**Handout: Consent of adult at risk**

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| **Seeking consent to a report**The interests of the [adult at risk](http://www.myguideapps.com/projects/wales_safeguarding_procedures/default/adu/a2/a2.p13.html?nocache=0.7970104926603399#tooltip) must be the overriding consideration in making any decisions whether to seek consent prior to making a report. [Practitioners](http://www.myguideapps.com/projects/wales_safeguarding_procedures/default/adu/a2/a2.p13.html?nocache=0.7970104926603399#tooltip), however, should aim to seek consent from the adult where possible. The reasons for this are that it is more likely to:* lead to engagement in the [safeguarding](http://www.myguideapps.com/projects/wales_safeguarding_procedures/default/adu/a2/a2.p13.html?nocache=0.7970104926603399#tooltip) process and to effective outcomes
* promote an effective working partnership with the adult.

It is important to engage adults in the process as early as possible to ensure their wishes and feelings are taken into consideration where possible and to avoid them becoming mere ‘objects of concern’. **Pointers for Practice: Seeking consent**Seeking consent for agencies to share information, when the intention is to make a report to social services, can be daunting. In a study completed by Horwath (2007), practitioners from a diverse range of disciplines described how they were often anxious about the potential responses of families. They feared either fight responses such as aggression both physical and verbal or flight responses such as withdrawal from services.The potential for negative responses is likely to be reduced if the practitioner seeking consent:* explains why information needs to be shared and with whom (to comply with the law relating to confidentiality, data protection and human rights, practitioners should be able to explain the legitimate purpose for sharing information)
* checks any factual information is accurate and up-to-date, such as names, birth dates
* ensures the information is proportionate for the purpose
* clarifies how the information will be used
* specifies how it will be shared and how it will be stored securely
* outlines the implications of not giving consent
* explains next steps.

**Making a report without consent**The adult at risk is sometimes the only source of information about what has happened to them. Where a decision is made not to seek consent relevant circumstances for this decision must be recorded and could include:* the possibility that the adult would be put at further risk
* the possibility that an adult would be threatened or otherwise coerced into silence
* a strong likelihood that important evidence would be destroyed/lost
* if a carer or family member is identified as the alleged abuser.

Practitioners should discuss whether it is appropriate to seek consent from the adult with their agency's [designated safeguarding person](http://www.myguideapps.com/projects/wales_safeguarding_procedures/default/adu/a2/a2.p13.html?nocache=0.7970104926603399#tooltip). (See local procedures for further information).If, having taken account of the adult’s wishes, it is still considered that there is a need for a report their wishes may be over-ridden. In this situation:* the reason for proceeding without consent must be recorded
* social services should be informed that the adult has not given their permission
* the adult should be informed by the referrer that a report has been made despite their wishes.

The General Data Protection Regulation (GDPR) gives individuals greater control over their own personal data. But it does not prevent agencies sharing information when there are concerns about an adult at risk. |