

Forms of parental discrimination

Child benefit

This is paid to the mother unless she formally waives this right. There is no mechanism to apportion the benefit in the case of separated parents when both take turns to look after the child(ren).

Parental responsibility (PR)

Married parents both acquire parental responsibility on birth and registration of a child. An unmarried mother also does, but an unmarried father only with the agreement of the mother.

Registration of a child's birth

Unmarried mothers registering the birth of their child alone cannot name the father on the certificate. Only if he attends in person with her, or signs a certified declaration of paternity can his name be included. In contrast, in a lesbian relationship, the lesbian partner's name can be registered.

Paternity testing

It is a criminal offence for a father to take a sample of a child's DNA without the mother's prior consent. In contrast, it is not a crime for a woman to lie about who is the father of her child.

Tax credits

Child tax credit is paid for each child but only to the primary carer. Since the primary carer in a family is usually deemed to be the mother, only about ten percent of such credits is received by fathers.

Working tax credits are payable to both primary and secondary carers. However, to qualify for working tax credit, a primary carer must be aged over 16 and need to work a minimum of 16 hours a week, whilst the secondary carer must be aged over 25 and work a minimum of 30 hours a week.

Housing benefit

Benefits can be paid to those qualifying for both privately rented accommodation and social housing. Social housing tenants can claim up to the full cost of their rents. However, the amount of the benefit depends on whether the claimant is a primary carer or a secondary carer. A primary carer with two children of 16 or under would be entitled to the maximum benefit level for a three bedroom property, whilst the secondary carer, if aged under 35, of the same children, would be entitled only to a room in a shared property, clearly unsuitable for children staying overnight.

Moreover, if the secondary carer was renting a more suitable three-bedroom private property, then the 'bedroom' tax would apply. Also, the housing benefit would be reduced by 14% if the accommodation had one surplus bedroom and by 25% for two or more surplus bedrooms.

Further, when calculating the amounts of a person's income to offset the housing benefit, a base figure is determined before the offset. This amount is calculated in a different way for the two carers. The amount for the primary carer starts with the basic single person's allowance and then additional amounts for each child residing with that parent. The secondary carer is only allowed a single person's allowance.

Homelessness

The Housing Act 1996 Part VII specifies five tests a local authority must apply when considering any homeless person for accommodation.

(i) Is the applicant actually or potentially homeless? In the common situation where parents either jointly own or rent their accommodation, on separation it is normal for the secondary carer to 'move out. However, if this parent is still named on the title deeds of their former home or tenancy, they are regarded as not statutorily homeless and the local authority has no duty to house them.

In certain circumstances, they may be offered emergency accommodation, but it would likely to be only in a hostel situation, unsuitable for children visiting or staying. However, if the primary carer instead were to leave the former residence, they would receive emergency accommodation immediately whilst their application was being considered.

(ii) Priority needs as defined must be considered, eg. pregnant women, primary carers and vulnerable single persons.

(iii) Reasons the applicant has become homeless. In the absence of domestic abuse, if a partner simply left the former residence at the end of a relationship, they can be regarded as 'intentionally homeless, and thus no responsibility of the authority.

(v) Local connection to the authority. If the primary carer moves to a new local authority area following the separation, the secondary carer cannot claim a local connection as a result of the children now living in another area. A local connection can only be established through work or adult family connections, and not through children.

PARITY

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