

Parental Consent 2018

WE ARE THRIVE are committed to conducting our business with honesty and integrity and we expect all those who work, sub-contract to or volunteer for our CIC to maintain high standards in accordance with our policies and procedures. However, all organisations face the risk of things going wrong from time to time and a culture of openness and accountability is essential to prevent such situations occurring and policies in place to address them as they occur.

Introduction

The law around parental responsibility (PR) is focussed on the rights of children, designed to protect their best interests, making a base assumption that every child has the right to a relationship with both parents. A biological mother automatically has PR for her child. A father has PR if he is married to the child's mother when the child is born or has adopted the child. As of December 2003 unmarried fathers automatically obtain PR if the birth was registered on or after this date and they are named on the birth certificate. A father will also have PR if he enters into a parental responsibility agreement with the mother, or has been given this responsibility by order of the court. Living together does not give PR to the father. Unless the couple are married PR does not automatically pass to the natural father if the mother dies unless she has made a Will appointing him sole guardian.

WE ARE THRIVE Policy

WE ARE THRIVE will endeavour to include all persons with PR when a referral is made by suggesting, that where parents are separated and both have PR, the primary carer should share information with any other parties who have PR. WE ARE THRIVE does not hold responsibility for informing all persons with PR that a referral has been made. If the parent who is not the primary carer does not wish the referral to go ahead they will need to take advice from a solicitor in order to deactivate a referral. It should be noted that any young person over the age of 16 who is deemed to have good mental capacity can self consent and in most cases those over the age of 14 are able to consent for themselves. If a child has been placed for adoption, PR will in most cases be held by the adopting parents. However, if the adoption placement has yet to be confirmed a child may be under a 'placement order'. PR at this stage is likely to reside with the Local Authority and consent needs to be gained from the appropriate person. It is also important to check whether the child/young person has a care package as part of the adoption process and whether WE ARE THRIVE support would be accepted as part of this package.

Safeguarding

It is important that we always take into consideration 'safeguarding children'. With this in mind there will be occasions when it is clear that it is not in the best interests of the child for one parent to contact another with regards a referral, e.g., where there has been recorded domestic or other abuse. All conversations in this regard should be recorded accurately.

Consent to Access Clinical Notes and Confidentiality

Parents do not have an automatic right to view their child's records. Children over the age of twelve are usually considered competent to make a decision regarding giving permission to view records.

Where parents ask for copies of notes all requests need to be made in writing with evidence of who they are and that they have PR. This should include proof of identity and current address with photographic evidence such as a passport or driving licence.

When agreement has been made by the Senior Management that information can be shared, relevant information will be copied or scanned and any third party information removed. Copies should preferably be made onto a disc or memory stick rather than on paper. This process should be completed within 28 days of receipt of the written request.

It is the responsibility of all clinicians to ensure all notes are completed accurately, legibly and in a timely fashion. Each entry should be dated and signed (not initialled) and any paper based chronology sheets must have the child's name and reference number at the top.

Signed: L.J.Jeremy

Date: 1st November 2018