Early Help Hub

Guidance on gaining consent in order to refer to the Early Help Hub

The support that Brighton & Hove City Council's Early Help Hub can offer is based on the consent of the client/s. A referral to the Early Help Hub requires the practitioner making the referral to have gained consent. This may well be consent from the parents and carers and consent from any young person involved.

Gaining consent to make a referral to the Early Help Hub

In order to make a referral you need to ensure that your client/s understand they are consenting to three things:

1. Consent to make a referral to the Early Help Hub - this means to pass on your client's details to the Early Help Hub and to ask the Hub for some additional support for that family

2. Consent to share your client/s information with other professionals who will provide support to the family

3. Consent for their information to be shared with Government for the purposes of a National Evaluation

The Early Help Hub needs consent to refer and consent to share information in order for a referral to be accepted and the EHH Referral Form requires your client/s signature to confirm this consent.

The Stronger Families Stronger Communities Programme in Brighton and Hove is funded by a national programme with which client information is shared for the purposes of an anonymised national report. The information is shared securely and no information is ever reported that could in anyway identify any family or client. The Early Help Hub screens all referrals for eligibility to this programme which means families receiving support from the Hub may be eligible for the programme and therefore have their information shared as outlined. Please use the Early Help Hub Privacy Notice (you can download this from the Early Help Hub web page) which outlines this and is designed to be discussed and then left with the family should they decide in the future to revoke their consent to have their information stored and shared in this way.

The Early Help Referral Form can be downloaded from the Early Help page of the Council's website here http://www.brighton-hove.gov.uk/content/children-and-education/childrens-services/early-help

Asking for consent from young people

If there are young people in the family you are supporting then you may need to ask for their specific consent. Young people aged over 13 years should be asked for their consent. In some circumstances you may be supporting a young person aged over 13 years to be the subject of a referral to the Hub without their parent/carer's consent. For example a young person wants to get support around drug and alcohol use or issues to do with relationships and sex but doesn't want their parents/family know. You may encourage the young person to talk to their parents/cares about he issue but they have the right to insist upon support without that permission if they

choose. You as a professional will need to make a judgement in this instance about that young person's capacity to make an informed decision about consent to receive the service.

How do I judge whether or not a young person is competent to give/refuse their consent?

Practitioners who work with young people use the test of Fraser competence to help them make a good judgement

Test of Fraser competence (Previously known as Gillick competence)

Who does the test apply to?

- A child or young person can give their consent to share information if the practitioner judges that the child is competent.
- As a rule of thumb it is generally applicable to children over the age of 13 years.

How is Fraser competence assessed?

- Can the child/young person understand the question being asked of them?
- Does the child/young person have a reasonable understanding of what information will be shared, the main reasons for sharing it and the consequences of sharing or not sharing the information?
- Can the child/young person consider the alternatives and weigh up the different situations?
- Can the child/young person give a personal view of the situation?
- Is the child/young person giving a consistent view on the matter?

What if parents/carers disagree?

- Parents/carers should be included in discussion wherever possible.
- It is good practice to consider the views of both child/young person and parents/carers in any decisions about the sharing of their information.
- Ultimately, if a competent child/young person and their parents/carers differ in their views, the competent child/young person's wishes should be respected.

Do parents need to be informed?

- It is not necessary to inform parents/carers if it is against the wishes of the competent child/young person and the practitioner judges that the child/young person's wishes can be respected.
- It is not necessary to inform parents/carers if this could place the child/young person at increased risk of harm.

Gaining consent from vulnerable adults

The Fraser Test of Competence may also prove a useful tool when considering the needs of a vulnerable adult.
For some excellent practical advice on supporting vulnerable adults to make decisions about consent please see the Mental Capacity Act Code of Practice 2005 here
https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice

Other adults in the family

All adults named in the referral should be asked for their consent to be a part of the referral.

You should ask for consent from the parents/carer/s in the family, but if there are other adults in the family who are recorded on the Early Help Referral form, it is important to also ask for their consent. As part of the Early Help Hub referral process, information will be added to the referral from Children's Services databases and we need to know proactively where an adult or young person has refused consent in order not to gather any information about them as part of the referral process.

What can the client/s do if they change their minds about consent after the referral?

The Early Help Hub Privacy Notice should be left with your client/s when you have gained consent. The notice explains that they have given consent and gives your client contact details should they decide at a later date that they no longer want to share their information with the Hub and the national evaluation programme.

It also explains that their referral will now go to the Hub and that a professional will contact them shortly to let them know the outcome of that referral and explain what additional support can be offered.

This Privacy Notice can be downloaded from the Early Help page of the Council's website here http://www.brighton-hove.gov.uk/content/children-and-education/childrens-services/early-help

Referrals that do not require consent

The Early Help Hub referral form gives you the option as a referrer to indicate where consent is not required because of a safeguarding, ASB or criminal activity context. It states that-

Consent is not required in the following circumstances:

- *Alleged or proven criminal activity*
- *Child protection or safeguarding of children and vulnerable adults, in which case this would become an immediate Multi-Agency Safeguarding Hub (MASH) referral*

It then goes on to say,

If you have not gained consent please detail below what of the two circumstances above applies to this referral and tell us why you have not made a referral to the MASH

It is important to remember that in most instances where there are clear safeguarding, anti-social behaviour, criminal activity concerns you should contact the MASH in the first instance.

Multi-Agency Safeguarding Hub (MASH)

Tel: 01273 290400

Email: MASH@brighton-hove.gcsx.gov.uk.

Outside of normal office hours call the number above to receive a message giving emergency contact details.For more information about the MASH go to:

http://www.brighton-hove.gov.uk/content/children-and-education/childrens-services/accessing-childrens-services