

Consent

Introduction

This guidance sets out the issue of consent for professionals, working with families within Children's Social Care, under section 17, Children Act 1989 (children in need) and/or at Levels 1, 2 and 3.

The guidance sets out the need to gain consent from parents or those who have parental responsibility, when professionals wish to:

- a) Seek information from professionals in other services and share information with them.
- b) Refer to another agency for assessment and provision of services.

This guidance does not cover consent for medical treatment.

Please note:

There are specific laws and guidance which enable information to be shared without consent, for example Crime and Disorder Act, Terrorism Act.

When can I refer to Childrens Social Care without parental consent?

If the referral is considered a Child Protection issue (Level 4) seeking consent may not be appropriate.

In most cases it is appropriate to seek consent. However, there are some cases where it is not. Consent should not be sought if doing so would:

- Place a person (the individual, family member, worker or a third party) at increased risk of significant harm (if a child) or serious harm (if an adult).
- Prejudice the prevention, detection or prosecution of a serious crime - this is likely to cover most criminal offences relating to children.
- Lead to an unjustified delay in making enquiries about allegations of significant harm (to a child) or serious harm (to an adult).

a) Seek information from professionals in other services and share information with them

All professionals must obtain parental consent when they wish to seek information or share information with other agencies. This consent must be re-sought for each episode of work that a professional undertakes with a family (for example: if a case is closed and re-opened, consent must be re-sought when the case is re-opened).

Professionals must make clear to parents which organisations they wish to seek information from and who they wish to share information about the family with.

If anyone in the family home is aged 16 or over, their individual consent must be sought to seek or share information about them, with other agencies.



It is good practice to record in writing which agencies parents (or other people in the household aged 16 or over) have consented to information sharing with and to provide a copy of this to the parents (or other people aged 16 or over) and place a copy on the child's record in your respective agency.

If an adult does not consent to information sharing with a particular organisation or any organisations at all and the concern does not reach a child protection level (Level 4) you cannot seek information from or share information with that organisation until such time as the adult consents.

b) Refer to another agency for assessment and provision of services.

All professionals must seek parental consent when they wish to refer to another organisation for assessment or services, where the referral is not in relation to a child protection issue. This consent must be sought for each referral to any organisations that a professional makes for a child or their family.

Professionals must make clear to parents which organisations they wish to refer the child or family to and which individuals within the family are the subjects of the referral.

If anyone in the family home is aged 16 or over, their individual consent must be sought to make a referral about, or including them, to another organisation (unless the person is aged 16 to 17 and the referral relates to a child protection issue about them).



It is good practice to record in writing which organisations, parents (or other people in the household aged 16 or over) have consented to referrals to, and provide a copy of this to the parents (or other people aged 16 or over) and place a copy on the child's record in your respective organisation.

REMEMBER.....



You should always talk to parents and carers, when you have a child in need or a child protection concern, unless to do so would place a child at risk of harm, to let them know that you intend to share information with other agencies and make a referral to Children's Social Care.



If you are unsure about whether your concern reaches a child protection level phone the Children's Safeguarding Leads Consultation line (or the Emergency Duty Team out of hours) before you talk to parents and carers.

Where a professional decides not to seek parental permission before making a referral to Children's Social Care, the decision must be recorded in the child's file with reasons, dated and signed and confirmed in the referral to Children's Social Care.

A child protection referral from a professional cannot be treated as anonymous, so the parent will ultimately become aware of the identity of the referrer.

Where the parent refuses to give permission for the referral, unless it would cause undue delay, further advice should be sought from a manager or your Safeguarding Lead and the outcome fully recorded.

If, having taken full account of the parents' wishes it is still considered that there is a need for referral:

- The reason for proceeding without parental agreement must be recorded;
- The parent's withholding of permission must form part of the verbal and written referral to LA children's social care;

The parent should be contacted to inform them that, after considering their wishes, a referral has been made.