

**Response by the NSPCC to DHSSPS Guidance on the
Termination of Pregnancy: The Law and Clinical Practice in
Northern Ireland**

October 2010

1. The NSPCC is grateful for the opportunity to respond to the DHSSPS consultation on the termination of pregnancy guidelines for Northern Ireland. The Society takes no position on abortion, however, we have comments on the good practice elements of this guideline and how they impact on issues of child protection, consent and confidentiality.

2. Young people have a right to be both protected and safeguarded and, when competent to do so, enabled to make healthy choices for themselves on a confidential basis. The civil and criminal law in Northern Ireland is complex and it is important that clear guidance should exist for young people seeking advice on termination of pregnancy. In this regard we consider that the guidance as drafted could usefully include more detail. It should clearly signpost professionals to other source documents.

3. It would be helpful if Section 5.6 articulates the rights of young people to be both protected and to seek health and advice. This could usefully be grounded in the UK's obligations under the UN Convention on the Rights of the Child, specifically Article 12, the right for a child to express a view on matters that affect them, and for this to be given due weight in their age and maturity, and Article 24, the right to health and health services.

4. The position relating to Section 5 of the Criminal Law (Northern Ireland) Act 1967 and mandatory reporting is much more complex than currently stated in the guidance and it should be noted that the purpose of the Sexual Offences (NI) Order 2008 is the protection of young people. We would not want to see young people deterred from seeking advice when they are competent to do so and where they are not in need of protection. Decisions on whether to report onward or share information about a young person seeking a termination should be considered in the context of a range of other issues including: the Fraser guidelines arising from the House of Lords finding in *Gillick v West Norfolk and Wisbech Area Health Authority* [1985] 3 All ER 402 (HL); the exemptions in Article 77 of the Sexual 2008 in relation to medical treatment and counselling; existing ACPC guidelines; and, yet to be published departmental guidance on child protection for those working with sexually active young people .

5. Our research and that of others has suggested that mandatory reporting requirements do not result in better reporting of child protection concerns and there are wider issues to consider, not least clear reporting protocols and training for professionals (see: http://www.nspcc.org.uk/Inform/research/findings/mandatoryreportingNI_wda51129.html)

6. It would be helpful to set out in this guidance the principles under which professionals should act to consider both the child protection concerns a pregnancy may present and the wider health needs of the young person. The young person's right to confidentiality is particularly important and this overlaps with

section 5.19 and 5.20 of the guidance. We strongly advocate that the guidance should signpost professionals and readers to relevant child protection source documents see:

http://www.dhsspsni.gov.uk/sexual_activity_in_children_risk_assessment_-_pdf.pdf and acknowledge that the Department will be issuing revised guidance in due course to take account of the Sexual Offences (NI) Order 2008.

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