

Family Education Trust

(Family and Youth Concern)

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Axon case highlights government's mixed messages on the role of parents, says family group

Press briefing for immediate release

Sue Axon's High Court challenge to the government's policy allowing underage girls to have an abortion without the knowledge or consent of their parents highlights the mixed messages being given out by ministers, according to Family Education Trust.

After figures were published earlier in the year showing a rise in the number of conceptions to 13-15 year-old girls, Children's Minister, Beverley Hughes, spoke of the vital role of parents in reducing teenage pregnancy rates:

We really need parents to now see themselves as making an absolutely unique and vital contribution to this issue... It is a contribution that I don't think anyone else can actually make. We cannot make the deep, sustained progress we want to make, particularly at that vulnerable age group, without fully engaging with parents and getting them on board.

Family Education Trust Director, Norman Wells commented:

"We fully agree, but how can the government talk about getting parents 'on board' when it persists with confidentiality policies that effectively throw them 'overboard' by excluding them from vital areas of their children's lives?"

"The more the state undermines the authority of parents, the less responsibility parents will be inclined to take for their children. The government can't have it both ways: it can't disempower parents and at the same time blame them for society's ills. If the government wants parents to take proper responsibility for their children, it must first of all respect their authority."

Trustees: Arthur Cornell MEd F.Coll.P (Chairman); Betty, Lady Grantchester; Eric Hester BA (Vice Chairman)
Dr John Guly; Simon J Ling MA FCA (Hon Treasurer); Denis Riches BSc (Secretary);
Mrs Valerie Riches (Founder President); Dr Trevor Stammers; Robert Whelan MA

Sponsors: John Bonnar MA MD FRCOG; Peter Dawson OBE BSc FRSA; The Baroness Elles; The Duke of Montrose;
The Baroness O'Cathain OBE; Professor Dennis O'Keeffe; Sir John Peel KCVO FRCS FRCP; J S Scott MD FRCS FRCOG

For two decades since the Gillick ruling in 1985, health professionals have appealed to the ‘Fraser criteria’ to defend the confidential provision of contraception and abortions to a girl under the age of consent: (i) that she will understand the advice given; (ii) that she cannot be persuaded to tell her parents; (iii) that she is likely to begin or continue in a sexual relationship; (iv) that her physical or mental health may suffer if contraceptive treatment is denied her; and (v) that it is in her best interests.

But many are unaware that Lord Fraser stressed that the five criteria he listed:

ought not to be regarded as a licence for doctors to disregard the wishes of parents on this matter whenever they find it convenient to do so. Any doctor who behaves in such a way would, in my opinion, be failing to discharge his professional responsibilities, and I would expect him to be disciplined by his own professional body accordingly.

Lord Fraser also stated:

Nobody doubts, certainly I do not doubt, that in the overwhelming majority of cases the best judges of a child's welfare are his or her parents. Nor do I doubt that any important medical treatment of a child under 16 would normally only be carried out with the parents’ approval. That is why it would and should be most unusual for a doctor to advise a child without the knowledge and consent of parents on contraceptive matters.

Lord Scarman similarly ruled:

...a doctor is only in exceptional circumstances to prescribe contraception to a young person under the age of 16 without the knowledge and consent of a parent... Only in exceptional cases does the guidance contemplate [a doctor] exercising his clinical judgement without the parents’ knowledge and consent.

Yet the government’s current guidance effectively turns the Gillick ruling on its head.

Norman Wells commented:

***“Whereas the law lords ruled that it should be unusual for parents not to be told when their children were accessing contraceptives, the government’s revised guidance effectively says that it should now be unusual for parents to be told.*”**

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“It is regrettable that the Department of Health’s guidance contains no acknowledgement of the law lords’ ruling that contraceptive provision to underage girls without parental knowledge or consent should be ‘most unusual’ and occur ‘only in exceptional circumstances’.”

The Department of Health press release that accompanied its revised guidance on the provision of contraceptive services and abortions for under 16s included a quote from Dr Vivienne Nathanson, the Head of Science and Ethics at the British Medical Association. She remarked that:

[I]t is essential that competent young people’s autonomy continues to be recognised and respected in this way, to ensure a good doctor-patient relationship, based on trust, within which young people feel they are able to seek advice.

But Norman Wells expressed concern about what the government’s confidentiality policy is saying about the parent-child relationship:

“In its attempt to enhance the trust between a doctor and patient, we fear the guidance is breaking down the trust between parents and their children, which is a far more important relationship to safeguard. Parents are the primary protectors of their children, yet they are being sidelined in the name of ‘the right of the child to confidentiality’.

“We are concerned that vulnerable children and young people are increasingly being regarded and treated as autonomous individuals rather than members of a family, and that parental responsibilities are being usurped by those whose interest in them is professional rather than personal. Of far greater importance than recognising and respecting young people’s autonomy is the need to pay due regard to the autonomy of the family unit.”

For further information:

Norman Wells 020 8894 2525

Family Education Trust is an educational charity committed to promoting stable family life and the welfare of children and young people.

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