

Young Peoples' Health

Introduction

Most young people under the age of 16 do go to the Doctor with a parent and it is unusual for a minor to withhold permission for a parent to be made aware of any consultation they might have with a Doctor. It is however possible for a Doctor to offer advice on any health related matter, including sexual health and to prescribe contraception, without the parents' knowledge or consent. This is as a result of the Gillick Case which took place following a Department of Health and Social Security circular issued to area health authorities which stated that a Doctor could prescribe contraception to a young person under the age of 16 without the parents' consent.

Under the Sexual Offences Act the age of consent is regarded as 16 and at this age a young person is considered legally competent to consent to sex. In 1982 Victoria Gillick ran a campaign against giving a Doctor the authority to prescribe contraception to young people under the age of 16 on two grounds: Firstly, that this would be illegal as the Doctor would be committing an offence by, in effect, encouraging sex with a minor; and secondly, that consent is with the parents until the young person reaches 16 thus the Doctor would be treating the young person without consent. She lost the case (against West Norfolk and Wisbech Area Health authority) but appealed and the case finally went to the House of Lords in 1985.

'Gillick Competence'

The original judgement made when the case was taken to the High Court was:

"...whether or not a child is capable of giving the necessary consent will depend on the child's maturity and understanding and the nature of the consent required. The child must be capable of making a reasonable assessment of the advantages and disadvantages of the treatment proposed, so that consent, if given, can be properly and fairly described as true consent." Mr Justice Woolf

This was then reversed by the Court of Appeal but then debated in the House of Lords who focussed on the issue of parental rights rather than consent and determined that parental rights were restricted to safeguarding the best interests of a minor and that the best interests of the minor did not always include consent to treatment.

"Parental right yields to the child's right to make his own decisions when he reaches a sufficient understanding and intelligence to be capable of making up his own mind on the matter requiring decision." Lord Scarman

As a result of this, the Fraser Guidelines were issued and are used by a Doctor when asked by a minor for contraception. The guidelines allow the Doctor to assess the young person's 'Gillick Competence' in order to determine whether to prescribe contraception. If the criteria are met then contraception can be prescribed without the parents' knowledge or consent.

This does not apply if the young person is under 13 as sex under the age of 13 is considered rape or child abuse. Any request for sexual health advice or contraception by a child under 13 would be reported to the authorities.

So how does a Doctor assess a minor's 'Gillick Competence'?

Before contraception is prescribed a Doctor will consider several factors – the Fraser Guidelines:

- Can the young person understand the advice that they are being given?
- Can the young person be persuaded to inform their parents?
- Will the young person begin or continue to engage in sexual activities with or without contraceptive treatment?
- Would the young person's physical or mental health suffer if contraceptive treatment was refused and resulted, for example, in an unwanted pregnancy?
- Is it in the young person's best interests to receive contraceptive advice or treatment with or without parental consent?

The paramount concern is to determine what is in the young person's best interests and, for any Doctor, the patient is the first concern. A Doctor will always try to persuade the young person to inform their parents but confidentiality is adhered to (unless the child is under 13).

General Test Results

If a young person under the age of 16 has had a test of any kind the Doctor will assume that it will be OK to inform the parents of the results unless the young person has specifically requested that this not be done. The young person will always be asked how they would like to be informed of the results when the test is carried out. With some tests – for example with Chlamydia screening – the results are usually sent to the young person's mobile phone number.

Appealing to Young People

Many young people turn to the internet for information on health issues that concern them but there is a danger in this as there is no guarantee as to the reliability of that information. The Practice website does have a lot of useful links to reliable websites covering a host of topics but is not as yet particularly appealing to young people. Any ideas on making it more attractive to this age group would be very much appreciated.