

# Consent to treatment for your child

Make sure that your child comes to their outpatient appointment with someone who **can legally give consent (permission) for treatment**. Please read this information carefully. In law, a birth parent may **not automatically** be able to give consent.

**This leaflet contains important information for parents and carers about giving permission for your child's treatment. If you have any questions, please speak to a doctor or nurse caring for your child.**

## Who can give consent

Valid consent is important when treating children, young people and adults. Sometimes children can give consent themselves, but sometimes other people need to make the decision for them.

Everyone aged 16 or older is presumed to be able to give consent for themselves, unless they have been assessed by their doctor or healthcare professional as incapable of understanding the proposed treatment.

Legally, children under 16 may be able to give consent for treatment provided the health professional is satisfied that they can understand what's involved in the proposed treatment. However, we would always encourage parents and their children to make important decisions together in a supportive way. Children under 16 cannot, however, refuse treatment if it's been agreed by a person with parental responsibility, or the court, and it's in their best interest.

If children or young people aged under 18 years of age are not able or willing to give consent for themselves, someone with **parental responsibility** may do so on their behalf.

## What is parental responsibility?

Parental responsibility is when an adult is responsible for the care and wellbeing of a child and can make important decisions about their medical treatment.

## Who has parental responsibility?

The people with parental responsibility will usually, but not always, be the **child's birth parents**. People with parental responsibility for a child include:

- the child's mother
- the child's father – if married to the mother at the child's birth
- the child's father (for children born on or after 1 December 2003 only, England) if his name is on the birth certificate
- those named on the birth certificate – including same-sex parents
- those who have legally adopted the child
- a legally appointed guardian

- those who have a parental order
- the local authority – if the child is the subject of a care order
- a person named in a residence order in respect of the child

## Who does not automatically have parental responsibility?

Unmarried fathers can get parental responsibility for their child in 1 of 3 ways:

- jointly registering the birth of the child with the mother (from 1 December 2003)
- getting a parental responsibility agreement with the mother
- getting a parental responsibility order from a court

Parental responsibility is also not automatic for:

- stepparents (unless they have legally adopted the child)
- foster parents (unless the local authority has obtained a care order for the child and they delegate parental responsibility to the foster parents)
- grandparents, aunts, uncles or other relatives, even if the child lives permanently with them (however, they may obtain a residence order from the court which will grant them parental responsibility for the child)

## Useful sources of information

**Gov.uk.** Legal information and national guidelines on parental rights and responsibilities are available at [web](http://www.gov.uk/parental-rights-responsibilities/what-is-parental-responsibility) [www.gov.uk/parental-rights-responsibilities/what-is-parental-responsibility](http://www.gov.uk/parental-rights-responsibilities/what-is-parental-responsibility)

**Stonewall.** Legal information, advice and support on parental right and responsibilities for lesbian and gay parents and for same-sex couples is available at [web](http://www.stonewall.org.uk/at_home/parenting) [www.stonewall.org.uk/at\\_home/parenting](http://www.stonewall.org.uk/at_home/parenting)

## Contact us

If you have any questions about consent to treatment, please contact a doctor or nurse caring for your child.

You can phone the Guy's and St Thomas' switchboard [phone](tel:02071887188) 020 7188 7188 and ask to be transferred to a named member of staff.

You can also find contact information on the different wards, services and staff of the Evelina Children's Hospital by visiting [web](http://www.gstt.nhs.uk/our-services/childrens/parents/preparing-your-child.aspx) [www.gstt.nhs.uk/our-services/childrens/parents/preparing-your-child.aspx](http://www.gstt.nhs.uk/our-services/childrens/parents/preparing-your-child.aspx).

For more information about conditions, procedures, treatments and services offered at our hospitals, please visit [web](http://www.evelinalondon.nhs.uk/leaflets) [www.evelinalondon.nhs.uk/leaflets](http://www.evelinalondon.nhs.uk/leaflets)