



National
Guidance

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Parental Consent

The gaining of parental consent and the gathering of necessary information about visit participants has often been done at the same time using the same mechanism. This does not need to be the case. This document covers consent: who can give it, when it is needed and how to evidence it has been given. For guidance on gaining and using participant information see document 4.4j "Participant Information and Data Protection".

There is no requirement for visit leaders to carry evidence of consent on visits in the UK, but this may be necessary in some countries overseas.

Parental Responsibility

The Department for Education has published guidance on understanding and dealing with issues relating to parental responsibility, including "who is a parent?" It can be downloaded from:
www.gov.uk/government/publications/dealing-with-issues-relating-to-parental-responsibility.

The guidance, which is equally applicable to establishments other than schools, states:

"Where schools need parental consent to outings and activities, Head Teachers should seek the consent from the resident parent [i.e. the parent who lives with a child] unless the decision is likely to have a long-term and significant impact on the child, or the non-resident parent has requested to be asked for consent in all such cases."

In cases where the establishment considers it necessary or has been asked to seek consent from both parents, it is best to assume that parental consent has not been given unless both parents have given consent. This approach ensures that the establishment has treated the views of each parent equally. It will also help to safeguard the position of the establishment in terms of exposure to any potential civil liability where, for example, the child is injured while on a visit.

Establishments should avoid becoming involved in any disagreement between parents. Where parents cannot agree, establishments might want to suggest that the parents seek independent legal advice about obtaining a court order setting out exactly what decisions each parent can make in respect of the child (a Specific-Issue or Prohibited Steps Order as appropriate).

Looked-After Children

Sometimes there can be difficulties in obtaining consent for children in care. For example, a foster carer - although acting as a resident parent may in some cases not have the authority to give consent for a visit and there may be a delay while they seek guidance from the legal guardian (such as a local authority in its role as a corporate parent). Establishments should ensure that Visit Leaders are aware of this and make suitable allowances so that these children do not miss opportunities. For example: sufficient time should be allowed to obtain consent; some establishments confidentially reserve places on visits for looked-after children to allow for potential delays in obtaining consent.

Schools should ensure that there is liaison between their Educational Visits Coordinator and Designated Teacher for Looked-After Children. In the case of a child in the care of a local authority, there should also be liaison with the authority's Virtual School Head and/or Outdoor Education Adviser.

When is Consent Required?

Schools are **not** required to obtain consent from parents for pupils to participate in off-site activities that take place during school hours and which are a normal part of a child's education, such as local studies and visits to a museum or library etc. (Education Act 2002 section 29).

While parents do not have the option to withdraw their child from the school curriculum, it is good practice to inform parents that a visit or activity is to take place (see the section "Informing Parents" below). Schools should be aware that asking for consent when it is not needed can lead to some parents assuming they can withhold consent and so withdraw their child from a curriculum visit when this is not the case.

Consent **is** needed for all visits organised by establishments other than schools. Consent **is** needed by schools for visits taking place outside school hours and also for activity taking place both during and outside school hours where it is perceived to involve a higher level of risk, such as a visit involving a long journey or adventure activity.

In addition to gaining consent for participation in certain visits, it may be necessary to ask parents for other consent, such as:

- Consent for children to receive emergency medical treatment, including administration of an anaesthetic or blood transfusion, in the event of an emergency when parents cannot be contacted;
- Consent for the establishment to share personal data such as contact details, medical and behavioural information with third-party providers (under the terms of the establishment's privacy policy);
- Consent for the use of photographs of children by the establishment or by any provider;
- Agreement to any financial or other terms and conditions.

Gaining Consent

There are two different mechanisms to consider. How these are used or combined is entirely up to the discretion of the employer or establishment. Some establishments will use one-off consent, others will prefer to use visit specific consent, while others will use a combination. In whatever way the mechanisms are used, it is good practice to ensure that parents are clear about (a) how their consent will be sought when it is required and (b) how they will be given information on visits.

Consent should be specific, informed, unambiguous and given freely with an affirmative action such as a tick or signature.

1. One-off or blanket consent

The Department for Education (DfE) has prepared a one-off consent form to be signed by the parent on enrolment of their child in a school. This form is intended to cover all types of visits and activities where parental consent is required. The form is available on the DfE website for establishments to adopt and adapt as appropriate, at:

www.gov.uk/government/publications/consent-for-school-trips-and-other-off-site-activities.

A similar form could be used for other establishments such as Early Years Foundation Stage (EYFS) providers and youth groups, or at the start of programmes for young people.

One-off or blanket consent provides evidence that parents have consented in advance to all visits and activities, which require their consent. It is essential that such blanket consent be turned into **informed** consent prior to any visit. Therefore, where one-off consent is used, parents must be given information about the visit and their child's proposed participation, and given the opportunity to withdraw their consent should they not wish them to participate. Careful consideration should be given to the administrative arrangements. Providing the details of the visit to parents could be used as a reminder of consent previously given and an opportunity to update participant information.

Visits that involve a charge, or that include payment or cancellation terms, will need agreement by parents to the financial arrangements and so it might be preferable to obtain specific consent for them.

2. Visit-specific consent

While one-off consent can be used for many visits, there are situations where consent for a specific visit is necessary. These might include:

- Visits to countries which require proof of parental consent;
- Visits for which an agreement is required for payment or other terms and conditions;
- When it is decided to use a provider's consent form (see below).

Providers' Consent Forms

Some third-party providers provide forms for establishments to pass on to parents to complete and sign. These are often designed to inform parents about the

provision and to ensure that the provider receives all the information that it needs about participants in order to ensure their welfare. However, careful consideration should be given before using such forms.

Providers' forms should not be used if they include any agreement between parents and the provider: for example if they include any financial commitment, terms and conditions or waivers. All such contractual arrangements should be between the establishment and the parents, or between the establishment and the provider, not directly between the parents and the provider. See document 3.2i "Contracts and Waivers".

It is not necessary for providers to receive parental consent directly. It is sufficient for them to know that the establishment has obtained consent for children to participate in the provider's activities.

In cases where the establishment already has full up-to-date participant information, it may be felt that it is an un-necessary burden to ask parents to provide the same information on a provider's form.

Establishments may therefore decide to use their own systems to obtain parental consent and participant information, and to pass on what is appropriate to the provider. Whether or not a providers' form is used, it is essential that providers are given access to all the information about participants that they need: see document 4.4j "Participant Information and Data Protection".

Data Protection and Photography

Consent may be recorded on paper (e.g. one-off or visit-specific consent forms, tear-off slips on letters) or electronically (see below). Whichever way consent is recorded, it is likely to contain personal data which is subject to data protection law. Proper consideration must be given to correct storage of this information and to its retention.

Parental consent to the use of personal data should be informed by the establishment's privacy policy, which should set out the purposes for which the data will be used.

Photographs in which individuals can be recognised are regarded as personal data in law. If an establishment intends to use photographs of children, or to allow another organisation such as an activity provider to use such photographs, then it must obtain specific parental consent to do so.

For further guidance see document 4.4j "Participant Information and Data Protection".

Electronic Consent

With appropriate security measures in place, parents can give consent electronically - e.g. by email, text, website or apps. Online systems that provide the option for visit-specific e-consent should have the facility for parents to confirm that they have been fully informed, and when and by whom the consent was given. Systems that use a hyperlink or attachment facility enable the direct connection between consent and information about the visit. Where it is not possible for parents to update

information electronically, as part of the consent process, it would be sensible to include a statement such as:

"I will inform the school of any changes to my child's medical condition or individual needs (including any emotional wellbeing or mental health issues which may affect their participation in the visit), agreement to medical treatment and any changes to emergency contact numbers."

Where e-consent is provided online via a web link or app, this should be accessible only via a protected parental login. If consent is given by email or text, it should use the email address or mobile number provided by the parents to the establishment. This should be taken directly from the establishment's Management Information System, where such a system is in place.

Visits Abroad

For visits abroad, proof of parental consent may be requested by medical professionals prior to carrying out treatment. Establishments should enquire if this is the case for the country to be visited and, if unsure, use visit specific consent and take copies of consent forms with them. For visits to some countries it may be necessary for Visit Leaders to provide evidence of their responsibility for the young people in their party.

Religious and Sex and Relationship Education

Parents have a right to withdraw their children from Religious Education lessons, from collective acts of worship and from some elements of Sex and Relationship Education, but not from the National Curriculum. This means that parents do not necessarily have the right to withdraw their child from a visit to, for example, a place of worship, if this visit forms part of the school's delivery of the National Curriculum. It is therefore important for visit leaders to be clear about the purpose of the visit, including the wider personal, social and cultural benefits and its link to the curriculum.

Informing Parents

Schools are required to deliver a broad and balanced curriculum to their pupils and it is widely understood that it is not possible to do this effectively without making full use of the local environment and community, within which the school is set. Regular and frequent curriculum visits and activities, off the school site, should therefore be the norm and it would be unreasonable for schools to inform parents of each particular excursion. For these visits, which do not require parental consent, it is good practice to inform parents, perhaps when they enrol their child, or annually through prospectus, policy document or web site, about the way the school uses the local environment and the fact that their child will not always be on the school site but could be learning somewhere in the wider community.

Where consent is required, the key is to provide parents with sufficient information to make an informed decision about the participation of their child. Such information may be given in a variety of ways, as the information needed by parents will depend on the nature and complexity of the visit. For example, regular sports fixtures or cultural visits may involve information being given for the season or for the term ahead with parents being informed of any changes to this as they

occur, perhaps by note, phone, email, text etc. For more complex visits specific information letters will be needed and for the most complex or adventurous visits a combination of written information and briefing/information meetings may be most appropriate.

Inevitably last minute opportunities will arrive for exciting learning opportunities and the mechanisms for communicating with parents and gaining informed consent should support these. Verbal consent via a telephone call is perfectly acceptable in such a situation (and when parents are unable to give consent in writing) but it would be wise to either record the call or to note its time and date, who made it and the wording of any script they used, and who gave consent.

Depending on the nature of the visit, information to parents may need to include:

- The purpose of the visit;
- Practical details such as dates, times, clothing and equipment required;
- Costs and cancellation terms;
- Details of all the activities involved;
- The nature of supervision, and any responsibilities that children have for their own health and safety;
- Arrangements for providing for special needs and disabilities;
- Information about any risks involved in the planned activities;
- Details of any pre-visit preparation where parents need to take an active role;
- Behavioural expectations and sanctions;
- Arrangements for sending children home early (in the event of e.g. sickness or misbehaviour) and how any costs will be met;
- Details of how parents can contact leaders in the event of a home emergency.

