

**WRITTEN QUESTIONS TO THE PRESIDENT OF THE HEALTH AND SOCIAL SERVICES  
COMMITTEE BY THE DEPUTY OF TRINITY**

**ANSWER TO BE TABLED ON 6th JULY 2004**

**Question 1**

Following recent concern in the UK concerning the case of a 14 year old girl who had an abortion arranged by a 21 year old school health worker without the consent of her mother, would the President inform members whether children in Jersey are being given abortions and related advice and treatment without parental consent or knowledge, and, if so –

- (a) is it legal in Jersey to do so without the parents' knowledge or consent?
- (b) what are the relevant age restrictions?
- (c) what counselling is given before and after the abortion?
- (d) what guidelines exist?
- (e) what steps are taken to investigate and submit relevant evidence to the Attorney General for possible prosecution of the person who has unlawfully impregnated the under-age girl? and,
- (f) what statistics are kept and are these publicly available?

**Answer**

Young women under the age of 16 are given termination related advice and treatment in accordance with the Termination of Pregnancy (Jersey) Law 1997. Since the introduction of this Law, 32 procedures have been carried out on young women under the age of 16 and of these 4 have been without parental consent or knowledge. These young women had an adult to care for them and all were over the age of 14 years.

- (a) It is legal under the current law provided that the girl demonstrates 'Gillick-competence' – as outlined in the Fraser Guideline.
- (b) There are no age restrictions, if the girl is competent and able to understand the implications of the procedure – in other words, is 'Gillick-competent', as outlined above. No termination has been carried out in Jersey on young women under the age of 14 years since 1997 when the Termination of Pregnancy (Jersey) Law 1997 came into force.
- (c) Article 3 of the Termination of Pregnancy (Jersey) Law 1997 states that the medical practitioner must provide written information about the counselling services available. (This is not a pre-requisite in the UK.)

All women attending for termination are offered the opportunity to see a counsellor at the outpatients clinic, and are offered counselling after the (termination) surgery if they so wish. For young women under the age of 16 counselling is mandatory.

The following information is provided as outlined in the Termination of Pregnancy (Jersey) Law 1997 –

at the first consultation all women are given written information concerning –

- (i) the statutory rights and entitlements of, and benefits available to, families, mothers and children;
- (ii) the counselling services available to a pregnant woman wishing to have a termination,

- (iii) the opportunities for adoption for the child, if born, and
- (iv) the names and addresses of approved places; and
- (v) if following the first consultation, the pregnant woman still wishes to have a termination she must, not less than seven days after that consultation, consult an approved registered medical practitioner who is authorized to carry out terminations ('the second consultation').

This pre-decision process provides the woman with a higher standard of care than that available in the UK.

All women are given the telephone number of the counsellor to take home with them to enable them to access counselling if they need it.

In addition, all young women under the age of 16 are seen by a Consultant Child and Adolescent Psychiatrist.

- (d) All practitioners have a copy of the Termination of Pregnancy (Jersey) Law 1997. British Medical Association (BMA) and General Medical Council (GMC) guidelines exist for all medical practitioners and these guidelines include the Fraser Guidelines which are specific to this issue and cover 'Gillick Competence'. As per 'Gillick Competence' when consulted by a minor requesting abortion, or any other procedure, the Doctor will

- consider whether the young woman understands the potential risks and possible longer term effects of the proposed termination / treatment;

- consider whether the young woman has sufficient maturity and competence to make this decision and give a valid consent;

- make every attempt to encourage the young woman to discuss her situation with her parents but provide reassurance that confidentiality will be maintained. The importance of support before and after the termination is discussed.

- (e) Issues related to child welfare, and unlawful intercourse are referred to the Child Protection Officer who will follow the appropriate process with regard to involving other agencies such as the police.
- (f) Article Nine of the Termination of Pregnancy (Jersey) Law 1997 states that 'the Medical Officer of Health shall lay before the States, every calendar year, a report upon the operation of this Law in the preceding calendar year which shall include such information as may be prescribed'.

All statistics are kept by Health and Social Services and are forwarded to the Medical Officer of Health. These include the following details: age, marital status, previous pregnancies, residential status, and gestation of pregnancy.

## **Question 2**

Is the Committee satisfied that the activities of the Brook Advisory Centre, the General Hospital, the family planning clinics at the Le Bas Centre and general practitioners comply with Jersey Law, particularly in relation to the issue of the morning-after pill to children under the age of 16, (Levonelle-2), or other abortion-inducing drugs, (such as RU486), or other forms of contraception, abortion, medical advice and treatment in connection with under-age sexual intercourse? In particular, is the strong drug Levonelle-2 considered to be contraceptive or abortifacient, and is the Brook Advisory Centre able to give it lawfully to children under 16?

## **Answer**

All relevant agencies and practitioners comply with the Termination of Pregnancy (Jersey) Law 1997. In relation to the 'morning after' pill, if the young woman demonstrates 'Gillick competence', emergency contraception (for example, Levonelle – 2) is prescribed.

If a girl is presenting with a request for emergency contraception appropriate advice is given on all aspects of sexual health. Levonelle – 2 is regarded as contraceptive rather than abortifacient as it is taken usually within 72 hours of unprotected intercourse - in other words, before implantation has occurred.

Abortive inducing drugs such as RU486 are not prescribed as a method of emergency contraception. This would only be given as part of a medical termination and these are rarely offered in Jersey and only under the certification as outlined in the Termination of Pregnancy (Jersey) Law 1997.