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One Minute Guide: Consent to Treatment and Information Sharing in relation to Looked After Children (LAC)

What is this about?

Consent is integral to the practice of all health practitioners and delivering a service to looked after children. Obtaining consent is a legal requirement and is necessary prior to patient's receiving health care interventions. The same guidelines apply in relation to consent to information sharing. Consent is only valid if the person providing it is 'competent' and providing it freely without duress and with sufficient information to make a decision.

Why is gaining consent to share information important?

Obtaining consent for information sharing is vital in promoting the health of the looked after child. A number of children who become looked after may not return to their birth families and lose the link to that family altogether. The transfer of information about a child's health status and history therefore becomes very important when a child enters care regardless of their legal status. It is vital that the social worker gathers as much information as possible about the health history of the birth parents and families and their consent should be sought and signatures obtained and witnessed in order to enable this information gathering.

The **BAAF Consent Form** allows for the obtaining and sharing of health information and should be signed by the birth parents and young person where they have capacity to consent, on entering care.

What about consent for Medical Treatment & Statutory Health Assessments?

In Redbridge we have agreed to use an **Enduring Consent Form** which once signed by the person with Parental Responsibility will allow for the arranging of routine medical and dental treatment, immunisations and optician care, ongoing Statutory Health Assessments and referrals to other services such as audiology or CAMHS. This should be signed by the appropriate person as soon as the child enters care and a copy returned to the **Looked After Health Team, CLAFH, Ground Floor, Station Road Centre, Barkingside, ILFORD, Essex, IG6 1NB.**

Who is able to give consent?

Only persons that have parental responsibility can consent on behalf of a child. This includes the following:

- The natural mother.

- The child's father if married to the child's mother at the time of the child's birth or at any time subsequently.
- The child's father, if not fulfilling the above criteria, has acquired parental responsibility via his name being on the birth certificate, a court order or a parental responsibility agreement or the parents subsequently marry.
- The child's legally appointed guardian, appointed by a court or by a parent with parental responsibility in the event of their own death.
- A person in whose favour a court has made a residence order concerning the child.
- A local authority designated in a care order in respect of the child (but not where the child is being looked after under Section 20 of the Children Act 1989¹)
- A local authority or other authorised person who holds an emergency protection order in respect of that child.

Children aged 16 and 17

Once young people reach the age of 16, they are presumed in law to be competent to give or withhold consent for themselves for their own surgical, medical or dental treatment, and any associated procedures such as health assessments, immunisations or investigations. This means in many respects they should be treated as adults. If a signature is required on a consent form they can sign for themselves although it is good practice to include families in the decision making where possible unless the young person withholds consent for this.

Where a competent child does ask for their confidence to be kept, it must be respected unless disclosure can be justified on the grounds of 'public interest' e.g. that there is reasonable cause to suspect the child is suffering, or is likely to suffer , significant harm.

Social workers are responsible for completing the task of obtaining consent in all cases.

Further Information

If you need any further information or guidance on the above, please visit http://www2.redbridge.gov.uk/cms/contact_pages/c/clafh_team.aspx

¹ <http://www.legislation.gov.uk/ukpga/1989/41/section/20>