



# Giving Consent

## Young People, Children and Parents

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Before you or your child can have any form of investigation or treatment (ie. An operation) you will need to give consent for agreement to it being done. Before you can give informed consent the team caring for you or your child will discuss:

- Why the treatment is necessary
- What the treatment involves
- The benefits of having the treatment
- The risks associated with the treatment
- Whether there are any alternatives
- What may happen if you or your child do not have the proposed treatment

Always say if there are any questions you want answered or further information you may wish to know. Sometimes it is helpful to write down a list of questions in advance, so you don't forget anything. Children and young people also have the right to know what is wrong with them and what treatment is being offered. This information will be shared with them sensitively and given in a manner appropriate to their age and understanding.

### **Those with parental responsibility**

- Young people age 16-18yrs of age- please note when a young person reaches 18 years of age parental responsibility consent no longer exists, if you require further advice on this matter please contact the Safeguarding lead nurse available via main switchboard on 0121 685 4000
- Children under 16 years of age may be able to give consent if they understand fully what is involved in the proposed treatment

In order to ensure children and young people fully understand when consenting for

themselves a member of staff will complete a competency checklist this may be completed in pre-operative assessment checks or on admission. Please note if a child or young person refuses to consent those with parental responsibility may be able to over-ride this decision up until the age of 18 years.

### **Who has parental responsibility?**

- Parental responsibility is set out in law in the UK.
- Biological mother of the child or young person automatically have parental responsibility.
- Biological father of the child or young person, and were married at the time of conception or birth, or married the mother after the birth of the child have parental responsibility.
- Unmarried biological fathers - A child or young person born before Dec 2003 must obtain a parental responsibility agreement through court or be married to biological mother to have parental responsibility. A child or young person born after Dec 2003 if fathers name appears on the birth certificate, or must obtain a parental responsibility agreement through court or be married to biological mother to have parental responsibility.
- Adoptive parents Have parental responsibility once an adoption order is made. Applies to non-biological parents in a same sex relationship
- A local authority representative e.g a social worker whereby a child is subject to a local authority care order e.g a looked after child sec 20.



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- Non-biological mother in a same-sex relationship with the biological mother has parental responsibility if in a civil partnership/marriage at conception.

Unmarried couples wishing to obtain a parental responsibility agreement have to:

- Obtain a form from a solicitor or family court
- Go in person to the local magistrates court or county court to get it signed
- Send it to the principal registry of the family division.

Even if the marriage breaks down, both father and mother will continue to have parental responsibility. Fathers, please do not be offended if we ask you for evidence (ie a copy of birth certificate) that you hold parental responsibility. This needs to be filed in your child's notes for the purpose of consent and information sharing. If you have any queries about this please do not hesitate to ask a member of staff.

Please note consent can be obtained from either mother or father as long as they hold parental responsibility.

### Who doesn't have parental responsibility?

- Grandparents or close relatives- unless there is a court approved parental responsibility agreement
- Foster carers
- Step-parents- unless there is a court approved parental responsibility agreement
- School teachers/child minders

In the event that consent for a proposed procedure for the child or young person cannot be obtained and as a result of non-treatment or a delay in treatment there are potentially life threatening or life limiting consequences the trust may have to seek legal advice to act in

that child or young person's best interests.

It is important wherever possible that a person with parental responsibility attends hospital with the child or young person, as the staff may need to discuss planned procedures or treatment with them.