**Determining Capacity of Children 12 and Over for Consenting to Referrals to JST or Glasgow Educational Psychology Service**

Children under 12 are not assumed to have the capacity to consent to referrals but should be involved as much as possible in decision making. For children aged 12 and over, adults must consider their capacity to consent to referrals.

Determining capacity to consent involves professional judgement. This tool aims to support referrers to assess and record children’s capacity to consent. It may be helpful to include the child’s responses or any information that informed your reasoning. Additionally, it may be helpful to consider the information provided in [Curriculum for Excellence: Experiences and Outcomes](https://education.gov.scot/curriculum-for-excellence/experiences-and-outcomes/) relating to the curriculum stage the child or young person is accessing.

This tool is based on the Best Practice for Educational Psychologists in Gaining Consent Guidance Document (AEP, 2022), [Scottish legislation](https://www.gov.scot/publications/supporting-childrens-learning-statutory-guidance-education-additional-support-learning-scotland/pages/8/), [Scottish Government Guidance in Gaining Consent](https://www.gov.scot/publications/education-additional-support-learning-scotland-act-2004-amended-extending-childrens/pages/3/) and the concept of Gillick Competence.

Young person’s name:

1. Regarding making a referral, does the child or young person understand that there is a choice to be made? Yes / No

Give examples…

1. Does the child or young person understand information you have given about the reasons for referral? Yes / No

Give examples…

1. Is the child or young person able to express their view and the reasons for their choice (through verbal or nonverbal means)? Yes / No

Give examples…

1. Does the child or young person understand the possible outcomes of their choice, or alternative options e.g. those discussed at SIIM? Yes / No

Give examples…

1. Does the child or young person have the capacity to remember their choice?

Yes / No

Give examples…

If you have answered ‘no’ to any of these questions, the child and young person in question is assumed not to have capacity to consent for referrals to JST or Glasgow Educational Psychology Service.

Signed:

Job role:

Date: