

'Consent'

'Consent' (an individual's permission) for a worker to share information about them with another worker/agency - is an important aspect of professional practice. An open discussion about the circumstances and behaviour of a child, young person and their family can strengthen professional relationships between workers and clients:

- breaking down the power imbalance that can exist between workers and service users;
- involving service users in decisions about their circumstances and the difficulties they experience, or might experience in the future – and the services that might be available to help them deal with those difficulties.

In many cases a professional carrying out statutory duties and responsibilities on behalf of their agency/organisation, does not require the permission of a child, young person or their family to share information.

Refusal by an individual to give consent must not be used as a reason for failing to share information that might protect a child or young person from abuse, harm or exploitation, or that might enhance physical, social, emotional, cognitive or other aspects of their development.

Fraser Competence (previously known as Gillick) - informed consent by children and young people

A child or young person is deemed 'Fraser competent' when a professional decides that the child/young person has sufficient understanding to be capable of making up their own mind, and has the capacity to understand the consequences of the decisions and choices they make.

This means that :

- a child/young person deemed "Fraser competent" can give consent for services, the sharing of confidential and/or sensitive personal information, and receiving medical treatment.
- the ascertainable wishes and feelings of a child/young person deemed 'Fraser competent' would usually take priority over those of their parent, and individuals who may have "parental responsibility" for them.

In reaching their decision about whether a child/young person is 'Fraser competent' professionals should consider the following: a child/young person's level of understanding, first language and/or method of communication—for example - P.E.C.S, Braille, Makaton.

In specific cases, a professional could seek advice and guidance from the child/young person themselves, their parent(s), a speech & language therapist, school/education psychologist and/or the specialist learning disability team (Health).

Information Sharing Checklist



A checklist for staff in Wigan Borough on the lawful sharing of information about children, young people and their families with other professionals and agencies.



Checklist

What circumstances and/or behaviour triggered your decision that information may need to be shared with another agency/professional about a child, young person and/or their parent(s)/caregiver(s)?

What outcome do you intend by sharing information with another professional?

Promote the development of a child/young person by delivering early interventions and identifying the child/young person additional needs

This checklist is intended to support high quality decisions by members of the children workforce in the Borough-in circumstances a worker is of the opinion that information may need to be shared to promote a child's development and/or safeguarding a child from harm, abuse and/or neglect.

Is sharing information with other professionals part of the job within the agency/establishment. Does the agency/establishment fulfil a statutory function, or is in the voluntary & community sector

Yes - Share information and up date records

NO - You may not have a reason /remit to share information - Discuss with your manager

Consent given to share information? (see over)

- The child is over 12 years old and they are Fraser competence they have consented to information being shared with other agencies.
- The Child is under 12 years old/or not Fraser competence the parents have given consent to share information

Share information and update your case recording -noting the circumstances and the purpose of sharing

Consent Refused

The child/young person or parent /carer can refuse to share the information gathered in the CAF. Be clear on the CAF form who they do not want information sharing with and where possible record the reasons why.

Do not share the information

Consent Refused

If you believe the child is at risk, you should discuss your concerns with your manager and agree the action you will take. You can share information if you believe the child is at risk of

- Harm/neglect / Abuse and exploitation

To

- Prevent crime and anti social behaviour /Comply with a court order

Share information

Sharing information without consent - Professionals should be as open and honest as possible with parent(s) unless to do so would adversely affect the welfare of the child, staff's own safety or an ongoing police investigation - Discuss with your manager