

Under 16 Sexual Activity

Fraser & Bichard guidelines

Fraser Guidelines

In 1985, Lord Fraser said in judgement of the Gillick case, that a doctor can give contraceptive advice or treatment to a person under 16 without parental consent providing the doctor is satisfied that:

- The young person will understand the advice;
- The young person cannot be persuaded to tell his or her parents or allow the doctor to tell them that they are seeking contraceptive advice;
- The young person is likely to begin or continue having unprotected sex with or without contraceptive treatment;
- The young person's physical or mental health is likely to suffer unless he or she receives contraceptive advice or treatment.

Although the above guidelines apply to health professionals it also might highlight the fact that the young people themselves have the right to confidentiality and privacy.

Bichard guidance

Assessing risk with sexually active young people aged 18 and under

Recommendations from the Bichard Inquiry into the murders of Jessica Chapman and Holly Wells required a co-ordinated and child centred approach from agencies working with children and young people including sexual health services and the criminal justice system.

Sexual relationships can present a risk of significant physical and/or emotional harm to a young person if one of the intimate partners is coercive or abusive. Therefore in order to safeguard children and young people's well-being, professionals working in these fields are obliged to notify the police and/or social services as soon as possible when a criminal offence has been committed or is suspected of having been committed against a young person under 18 unless there are exceptional reasons not to do so. This applies to all professionals, irrespective of whether they have one-off contact with a young person or maintained contact over a period of time.

In line with Bichard Inquiry recommendations it is essential for professionals to ascertain whether the sexually active under-16 is in a consensual relationship, free from abuse and harm. Professionals providing young people with contraceptive advice and condoms should also establish rapport and a reasonable level of trust with the young person. In addition the nature of their sexual relationship should be ascertained sensitively and if concerns are raised, professionals are to act in keeping with their organisation's Child Protection Guidance and protocols.

related links

- [NSPCC](#) - What is Gillick Competency? What are the Fraser Guidelines?