



2021 Statement on Court of Appeal consideration of the importance of Gillick Competency

The RCOG is concerned about the future implications of a Divisional Court ruling with respect to whether children and young people have the capacity to consent to healthcare.

This ruling has been appealed and will be heard by the Court of Appeal. The principal ground for appeal is the issue of whether the Divisional Court's judgment is consistent with the well-established principles around consent set out in Gillick. The Academy of Medical Royal Colleges sets out the importance of Gillick [here](#).

The RCOG is not a formal intervenor (like Gendered Intelligence, Brook, and the Endocrine Society) but supports the need for the Court of Appeal to consider the importance of Gillick in its deliberations, particularly the long-term consequences of any inconsistencies.

Over the last year, there have been numerous legal cases which have attempted to undermine access to sexual and reproductive healthcare or establish barriers to healthcare. The RCOG takes a proactive stance to defending sexual and reproductive health rights and routinely supports legal cases where it considers them to be at risk.

While this ruling is specifically about one area of healthcare, namely gender identity services, it could set a worrying legal precedent that would be relied on in future legal cases to restrict children and young people's access to sexual and reproductive healthcare.

In 2017, RCOG Council voted to support the decriminalisation of abortion on the basis that decisions about healthcare are best made by patients and their medical team, and that legal barriers hinder access and the provision of healthcare.

Ultimately the Court of Appeal will make its decision based on the evidence it hears. It is important that concerns around the future interpretation of the Divisional Court's judgment are part of its considerations.