

# Informed Consent

Guidance

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Youth work organisations are legally required to inform workers and others affected by their services of the potential health and safety risks that they may be exposed to and the arrangements in place to keep them safe. Young people under 18 years of age must be informed of the potential risks and mitigations they may encounter but their parents/carers must provide the formal consent for their participation. Individuals over 18 years of age with full mental capacity may provide their own consent but this must still be informed. This document aims to detail what information is required to properly inform individuals and how this should be managed for youth programmes.

Information included here applies to young people participating in any programme or activity where a youth work organisation holds the direct enhanced duty of care for young people. It does not apply to workers who should be informed of any work related risks through employment processes.

## Introduction

Informed consent can be defined as 'permission granted in full knowledge of the possible consequences'

Youth work organisations should ensure that young people and their parents/carers are informed of the main risks present in the proposed programme and what will be done to manage them, and therefore be better informed to decide what risks they are prepared to accept.

This means that all young people and their parents/carers (where applicable) must be given relevant information and the opportunity to review and understand that information in order to fully appreciate: what a young person will be doing; how they will be supported; any risks and health & safety measures in place; and the terms of any agreement.

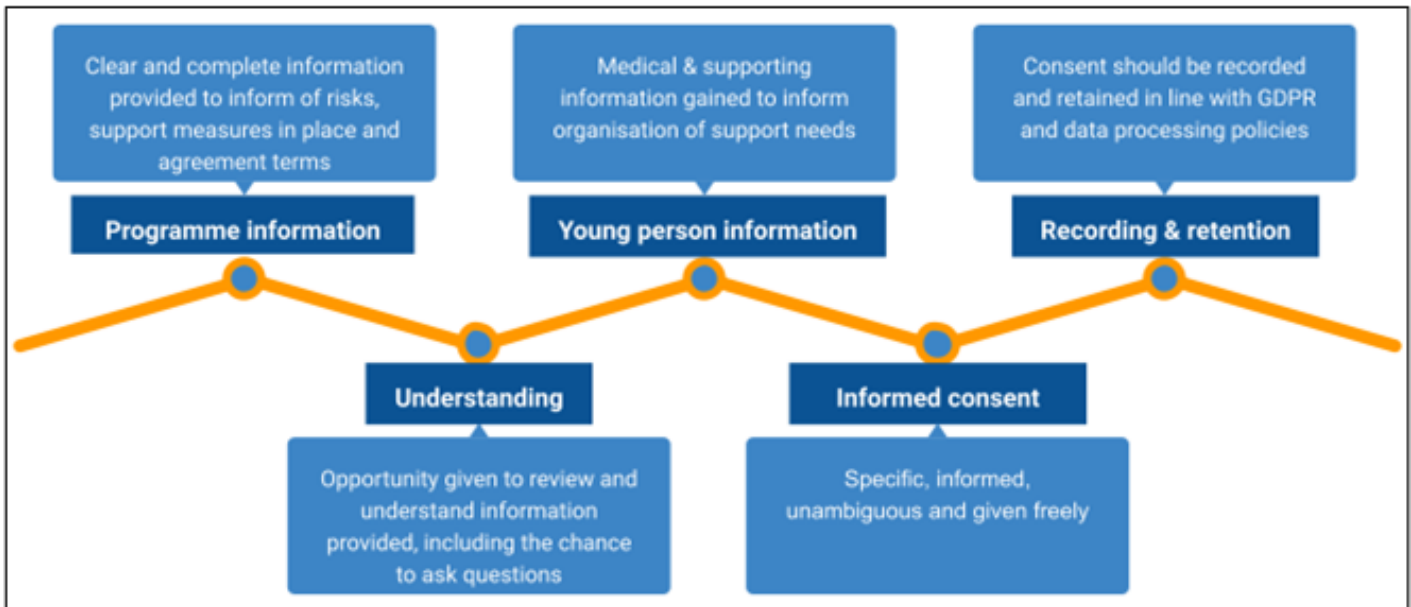
Informed consent should be a two-way process and as such, youth work organisations should expect young people to commit to "reasonable behaviour" in order to help keep themselves and others safe. There should also be the opportunity for questions to be asked in a clear way prior to consent being provided.

## Reasons for gaining informed consent

Youth work organisations have a duty of care to ensure informed consent is gained. It is required to provide young people and their parents/carers with fulsome information regarding the service and their participation, and to allow the young person or parents/carers to identify and bring to the organisation's attention specific risks or needs for their young person. These may not always be readily apparent (i.e. medical requirements, allergies or abilities such as swimming).

The effective procurement of informed consent helps develop further trust and confidence in the organisation and the programme, and may reduce the risk of unnecessary legal claims premised on incorrect assumptions regarding the activities and risks.

## Informed consent process



### Medical & supporting information

Informed consent is a two-way process and youth work organisations will need to understand the medical and other support needs of each young person in order to effectively safeguard their health and wellbeing. Organisations may opt to gain medical and supporting information at the same time as gaining consent by using the same form, or may choose to separate the process. This should all be part of the overall risk assessment.

Either way, due consideration should be given to gaining sufficient medical and supporting information. The level of detail and specific information required will depend on the type of programme and the level of risk involved, including factors such as: type of activity; residential or non-residential; distance from care; age of participants; and first aid needs assessment.

For many youth programmes it is likely that targeted questions will be required to cover areas such as:

- medical conditions & medication
- emotional, behavioural, and/or educational needs
- physical and mental health
- allergies
- dietary requirements
- disability, inclusion and accessibility requirements
- lifestyle including exercise, swimming ability, drugs/alcohol use & smoking
- equal opportunities monitoring

Careful wording should be used when gaining medical and supporting information to encourage full and honest disclosure whilst not presenting a barrier to participation. Information provided should be used to enable an organisation to identify what measures may be required to provide the necessary support for a young person and to ensure their safety and wellbeing whilst on programme. Young people and parents/carers should be informed that information requested is to be used to enable and support rather than preclude their participation.

The remainder of this guidance is therefore focussed upon the matter of informed consent rather than the gaining of medical and supporting information.

### **When informed consent should be sought**

Youth work organisations need to ensure that informed consent is in place for all young people prior to a young person's engagement in any programme, activity or event. Informed consent can, but doesn't necessarily need to be, gained at the same time as gathering pertinent personal information for the young person through an application or medical form or similar. Youth work organisations need to undertake reasonable measures to ensure parents/carers have received, read and understood pertinent programme information to enable them to make an informed decision regarding the participation of their young person.

Youth work organisations should be aware that sometimes there may be difficulties in obtaining consent for some young people, for example those in care. For example, a foster carer - although acting as a resident parent, may in some cases not have the authority to provide full consent for a youth programme and there may be a delay while they seek guidance from the legal guardian (such as a local authority in its role as a corporate parent). Organisations should ensure that suitable allowances are made for such cases and allow sufficient time for consent to be obtained. Designated Safeguarding Leads (DSL) could be consulted with in such cases where there are difficulties in gaining consent in order to ensure the process is completed effectively but sensitively.

### **Information for parents/carers**

In order to provide *informed* consent, parents/carers require sufficient information to enable understanding of the nature of the programme / activities, and the associated risks and any health & safety measures in place. Such information may be given in a variety of ways, and the information needed by parents/carers will depend on the nature and complexity of the programme and/or proposed activities. For a residential programme, complex or higher risk activity a combination of written information in the form of a welcome pack or similar, and briefing/information meetings or phone calls, allowing for questions and answers, may be necessary.

To provide informed consent, parents/carers should have access to pertinent programme information which may include the information below.

Youth work organisations should create their own consent form for parents/carers based upon the following examples of key information:

Pre-emptive measures:	Reactive measures:
<ul style="list-style-type: none"> <li>• The purpose of the programme and the proposed activities included</li> <li>• Practical details to include dates, times, locations, clothing and equipment required, transport, when food will be provided and when young people need to make their own arrangements</li> <li>• Accommodation arrangements, including shared rooms and bathrooms</li> <li>• Any financial costs, including what might not be included such as travel to and from venues/settings</li> <li>• Details of all the activities involved; what are they, who is responsible for their delivery; how, when and where will they take place?</li> <li>• Staffing &amp; supervision arrangements; experience and/or qualifications of staff; staffing ratios</li> <li>• Any responsibilities that young people may have for their own health and safety including updating workers if they are feeling unwell, have any allergies, have any safety or wellbeing concerns and reminding catering staff of any dietary requirements</li> <li>• Any times when they may not be directly supervised by youth workers, for example whilst making their own travel arrangements to and from venues, during downtime or lunch breaks</li> <li>• Information regarding any risks involved in the planned activities: this could be provided in the form of a safety summary, highlighting main risks and measures in place to manage them</li> </ul>	<ul style="list-style-type: none"> <li>• A summary of the critical incident / emergency response arrangements</li> <li>• Details of any preparation where parents/carers need to take an active role</li> <li>• Behavioural expectations and sanctions such as through a code of conduct</li> <li>• Any insurance cover in place plus any aspects of the programme not covered by insurance and how to make a claim</li> <li>• Arrangements for sending a young person home early in the event of either sickness or misbehaviour and how any costs will be met</li> <li>• Information for how parents/carers should contact the organisation or workers in the event of an emergency at home</li> </ul>

In addition to gaining informed consent for participation in certain programmes, it may be necessary to ask parents/carers for other specific consent, such as:

- Consent for the young person to receive emergency medical treatment when parents/carers cannot be contacted
- Consent for the youth work organisation to share personal data such as dietary and medical information with third party providers such as transport, activity or accommodation providers where necessary. Any sharing of data like this should also be detailed in the organisation's privacy policy
- Media and photograph consent for the use of any images or content of the young person by the youth work organisation or by any other third party providers
- Agreement to any specific terms and conditions

### **Gaining informed consent**

Typically, informed consent will be gained via a form which parents/carers complete and sign to confirm that they have read and understood the information provided to them and that they consent to their child taking part in the programme and all associated activities. These forms may be linked to other forms or processes such as a code of conduct, information pack and/or data policies.

Youth work organisations may decide to gain informed consent for a full programme in advance or could opt to gain consent for individual elements of a programme in turn, particularly if elements are distinctly different from each other. In both cases a sufficient level of information must be provided to parents/carers regarding each and every element/activity involved in the programme as depicted above.

With appropriate data security measures in place, parents/carers may give consent electronically e.g. by email, or an online system through a website or app. Whatever system is used, it should: allow parents/carers to confirm that they have been fully informed; record when and by whom the consent was given; allow consent to be given by all those with parental responsibility if required; enable a direct connection between consent and information about the programme. The organisation's Data Protection Officer or equivalent should provide additional guidance on this in order to ensure GDPR compliance.

Where parents/carers are unable to edit or update any information provided as part of the consent process after the fact, it would be good practice to include a statement such as:

*"I will update the organisation if there are any changes to my child's medical condition or other needs and any changes to emergency contact details after the initial sign-up process has been completed. This will include updates on emotional wellbeing or mental health issues that might be helpful for youth workers to provide a safe and successful experience for my child."*

Consent should be specific, informed, unambiguous and given freely with an affirmative action such as a tick or signature. Therefore, youth work organisations should ensure that consent forms clearly articulate what consent is being asked for, provide a clear opportunity for consent to be given or declined and provide the information, or links to the information suggested in section 4 above. Consent forms should be clear and should not be hidden in small print or within other large documents, or appear to be a pre-condition of acceptance on the programme with no opportunity to seek further information from the organisation.

Youth work organisations should consider means to ensure that the consent given is genuine and to safeguard against young people themselves or others completing consent forms without the knowledge of the appropriate parents/carers. Confirmation of parent/carer identity may be sought as part of the consent process for example; where consent is given by email or text, it should match the email address or mobile number held on record for the parent to help guard against a child completing this process instead of their parent/carer.

Verbal consent via a telephone call is acceptable, particularly for situations where late notice changes to the programme or activities necessitates consent to be revisited, and/or where parents/carers may be unable to provide consent in writing. If and when taking verbal consent, it is good practice where technically possible and with permission to either record the call or as a minimum, to note the time and date; who took it and the wording of any script used; who gave the consent and their relationship to the young person.

### **Responsibilities of parents/carers**

For some young people, it can be confusing and unclear to establish who has parental responsibility for that young person. Whilst written as guidance for schools and local authorities, the Department for Education has [published guidance](#) on understanding and dealing with issues relating to parental responsibility, including “who is a parent?” which may be a useful reference tool for youth work organisations.

The guidance is applicable to organisations and providers other than schools and states:

*“Where schools need parental consent to outings and activities, Head Teachers should seek the consent from the resident parent [i.e. the parent who lives with a child] unless the decision is likely to have a long-term and significant impact on the child, or the non-resident parent has requested to be asked for consent in all such cases.”*

Youth work organisations are advised to avoid becoming involved in any disagreement between parents. Where applicable and deemed appropriate, youth work organisations may wish to seek consent from both parents and to assume that parental consent has not been given until received from both parents. This approach will help to ensure that the views of each parent have been treated equally and will also help to safeguard the organisation in terms of exposure to any potential civil liability where, for example, the child is injured while on a programme.

### **If parents/carers are unwilling to provide consent**

If a young person is keen to take part in an activity but their parents/carers are unwilling to give consent, youth work organisations should talk to the parents/carers and try to understand their concerns and any reasons for objection. There may be simple adaptations that can be made to the activity or programme, such as providing additional support for the young person or an alternative activity, that the parents/carers may be more comfortable with.

Youth work organisations may consider allowing a young person aged 16-18 with sufficient maturity to make their own decisions to participate without parental/carer consent. Organisations should give careful consideration to the young person's individual circumstances in these cases and any decision should be made with full understanding of the relationship between the young person and their parents/carers, their living situation and a thorough assessment of the risks involved. This is most likely to be appropriate where the young person lives separately from their parents/carers and/or has little contact with them.

### **Recording informed consent**

Once informed consent is received, youth work organisations should record and maintain copies. Where consent has been given in written form, copies of the files should be saved with the young person's other personal information. Where consent is given verbally over the phone, a recording of the conversation may be held or as a minimum a record should be kept of the time and date; who took the consent; the wording of any script used; who gave the consent and their relationship to the young person. The organisation's Data Protection Officer or equivalent should provide additional guidance on this in order to ensure GDPR compliance with regards to data retention policies.

**Note:** There is no requirement for workers to carry evidence of parent/carer consent whilst delivering programmes when in the UK, but it is worth noting that this may be necessary if international travel is planned.

### **Consent forms from third party providers**

Some third party providers, such as activity, transport or accommodation providers may issue forms for youth work organisations to pass on to young people or parents/carers to complete and sign. Careful consideration should be given before using such forms as it may create a contractual link beyond the youth work organisation between the parent/carer and the third party provider, thus confusing lines of responsibility. It could also breach the organisation's data protection agreement.