

Consent to treatment - children and teenagers

People aged 16 or over are entitled to consent to their own treatment, and their parents can't overrule this.

Children under the age of 16 can consent to their own treatment if it is thought that they have enough intelligence, competence and understanding to fully appreciate what is involved in their treatment. Otherwise, someone with parental responsibility can consent for them.

When their consent can be overruled

If a young person refuses treatment, and by doing so this may lead to their death or a severe permanent injury, their decision can be overruled by the courts. The court used is the Court of Protection, which is the legal body that oversees the operation of the Mental Capacity Act (2005). In some cases, the parents of a child who has refused treatment have been allowed to consent for them. However, it may be best to go through the courts in such situations.

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Parental responsibility

If a child who is under 16 does not have the capacity to consent, someone with parental responsibility can consent for them. See the box on this page for a list of people who can hold parental responsibility. The person with parental responsibility must have the capacity to give consent.

If a parent refuses to give consent to a particular treatment, this decision can be overruled by the courts if treatment is thought to be in the best interests of the child.

If one person with parental responsibility gives consent and another does not, the healthcare professionals can accept the consent and perform the treatment. If the people with parental responsibility disagree about what is in the child's best interests, the courts can make a decision. In an emergency, where treatment is vital and waiting to obtain parental consent would place the child at risk, treatment can proceed without consent.