

## OFF THE RECORD TWICKENHAM

### Policy on Consent - Gillick Competence/Fraser Guidelines

Young people 16 and over are presumed in law to be competent to give consent for their own treatment. Children under 16 are not automatically presumed to be legally competent to make decisions about their healthcare. Generally by law a young person under 13 is not considered to be competent, and needs the agreement of a parent or a guardian.

The courts have stated that under 16s *will* be competent to give valid consent to treatment if they have “sufficient understanding and intelligence to enable him or her to understand fully what is proposed” (also known as ‘Gillick competence’).

Young people can be considered competent to consent to counselling if:

- they fully understand the purpose and intended outcome of therapy
- they are able to understand the information given to them and use it to make decisions about what they want.

Competence can change with circumstances, and can come and go. Therefore assessment may also need to be ongoing.

#### **Good Practice guidelines on Consent (e.g. for breaking confidentiality)**

Seeking consent is usually a process. Ideally it is best for the person who is actually working with the client to seek consent.

For consent to be valid the person giving consent must be:

- capable of taking that particular decision (i.e. competent, see above)
- acting voluntarily (not under pressure from anyone else. Sometimes a compromise e.g. with parents, may also be reached, so that an initial session can be offered to a reluctant client before they can make their own decision on whether to engage further)
- provided with enough information (as regards the service offered and the Confidentiality and other contractual agreements) to enable them to make the decision.

Off The Record follows the Fraser Guidelines on consent, and always obtains parental consent for a client under 13. If a young person under 16 is deemed by us not to be competent to consent to counselling then we will also obtain the consent of a parent or legal guardian prior to counselling with the young person.

Consent can be written or oral (but counsellor should keep written records of decisions where relevant). Consent can also be withdrawn at any time.