



Department of Health

12/01/2015

DE00000910155

Dear Ms Flavell,

Thank you for your request of 2 January 2015 under the Freedom of Information Act (2000). Your exact request was:

"I was recently given a form by my twin daughters asking for consent to administer the HPV vaccine in school, I decided not to, and so ticked the 'do not consent ' box, I then went on to read the attached leaflet and discovered as follows:

- a) If I do not consent the Nurse can override my decision and vaccinate my children if they show an interest in having this done.
- b) The leaflet explaining to parents the side effects of this vaccine said that the worse case scenario would be a headache and nausea , or a raised rash at the site of injection, and thats it.

I called the primary health team and asked to speak to them regarding overriding my decision, they confirmed that they could do this and this law was passed in the European Courts some two or more years ago. I asked them to tell me what information they give these children before they make a decision, I also asked if they could tell me where I could find the information/document that shows that the Nurse administering the vaccine is now the legal guardian of my child and is acting loco parentis, then I asked who would be responsible for my child if she had an adverse reaction and was physically/mentally disabled as a result, my questions were not answered. I get a phone call from my child's school to obtain consent for a paracetamol to be administered for a headache, and yet the Ministry of Health deem my twelve year old twins mature enough to make a decision about their health that could possible make them disabled, or worse, kill them.

My requests are obvious, but for clarity here they are.

1) I would like to know exactly as per nationwide protocol what is deemed to be informed consent when overriding a parents decision not to have their child vaccinated.

2) If the information given to the child is the same as it is on the leaflet, Nausea and a Headache at worst , then at the point of that child giving permission based on that information, who is responsible for the outcome if the outcome is more serious than above stated given that the parent didn't give consent and the child has not been given enough information to make that decision for herself.

3) I would like to see the European Court Rulings, it would be great if I could have this in lay terms pointing out the stipulations of informed consent.
If there is a link to it, that would be great.

4) What measures have been taken since this ruling to alert the general population that their rights as parents to make the best decisions on behalf of their children has been taken away from them. A link to adverts would be great if you have them to hand.

5) Lack of informed consent that resulted in serious injury would be called medical negligence/ Assault? Could you clarify this for me?"

I should explain that we will not be processing an Internal Review, because we need some further information from you following the general policy response previously provided to you by the Department of Health (DH) on 31 December 2014.

I should explain that the provision of healthcare services locally is the responsibility of the primary health team who, in turn, is responsible to the relevant Clinical Commissioning Group (CCG). Such public bodies as the CCG are responsible for providing information under the provisions of the Freedom of Information Act (FOIA).

Section 1 (3) of the FOIA sets out:

"a public authority reasonably requires further information in order to identify and locate the information being requested".

In this instance, the DH needs some clarification as to exactly what information you are seeking from the Department of Health.

Please may I ask you to clarify whether the leaflet to which you refer in your previous request was one produced by the DH or locally by the primary health team? If it was the latter, then the DH would suggest that you take this matter up with your local Primary Health Care team directly. As you will

acknowledge, the DH would not be aware of any communication between yourself and the local Primary Health Team and cannot, therefore, comment further.

As you may appreciate, matters relating to the vaccination of your two children is not one for which the DH would hold any records. Rather, such records would be held by the local Primary Health Team and possibly the local Clinical Commissioning Group.

You may also wish to consider redirecting your request specifically about relevant European court rulings to those who informed you of such a ruling.

May I now re-iterate that to continue to process your original request, we need you to clarify precisely what information you are seeking from the DH as set out in the terms above.

If you have any queries about this email, please contact me. Please remember to quote the reference number above in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Head of the Freedom of Information Team
Department of Health
Room 520
Richmond House
79 Whitehall
London
SW1A 2NS

Email: freedomofinformation@dh.gsi.gov.uk

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Department. The ICO can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely,

Jonathan Young

Freedom of Information Officer
Department of Health

freedomofinformation@dh.gsi.gov.uk