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Parental responsibility

Upon registration of your child we will ask you for either a copy of your child's birth certificate or other evidence of whom has parental responsibility for the child. Parental responsibility is a legal entity. Having parental responsibility for a child means you can take decisions about matters such as their education, their religion, where they should live, whether they can leave the country and their **medical treatment**.

It is important that we understand and have evidence of who has parental responsibility for your child in order that the decisions about your child's medical care can be made legally. Please help us to do this by providing the requested documentation.

Who has parental responsibility?

A mother automatically has parental responsibility for her child from birth.

A father usually has parental responsibility if he is either;

- The biological father if he is married to the child's mother at the time of the birth or if he marries the child's mother after birth. They both keep parental responsibility if they later divorce.
- A married step parent or civil partner can acquire parental responsibility through a parental responsibility agreement with the mother or a parental responsibility order through the courts.
- If they jointly adopt the child.
- Listed on the birth certificate (after 1/12/2003 if the birth is registered in England or Wales or 15/4/2002 if the birth was registered in Northern Ireland or 4/5/2006 if the birth was registered in Scotland. If the birth was registered outside the UK then parental responsibility depends on the part of the UK the child is now living in.

Same sex partners both have parental responsibility if they were civil partners at the time of the treatment, e.g. donor insemination or fertility treatment. Non-civil partners. The 2nd parent can get parental responsibility by either applying for parental responsibility if a parental agreement was made or becoming a civil partner of the other parent and making a parental responsibility agreement or jointly registering the birth.

A local authority acquires parental responsibility (shared with anyone else with parental responsibility) whilst the child is subject to a care or supervision order. Foster parent's rarely have parental responsibility.

There are others who can be granted parental responsibility, such as anyone granted a residence order (or special guardianship order).

Parental responsibility is given up if the child is put up for adoption.

The situation is more difficult if the child was conceived by assisted reproduction. Specific advice is required to determine parentage in these cases.

If a child is born under surrogacy arrangements, parental responsibility lies with the surrogate mother and her husband if married until the intended parents have obtained a parental order through the Human Fertilisation and Embryology Act 1990 or obtained an adoption order.

Consent is only required from one parent with parental responsibility.

A child who is deemed Gillick Competent can consent or refuse treatment with regards to their own healthcare. They do not require a person with parental responsibility to make the decision or agree with the decision.

Information regarding any person who has care of a child, for example a grandparent, child minder, friend

Apart from people with parental responsibility, any person who has care of a child may do what is reasonable in all circumstances of the case for the safeguarding or promoting of the child's welfare. This could include consenting to medical treatment. Parents are also able to authorise another person to look after their child while they are away including administering medicines for minor illness. It is unlikely to be reasonable if the person looking after the child consents to something which they know the child's parents are likely to object. Treatment should only be given if the situation is urgent or an emergency and delay could or would cause serious harm.

BMA ethics and MPS information