

# **Consent - What you have a right to expect:**

A guide for parents

# Giving consent for medical examination, treatment or care of your child

Before a doctor, dentist, nurse or therapist can examine or treat your child, they need **consent** or agreement. Sometimes children can give consent for themselves, depending on their age and how well they understand but other times you will be asked to give consent for them as their parent.

This leaflet will help make it clear to you who can give consent and when and how.

## How will your child or you be asked?

The way people providing care (doctors, nurses, social workers, carers or therapists) ask for consent partly depends on what they plan to do. It may be simple. For example, your GP might ask to have a look at your child's throat. You would then encourage a young child to open his or her mouth for the doctor. Older children will do so of their own accord. That shows you and they have given consent. For something more complicated, like an operation, you or they will be asked to sign a form agreeing to the treatment.

## Who is responsible for giving consent?

**You** are entitled to agree to treatment on behalf of a child up to age 18 for whom you have what is called "parental responsibility".

However, **children** also gain rights to agree for themselves as they get older – as you'll see over the page.

## Who has parental responsibility?

- **Mothers** automatically have parental responsibility for their children.
- **Fathers** also have parental responsibility if they were married to the mother when the child was conceived or born, or if they got married to her subsequently.
- **Unmarried fathers** do not automatically have parental responsibility for their child. If their child was born on or after 15 April 2002 and their name is on the birth certificate, they do have parental responsibility. A court order or a “parental responsibility agreement” are also means by which an unmarried father acquires parental responsibility. Stepfathers can also acquire parental responsibility through a court order.
- **People looking after your child** like childminders, private foster carers or grandparents do not normally have parental responsibility, but you can authorise them to take medical decisions for your child, if you wish.

## How do you decide what’s best?

Parents are expected to make health and social care decisions for their children. This is based on what they feel is in their children’s “welfare” or “best interests”. But it’s still a good idea to involve children as much as possible when decisions are being made. Even when they’re not old enough to make decisions completely on their own, children can still play a part in decisions about their health and care. The more they’re involved, the more likely they are to feel positive about their treatment or care.

## What if you and people providing health and social care don't agree?

Sometimes health and social care professionals and parents may not agree on what is in the child's best interests. Usually the professionals cannot go ahead without your consent.

It's always important to keep discussing things, in an effort to reach agreement. For example, it may help to ask for a second medical opinion, or talk to other people involved in caring for your child. But sometimes health and social care professionals may believe a particular treatment is crucial for the child, perhaps life saving. Then they can ask a court to decide. Equally, after seeking legal advice, it may be possible for you to go to court to request or prevent treatment, if you think it's in your child's best interests.

On the rare occasion things go this far without agreement, the court has the power to grant or refuse the request of you or the practitioner if it thinks this is the right thing to do.

## When can children give consent for themselves?

### 16-18 year olds

Once children reach the age of 16, they can agree to examination, treatment or care just like adults. People providing health or social care do not then have to ask you for consent as well.

### Under 16s

The rules say that children under 16 may also be able to give consent for themselves, provided they are deemed capable of understanding fully what is involved (considered competent).

## So who gives consent – your child or you?

There is no hard and fast rule. A lot depends on the seriousness or difficulty of the proposed treatment. Your child might be mature enough to consent to a meningitis vaccination, for instance. However, it might be too much to expect him or her to grasp all they need to know before consenting to a heart operation.

Even if your child is competent to give consent independently, people providing treatment will still encourage him or her to involve you in their decision. However, if children refuse to share information with parents, health and social care professionals must normally respect their wishes.

## What do you and your child need to know?

In order to make a decision, you and your child need to be provided with information about the treatment or care being offered. **If you feel you haven't understood or don't have enough information, you should always ask questions.** For example:

- What sort of things will the treatment or care involve?
- What benefits do they hope will result?
- How good are the chances of getting such benefits?
- Are there any alternatives?
- What are the risks, if any?
- If there are risks, are they minor or serious?
- What may happen if your child doesn't have the treatment or care?

Sometimes the person who is asking you to agree to the treatment or care will not be able to answer your questions. In such cases, ask them to find out or arrange for someone else to talk to you about your concerns.

If you do not speak English, ask for an interpreter and for translation of any written information you are given. If you or your child have a sensory impairment, for example have difficulty hearing, or any other communication needs ask what is available to help you.

## How much time can we take to decide?

If your child or you want more time to think about the decision, say so. In emergencies, decisions may have to be taken quickly, but at other times it will usually be possible for you and your child to take as much time as you need. It is up to the two of you to decide whether or not to go ahead.

## What if my child refuses treatment?

Sometimes children who are able to take their own decisions refuse treatment which their parents wish them to accept. In spite of that, health professionals can legally overrule them and go ahead with the treatment if a parent has given consent.

But young people may resent treatment being given to them against their will. So it's better for everyone to avoid this happening.

If your child is refusing treatment, try to find out what's worrying him or her before considering going against his/her wishes. So long as the child's condition is not life-threatening, it may be possible to delay treatment until the child is willing for it to go ahead.

## Suppose I don't want my child to have treatment?

You may not want your child to have a particular treatment – contraception, for example. But if your child is competent and understands what's involved and asks for it, the law **does** allow health professionals to provide the treatment they believe is appropriate. Although they will always try to encourage children to keep parents informed, they must respect the wishes of a child who refuses to share information with you.

## **Suppose we're not happy about how we've been approached about consent?**

You should tell the health or social care professionals concerned that you're worried so that they can help you. But if you're still not satisfied, you are entitled to complain. You can find out how to go about it from the Health and Personal Social Services organisation responsible for your child's care. You also have the right to seek the help of your local Health and Social Services Council, who represent the interests of the public and provide information, advice and support on health and social services issues.

## Would you like more help with consent?

Here is a list of organisations you can ask for more help and support about giving consent to treatment and care.

### Health and Social Services Councils

#### **Eastern Health and Social Services Council**

19 Bedford Street  
Belfast  
BT2 7EJ  
Tel: 028 9032 1230  
Minicom: 028 9032 1285  
Email: [ecouncil@ehssc.n-i.nhs.uk](mailto:ecouncil@ehssc.n-i.nhs.uk)

#### **Southern Health and Social Services Council**

Quaker Buildings  
High Street  
Lurgan  
BT66 8BB  
Tel: 028 3834 9900  
Minicom: 028 3834 6488  
Email: [reception@shssc.n-i.nhs.uk](mailto:reception@shssc.n-i.nhs.uk)  
Website: [www.shsscouncil.net](http://www.shsscouncil.net)

#### **Northern Health and Social Services Council**

8 Broadway Avenue  
Ballymena  
BT43 7AA  
Tel: 028 2565 5777  
Minicom: 028 2565 5777  
Email: [info@nhssc.n-i.nhs.uk](mailto:info@nhssc.n-i.nhs.uk)  
Website: [www.nhssc.org](http://www.nhssc.org)

#### **Western Health and Social Services Council**

“Hilltop”  
Tyrone and Fermanagh Hospital  
Omagh  
BT79 0NS  
Tel: 028 8225 2555  
Minicom: 028 8224 8389  
Email: [lpreston@hilltop.n-i.nhs.uk](mailto:lpreston@hilltop.n-i.nhs.uk)

## Parents Advice Centre

Franklin House  
12 Brunswick Street  
Belfast  
BT2 7GE  
Tel: 028 9031 0891  
Helpline: 028 9023 8800  
E mail: [belfast@pachelp.org](mailto:belfast@pachelp.org)  
Website: [www.pachelp.org](http://www.pachelp.org)

Provides a service for parents and young people offering support, guidance and counselling.

## Children's Law Centre

3rd Floor  
Philip House  
123-137 York Street  
Belfast  
BT15 1AB  
Tel: 028 9024 5704  
Advice line: 080 8808 5678  
Minicom: 080 8808 5678  
Email: [info@childrenslawcentre.org](mailto:info@childrenslawcentre.org)  
Website: [www.childrenslawcentre.org](http://www.childrenslawcentre.org)

Help young people, their parents and professionals work with and understand laws which affect children.

**The Department will make this document available in Irish, Cantonese, audio tape and braille and will consider requests for translations into other minority ethnic languages.**

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Telephone: 028 9052 0534  
Textphone: 028 9052 7668  
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