



Blackburn Road Medical Centre  
Blackburn Road  
Birstall  
Batley  
WF17 9PL

## Confidentiality Policy – Patients under 18

This policy is specific to patients under the age of 18 although the principles of confidentiality apply equally to all patients regardless of age. Young people (including those under 16) are entitled to equal confidentiality as all other patients. This includes respecting their wishes to withhold information from parents or guardians. The GP 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 procedural guidelines in force.

It is generally recognised that parents will accompany children up to 13 years of age, many will continue to do so past this age but the clinician can check if they are happy to have the parent there, if it is something personal.

A person between the ages of 13 and 16 can come and see a clinician alone. However a clinician must believe that they are capable of understanding the choices of treatment and their consequences. This includes contraceptive advice, but the principles apply to 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.

The Fraser guidelines apply more in the treatment of contraceptive advice and care for young people where<sup>1</sup>:

- The Clinician must be satisfied that the young person understands the advice given.
- That they cannot persuade the young person to inform the parents.
- That the young person is likely to continue having sexual intercourse with or without contraceptive treatment.

The Gillick Competency in brief is as follows:-

It is not enough that they/the young person should understand the nature of the advice which is being given but they should be sufficiently mature to understand it.

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<sup>1</sup> We recognise The Fraser guidelines are not currently trans-inclusive. Where we apply these guidelines they are fully inclusive of all young people who could get pregnant or require contraceptive advice, including some girls, trans boys and non-binary young people

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It is also commonly believed that “the parental rights yields to the child’s right to make his own decisions when he reaches a sufficient understanding and intelligence to be capable of making up his own mind on the matter requiring decision”

### **Gender Recognition Act 2004**

The 2004 Gender Recognition Act (GRA) makes it a criminal offence to disclose an individual’s transgender history to a third party without their written consent if that individual holds a Gender Recognition Certificate (GRC).

Patients do not need to show a GRC or birth certificate in order for the GRA 2004 to be in effect, so it is best practice to act as though every trans patient has one. This means always obtaining a trans patient’s written consent before sharing details about their social or medical transition, sometimes also called gender reassignment, with other services or individuals.

This includes information such as whether a patient is currently taking hormones or whether they have had any genital surgery, as well as information about previous names or the gender they were given at birth. Consent should always be obtained before information relating to the patient being trans is shared in referrals and this information should only be shared where it is clinically relevant, e.g. it would be appropriate when referring a trans man for a pelvic ultrasound but not when referring him to ENT.