

- Overview of concept of consent
- Competence in children and young people
- What does the Mental Capacity Act say







Safeguarding Key Principles

Adult

Empowerment Prevention

Proportionality Protection Partnership Accountability

Children

Safeguarding is everyone's responsibility: Each professional and organisation should play their full part

Child centred approach:
For services to be
effective they should be
based on a clear
understanding on the
needs and views of
children









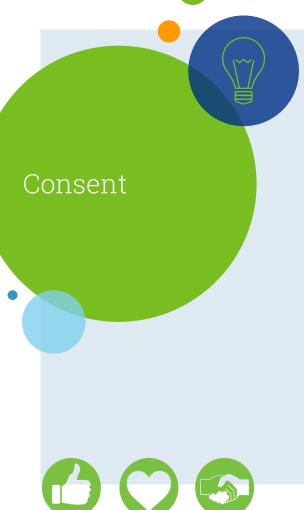
- The consent process is information provision, discussion and decision-making.
- For professionals consent is the permission, approval or agreement given by a person to enable the provision of care, advice, support or referral.
- Valid consent underpins care delivery whether basic care or major surgery











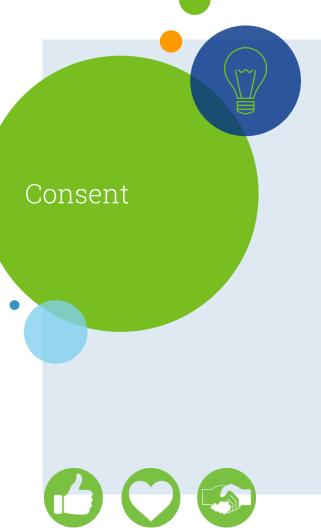
- For the consent to be valid, the person must:
 - have capacity to make the particular decision;
 - have received sufficient information to make it;
 - not be acting under duress.





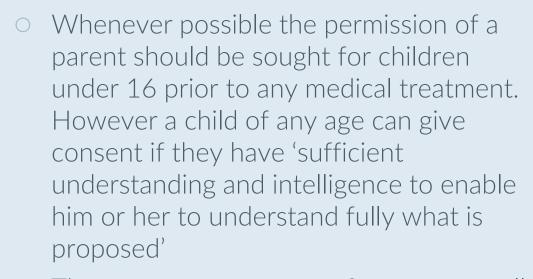






- Only people who have parental responsibility for the child can give consent on their behalf and it is important to check this with the adult who accompanies the child
- A young person aged 16 or 17 has an explicit right [s.8 Family Law Reform Act 1969] to provide consent to surgical, medical or dental treatment and unless grounds exist for doubting her/his mental health, no further consent is required.





 The young person may refuse some or all of the treatment, although a court can potentially override this refusal.







Mental Capacity Act

Applies to everyone over the age of 16

5 underpinning principles

Principle 1: Assume a person has capacity unless proved otherwise.

- Principle 2: Do not treat people as incapable of making a decision unless all practicable steps have been tried to help them.
- O Principle 3: A person should not be treated as incapable of making a decision because their decision may seem unwise.
- Principle 4: Always do things or take decisions for people without capacity in their best interests.
- Principle 5: Before doing something to someone or making a decision on their behalf, consider whether the outcome could be achieved in a less restrictive way.
- 2-stage test
- 4 abilities
- Deprivation of Liberty Safeguards
 - Liberty Protection Safeguards











Thanks!









