

ROOKERY MEDICAL CENTRE

CONFIDENTIALITY (TEENAGERS) POLICY

INTRODUCTION

This policy is specific to patients under the age of 18 and should be read in conjunction with the Staff Confidentiality Policy and Agreement, and Fraser (Contraceptive) Guidelines [*see Resources below*].

POLICY

At the Rookery, we take the confidentiality and privacy of our patients seriously, especially when it comes to teenagers. As a healthcare provider, we are committed to providing quality care while respecting our patients' right to privacy. To this end, we have developed this policy to guide our staff in handling the confidential information of teenage patients.

The principles of confidentiality apply equally to all patients regardless of age. Young people (including those under 16) are entitled to equal confidentiality as all other patients. This includes respecting their wishes to withhold information from parents or guardians. The GP involved will determine the competency of a young person seeking treatment and will determine the extent to which confidentiality guidelines apply in each case. Care must be taken to ensure that this right of confidentiality is not inadvertently breached by following the procedural guidelines in force.

It is generally recognised that parents will accompany children up to 13 years of age. Many will continue to do so past this age, but the clinician can check if they are happy to have the parent there, if it is something personal.

A person under 16 can come and see a clinician alone. However, a clinician must believe that they can understand the choices of treatment and their consequences. This includes contraceptive advice, but the principles apply to other treatments, including abortion.

The policy of the Practice is to support young people in exercising their choice of medical treatment, and to deal with them in a sympathetic and confidential manner. Where a young person presents at the surgery without adult support they may be booked in to see a clinician in the normal way. Where there is some question of the urgency of an appointment the matter should be referred to a nurse in the first instance to triage the request.

GILLICK COMPETENCY

Definition and Application

Gillick Competency is the legal term used to describe the capacity of a child under the age of 16 to consent to medical treatment without the need for parental permission or knowledge. Gillick competency can be used when young people wish to refuse medical treatment. However, if a young person refuses treatment which may lead to their death or severe permanent harm, their decision can be overruled.

- Gillick Competency can be established when a healthcare professional is satisfied that a child has sufficient understanding and intelligence to fully appreciate what is involved in the proposed treatment.
- Staff must assess whether a young person under the age of 16 has the capacity to give informed consent before sharing their confidential information with parents or guardians.
- If a teenager is Gillick Competent, they can make decisions about their medical treatment without the need for parental consent.
- If a young person is assessed to lack capacity, staff must act in their best interests when making decisions about sharing confidential information.

Procedure

when assessing a child's capacity to consent, healthcare professionals must keep in mind the following:

- **How old are they? How mature are they?**
- **What's their mental capacity?**

- **Does the child understand what the treatment entails, including the pros, cons and long-term impact?**
- **Does the child understand the risks, implications and consequences that could result from their decision?**
- **Has the child understood the advice and information they've been given?**
- **Is the child aware of alternative options, if available?**
- **Does the child possess the ability to explain the rationale behind their decision making?**
- **A child's understanding of different treatments can vary, and capacity can fluctuate. This means decisions must be handled on a case-by-case basis, each time requiring assessment of Gillick competence.**

A healthcare professional should assess a teenager's Gillick Competency on a case-by-case basis. The assessment should be carried out in a way that is appropriate to the teenager's age, understanding, and maturity. If the healthcare professional determines that the teenager is Gillick Competent, they should record this in the patient's medical notes.

The healthcare professional should ensure that the teenager understands the implications of their decision, including any risks or consequences, and that they are fully informed about the proposed treatment.

FRASER GUIDELINES

Definition and Application

The Fraser Guidelines are a set of guidelines that provide healthcare professionals with a framework for determining whether a teenage patient has the capacity to consent to medical treatment without parental permission or knowledge.

The guidelines apply in cases where the teenager is under the age of 16, and the proposed treatment involves contraception or abortion.

Doctors can legally offer contraception advice and treatment to young people without needing their parents' permission, if certain conditions are met. These conditions, called the Fraser guidelines, were established by Lord Fraser in the Gillick case.

- **Understanding:** The young person must be able to grasp the doctor's advice about contraception.
- **Confidentiality:** The young person cannot be persuaded to tell their parents about seeking contraception.
- **Sexual Activity:** The doctor believes the young person is likely to be sexually active, regardless of whether they use contraception.
- **Wellbeing:** Not receiving contraception could negatively impact the young person's physical or mental health.
- **Best Interests:** Overall, providing contraception aligns best with the young person's well-being, even without parental consent.

Always consider any previous concerns that may have been raised about the young person and explore whether there are any factors that may present a risk to their safety and wellbeing.

Procedure

Healthcare professionals should follow the Fraser Guidelines when assessing a teenager's capacity to consent to contraception or abortion.

- **Is the child mature and intelligent enough to understand the nature and implications of the treatment proposed?**
 - The assessment should consider the teenager's age, understanding, and maturity.
 - If the healthcare professional determines that the teenager has the capacity to consent, they should record this in the patient's medical notes, and that the teenager understands the implications of their decision, including any risks or consequences, and that they are fully informed about the proposed treatment.
- **Is it impossible to persuade the child to tell their parents, or let the Doctor tell them?**
 - The Clinician is satisfied that the girl understands the advice given, and that they cannot persuade her to inform the parents
- **Are they likely to begin or continue having sexual intercourse with or without contraception?**

- Clinician is satisfied that her best interests require the clinician to give her contraceptive advice, treatment or both without the parental consent.
- That she is likely to continue having sexual intercourse with or without contraceptive treatment.
- **Are their physical or mental health likely to suffer unless they get the advice or treatment?**
 - That unless she receives contraceptive advice or treatment her physical or mental health or both are likely to suffer.
- **Is the advice or treatment in their best interest?**
 - Clinician is satisfied that it is in the young person's best interests to receive the advice, treatment or both without their parents' or carers' consent.

SAFEGUARDING

Definition and application

Safeguarding refers to the measures that healthcare professionals take to protect children and young people from harm.

Healthcare professionals have a legal duty to report any concerns they have about a child or young person's welfare to the appropriate authorities.

Procedure

- Healthcare professionals should be alert to signs of abuse or neglect in teenage patients.
- If a healthcare professional has concerns about a teenager's welfare, they should follow the appropriate safeguarding procedures and report their concerns to the relevant authorities.
- Healthcare professionals should ensure that they document any concerns they have about a teenager's welfare in the patient's medical notes.

CONSENT

Definition and application

Consent refers to the agreement of a patient to a proposed medical treatment or procedure.

Healthcare professionals must obtain consent from a patient or their parent/guardian before carrying out any medical treatment or procedure.

They must also gain (if Gillick competent and with capacity) the young person's consent before providing treatment or sharing confidential information with third parties.

Procedure

- Healthcare professionals should ensure that teenage patients understand the proposed treatment or procedure and its potential benefits and risks.
- If a teenager is Gillick Competent or has the capacity to consent under the Fraser Guidelines, they can provide their own consent without the need for parental permission or knowledge.
- If a teenager is not Gillick Competent or does not have the capacity to consent under the Fraser Guidelines, healthcare professionals must obtain consent from the teenager's parent or guardian before

RESOURCES

GMC: Ethical Guidance for Doctors

<https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors>

GMC: 0–18 years: guidance for all doctors

<https://www.gmc-uk.org/professional-standards/professional-standards-for-doctors/0-18-years>

GP mythbuster 8: Gillick competency and Fraser guidelines

<https://www.cqc.org.uk/guidance-providers/gps/gp-mythbusters/gp-mythbuster-8-gillick-competency-fraser-guidelines>

NSPCC: Gillick competency and Fraser guidelines

<https://learning.nspcc.org.uk/child-protection-system/gillick-competence-fraser-guidelines>