



Q&A Document – Practice Guidelines for Consent and Confidentiality with Children and Youth

How do school board policies for youth consent impact a registrant's responsibility to assess for youth capacity to consent to services?

In school board settings, policies regarding age of consent and parental involvement can intersect with professional standards and legislation. Many school boards use age-based policies, meaning that some boards require parental/guardian notification or consent before students receive services from social workers or social service workers. Regardless of whether parents have to provide consent or not, registrants must still assess a student's capacity and willingness to participate in services. Even when parents/guardians provide consent, meaningful participation requires the student's own agreement.

Confidentiality must also be carefully managed. In situations where school board processes require parental/guardian involvement – such as Identification, Placement and Review Committee (IPRC) meetings, assessments or multidisciplinary committees – social workers cannot promise complete confidentiality to students, because parents/guardians may be required to participate in those discussions.

Do registrants who work with youth need to follow the processes of legislated capacity assessments?

No. Registrants are typically conducting **informal** capacity assessments guided by the [Health Care Consent Act, 1996](#) and the [Child, Youth and Family Services Act, 2017](#).

These informal capacity assessments differ from capacity assessments formally determined by legislation, such as the [Substitute Decisions Act, 1992](#). A formal capacity assessment is typically triggered when an adult's capacity for decision-making regarding personal care and property is in question, and is not used for youth, except in limited circumstances for those 16 and over when associated with personal care.

Registrants do informal assessments of capacity based on the services they are offering to youth. Registrants are assessing the youth's ability to both understand the information relevant to the decision and the ability to appreciate the reasonably foreseeable consequences of it. For example, registrants assess for capacity when offering psychotherapy, providing certain kinds of programming or when asked to disclose information from a youth's record. The [Practice Guidelines for Consent and Capacity with Children and Youth](#) offers sample questions to support how registrants can assess capacity in youth.



What happens when a registrant is working with a family who has a court order in place because of a high-conflict divorce, and the court order states that one or both parents can make decisions on behalf of the capable youth?

While family courts may issue orders granting parent decision-making authority, these orders do not necessarily override a youth's ability to make their own decisions if they are assessed as capable. Courts sometimes lack a full understanding of consent and capacity principles, which can create tension between legal directives and professional obligations. For example, even if a court order states that a parent has authority over healthcare decisions, a capable youth may still legally make their own decisions about services. In these situations, registrants should consult organizational policies, supervisors or legal counsel, particularly if parents threaten legal action or disputes how information is shared.

In high-conflict situations, registrants must balance parental involvement, youth autonomy and confidentiality. Social workers and social service workers can encourage appropriate parental involvement while also having thoughtful conversations with youth who may not want all their information shared with parents. At the same time, registrants must continually assess risk, especially in cases where family conflict includes violence or safety concerns.

How do registrants who have dual roles of school board social worker and attendance counsellors navigate issues of consent?

Registrants with dual roles in one organization would have two job descriptions clearly defined by the organization. This distinction for registrants is important when following procedures in one role versus another. It is important to note that the attendance counsellor role is considered within the [Scope of Practice for Social Work](#). Registrants must always be clear in which capacity they are working with clients and discuss the limitations and expectations of their role and the purpose of their work together.

For more information, please contact the Professional Practice department at practice@ocswssw.org.