

Doncaster
Safeguarding
Children
Board



Working to make our children's lives safer

Common Assessment Framework

Fraser Guidelines / Gillick Competency Checklist

What is Gillick competency? What are the Fraser guidelines?

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) ruled 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 following should be used as guidance for practitioners in determining and recording their decision as to whether a young person is able to participate in the CAF process without the involvement and support from their parent(s) / carer(s).

Consider:-

1. Has the young person explicitly requested that you do not tell their parents/carers about the common assessment and any services that they are receiving?
2. Have you done everything you can to persuade the young person to involve their parent(s)/carer(s)?
3. Have you documented clearly why the young person does not want you to inform their parent(s)/carer(s)?
4. Can the young person understand the advice/information they have been given and have sufficient maturity to understand what is involved and what the implications are? Can they comprehend and retain information relating to the common assessment and the services, especially the consequences of having or not having the assessment and services in question?

Can they communicate their decision and reasons for it?

Is this a rational decision based on their own religious belief or value system?

Is the young person making the decision based on a perception of reality? E.g. this would not be the case for a chaotic substance misuser.

5. Are you confident that the young person is making the decision for themselves and not being coerced or influenced by another person?
6. Are you confident that you are safeguarding and promoting the welfare of the young person?
7. Without the service(s), would the young person's physical or emotional health be likely to suffer? (if applicable)
8. Would the young persons' best interests require that the common assessment is done and the identified services and support provided without parental consent?

You should be able to answer YES to these questions to enable you to determine that you believe the young person is competent to make their own decisions about consenting to and taking part in the Common Assessment, sharing information and receiving services without their parent's consent. You should record the details of your decision making.