

CONSENTING FOR SERVICES: YOUTH CLIENTS

New Zealand law requires every client referred to Safe Network to agree to receiving services, based on an understanding of what is involved. This is called “**informed consent**”, and we need that before we start working with any client.

This information sheet explains your rights, Safe Network’s policies around informed consent and how we apply these for youth clients (13-18yo).

WHAT IS INFORMED CONSENT?

Informed consent is where someone receiving a service is provided with enough information to:

- Understand what is involved
- Understand the potential benefits and risks from receiving our services
- Understand what their options are, including the option to decline services
- Make a voluntary decision to participate in our services.

Older young people (16-18yo) can generally understand what is involved in our services, what their options are, and are able to make their own informed decisions. Younger adolescents (13-15yo) may not be able to do this and require informed consent to be provided by someone who can act on their behalf. This information sheet explains how Safe Network manages obtaining informed consent for youth clients.



OUR APPROACH TO INFORMED CONSENT

All Youth Clients

1. We believe that the risks from taking part in our services are negligible. If a young person has been recommended for our services, we believe it is in their best interests to do so.
2. You have the right to receive all the information necessary for making an informed choice about what services a young person will receive from Safe Network. We cannot proceed with providing services without consent.
3. You are entitled to ask questions, seek clarification, consult with others, receive further information and ask for more time prior to making a decision.
4. There is always the option to decline our services, even if attendance at Safe Network is recommended by Oranga Tamariki or mandated by the Youth Court.
5. While consent may be verbal or in writing, we require written consent before we start.
6. After we have explained our services, you will have up to a week to consider your options, consult with others and ask follow-up questions. We may withdraw the offer of services after a week if consent has not yet been provided.

16-18yo

7. Unless there is clear evidence to the contrary, we will presume youth aged 16-18 years are able (“**competent**”) to give informed consent for themselves. If they are not competent to make an informed decision, consent can be provided by someone in a position to exercise it on their behalf (e.g. a parent), provided they act in the best interests of the client.

13-15yo

8. Clients aged 13-15 years will be assumed to be competent to provide informed consent if they are able to answer the following:
 - Why they have been referred and need Safe Network’s services
 - What participation in Safe Network’s services involves
 - What benefit they will get from the services
 - What other alternatives they may have
9. Where a young person aged 13-15 years is able to answer these questions, we will also ask a responsible adult to countersign the consent agreement to cover off any subsequent concerns there may be about the young person’s legal competency.
10. Where a young person aged 13-15 years is not able to answer these questions, we will ask for consent to be provided by someone in a position to exercise it on their behalf. In the first instance we will seek consent from a parent or legal guardian where they are contactable, respond to our request for consent and it is not considered detrimental to the young person’s welfare for them to be engaged in consenting on their behalf.

11. Where we require an adult to provide consent on behalf of a young person and we are unable to obtain consent from a parent or legal guardian or it is inappropriate to do so, we will seek consent from a caregiver or another person who has an interest in the young person's welfare. Caregiver consent may be obtained and relied upon for clients in whaangai placements.
12. Parents and caregivers do not have a legal right to consent on behalf of a young person. When they do provide consent, they are doing so on the young person's behalf and they must act in their best interests.

We only require the consent of one parent or legal guardian, irrespective of whether or not there are Court orders in place relating to joint parenting or guardianship. Such court orders are a private matter between those involved and are for the parties concerned to resolve between themselves and the Court. Safe Network will continue to rely on the consent of one parent or guardian until such time as the Court may order otherwise.



Limitation of consent

13. While there is the right to limit consent or only provide partial consent for the services recommended, we are not required to agree to this.
14. We may decline to work with a young person where we believe that a limited consent undermines the quality of the service we can provide them or it is impractical to apply.
15. If we have recommended a group-based service and you decline for this, we may choose to exit you from our services.

Withdrawal of consent

16. Consent may be withdrawn or amended at any point in time, including after services start. Withdrawal of consent may be provided verbally or in writing.
17. If consent is withdrawn, we will immediately stop providing services to the young person. We will ask for written confirmation that consent is withdrawn if not already provided.
18. If the young person is under a Youth Justice or Care and Protection order, we will inform the Oranga Tamariki social worker that consent has been withdrawn.



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