



# Practitioner Guidance: Early Help Assessments & Consent

This guidance outlines the reasons why consent should be obtained before commencing an Early Help Assessment. It also outlines what practitioners can do if they are concerned about a case (that does not appear to meet level 4) when consent is denied or withdrawn

## Purpose of this document

This guidance sets out the issue of consent for professionals, working with families at levels 1, 2 & 3 and what to consider if **consent to an early help assessment is denied or withdrawn when a practitioner is concerned about a child but the criteria for level 4 is not evident.**

**Please note:** There are specific laws and guidance which enable information to be shared without consent, for example Crime and Disorder Act, Terrorism Act or when considering a referral due to a safeguarding issue (level 4) where seeking consent would:

- Place a person (the individual, family member, worker or third party) at increased risk of significant harm (if a child) or serious harm (if an adult)
- Prejudice the prevention, detection or prosecution of a serious crime – this is likely to cover most criminal offences relating to children.
- Lead to an unjustified delay in making enquiries about allegations of significant harm (to a child) or serious harm (to an adult)

## Why is consent required

All professionals must obtain consent from parents or those who have parental responsibility when they seek information or share information with other agencies. The consent must be re-sought for each episode of work that a professional undertakes with a family for example: if a family has had an early help assessment and the case is then close and there is a requirement for a further assessment, consent must be re-sought. For an early help assessment to be effective it should involve all practitioners who are working with a family. Practitioner must agree with the parents which organisation should be involved in the early helps assessment, who they should seek information from and who they wish to share information about the family with.

If anyone in the family home is aged 16 or over, their individual consent must be sought to seek to share information about them, with other agencies.

To be valid, **consent must** be informed and freely given by an individual with capacity who has been given all the information they **need** to reach a decision.

## What if consent to an early help assessment is denied or withdrawn and a practitioner is concerned about a child, but the family does not meet level 4

If consent is denied or withdrawn the practitioner should consider the impact on the child/children. The introduction of the new 7th Caldicott Principle reinforces the recognition that a duty to share information is just as important as the preceding 6 Principles. All

professionals will acknowledge that the fundamental element is the 'best interests of the child. 'The Article 29 Data Protection Working Party recognises that 'in order to achieve an appropriate level of care their personal data will be processed extensively and by several parties' and that 'data protection rights may have to yield to the principle of best interest.'

If a practitioner has concerns about the wellbeing of a child/children but the criteria for level 4 is not evident, the practitioner should speak with their manager and together the practitioner and their manager should consider whether it is in the **best interests of the child** to contact other agencies involved with the child/children and family to gather and share information. In these instances, the reason for the decision to seek and share information without parental consent should be clearly recorded, including the reasons for concern.

The same principle applies if there is a decision to convene a **Multi-Agency Professional Meeting (MAPM)**. A Multi-agency Professionals Meeting is a tool to support practitioners in all agencies who have a genuine desire to work openly and together with families but who may need the opportunity to talk with other professionals without parental consent because there is uncertainty in the professional network about what steps are necessary to address concerns about a child/children.

Following the best interest condition, it is therefore reasonable for professionals and authorised individuals to share proportionate information in order to make an informed holistic judgement as to what service provision is required. If there is a decision to convene a MAPM, the reason for meeting with other professionals (to seek and share information without parental consent) should be clearly recorded including the reasons for the concerns. If consent to an early help assessment is denied or withdrawn and there are concerns about a child/children but the child/children does not appear to meet level 4 and a practitioner and their manager is unsure what to do, they should contact one of the Early Help Hubs and seek advice.

### **Other useful information**

- [Information Sharing Guidance – Click Here](#)
- Practitioners can also call a Multi-Agency Professionals Meeting (MAPM) to share information and discuss concerns where it is not appropriate to include the family  
[LSCP Guidance on MAPM - Click Here](#)
- Where there is professional disagreement about actions or decisions practitioners need to consider using their Escalation Policy. Escalation is an effective mechanism for resolving professional disagreement and is an effective tool in preventing drift and delay in cases. [LSCP have developed a Multi-Agency Resolution and Escalation Policy – Click Here](#)