

Children and Young People under 18 years of age Consent for Treatment and Parental Responsibility

When a child has been referred for treatment, consent for this intervention is required either from the child or one person with parental responsibility for the child.

Although legally only one person's consent is required, ideally, if there is any difference in opinion between the child and/or the people with parental responsibility, we would expect everyone to try to reach an agreement before proceeding.

Without consent we cannot offer treatment. If treatment plans change then we will seek further consent.

When is a child considered competent to consent?

A young person aged 16 -18 years can give consent for themselves if they have the capacity to do so. Children under 16 years may also give consent but they must have the maturity to understand fully the nature of the treatment, risks, benefits and alternatives.

What is Parental Responsibility?

This refers to the rights, duties, powers and responsibilities that most parents have in respect of their children. Parental responsibility includes the right to consent to medical treatment on behalf of the child, without this we are unable to involve you in decisions about the health care of the child.

Who has Parental Responsibility?

- Birth mothers automatically have parental responsibility.
- An adoptive parent will acquire parental responsibility on adoption.
- A father who is married to the child's mother at the time of the birth has parental responsibility from birth. This is not lost if the parents later divorce.
- An unmarried father whose name is on the birth certificate for a birth registered **after** 1st December 2003 (England and Wales).

Who does not automatically have it?

Unmarried fathers do not automatically have parental responsibility. They can gain this by:

- Marrying the mother;
- Having his name registered or re-registered on the birth certificate. (An unmarried father named on a birth certificate **before** 1st December 2003 will not have parental responsibility and will need to re- register)
- Making a parental responsibility agreement with the mother;
- Obtaining a parental responsibility order from the court;
- Obtaining a residence order from the court;

- Becoming the child's guardian on the mother's death.

Step parents can gain parental responsibility by obtaining a parental responsibility order from the court.

Foster parents **do not** have parental responsibility, it either remains with the parents or is shared between the parents and Local Authority.

Staff from children's residential establishments such as mental health institutions/boarding schools/specialist units **do not** have parental responsibility.

