

# **PATIENT INFORMATION**

## **Consent to Treatment & Examination**

**Parental Responsibility  
Specialist & Support Services,  
Paediatrics**



## **INTRODUCTION**

In order that the hospital can treat any patient, we have the consent of either the patient, if he or she is 16 or over, or a person who has *parental responsibility* (Children Act 1989) for the child.

The following information has been compiled to prevent any misunderstanding as to who can legally give consent to treatment and examination for a child.

## **AUTOMATIC PARENTAL RESPONSIBILITY**

A birth mother automatically has parental responsibility. When parents are married at the time of the child's birth, or *subsequently marry any time after the child's birth*, both mother and father have parental responsibility. This is also the case if parents have jointly adopted a child.

If a child's mother and father were married at the time of the child's birth, *even though they may subsequently separate or be divorced*, both parents retain parental responsibility.

## **UNMARRIED FATHERS AND PARENTAL RESPONSIBILITY**

Unmarried fathers can gain parental responsibility in several ways, depending when the child was born.

If the child was born *before 1<sup>st</sup> December 2003*:

- the father must marry the mother of the child or gain a parental responsibility order from a court of law.

If the child was born *after 1<sup>st</sup> December 2003*:

- if the father's name is added to the child if the birth certificate shortly after the time of the birth
- re-registering the birth if the man involved is the child's natural father
- the father must marry the mother of the child or gain a parental responsibility order from a court of law.

## **OTHER FAMILY MEMBERS**

Step-parents (*unless they have legally adopted the child*), grandparents, aunts, uncles or other relatives, do not automatically have parental responsibility, 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.

Foster parents do not automatically have parental responsibility. However, if the local authority has obtained a care order for the child, they may delegate parental responsibility to the foster parents.

## **CONSENT TO TREATMENT**

It is sufficient for the consent to be obtained from one person who has parental responsibility for a child.

## **URGENT TREATMENT**

In cases where **URGENT** treatment is required, and there is no-one available with parental authority who could give consent; firstly, if the child is 16, then he or she may consent to treatment on their own behalf, although some people younger than 16 may consent to treatment if they are deemed competent by the doctor involved in their care.

This is known as Frazer guidelines (Frazer 1985). If the child is very young, then treatment will be given in the best interests of the child.

## **ACCESS TO RECORDS**

Only a child who is considered to be mature enough to comment on their own behalf, or a person who has parental responsibility for the child, may give permission for access to their medical records made on or after 1<sup>st</sup> November 1991.

## **WE ARE HERE TO HELP**

If you require any further information on parental responsibility, please do not hesitate to discuss this with either your child's doctor or nurse.

## **REFERENCES**

Wheeler, Robert (2006) Gillick or Fraser a plea for consistency over competence in children.

Gillick v West Norfolk & Wisbeck AHA & DHSS (1985 3 WLR)

Children Act (1989)

Department of Health (2001) Good Practice in Consent Implementation Guide, Consent to Examination and Treatment

[www.doh.gov.uk/consent](http://www.doh.gov.uk/consent)

**Consent** – What you have a right to expect (2006) DOH ref 24474

**Parental Responsibility** (2010) Medical Protection Society

[www.mps.org.uk](http://www.mps.org.uk)

**During your contact with us, it is important that you are happy with your care and treatment. Please speak to a member of staff and/or the ward/department Sister/Charge Nurse if you have any questions or concerns.**

## **MATRON**

A Matron is also available during the hours of 9.00 to 5.00 pm Monday to Friday. During these periods, ward/department staff can contact Matron to arrange to meet with you. Out of hours, a Senior Nurse can be contacted via the ward/department to deal with any concerns you may have.

## **INFECTION CONTROL REQUEST**

Preventing infections is a crucial part of our patients' care. To ensure that our standards remain high our staff have regular infection prevention and control training and their practice is monitored in the workplace. We ask patients and visitors to assist us in preventing infections by not visiting the hospital when having COVID symptoms, wearing a face covering, cleaning their hands at regular intervals and informing staff of areas within the hospital that appear soiled.

As a patient there may be times that you are unsure whether a staff member has cleaned their hands; if in doubt please ask the staff member and they will be only too happy to put your mind at ease by cleaning their hands so that you can see them.

## **SPECIAL INSTRUCTIONS**

When resident on the Children's ward you are asked to have a lateral flow test daily.

Only 1 Parent / carer to stay with the patient

## **ANY CONDITION SPECIFIC DANGER SIGNALS TO LOOK OUT FOR:**

## **CONTACT INFORMATION IF YOU ARE WORRIED ABOUT YOUR CONDITION**

Your own GP –

Children's Ward ODGH – 01695 656912

## **OTHER USEFUL TELEPHONE NUMBERS/CONTACTS:**

NHS 111

Stop Smoking Helpline (Sefton) - 0300 100 1000

Stop Smoking Helpline (West Lancashire) - 0800 328 6297

**Please call 01704 704714 if you need  
this leaflet in an alternative format**

**Southport and Ormskirk Hospital NHS Trust**

Ormskirk & District General Hospital  
Wigan Road, Ormskirk, L39 2AZ  
Tel: (01695) 577111

Southport & Formby District General Hospital  
Town Lane, Kew, Southport, PR8 6PN  
Tel: (01704) 547471

**FOR APPOINTMENTS**

Telephone (01695) 656680  
Email [soh-tr.appointments@nhs.net](mailto:soh-tr.appointments@nhs.net)

Please remember to complete the **attached Friends and Family Test**.  
Alternatively, you can complete the *Friends and Family Test* on-line by going to: [southportandormskirk.nhs.uk/FFT](http://southportandormskirk.nhs.uk/FFT)  
**Thank you**

Author: Amanda Collinson  
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