

Fraser Competencies

When deciding whether a child is mature enough to make decisions, people often talk about whether a child is 'Gillick competent' or whether they meet the 'Fraser Guidelines'.

Gillick competency and Fraser guidelines refer to a legal case which looked specifically at whether doctors should be able to give contraceptive advice or treatment to under-16 year olds without parental consent. But since then, they have been more widely used **to help assess whether a child has the maturity to make their own decisions and to understand the implications of those decisions.**

In 1982 Mrs Victoria Gillick took her local health authority (West Norfolk and Wisbech Area Health Authority) and the Department of Health and Social Security to court in an attempt to stop doctors from giving contraceptive advice or treatment to under-16 year olds without parental consent.

The case went to the High Court where Mr Justice Woolf dismissed Mrs Gillick's claims. The Court of Appeal reversed this decision, but in 1985 it went to the House of Lords and the Law Lords (Lord Scarman, **Lord Fraser** and Lord Bridge) rules in favour of the original judgment delivered by Mr Justice Woolf:

"...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 the consent, if given, can be properly and fairly described as true consent."

The attached guidelines are compulsory and must be completed by all Dorset Public Health Smoking Cessation Service advisors who are providing support (both motivational, pharmaceutical or both) to young people aged between the ages of twelve and seventeen years.

Young people included within the 12-17 year age group are eligible for NRT products only and cannot be issued with Champix or Zyban – Champix and Zyban are only licensed for use from 18 years old.

Proof of age may be required, at your discretion, as per your normal professional practice.



SMOKESTOP TREATMENT FOR UNDER 18S
SAFEGUARDING CHILDREN GUIDANCE

Young people 16 years and above are generally deemed competent to consent to medical treatment. If a client is believed to be under 16 years of age, the practitioner must assess the client's competence using Fraser Guidelines. Discussion with the young person should explore the following issues at each consultation. This should be documented below:

ASSESSMENT OF FRASER COMPETENCE	YES	NO
Does the young person appear to understand the advice given including side effects and contraindications of treatment?		
Have you discussed with the young person about informing his/her parents about the treatment?		
Is treatment in the young person's best interests?		
Has consideration been given to the effect on the physical or mental health of the young person if advice or treatment is withheld?		

If you have answered NO to any of the above questions, the client cannot be deemed to be 'Fraser Competent'. In this case, you CANNOT PROVIDE TREATMENT

If a client is under 18 years of age, the practitioner should assess the welfare of the young person using the following protocol:

SAFEGUARDING CHILDREN ASSESSMENT	YES	NO
Is there any evidence of abuse or neglect?		
Is there any evidence of domestic violence?		
Is there any evidence of drug misuse?		
Is there any evidence of excessive use of alcohol, which may put the young person at risk of harm?		
Is there any evidence of self-harm/psychiatric illness?		
Is the child under 13 years and engaged in sexual activity?		
Are there any other issues, which lead you to be concerned about the young person's safety or welfare? If yes, please give details:		

IF YOU HAVE ANSWERED YES TO ANY OF THE ABOVE QUESTIONS, OR YOU HAVE ANY OTHER CONCERNS REGARDING THE WELFARE OF THE YOUNG PERSON

- Discuss with the Child Care Duty Team at the Local Authority (Social Services)
- **OR** Discuss with a member of the Local Safeguarding Children Team
- **OR** Inform the police, if you suspect a crime has been committed
- Don't think someone else is doing something
- Doing nothing is **NOT** an option

Dorset Local Safeguarding Children Board (9am-5pm)	Bournemouth & Poole Local Safeguarding Children Board	Bournemouth, Dorset & Poole Out Of Hours Social Services
01305 221196	01202 458873	01202 657279

Dorset Police Child Protection Unit	Bournemouth & Poole Police Child Protection Unit
01305 251212	01202 552099