

## FRASER GUIDELINES

### 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 Fraser Guidelines (relating to contraception)**

1. The young person understands the advice being given.
2. The young person cannot be convinced to involve parents/carers or allow the medical practitioner to do so on their behalf.
3. It is likely that the young person will begin or continue having intercourse with or without treatment/contraception.
4. Unless he or she receives treatment/contraception their physical or mental health (or both) is likely to suffer.
5. The young person's best interests require contraceptive advice, treatment or supplies to be given without parental consent.

## COMMUNITY PHARMACY LOCALLY ENHANCED SERVICES

### FOR CLIENTS WHO ARE BELIEVED TO BE UNDER 16 YEARS OF AGE

Any Pharmacy Staff having a discussion with the young person should gently explore the following issues at each consultation. This should be fully documented and should include an assessment of the young person’s maturity, and whether they are acting voluntarily.

YOUR ASSESSMENT OF FRASER	YES	NO
Understanding of advice given		
<i>e.g: understands the service they are accessing, understands what actions they need to take during or following access to the service.</i>		
<b>Notes:</b> (please record discussion)		
Encouraged to involve parent / carer		
<i>e.g: client not prepared to talk to parent/carer at this time but will try to do so in due course. May be able to discuss with another responsible adult. Any coercion?</i>		
<b>Notes:</b>		
The effect of physical or mental health of young person if advice / treatment withheld		
<i>e.g: advice/ treatment/ service is needed now, to ensure their wellbeing.</i>		
<b>Notes:</b>		
Action in the best interest of the young person		
<i>e.g: providing the professional service/ advice at this time is in the best interest of the client, regardless of parental consent.</i>		
<b>Notes:</b>		

If the answer to each of these questions is ‘YES’ then the service may be supplied.

If a child is not competent to give consent i.e. a ‘NO’ to the questions, you should seek consent from a person with “parental responsibility” (this will often, but not always, be the child’s parent/ carer).

Pharmacist’s/ Staff member’s Signature: ... ..

Date: ... ..

Client’s Name ... .. Client’s signature ... ..

Service Provided ... ..

*Please retain this completed document for your record /service file – electronically or as hard copy*