

RCNI Best Practice Standard

Standard for Providing Direct Services to Teenagers

While every care is taken to ensure that this standard accurately reflects current legal obligations, please note that it does not and cannot guarantee to any Centre, and/or any Centre staff member or volunteer, immunity from suit and/or legal liability in civil courts, criminal courts or other tribunal.

1. INTRODUCTION

Our Centre is committed to providing services to all teenage and adult survivors of sexual violence (1) who choose to use our services, including those who are under the age of 18. Under the Irish Constitution, the authority of the parent over the child is very great. However, young people have very significant rights of their own, including rights to liberty and bodily integrity, and the right freely to communicate with others and to follow her/his own conscience. The child's right to exercise these civil liberties independently grows as she or he grows in maturity(2).

In relation to the reconciliation of parents' and children's rights concerning consent to support and/or counselling "...parental right yields to the child's right to make her/his own decisions when she/he reaches a sufficient understanding and intelligence to be capable of making up her/his own mind on the matter requiring decision."(3)

The purpose of this standard(4) is to provide guidance to both staff and volunteers in relation to working with clients under the age of 18 who seek treatment including advocacy, support and/or counselling for trauma, in the aftermath of any form of sexual violence or abuse. We will ensure that all staff and volunteers providing counselling and psychological support to clients(5) under the age of 18 have the relevant training and competencies.

The Training Standard provides further information

2. REQUIREMENTS

2.1 Initial Procedure

- When working with survivors under the age of 18, RCC personnel will, if appropriate, seek permission from a relevant responsible adult, for example a parent, social worker or guardian.
- Failing this, the counsellor/advocate, in consultation with their supervisor, will determine if the client is 'Gillick Competent', namely that she/he has sufficient understanding and intelligence to give her/his own consent to receive support, advocacy and/or counselling. This assessment will be made in accordance with the criteria outlined in the 'Fraser Guidelines' established in relation to determining 'Gillick Competency'.

2.2 Fraser Guidelines

The Attorney General's advice on Gillick provides further information

- The young person understands the nature of, and what is involved in, the counselling/advocacy/support offered;

RCNI Standard for Providing Direct Services to Teenagers

- The counsellor/advocate cannot inform her/his parents or persuade the young person to do so;
- Unless she/he receives counselling/support/advocacy, the young person's physical or mental health or both are likely to suffer;
- The young person's best interests require the counsellor/advocate to provide counselling/support/advocacy without parental consent.

2.3 Provision of Psychological Support at a SATU

SATUs are designed to provide both forensic and medical examinations to survivors of recent sexual violence aged 14+. Hospitals in which SATUs are located will require the consent of a parent, guardian or social worker in order to carry out a forensic examination of a survivor aged less than 18. We provide psychological support to all survivors utilising a SATU when there is a SATU located in our area.

If a teenage survivor under the age of 18: does not want to report to the Gardaí, does not want parental involvement, wants to have only a medical examination to ensure that she/he has no injuries requiring treatment, and those decisions are not over-ridden by parents, guardians or social worker, the issue of Gillick competency will arise.

2.4 Notification of HSE

If consent has not been given by a HSE social worker, a report will be made to the duty social worker in the relevant HSE region in person, by phone or in writing utilising the procedures outlined in Children First. In the event of an emergency or the non-availability of HSE staff, the report will be made to An Garda Síochána.(6)

Note: *If parental consent is received for counselling, support or advocacy, a consent form must be signed.*

The standard consent form or its equivalent need to be used

Signed _____ Date _____ Review Date _____

1. This refers to sexual harassment, sexual assault, rape, all forms of child sexual abuse, trafficking, pornography and prostitution.
2. This is in accordance with section 17(2) of the Guardianship of Infants Act 1964.
3. Lord Scarman comments - Gillick v West Norfolk and Wisbech Area Health Authority (1985)3 All ER 402 (HL).
4. This policy is in compliance with the Guardianship of Infants Act 1964, the Child Care Act 1991, Children First: National Guidelines for the Protection and Welfare of Children 1999 & the UN Convention on the Rights of the Child.
5. For the purposes of this policy a client is a teenager under the age of 18 using or seeking to use Rape Crisis Centre direct face-to-face services.