

Fraser Competence – Clients Under 16 Years

The Gillick ruling in 1985 established the current legal position in England and Wales, which states that people under the age of sixteen are legally able to consent on their own behalf to medical or dental procedures or treatment.

In considering the provision of advice or treatment on contraception, doctors and other professional staff need to take special care not to undermine parental responsibility and family stability. The doctor or health professional should therefore, always seek to persuade the young person to tell their parents or guardian (or other person in *loco parentis*) or to let the doctor inform them, that contraceptive advice is being sought and the nature of any advice or treatment that is given.

Exceptionally there will be cases where it is not possible to persuade the young person either to inform the parents or to allow the health professional to do so. In such cases, a doctor or other health professional would be justified in giving advice and treatment without parental knowledge or consent provided that the doctor or other health professional was satisfied that the Fraser Guidelines (often referred to as Gillick Competence) were met:

The Fraser Guidelines

1. The young person can understand the advice and has sufficient maturity to understand what is involved in terms of moral, social and emotional implications.
2. The young person cannot be persuaded to involve the parents, nor will they allow notification to the parent that contraceptive advice was being sought.
3. The young person will be very likely to begin or continue to have sexual intercourse with or without contraceptive treatment.
4. Without contraceptive advice or treatment the young person's physical and/or emotional health will be likely to suffer.
5. The young person's best interests require the health professional to give contraceptive advice and/or treatment without parental consent

Source: The Fraser Ruling: Gillick v West Norfolk and Wisbech Area Health Authority (1985)

The Fraser guidelines in practice

If a client is believed to be under the age of sixteen, the pharmacist should:

1. Assess the maturity of the client in terms of understanding any advice given.
2. Encourage the client to involve her parents.
3. Consider the effect on the physical or mental health of the client if advice or treatment is withheld.
4. Make a decision as to whether the client's best interests require the provision of contraceptive advice or supplies or both without parental consent

Where the pharmacist does not consider a young person meets the Fraser guidelines, advice should be sought from the specialist treatment service.

