

## **Academy of Medical Royal Colleges statement on Gillick Competency**

The Academy of Medical Royal Colleges acknowledges the importance of Gillick competency, a well-established legal principle (*House of Lords in Gillick v West Norfolk and Wisbech Area Health Authority*, 1985) which recognises the evolving maturity and individuality of children.

Gillick competency permits under-16s to consent to medical treatment if the child shows sufficient understanding and intelligence to enable them to understand fully what is proposed. This includes the purpose, nature of treatment, likely effects and risks, chances of success and the availability of other options.

Gillick competency underpins medical law and a wide range of clinical practice, it ensures that those working with children consider their rights and wishes. This allows the fully competent child to make important decisions for themselves, including those decisions involving sexual health and confidentiality. This allows them to have autonomy of decision making, particularly where involvement of those with parental responsibility may lead to disagreement, conflict and distress.

A benefit of Gillick competency has been to ensure that children are respected and involved in medical decision making, that their views and wishes are taken into account and weighed with and against the views and wishes of those with parental responsibility. It has also meant that children and young people feel safe in confiding in medical professionals and seeking treatment where it is needed, regardless of any views their parents might hold.

Removing or any attempts in reducing the currency of Gillick competency will undermine the value we hold in our children's autonomy and remove their right to make important decisions about themselves. It may also put children at risk in circumstances where they will avoid medical treatment and seek unregulated sources of care, rather than risk parental involvement or disapproval.

It is the view of the Academy of Medical Royal Colleges that the best people to determine whether an individual has capacity to consent to medical care is their doctor or healthcare professional following appropriate discussion and consultation. Any change to this long-established principle risks the safety and the well-being of anyone under the age of 16.

In conjunction with the importance of Gillick competency, the Academy of Medical Royal Colleges also recognises the paramountcy of safeguarding children. Everyone who works with children has a responsibility for keeping them safe. This includes identifying concerns, sharing information and taking prompt action if there are any safeguarding concerns as outlined in *Working Together to Safeguard Children*, July 2018.