

# "You can't tell my parents" using Gillick competence in decision making



During lots of my Safeguarding training sessions I mention 'Gillick competence' as a tool that you can use regarding speaking to a parent against a student's wishes. Either due to a safeguarding concern OR if informing them might potentially, put the student at greater risk of harm

It would be best if you **never** have to consider Gillick competence because really what we want is to be **encouraging and supporting students** to share whatever the information is with their parents or carers. Perhaps you can :

- practice or 'role play' the conversation with them
- explore the best time / place to talk to their parents
- help them find the words to start that tricky conversation
- offer to be there or broach the topic for them?

## But what if that doesn't work?

This is where I have found 'Gillick competence' to be useful. Although 'Gillick competence' is a UK legal principle, I have found that it is really helpful to support thinking around international school students abilities and rights to make their own decisions.

## A little history...

Back in 1982, Victoria Gillick, the mother of a teenage girl, took her local Health Authority to Court in an attempt to prevent doctors from giving contraceptive advice and/or treatment to under 16-year-olds without parental consent. Her case failed and created a legal principle that's vital in safeguarding children. Under the Gillick competence principle, a child under 16 may consent to their own medical treatment if they're able to understand what's involved.

But how does this principle help you because you are not providing contraception (or if your school is, please make an urgent appointment for Consultancy 😊).

Gillick Competency is now widely used by other professionals, it's about **evaluating a student's ability to make their own decisions**, particularly in situations where the child is adamant that they won't tell their parents. It's a delicate situation that needs careful handling. But, with the right approach and understanding, it can be a powerful tool to explore this issue with them, and ultimately for you to be confident that you are protecting and empowering your students with whatever decision you make.

**There are clear times when it is essential that we do inform parents, regardless of the child's wishes because they may be at significant risk of harm or abuse and it is their parents who are ultimately responsible for keeping them safe and they are the ones who can legally make decision with and for them.**

### **Consider:**

- Child's age, maturity and intellect
- Do they understand the problem or issue, and what it involves?
- Do they understand the risks, implications and any consequences, that may arise from their decision?
- Do they understand the advantages and disadvantages of the issue they face?
- Do they understand any advice or information they have been given and was their bias or pressure involved?
- Do they understand any alternative options?
- Can they articulate a rationale around their reasoning and decision making?

This is not an exhaustive list and the person supporting them and ultimately making the decision needs to reflect on their own bias, recognising different cultural norms, local legal frameworks, impact of peers and possible pressure from others in the organisation especially as it is a fee paying school

### **4 questions to answer before making a decision:**

- Does the student understand the concerns & implications of not informing parents and the advice they are being given?
- Can they be persuaded to inform their parents?
- Is their physical or mental health, or both, likely to suffer IF their wishes not to tell parents is ignored?
- Are they at or likely to be at a greater or significant risk of harm IF their parent is NOT told?

### **What about the parents?**

Honest communication is the best policy, but it's a balancing act. Parents will not always appreciate that you chose to respect the student's autonomy and being open about the extenuating circumstances can be a very difficult. However, we have to be realistic, if and when they find out you didn't inform them, you are highly likely to face very upset parents. This is another reason why we work in teams, so that decisions are not made in isolation and actions belong to the Safeguarding Team, not the individual.

However, this is also about developing a school community where parents understand Safeguarding and the school's duty of care, where it is understood that your greatest priority is the wellbeing of their child.