

Tower Hamlets GP Care Group CIC

Consent and Young People Policy

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Introduction

It is very important that all staff looking after children understand the issues of consent. The consent of the child, where possible and the child's parent/carers must be obtained before any treatment procedure.

Consent for treatment of a child is usually obtained from a person holding parental responsibility.

Responsibilities

It is the responsibility of all staff treating children to obtain consent from the child and/or child's parent/carers before any medical procedure, e.g. immunisations can take place.

Parental Responsibility

This means the rights, duties and responsibilities of a parent to their child under the 1999 Children Act, only a person with legal parental responsibility can give consent for a child to undergo a medical procedure e.g. immunisations. The child's mother always has parental responsibility, as does the father if **married** to the mother (it is irrelevant whether the marriage took place before or after the child was born).

If however the parents are unmarried the consent issues are more complicated. For children born before 1 December 2003 an unmarried father can only get parental responsibility by one of the following:

- Marrying the child's mother
- Signing an official agreement with the mother in front of a court official
- Getting a court order

For children born on or after 1 December 2003, an unmarried father will have parental responsibility if he and the mother register the baby's birth together and he is named on the birth certificate (and/or by the ways mentioned above).

This clearly has implications for consent for immunisations for example if the parents disagree about whether or not the child should have a vaccination.

Under the Family Law Act 1987 anyone over the age of 16 can consent to treatment or care. Anyone **under** the age of 16 in England may be able to consent to treatment provided they understand the nature and consequences of the treatment. In the case of an under 16 wanting contraceptive services, it is considered good practice for health professionals to follow the Fraser guidelines.

Fraser Guidelines

- The young person understands the health professional's advice.
- The health professional cannot persuade the young person to inform his or her parent or allow them to inform the parents that he or she is seeking contraceptive advice.
- The young person is very likely to begin or continue having intercourse with or without contraceptive treatment.
- Unless he or she receives contraceptive advice or treatment, the young person's physical or mental health or both are likely to suffer.
- The young person's best interests require the health professional to give contraceptive advice, treatment or both without parental consent.

When a child under the age of 16 **does not** understand the nature of the treatment, consent can be provided by another person with parental responsibility.

When a person under the age of 16 **refuses** treatment, there are complex legal rulings that may allow another person to provide consent. This area is problematic and further advice should be sought.

Other Relevant Documents

Family Law Act 1987
Children's Act 1999
Fraser Guidelines

Training

All staff who are involved in the process of treating children should read and understand this policy.