

Parental Responsibility Children's Occupational Therapy

Occupational Therapy Department

This information is for parents of children who have been referred to the Aneurin Bevan Health Board (ABHB) Occupational Therapy Service.

When a child is assessed by an occupational therapist a discussion will take place with the parent(s) and the child as appropriate about what intervention will be required. Consent for this intervention will be required either from the child or the person who has parental responsibility for the child. Without this consent, occupational therapy intervention cannot take place.

During a course of intervention, the type of treatment may need to be changed. Further consent will be required for this.

When is a child considered competent to consent?

Competent children can decide many aspects of their care for themselves, if they understand the implications of their treatment.

Young people aged 16 to 18 years can give consent for treatment themselves.

Children under 16 years, who fully understand the intervention being proposed, can also give consent. The child must have the maturity to fully understand the nature of the treatment being proposed, the risks, benefits and alternatives.

What is parental responsibility?

Parental responsibility refers to the rights, duties, powers and responsibilities that most parents have in respect of their children.

Without parental responsibility you are unable to be involved in decisions about health care for the child.

Who has parental responsibility?

- Mothers – a biological mother (natural) mother automatically has parental responsibility for her child.

- Married fathers – the father of a child will acquire parental responsibility if he is married to the mother when the child is born or if he and the mother marry later.
- Adoptive parent – acquire parental responsibility on adoption.
- Same-sex parents – both will have parental responsibility if they were civil partners at the time of treatment. E.g. donor insemination or fertility treatment

Who does not automatically have parental responsibility?

- Step parents – although they can acquire parental responsibility for their spouse's children, through a residence order.
- Unmarried fathers – if a child's father is not married to the mother, he does not automatically have parental responsibility. An unmarried father will only gain this if: -
 - he marries the mother
 - the child was born after 1st December 2003 and he is named on the birth certificate
 - the Court makes an order giving him parental responsibility
 - the mother and father make a parental responsibility agreement
- Same-sex partners who aren't civil partners - the second parent can get responsibility if: -
 - they become a civil partner of the other parent and make a parental responsibility agreement.
 - they jointly register the birth.
 - a parental agreement is made.
- Foster parents – do not have parental responsibility, this is retained by the parents. Parental responsibility is shared between parents and the local authority when a care order is made. When a residence order is made, parental responsibility is shared between the parents and the holder of the residence order.

Delegating parental responsibility (in loco parentis)

Anyone with parental responsibility may delegate, by verbal or written agreement, parental responsibility to another person such as a grandparent. The delegated person is then able to consent to treatment for that child of any changes to treatment.

It is the responsibility of the parent to discuss with the delegated person the outcome of any care that the child has received.

References

Aneurin Bevan Health Board (ABHB) (2004) Consent Policy

British Medical Association (2004) Parental Responsibility Guidance from the Ethics Department.

Department for Education and Skills (2000) Schools, Parents and Parental Responsibility.

<http://www.dfes.gov.uk/publications/guidanceonthelaw/dfeepub/jun00>
[accessed 16 August 2005]

Government UK Parental Rights and Responsibilities <https://www.gov.uk/parental-rights-responsibilities/who-has-parental-responsibility> [accessed 28 June 2018]

One Plus One

<http://oneplusone.org.uk/marriedornot/ParentalResponsibility.htm>
[accessed 16 August 2005]

Thompson Solicitors (2001) Parental Responsibility

<http://www.thompson.law.co.uk>

<http://www.bma.org.uk/ap.nsf/Consent/Parental>
[accessed 16 August 2005]