

Your rights to be heard when you are in contact with health services – a guide for children and young people in England

This guide helps you know your rights to be heard and taken seriously if:

- ✓ You are in contact with a doctor or other health professional (including a dentist)
- ✓ You are in contact with mental health services
- ✓ You are seeing a counsellor
- ✓ You are staying in hospital.

General rights

- You should be treated with respect at all times
- You should be consulted and your views taken seriously whenever decisions are made about you
- You should never be treated unfairly because of your ethnic origin, sex, any disabilities, your religion or beliefs, your sexual orientation or your transgender status.

1 Doctors must always take your views into account when they are making decisions about your health. They must only make decisions that are in your best interests. Your doctor should always tell you:

- What illness he or she thinks you have
- What treatment he or she wants to give you, including if it will hurt
- What the risks are of any treatment, and what the risks are if you don't have it
- If you might need to go to hospital.

2 You also have the right to see your doctor on your own.

3 If you are in care, you should have a medical examination after you come into care (which will include checking on your mental health) and have regular check-ups at least once a year.

4 If you are seeking asylum, you also have the right to free health care, and to have an interpreter if you need one. If your application for asylum has been refused, you may still be allowed free health care – your lawyer or doctor will be able to advise you about this.

An asylum seeker is a person of any age who has had to leave his or her home country to find a safe place elsewhere.

Health services include doctors, dentists, psychiatrists, counsellors, nurses, opticians, independent advocates, hospitals, drop-in health centres, sexual health clinics and advice lines. These health professionals look after your physical health and your mental health.



Your right to confidentiality

1 No matter what your age or situation, information about your health is private and must be kept confidential. This means that doctors, dentists, psychiatrists, nurses, counsellors and any other health professionals cannot share information about your health, even with your parents or carers, without your permission.

2 There are certain cases when confidentiality may be broken, for example if you are in serious danger of being hurt or abused, or if you have refused treatment for a life-threatening illness. In these cases, a doctor or counsellor may contact social services to make sure you are kept safe, or they may contact your parents to get consent for treatment. They should always tell you this is what is going to happen.

Giving your consent

1 Health professionals do not always need permission (called consent) from your parents or carers to give you medical treatment if you are under 18.

2 If you are 16 or 17, you have the right to make your own decisions about your health. You are thought to have enough maturity and understanding to consent to medical treatment. Usually, the only exception to this is if you refuse medical treatment when you need it. The doctor can then ask your parents or carers for consent, or apply to the courts to make you have the treatment.

3 If you are under 16, you can give your own consent for medical treatment if the doctor decides you have enough maturity and understanding

of the situation to make up your own mind. This is called being ‘Gillick competent’. If the doctor decides you do not have enough understanding, he or she will ask for consent from your parents or carers. There is no age for being ‘Gillick competent’ – it depends on each individual child and young person.

4 If you are under 16 and refuse treatment, the law says that your parents, carers or the courts must take your views very seriously when deciding what is best for you.

5 If you have a mental illness, the courts can decide that you cannot make decisions by yourself (no matter what age you are). This is called ‘lacking capacity’. If this happens, the court will appoint someone to make decisions for you – such as your parent or carer. You will also have the right to an independent advocate – someone who will help you take part in any decisions made about you, and who will make sure your views are taken into account.

6 You can be given emergency treatment without your consent, or the consent of your parents, if it will keep you alive or stop you becoming much more ill.

Giving your consent for treatment is not a one-off decision. You have the right to change your mind. You also have the right to ask for a second opinion about anything to do with your health. You might be seen to be ‘Gillick competent’ in one situation but not another.

7 Doctors will carry out treatment for religious, cultural and emotional reasons only if it can be shown to be in your best interests and you or your parents have given consent.

Your health record

1 No matter what your age, you have the right to see any records that are held about your health. If the information is wrong, you have the right to get it changed. You can also ask an adult to get your health record on your behalf.

2 Your request to see your health record can only be refused if the person in charge of your care (for

instance a doctor or psychiatrist) thinks that knowing the information might cause you (or someone else) serious harm. This can only happen if you do not already know the information you are asking to see.

3 If a health professional wants to share information about you, including with your parents, he or she must have your consent. You must be told who will see this information and what will be done with it. Information about your health can only be shared without your consent if you are in serious danger of being hurt or abused.

Staying in hospital

1 If you are under 16, you can admit yourself to hospital against the wishes of your parents or carers if the doctors agree it is in your best interests. You can only be kept in hospital against your wishes if your parents think it is the best thing for you, if it is to obey an order made by the court, or if you need to be given life-saving treatment.

2 If you are 16 or 17, you cannot be admitted to hospital by your parents or carers against your wishes.

3 If you do have to stay in hospital, you should be able to stay in an area that is suitable for someone of your age (depending on what your particular needs are).

Having your say about your health

1 The law says that the health services in your local area (known as the NHS Trust and the Primary Care Trust) must ask for the views of the people (including children and young people) that use their services.

2 You also have the right to make a complaint about any physical or mental health services that you have received. If you want to make a complaint, you have the right to an advocate – an adult that will help you get your voice heard and get your views across. Your local health services should give you information about how to make complaints and where to get an advocate if you need one.

Find out more

- NSPCC ChildLine, freephone **0800 1111**; www.childline.org.uk
- NHS Direct (including complaints advice and details of your local Patient Advocacy and Liaison Service – PALS) on **0845 46 47**
- Action for Sick Children, <http://www.actionforsickchildren.org/children.html>
- Young Minds, <http://www.youngminds.org.uk/young-people/>
- Royal College of Paediatrics and Child Health, <http://www.rcpch.ac.uk/cayp>
- Children’s Rights Alliance for England **You’ve got the Right** advice line, freephone **0800 32 88 759** between 3.30 and 5.30pm, Tuesday to Thursday; www.crae.org.uk/protecting/legal-advice.html

See our other guides on your right to be heard and taken seriously by:

- Children’s services
- Police and the courts
- Schools.

The Children’s Rights Alliance for England and Participation Works are not responsible for any information or advice you receive from other organisations.

This guide was written by the Children Rights Alliance for England for Participation Works. All information was accurate as of August 2008. Legal references are included in the Participation Works summary of all four guides.

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