

Consent

Procedure to be operated by Darlington Borough Council's Children Social Care Teams/Early Help in respect of withdrawal of Consent

Introduction:

Consent is not a single action/event. At each level within the Children Social Care/Early Help pathway consent should be considered and continually sought to ensure that those involved in the service are happy to proceed with involvement. However, the issue of withdrawal of consent must also be considered regularly, the withdrawal of consent for further work can result in children and young people being left in situations which places them at risk.

This guidance is the operational guidance for all teams within Children's Social Care/Early Help to consider whenever consent has not been gained or is withdrawn.

1. Children Access Point(CAP)

Where possible the Children Access Point should request that the contacting agency seeks consent for the information to be shared, if the consent to share would place a child or other persons at risk, the information can be accepted but the rationale for non-consent being gained should be clearly documented within the Contact Form on Liquid Logic.

If no consent is forthcoming but it is thought that the situation reaches the threshold for social care intervention (threshold discussion) then a discussion should be held with the Service Manager and clearly recorded by the Service Manager on the electronic system under Manager's decision.

2. Children's First Response Team (CFRT)

When cases transfer to the CFRT (CFRT) having met the threshold for social work intervention the Social Worker should seek signed consent on the first visit to the family to proceed with the assessment/social work intervention. The CFRT should be mindful that if a young person is deemed to be able to make their own decision consent can be sought from a person over the age of 16 and good practice would be to seek their consent also.

Children in Need as defined by the Working Together 2018 In the event that consent is not received then a discussion should be held with the Service Manager to determine the level of risk and whether the case should proceed under Section

47(non-compliance may place a child at further risk). The Service Manager should clearly record the no consent meeting on the electronic system the rationale and reasoning for escalation of the case or non-continuation of the case.

Where a child is deemed to be at risk then the case can proceed under Section 47 without consent but good practice would be to seek this consent at the earliest opportunity however this should not prevent the case from proceeding.

3. Assessment and Safeguarding Teams/LATC

Consent should be revisited regularly through the life span of the case and clearly recorded on the electronic system that this has been discussed with the family. Consideration should be given to seeking the consent of those young people who are over 16.

During the life span of the case should consent be withdrawn then the team manager and the service manager (no consent meeting) should determine the next steps for the case (which may include legal planning and this should be applied in accordance with the Legal Planning meeting process) and this should be clearly recorded on the electronic system with the rationale and reasoning and next steps if the case is to continue or the rational for closing the case if work is outstanding.

Legal Advice can be sought at any point in this process and any decisions must be clearly recorded on the entropic system.

4. Early Help

Early Help is a consent based service, however, this must also be considered in the context of potential risk or harm to the child/young person. Consent must be sought from those with parental responsibility. If at any time consent to work with Early Help is withdrawn, then the worker must speak with their manager to consider any potential risk to family/children, a discussion can be held with the CAP to discuss threshold and consider next steps.

The manager should record the discussion clearly identifying any risks that may arise from any such discussion and how these should be managed. All members of the TAF meeting should be informed of the withdrawal of consent.

This paper to be considered alongside:

The Legal Planning Process



Information and Consent Issues Briefing Paper December 2016

Date: August 2018

Review Date: August 2020 (unless there is legislative change regarding consent)

Version 1