



Parental, Guardian and Young Person Consent Policy

Introduction

At The Joshua Tree we believe that children and young people's needs are best met when they are involved in making decisions that affect them, and when we work in partnership with their families. This policy describes how The Joshua Tree seeks to play its part in this partnership.

This policy brings together our responsibilities to consult with and obtain the consent of children and young people, and to consult with and obtain the consent of parents/guardians in relation to our activities and events.

In accordance with The Joshua Tree's Safeguarding Policy, employees and volunteers recognise that they must take all possible steps to protect young people and families from significant harm or risk.

Policy

The policy applies to all staff and volunteers working for The Joshua Tree.

We recognise that:

- Children and young people have rights as listed in the United Nations Convention on the Rights of the Child, which came in to force in the UK in 1992. They include the right to relax and play (Article 31) and the right to freedom of expression (Article 13) have equal importance as the right to be safe from violence (Article 19) and the right to education (Article 28) <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>
- In accordance with Article 5 of the Convention, helping children to understand their rights does not mean pushing them into making choices about matters that they do not understand or with consequences that they lack the maturity to deal with. Parents/Guardians are required to help their children make choices "in a manner consistent with the evolving capacities of the child". This is a principle to which The Joshua Tree also subscribes;
- Parents/Guardians are the primary source of nurture and support to their children and should be supported in fulfilling this role;



- In a small minority of cases, parents/guardians are not able to provide for their children's needs or to care for them safely without statutory intervention. If we encounter a situation where we fear that this might be the case, we have a duty to refer the matter to an investigating authority and reference must be made to the Safeguarding Policy.

We will take the following steps to obtain consent, from both parents/guardians and children/young people, for children's participation in activities and trips/outings:

- We will seek parental/guardian consent and support for a child/young person's participation in activities and trips, regardless of the age of the child/young person (up to the age of 18);
- For all children/young people (under the age of 18), we will also seek their consent, unless our assessment is that the young person is not able to give informed consent (because of their level of learning ability or for some other reason);
- In all cases, consent offered by young people will involve signing up to the behaviour code and the safety rules for the activity or trip;
- If a child/young person is keen to take part in an activity that would be in their best interests to do so, but their parent/guardian is not willing to consent, we will seek to address the matter with the parent/guardian and to understand the reason for their objection. If, having spoken to the parent/guardian, we feel that the objection is reasonable, we will support the parent/guardian in conveying this decision to the child/young person. If, however, we feel that the parent's/guardian's objection is not reasonable, we will attempt to remove the barriers preventing the parent/guardian from giving consent whilst respecting the role of the parent/guardian;
- If a young person aged 16-18, with sufficient maturity to make their own decisions, lives separately from their parents/guardian and has little contact with them, we may consider allowing them to participate in an activity without the parent's/guardian's consent. This will depend on the capacity of the young person concerned, our understanding of the reasons why the parents/guardians would not be consulted, and an assessment of any risks involved. In such circumstances, specialist advice will normally be sought prior to a decision being made and outcome will be sufficiently documented



In the event of The Joshua Tree contracting a 3rd party professional to support the child e.g. Sessional worker, consent will be obtained by the parent via The Joshua Tree Sessional Worker Contract Agreement. Where a young person aged 16-18, with sufficient maturity, has capacity to attend sessions without supervision, the agreement will be made with the young person instead of the parent. A decision to the appropriate pathway of consent will be made in line with BACP ethical code and documented accordingly.

This policy was reviewed: February 2022

Next review date: February 2024