

Early Help Fraser Competency Guidelines

What are the Fraser guidelines? What is Gillick competency?

"...whether or not a child is capable of giving the necessary consent will depend on the child's maturity and understanding and the nature of the consent required. The child must be capable of making a reasonable assessment of the advantages and disadvantages of the treatment proposed, so the consent, if given, can be properly and fairly described as true consent."

The guidelines state criteria which should be considered in assessing whether a particular child on a particular occasion has sufficient understanding to give or refuse consent, to the sharing of their personal information.

Fraser Guidelines (previously known as Gillick Competency)

The following points should be used as guidance for practitioners in determining and recording their decision as to whether a young person is able to participate in the EHA process without the involvement and support from their parent(s) / carer(s).

Consider:-

1. Has the young person explicitly requested that you do not tell their parents/carers about the EHA and any services that they are receiving?
2. Have you done everything you can to persuade the young person to involve their parent(s)/carer(s)?
3. Have you documented clearly why the young person does not want you to inform their parent(s)/carer(s)?
4. Does the young person understand the advice/information they have been given and have sufficient maturity to understand what is involved and what the implications are? Can they comprehend and retain information relating to the EHA and the services, especially the consequences of having or not having the assessment and services in question?
5. Can they communicate their decision and reasons for it? Is this a rational decision based on his/her own religious belief or value system? Is the young person making the decision based on a perception of reality? E.g. this would not be the case for a chaotic substance misuser.
6. Are you confident that the young person is making the decision for him/herself and not being coerced or influenced by another person?
7. Are you confident that you are safeguarding and promoting the welfare of the young person?
8. Without the service(s), would the young person's physical or emotional health be likely to suffer? (if applicable)
9. Would the young persons' best interests require that the EHA is completed and the identified services and support provided without parental consent?

You should be able to answer YES to these questions to enable you to determine that you believe the young person is competent to make their own decisions about consenting to and taking part in the EHA, sharing information and receiving services without their parent's consent. You should record the details of your decision making and seek advice from your Line Manager.