

Consent for minors

Claire Squire, from Balens Ltd, discusses treating children and young people

The issues relating to the treatment of minors are contentious: as a beauty professional you have a right to choose whether to treat those who are below the age of consent or not, but what does the law say? And when should you ensure you have sought the consent of a parent or guardian?

The policies that BABTAC offers, supported by Balens, require that the consent of a parent or guardian be sought before treatment of a minor below the age of 16 (see good practice guide page 2) and we would advise all therapists to abide by the terms as set out by their own insurance.

However, there is legal precedent for when this may not necessarily be the case and it is important that you consider the Fraser guidelines and 'Gillick competency' when treating children and young people (which our policies also give note to).

It is viewed in UK law that a minor can make their own decisions related to their health, according to 'Gillick competency' and the 'Fraser guidelines', where appropriate. A UK Law Lords ruling in the 1980s on the Gillick contraception case states:

'...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.'

It adds:

'Parental right 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.'

Gillick competence and the Fraser guidelines were originally issued in connection with contraception advice but have since cascaded into other areas, especially those concerning the health and well-being of the minor involved.

Whether you choose to treat a young person without parental consent – or refuse to – based upon the above is a matter for you as an individual and your conscience. But do bear in mind that the statute of limitation is much longer and may be overturned in the case of minors. This is why we always recommend you keep case notes indefinitely and include your rationale as to why you decided (or not) to treat /advise without parental consent, in order to defend a late discovered claim should the need ever arise.

For further advice and information on Insurance please visit Balens website: www.balens.co.uk and the members' section of the BABTAC website.

