

CHIEF EXECUTIVE'S DEPARTMENT

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To: Principals of all schools and Managers of voluntary and private sector providers participating in the Pre-School Education Expansion Programme

Dear Principal

RECORDING DETAILS OF CHILDREN IN SCHOOL AND BOARD RECORDS

The Capita Education Management System has been introduced on a five-board basis across a range of services. Each service uses one or more modules for entering and maintaining data on pupils, parents and guardians. These include:

- Admissions and Transfer
- Special Educational Needs
- Exclusions (Suspensions and Expulsions)
- Education Psychology
- Education Welfare
- Grants and Benefits
- Transport.

Each module forms an integral part of one single Oracle database. A change to an individual pupil record in one module, for example a home address, is reflected across all modules.

A fully populated pupil database is required for all service areas to gain full functionality from the Capita EMS. One of the principles of introducing the CAPITA system was that a single entry per child would streamline information held on a child and permit efficient identification of a child regardless of the service being used. The system should also facilitate identification of families by some services such as Transport or Free School Meals (e.g. a mother may apply for transport if a child is resident with her but the application for free school meals may be in the father's name if he is in receipt of benefits).

It is also envisaged that the streamlining of entries in the integrated database could help to prevent fraud, e.g. when claiming for free school meals, transport assistance or admission on the basis of a particular address.

As pupil records are added to the database (either manually or by electronic import) conflicts in data are increasingly being identified which require reconciliation. These conflicts may arise from data which is out of date, which contains errors, and the entry of data which has been fraudulently provided. In particular there are duplicate and multiple

entries often as a result of simple cases such as whether a child has been recorded as Samuel or Sam.

I attach, for your information 'Notes of Guidance on Recording Pupil Details in School and Education and Library Board Records' regardless of whether the records are computerised or manual and whether the record is held at school level or for submission to the Board. Some of the points may seem minor but the aim of the Notes of Guidance is to improve efficiency of the overall system.

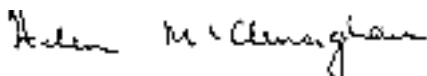
An appendix covering the issue of parental responsibility is attached to the Notes of Guidance. It is hoped that the information provided will be of assistance, especially where there are disputes between parents in areas such as a change of name and that, by recording children as advised to by legal experts, we will eliminate legal claims against schools and Boards of Governors. At the end of the appendix on Parental Responsibility you will find an extract from a Legal Information Bulletin prepared by the Education and Library Board Solicitors that elaborates on the issues identified.

Further information is also available in the Department of Education Circular 1999/17 entitled "Parental Responsibility : Guidance for Schools" which is available using the following link <http://www.deni.gov.uk/dc1999-17circular-2.pdf>.

The Notes of Guidance enclosed will take effect immediately and as previously stated will apply to all records held in school or submitted to the Board, be they manually or electronically submitted through the C2K system.

If you have any enquiries regarding the above please contact the section within the Board particular to your query.

Yours faithfully

A handwritten signature in black ink, appearing to read "Helen McClenaghan". The signature is written in a cursive style.

H M McClenaghan
CHIEF EXECUTIVE

**Notes of Guidance on Recording Pupil Details
In School
and
Education and Library Board Records**

Draft Five

23 May 2007

INTRODUCTION

The standards outlined below are to be applied when recording pupil details in any manual or computerised system regardless of whether the record is held at school level, at board level or is being submitted by the school either manually or electronically (via C2K or otherwise) to the Board.

All schools and sections within the Education and Library Board (including those Sections not using the CAPITA system) should ensure that all official forms comply with the following notes of guidance.

RECORDING DETAILS

The following details how information is to be recorded. (Not all of these details will be required to be recorded by each service area).

1 CHILD'S SURNAME

- A child's surname should be recorded as shown on their birth certificate.
- Double barrelled names e.g. Reid-Jones should be recorded as shown on the child's birth certificate taking care to record the name with or without hyphens or with or without spaces.
- Known as/Chosen names are not to be used.

The Children (NI) Order 1995 makes it quite clear that where there is a residence order in place in respect of a child, no person shall cause the child to be known by a **new surname** without the consent of all those with parental responsibility or the leave of the court. Even without a residence order, schools should never alter the child's surname on the register without the written consent of those with parental responsibility or on production of an appropriate court order.

- Names beginning with Mac or Mc should be recorded without spaces e.g. McConville. If available a check to the birth certificate should be carried out to verify whether the name is Mac or Mc. e.g. McGreevy or MacGreevy.
- No pronunciation marks such as fadas, umlauts, circumflexes or double dots on the letter 'o' are to be used. This is because the computerised system cannot recognise pronunciation marks.

2 CHILD'S FORENAME

- A child's forename(s) should be recorded as shown on their birth certificate.
- Where a child has two or more forenames both should be recorded in the order shown on their birth certificate even if they are known by their second forename. In CAPITA these will show under the Forename and Midname fields.
- Double barrelled names e.g. Sarah Louise should be recorded as shown on the child's birth certificate taking care to record the name with or without hyphens or with or without spaces.
- Source documentation should always be verified for spellings e.g. Anne with an e or Ann without an e.
- Pet names or abbreviations e.g. Sammy for Samuel are not to be used.
- Additional names in brackets should not be used e.g. Samuel (Sam).

- No pronunciation marks such as fadas, umlauts, circumflexes or double dots on the letter 'o' are to be used. This is because the computerised system cannot recognise pronunciation marks.

3 CHILD'S DATE OF BIRTH

- Where available a date of birth should always be checked to the birth certificate or some other official document for which a birth certificate would have been required to obtain such.

The following documents would be acceptable:

- Child benefit booklet or associated documents or papers
 - Medical card
 - Passport
- A date of birth should be entered in the format DD/MM/YY.

4 CHILD'S GENDER

- Should be recorded as 'M' or 'F'.

5 UNIQUE PUPIL NUMBER (UPN)

- The UPN generated by the C2K system and which is associated with a child from their commencement in school until they leave should be recorded. The format of this number is W05499999999.

6 CHILD'S ADDRESS

- A complete postal address should be entered. This must include the house number and postcode.

7 ETHNIC INFORMATION

- The Department of Education will be confirming the requirements for recording information on ethnic origin, home language and home religion. Information will be issued in this context as soon as possible. In the interim existing practices for recording such details remain unchanged.

8 PARENT NAME

- Any reference to parents or guardians includes any person who has parental responsibility for a child as defined in the Children (Northern Ireland) Order 1995.
- The points outlined above for recording of children's surname and forenames should be adhered to. The names of all those known to have parental responsibility should be recorded e.g. mother, father, social worker or grandparent. Please see the attached Appendix for further information on Parental Responsibility.

9 PARENT ADDRESS

- A complete postal address should be entered. This must include the house number and postcode.

APPENDIX

FURTHER INFORMATION ON PARENTAL RESPONSIBILITY

Any reference to parents or guardians includes any person who has parental responsibility for a child as defined in The Children (NI) Order 1995.

The Children Order aims to strengthen the relationship between parents and their children even if parents are separated, are divorced, or even if the courts had said there should be no direct contact.

The law states that schools must register the names of all actual parents if married, because they each hold Parental Responsibility for their children. The law also says schools must register the names of any other person who has parental responsibility for a child.

WHO HAS PARENTAL RESPONSIBILITY?

1 The birth mother or mother by adoption

and/or

2 The birth father if:

- a) Married to the birth mother at time of birth.
- b) Subsequently marries the birth mother.
- c) Gets a 'Parental Responsibility Agreement' through a Solicitor.
- d) Gets a 'Parental Responsibility Order' Article 7, through the Court.
- e) Registered as the child's father (after April 2002).

and/or

3 Anyone who has a Residence Order during its lifetime, e.g. Grandparents.

and/or

4 The State if Care Order is in force.

HOW DO YOU GET PARENTAL RESPONSIBILITY?

When actual parents are unmarried the law says **only** the mother has parental responsibility for the children, but an unmarried father can get his share of parental responsibility either by:-

- jointly registering the birth of the child with the mother (applies on or after 15th April 2002);
- marrying the mother;
- signing a legal agreement with the mother;
- getting a Parental Responsibility Order from the Court.

Other adults who live with a child, like step-parents or grandparents can get a share in Parental Responsibility by asking the court for a Residence Order. This gives them responsibility and authority for the child as long as they stay living together. The original parents only ever lose their share of Parental Responsibility when their child is adopted. They always hold Parental Responsibility however many other people share it with them.

HOW DO YOU LOSE PARENTAL RESPONSIBILITY?

- 1 The birth mother loses it
 - a) If the child is adopted by someone else.
 - b) Through a Court Order

- 2 The birth father loses it
 - a) If the child is adopted by someone else.
 - b) By way of a Court Order.

- 3 Anyone with a Residence Order loses it
 - a) If the Residence Order ends.
 - b) If a new Residence Order replaces it.
 - c) By way of a Court Order.

- 4 The State loses it
 - a) If the Residence Order ends.
 - b) If a new Residence Order replaces it.
 - c) By way of a Court Order.

THE ROLE OF THE SCHOOL IN PARENTAL DISPUTES

Extract from Education and Library Boards Solicitors: Legal Information Bulletin Issue 3 – December 2004

*Schools are increasingly being drawn into bitter disputes between separated or divorced parents over issues concerning their children such as contact and residence. What role, if any, should a school play? Obviously, schools will need to act and be seen to act impartially and the main priority will be to ensure that the **child's welfare is paramount** at all times.*

*The first issue is whether or not both parents have **parental responsibility** over the child and the school should make appropriate enquiries. If the parents were previously married, then it can be assumed that both parents have acquired parental responsibility. Accordingly, both parents will have an equal input on all issues – both educational and those concerning the child's welfare. Any decision taken in respect of the child must be taken on a joint basis.*

*If the parents have never been married, the school will need to enquire whether or not the father has acquired parental responsibility by means of a court order or through an agreement with the mother. Until relatively recently, **unmarried fathers** did not acquire parental responsibility automatically upon the birth of the child. However, the **Family Law Act (NI) 2001** allows unmarried fathers whose name appears on the birth certificate of a child to acquire parental responsibility immediately. Before the introduction of this legislation, an unmarried father had to apply under the Children (NI) Order 1995 for an order to obtain parental responsibility if he was not married to the other at the time of the birth and even if his name did appear on the birth certificate. However, the law is not retrospective and the relevant provision came into operation on 15 April 2002. This will mean that it does not affect children presently in the school system and will only filter through to nursery schools in 2005 and primary schools in 2006.*

On the basis that both parents do have parental responsibility, and there is no court order restricting either parent's contact with the child, then the school must communicate with both parents on all matters concerning the child even if this is against the wishes of one of the parents. The school should ensure that all information/correspondence sent out to the parent with whom the child lives is copied to the other parent at his or her address. Obviously, if the school does not hold an address for the non-resident parent, there is little it can do to ensure that information is received by that parent.

*The parent with whom the child lives has overall responsibility for the child's day to day arrangements, even if both parents have parental responsibility. In these circumstances, neither parent can take, or permit a third party to take, the child out of the UK without the other parent's consent unless there is a **residence order** in favour of one parent. This is an order made by the Family Proceedings Court, defining with whom the child lives on a formal basis and is made by the Court when there is a dispute between the parents as to which parent should be the primary carer. Where there is a residence order in force, the parent with residence can take the child out of the UK for a period of less than one month without requiring the consent of the other parent.*

*The Children (NI) Order 1995 makes it quite clear that where there is a residence order in place in respect of a child, no person shall cause the child to be known by a **new surname** without the consent of all those with parental responsibility or the leave of the court. Even without a residence order, schools should never alter the child's surname on the register without the written consent of those with parental responsibility or on production of an appropriate court order.*

Occasionally, disputes between parents may not be settled through negotiation and Court intervention is required. The school may well become involved, and either a teacher or a principal could be directed by the Family Proceedings Court to provide a report or give his or her opinion. Any report or opinion given to the Court must be asked on what the teacher/principal truly considers to be in the child's best interests, the child's welfare being at all times paramount. The teacher/principal should avoid providing a potentially biased statement for one or other parent – and should, as far as possible, remain neutral in order to assist the Court.