ASSOCIATION OF PAEDIATRIC RADIOGRAPHERS. (A.P.R.)

CONSENT:

DoH guidelines define “childhood” as up to the age of 19 years.

A person over the age of 16 years is legally capable of giving or withholding consent, unless known to be suffering from a neurological condition which may impair reason, or is otherwise without legal capacity.

If a child under 16 years of age is Gillick competent (i.e. has “sufficient understanding and intelligence to enable him or her to understand fully what is proposed”) that child may consent to the examination/immobilisation on his/her own behalf. This requires an appreciation of the consequences of the examination, including possible side effects, and also the anticipated consequences of not performing the examination. If a young person of 16/17yrs, or a Gillick competent child under 16yrs, refuses treatment such a refusal can be overruled by a person with parental responsibility, or by a court.

This power to overrule must be exercised only on the understanding that the welfare of the child/young person is paramount. In circumstances where the patient has refused the radiographer will liaise with the referring clinician, who will take responsibility.

If the child is co-operative it can usually be assumed that the child and parent/guardian have consented to the examination, and any necessary immobilisation.

The parent (with “parental responsibility”) or legal guardian can give consent on behalf of children who are not Gillick competent.

If the parent/guardian offers assistance to begin and complete the examination, it can be assumed that they have consented to the examination, and any necessary immobilisation.

**Parental Responsibility:** A mother automatically has parental responsibility for a child.
When the parents are married, both mother and father have joint parental responsibility.
When parents are not married at the time of their child’s birth, the natural father does not have automatic parental responsibility. He can obtain this either by formal agreement with the mother or by Court Order.

Consent may be implied or oral, but written consent must be given by the Child (if competent) or the parent/guardian for invasive procedures. These procedures may vary according to individual Hospital Trust’s Policies.
Examples are the following: -
All GA examinations including;
Angiography
Venography
Biopsies
Line insertion
Nephrostomy insertion
Drain insertion

References:

Gillick v West Norfolk and Wisbech Area Health Authority and the DHSS (1985) 3 WLR 830.
Royal College of Nursing: Restraining, holding still and containing children and young people.