

 BAY OF PLENTY DISTRICT HEALTH BOARD HAUORA A TOI	INFORMED CONSENT – CHILDREN	Policy 1.1.1 Protocol 3
INFORMED CONSENT PROTOCOL		

INTRODUCTION

This section provides a framework under which decisions on the process for obtaining informed consent for children and young people can be made.

CODE OF RIGHTS

Subject to the following, the Code of Health and Disability Services Consumer Rights applies to children as it does to adults.

ENTITLEMENT TO CONSENT

1. A child must be treated as an individual, presumed competent, and has the right to make his or her own informed choice, and give or refuse consent. There is no age of consent.
2. The provider must make an assessment of a particular child's competence, which will depend on understanding and maturity, and gravity of the procedure.
3. A person entitled to make an informed choice on a child's behalf (e.g. parent) can only do so if the child is not competent to do so themselves.
4. Parents can assist the provider in deciding whether a child is competent to understand the information needed to make an informed choice.
5. A child's competence to consent will depend on the individual child's understanding and maturity and the gravity of the procedure.
6. They must be able to understand:
 - 6.1 That they have a choice.
 - 6.2 Why they are being offered the health service.
 - 6.3 What is involved in what they are being offered.
 - 6.4 What the probable benefits, risks, side effects, failure rates and alternatives are.

INABILITY TO CONSENT

1. For a child not competent to consent, consent can be obtained from:
 - 1.1 The parent or legal guardian.
 - 1.2 If no parent / legal guardian in New Zealand, a person acting in the place of parent or;
 - 1.3 If neither of the above person(s) can be found with reasonable diligence, a District Court Judge, or the Chief Executive of Child, Youth and Family Service (phone 0508 326 459 where a duty social worker can be contacted).

REFUSAL TO CONSENT BY PARENT

1. If a parent refuses to give consent for treatment the provider has the legal right to provide urgent treatment or seek directions from the High Court under the Guardianship Act 1968.

DISAGREEMENTS

1. Where a child disagrees with the parent or parents disagree between themselves the provider must identify a mediator acceptable to the child and parents to facilitate a resolution.

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Protocol Steward: GM Governance & Quality	Authorised by: Medical Director	

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2. All efforts must be made to resolve the issue (including the involvement of appropriate others e.g. other family and whanau, social workers).
3. If parents still refuse to consent to the treatment, then an application to the High Court under the Guardianship Act 1968 may be necessary.

REFERENCES

- Guardianship Act 1968
- Code of Health and Disability Services Consumer Rights

ASSOCIATED DOCUMENTS

- Bay of Plenty District Health Board policy 1.1.1 Informed Consent
- Bay of Plenty District Health Board policy 1.1.1 protocol 1 Informed Consent – Standards
- Bay of Plenty District Health Board policy 1.1.1 protocol 2 Informed Consent – Diminished Capacity and Competence to Consent
- Bay of Plenty District Health Board policy 1.1.1 protocol 4 Informed Consent– Post Mortem Examination (Autopsy)
- Bay of Plenty District Health Board policy 1.5.1 Interpreter Services
- Bay of Plenty District Health Board policy 2.5.2 Health Records Management
- Bay of Plenty District Health Board policy 6.1.4 Advanced Directives
- Bay of Plenty District Health Board policy 6.3.9 Body Parts, Tissues and Substances
- Bay of Plenty District Health Board policy 6.6.1 Death of a Patient
- Bay of Plenty District Health Board policy 2.1.4 protocol 3 Incident Management – Open Disclosures
- Bay of Plenty District Health Board policy 2.4.2 External Enquiries, Investigations, Inquests and Hearings
- Bay of Plenty District Health Board policy 2.5.1 Health Information Privacy
- Bay of Plenty District Health Board policy 1.2.5 Jehovah’s Witness Patients – Providing Care
- Bay of Plenty District Health Board policy 1.2.6 Refusal of Blood Products
- Bay of Plenty District Health Board Informed Consent form (7752) – *viewable only. Order from Design & Print Centre*
- Bay of Plenty District Health Board Form FM.T7.1 Treatment / Non Treatment of the Incompetent Adult Patient
- Bay of Plenty District Health Board Form FM.B2.1 Blood Products – Refusal - Understanding Regarding Refusal for Minors
- Bay of Plenty District Health Board Form FM.H1.1 Health Care Directive

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