



## **CONFIDENTIALITY OF YOUNG PEOPLE POLICY**

### **INTRODUCTION**

This policy is specific to patients under the age of 18, and should be read in conjunction with the Staff Confidentiality Policy and Agreement, and Fraser (Contraceptive) Guidelines [*see Resources below*].

### **POLICY**

The principles of confidentiality apply equally to all patients regardless of age. Young people are entitled to the same level of confidentiality as all other patients. This includes respecting their wishes to withhold information from parents or guardians. The GP or nurse involved will determine the competency of a young person seeking treatment and will determine the extent to which confidentiality guidelines apply in each case.

Care must be taken to ensure that this right of confidentiality is not inadvertently breached, by following the professional procedural guidelines in force.

Any young person regardless of age can independently seek medical advice or treatment, including surgical procedures, if a health professional believes that they are capable of understanding the choices of treatment and their consequences. This includes contraceptive advice, but the principles apply to all other treatments, including abortion.

The policy of the Practice is to support young people in exercising their choice of medical treatment, and to deal with them in a sympathetic and confidential manner. Where a young person presents at the surgery without adult support they may be booked in to see a clinician in the normal way. Where there is some question of the urgency of an appointment the matter should be referred to a GP or nurse in the first instance to triage the request.

Where a young person is accompanied to the surgery by a parent or guardian, the health professional should communicate directly with the young person if he or she is competent to understand, using appropriate language and listening to the concerns of the young person as well as those of the adult. The GP or nurse should begin the consultation by checking whether the young person agrees to the parent or guardian being included in the discussion, and should check at intervals that this continues to be the case, especially when decisions need to be taken about treatment or care. The presence of the parent or guardian should not necessarily be taken as implied consent on the part of the young person. If at any time the young person asks for the parent or guardian to leave the room, then the GP or nurse must consider their wishes and make arrangements for an alternative chaperone if needed.

## **ONLINE ACCESS**

It is the Practice's policy that once a young person reaches their 13<sup>th</sup> birthday, parental access to their online medical record will be withdrawn and a new account opened in the young person's own name. This will be managed through the "13<sup>th</sup> Birthday Procedure".

In any case where a GP considers that a young person aged 11 or 12 is Gillick competent and there is a clinical or social reason why the parents should be denied access, then the 13<sup>th</sup> birthday procedure will be applied.

## **SUBJECT ACCESS REQUESTS**

The Information Commissioner's Office states that parents can make subject access requests on behalf of their children who are too young to make their own request. A young person aged 12 or above is generally considered mature enough to understand what a subject access request is. Assuming that the young person is considered to be Gillick competent, they can make their own request and would need to provide their consent to allow their parents to make the request for them. Each case must be judged on its own merits. Any parental access to a child's records must be in the child's best interests.

## **RESOURCES**

BMA – Confidentiality and people under 16 - (Copy on Practice Intranet)  
[Fraser \(Contraceptive\) Guidelines](#) – see below.

### **Fraser Guidelines**

When determining the competency of a young person in relation to medical care, it is considered good practice for doctors and other health professionals to follow the criteria outlined by Lord Fraser in 1985 in the House of Lords' ruling in the case of Victoria Gillick v West Norfolk and Wisbech Health Authority and Department of Health and Social Security. These are commonly known as the **Fraser Guidelines**:

- the young person understands the health professional's advice;
- the health professional cannot persuade the young person to inform his or her parent or allow the doctor to inform the parents that he or she is seeking contraceptive advice;
- the young person is very likely to begin or continue having intercourse with or without contraceptive treatment;
- unless he or she receives contraceptive advice or treatment, the young person's physical or mental health or both are likely to suffer;
- the young person's best interests require the health professional to give contraceptive advice, treatment or both without parental consent