456 5031, Monday Wednesday and Friday 9.30am - 11.30am or email:

administrator@n-p-n.co.uk

British Citizenship

For enquiries about British Citizenship, go to

<https://www.gov.uk/becoming-a-british-citizen> or email nationalityenquiries@homeoffice.gsi.gov.uk

The Gloucestershire Registration Service are able to help Citizenship applicants by checking applications. Details about costs etc are available on their website

www.gloucestershire.gov.uk/registration

The Registration Service will check all application forms to make sure they are completed correctly before being sent to the Home Office. All documents are checked and certified at the time of application so there is no need to send passports etc. to the Home Office. All applications are sent to the Home Office by registered post.

Applicants who wish to use the checking service will need to make a personal visit by appointment only.

For further information call 01242 532454 or visit the website.

Legal Guidelines on Age

The information given here has been gathered from sources including government and NHS websites, and the Citizen's Advice Bureau. It should not be used as a substitute for expert legal advice in particular situations and is intended only as guidance.

Age of consent - Armed Forces/Marriage/ Betting

At 16 a young person can join the forces or marry with consent, and do so without consent at 18. Young people can play the National Lottery from 16 but must be 18 to go into a betting shop or play in a bingo club.

Age of consent – Contraception

There are no age restrictions on giving contraceptive advice and supplies. As long as the patient understands the possible risks, a doctor is allowed to prescribe contraception if they are under 16 without the consent or knowledge of a parent.

Age of consent - Fireworks/Cigarettes

No one under 18 can buy fireworks or cigarettes.

Age of consent - Tattoos/Piercings

You will need to be over 18 to have a tattoo. It is a criminal offence to perform tattoos on under 18s, even if you have the parents or carers permission, and no reputable tattooist will do a tattoo on a minor.

It is not a criminal offence for someone under 18 to have a tattoo, the criminal offence is committed by the tattooist. Young people who report having had a tattoo under 18 years should be reassured that they are not liable for prosecution in relation to this.

Body piercings do not have a standard legal age of consent.

Alcohol

There is no law prohibiting children and young people from the age of 5 drinking alcohol at home. Under 18s cannot drink alcohol on licensed premises. Children under 16 cannot go into a pub without an accompanying adult.

Babysitters

There is no law setting the minimum age for babysitters. Babysitters do not need any qualifications or a certificate. Therefore if a babysitter is under 16, a parent remains legally responsible for their child. (This also applies to the parents of the babysitter.)

Bank and credit cards

Some banks allow children to have debit cards to purchase goods, from the age of 12. No one under 18 can apply for a credit card or can buy goods using a credit card in shops or on the internet.

Computer games / DVD / cinema

All computer games must by law have age ratings marked on the box.

It is against the law to supply a DVD to anyone below the age stated in the classification. For information about cinema film classifications go online at www.bbfc.co.uk

Cycling

It is not compulsory to wear a cycle helmet although it is highly recommended. There are legal guidelines under the Road Traffic Act 1988 and the Police Reform Act 2002. It is illegal to ride a bike after dark without lights.

Doctor

Children and young people can visit their doctor at any time, however if under 16 they can only consent to treatment that their doctor feels they fully understand. Even if the judgment is made not to provide treatment, the consultation remains confidential.

Housing

There is no law in existence which governs children of different sexes sharing rooms in privately owned homes, it is up to the parents/guardians to sort out. However, if the house is rented from a housing society they sometimes have rules and regulations in place concerned with how many children and which sex of children can sleep in any one bedroom. An example of these regulations can be found on the Gloucestershire Homeseekers website under their documents page, where the policy can be found with information on **Bedroom Deficiency** (page 14).

www.gloshomeseeker.co.

Internet

There is no law preventing children from accessing inappropriate sites, such as those containing pornographic, violent, racist, harmful and/or offensive material. Parents should monitor their child/ren's use of the internet and block unsuitable sites where possible with internet provider safeguards.

For more guidance go to www.direct.gov.uk and search Keeping Children Safe Online, where you can also follow the link to the CEOP site (Child Exploitation and Online Protection Centre).

For parental guidance on downloading music see www.childnet.com/downloading and on chat rooms see www.thinkuknow.co.uk

Leaving a child alone or unsupervised

Parents are responsible for their child until the age of 16. It is not illegal to leave a child on their own, however, parent/ carers could be charged with 'wilful neglect' if the child is harmed or injured as a result. The NSPCC suggests that babies and young children should never be left alone and those under 13, only left for short periods. More information can be found at www.nspcc.org.uk

Leaving home

Parents have a legal responsibility for their children until they reach 16. A parent cannot physically restrain a child who wishes to leave home and so would have to take court action to bring their child back. If their child was nearly 16, a court may use it's discretion in not returning the child unless that young person was shown to be in danger.

Liability for damage or injury

The parent is not automatically liable for their child's negligence – a legal decision would be based on the child's age, understanding and ability to take 'reasonable care' - and would only be liable if it could be proved that the parent was negligent.

Mobile phones

No one under 18 can legally own a mobile phone through a contract account, however they can buy and own a 'pay as you go scheme' phone. For details of the Mobile Marketing Association code of conduct on phone advertising to children, go to www.mmaglobal.com/policies/code-of-conduct

Passports

All children, from new-born babies up, must now have their own individual 5 year passport. After 16, they can have a standard 10 year passport. For more information go to www.direct.gov.uk, keyword search: Travel and Transport/ Passports.

Pets

Children cannot buy or win a pet under the age of 16 without adult supervision. This is to ensure that the animal will be appropriately housed and cared for.

Playing out

There is no law prohibiting children from being out on their own at any age. As with leaving your child unsupervised, it remains in the parents judgment. A children's charity survey of parents suggested most children are allowed to cross local roads from 9, use daytime transport from 11, visit the cinema with a friend from 12 and be out with a friend in the evening from 15.

The Anti-Social Behaviour Act 2003 gives the police certain neighbourhood powers including returning to their homes, young people under 16 who are out unsupervised after 9pm, even if no crime has been committed.

School

A parent has a duty to provide their child with full-time education, either by attending school or by educating to an appropriate standard, at home. For local information, contact the School Admissions team on 01452 425407 or email: schooladmissions@gloucestershire.gov.uk

Holidays during term time

Parents/Carers should discuss their wishes with the child's school, who will have a criteria on which they make a decision. In general, only exceptional circumstances will be considered for term-time absences.

By law, all children of compulsory school age (5 to 18) must receive suitable full-time education. As a parent, you have a legal responsibility to make sure this happens - either by registering your child at a school or by making other arrangements to give them a suitable, full-time education – and that they attend regularly.

A child registered at a school can legally miss school only in very limited circumstances. These include when the child is too ill to attend or when the school has authorised the absence beforehand.

If a child is missing school without good reason, schools and local authorities have a number of legal powers that they can use, including School Attendance Orders, penalty notices or taking you to court. (Authorised local authority staff, police officers and headteachers can issue penalty notices to parents of children who are not attending school regularly.

Seat belts

By law, everyone must wear a seat belt if there is one fitted. A driver can be prosecuted if a child under 14 is not wearing a seat belt. Appropriate child restraints are required until the age of 12 or they reach 135cm (whichever happens first) and children are safest sitting in the back of the car.

For more information, go to <https://www.gov.uk/child-car-seats-the-rules> or visit Gloucestershire Road Safety site at <http://roadsafety-gloucestershire.org.uk/>

Smacking or physical punishment

Under Section 58 of the Children Act 2004 it is unlawful for a parent or carer to smack their child, except where this amounts to “reasonable punishment”, though this is not defined in the legislation. As such, whether a smack amounts to reasonable punishment will depend on the circumstances of each case, taking into consideration factors like the age of the child and the nature of the smack.

Physical punishment will be considered “Unreasonable” if it leaves a mark on the child or if the child is hit with an implement such as a cane or belt.

For more information visit <http://protectingchildren.org.uk/cp-topics/disciplining/smacking-assault/>

Swimming

For swimming ratios and conditions check the admission policy with your local pool. As an example GL1 Gloucester use different ratios for different pools e.g. 1 adult = 1 child under 4 in the Barton and Twyver Pools further ratios are available at <http://www.gl1.org.uk/swimming>

Vehicles

A young person can obtain a licence for a moped at 16, and for a motorbike or provisional driving licence at 17.

Working

There are many laws regarding the age at which a child can work and for how long. Children under 13 are not allowed to work, with some exceptions such as performing, sport or modelling, but a licence is required. For more information go to www.gov.uk (keyword search: child employment) or visit your local Authority Site at www.gloucestershire.gov.uk/childemployment

Advice and Information

The **Family Information Service** offers a wide range of information and advice to support families, children and young people aged 0-19 years of age (25 for young people with additional needs), this includes information on Ofsted registered childcare providers in Gloucestershire.

FIS Advice is **free** and impartial and for more information visit our website at www.gloucestershire.gov.uk/fis or view our on line directory at www.glosfamiliesdirectory.org.uk , our freephone number is 0800 542 02 02 and lines are open Monday – Friday 9am – 5pm.



**If you don't know who
to ask....ask us!
Family Information Service
0800 542 02 02**

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Gloucestershire's Family Information Service - featuring the 'Local Offer'



Free, impartial information, advice and support for families with children and young people aged 0-25.


familyinfo@gloucestershire.gov.uk

Direct Line 01452 427362

Call 0800 542 02 02

Monday to Friday 9am to 5pm
(answering machine at all other times)

 @GlosFIS

 Family Information Service - Gloucestershire

www.glosfamiliesdirectory.org.uk

The Key—Disabled children's and young people's register

thekey@gloucestershire.gov.uk

