



East Suffolk and
North Essex
NHS Foundation Trust

Consent to treatment and parental rights and responsibility

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Giving consent for medical examination or treatment of your child

Before a doctor, 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.

Sometimes you will be asked to give consent for them as their parent.

How will your child or you be asked?

The way people providing healthcare (doctors, nurses 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**.



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 later.
- **Unmarried fathers** do not automatically have parental responsibility for their child unless their name is on the child's birth certificate: but a court order or a 'parental responsibility agreement' can give it to them.
- **People looking after your child** such as childminders or grandparents do not have parental responsibility.

How do you decide what's best?

Parents are expected to make health care decisions for their children, based on what they feel is in a child's 'welfare' or 'best interests'. But it's still a good idea to involve children as much as possible. 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 care. The more they're involved, the more likely they are to feel positive about treatment.

What if you and people providing healthcare don't agree?

Sometimes health care professionals and parents may not agree on what is in the child's best interests. Usually the professionals cannot then go ahead and provide treatment.

It's always important to keep discussing things, so that eventually agreement can be reached. 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 care professionals may believe a particular treatment is crucial for the child, perhaps lifesaving. 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.

When can children give consent for themselves?

16–18 year olds

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

Under 16s

The law says that children under 16 may still be able to give consent for themselves, provided they are mature enough to understand fully what is involved.

When we are trying to decide whether a child is mature enough to make decisions, people often talk about whether a child is 'Gillick competent' or whether they meet the 'Fraser guidelines'. The Gillick competency and Fraser guidelines help us all to balance children's rights and wishes with our responsibility to keep children safe from harm



So who gives consent – your child or you?

This depends on the seriousness or difficulty of the proposed treatment. Although your child might be grown-up enough to consent to a vaccination, it might be too much to expect him or her to grasp all they need to know for consenting to a heart operation.

Even if your child is grown-up enough to give consent independently, people providing treatment will still encourage them to involve you in their decision.

However, if children refuse to share information with parents, health care professionals must normally respect their wishes.

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 care professionals can legally overrule them and go ahead with the treatment if a parent has given consent.

But young people may resent treatment 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 them before considering going against their 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 or intervention – contraception, for example. But if your child has the maturity to understand what's involved and asks for it, the law **does** allow health care professionals to provide treatment or care they believe is appropriate.

Although they will always try to persuade children to keep parents informed, they must respect the wishes of a child who refuses to share information with you.



Your experience matters

We value your feedback. Please help us improve our services by answering a simple question, in our online survey – “Overall, how was your experience of our services?”

This survey is known as “The Friends and Family Test”.

You can either scan this QR code with a smart phone camera:



Or type the following web address into your browser:
www.esneft.nhs.uk/get-involved/your-views-matter/friends-and-family-test/

Thank you very much.

Adapted from: Department of Health Consent – what you have a right to expect: A guide for parents

Please ask if you need this leaflet
in an alternative format.

Issued by:
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