

Confidential filing.

Contraception for the under sixteens.

NATIONAL HEALTH.

April 1980.

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Contraceptive

CC NAT. H6A04
AIDS

CONFIDENTIAL

PRIME MINISTER

<< Housing, Private
Rented Sector

H COMMITTEE: TUESDAY, 25 FEBRUARY

mt

Aids

I attach a minute from the Lord President, reporting on the conclusions reached by the Committee. H agreed that the publicity should go ahead as proposed.

Contraceptive advice and treatment for young people

H agreed that the guidance, as drafted, should be issued as soon as possible. This would follow the line determined by the Court of Appeal, covering in particular the circumstances identified by Lord Fraser when contraceptive advice and treatment could be provided to those under 16 without parental consent. H believed that, for now, the issue of confidentiality between doctor and patient should be left entirely to the General Medical Council.

Private rented sector

H agreed that the Assured Tenancy Scheme, under which newly built property can be let at market rents outside the terms of the Rent Acts, should be extended to buildings which had been substantially improved, repaired or converted. L Committee will be considering including this in the Housing and Planning Bill currently before Parliament.

Man Address

MEA

27 February, 1986.

JD3AJT

With regard to the
AIDS add - have we
checked
(1) that it is acceptable
to the Advertising authority
(2) that it does not come
within the Obscenity Act
mt

CONFIDENTIAL

ATTACHED to H(86)10

PRIME MINISTER

CONTRACEPTIVE ADVICE AND TREATMENT FOR YOUNG PEOPLE UNDER 16

You will wish to be aware of Mr. Fowler's proposal for revised departmental guidance, taking on board the points made in the Law Lords' October judgement on the Gillick case. The attached H paper sets out his views, and contains at Annex C the draft circular.

The Secretary of State does not propose legislation to define more closely the circumstances in which a doctor might act without parental consent, a course which Sir Keith Joseph thought worth considering. There seems everything to be said, in fact, for not reopening the issue in this way and for simply implementing the clear and apparently sensible code set out by Lord Fraser in the judgement.

Mr. Fowler notes that the recent and controversial GLC guidance is not a matter for Government, though he believes it strengthens the case for early publication of the revised departmental guidance.

Mark Addison

Mark Addison

21 February 1986

JALAKY

Under-age Girls (Contraception)

3.32 pm

Mr. Archy Kirkwood (Roxburgh and Berwickshire) (*by private notice*) asked the Secretary of State for Social Services what guidelines his Department proposes to issue following the GMC's advice to doctors regarding the circumstances in which they involve the parents of under-16-year-old patients when prescribing contraceptives.

The Minister for Health (Mr. Barney Hayhoe): As the House is aware, the existing DHSS guidance on this issue is being revised to take account of the Law Lords' judgments and the wide range of views expressed on the matter. The revised guidance will advise those doctors and others concerned about the considerations that they need to have in mind when giving contraceptive advice or treatment to under-16-year-olds I will, of course, also take into account the new guidance approved by the General Medical Council yesterday. I hope to issue the revised DHSS guidance shortly.

Mr. Kirkwood: Will the right hon. Gentleman apply his mind to issuing the guidance quickly? I believe that powers must be available to doctors to involve parents in exceptional circumstances, but there is worry and anxiety in the BMA and a hiatus has been caused by the GMC ruling. Will the right hon. Gentleman end that hiatus, because it is in no one's interest that girls of 16 and under should continue to be exposed to the risk of pregnancy?

Mr. Hayhoe: The GMC is an independent statutory body, for which the Government are not accountable in any way. Therefore, it is not appropriate for me to comment on the advice that it gives to the medical profession. I have said that I hope to issue the DHSS guidance shortly.

Dame Jill Knight (Birmingham, Edgbaston): What does my right hon. Friend make of the statement of the president of the GMC that he still hopes that the vast majority of doctors will not inform parents? When my right hon. Friend is considering guidelines, will he bear in mind the weight of evidence that adverse medical effects can be present among young girls, particularly if they are receiving other medical treatment from their doctors? Will he insist that doctors at least tell GPs?

Mr. Hayhoe: I am not aware of the statement to which my hon. Friend refers. I hope that no one in the House, or outside, would seek to undermine or diminish parental responsibility in these matters in any way.

Mrs. Gwyneth Dunwoody (Crewe and Nantwich): Will the Minister be very clear when he is writing his guidelines that if 16-year-olds are asked by the doctor concerned whether they want their parents told, and they make it clear that they do not, it is essential that their confidentiality should be respected? If that is not so, and if the girls are not told that, we shall get more and more illegitimate children through there being no faith in the confidentiality of the consultation.

Mr. Hayhoe: The position is that confidentiality must be for the individual doctor, guided by the advice of the General Medical Council.

Mr. Harry Greenway (Ealing, North): Does my hon. Friend not accept that it is in the best interests of the under-age girl that parental responsibility and family stability

should be fostered by the new guidelines which he will introduce? Does he not agree that doctors should be under an obligation to tell the parents of girls who are being placed upon the pill that that is happening, rather than having that right conferred upon them? This will in itself give proper protection to all girls. Is that not what we should be seeking to do?

Mr. Hayhoe: I think it very important that nothing is done to diminish or undermine parental responsibility in this matter.

Mr. Eric Deakins (Walthamstow): Is the Minister confident that the revised guidance will serve to reduce the appalling number of teenage pregnancies?

Mr. Hayhoe: I am concerned at the number of unwanted teenage pregnancies and the number of abortions. I think hon. Members in all parts of the House will be concerned about the numbers, and I would not wish the guidance which is given by my Department to make matters worse. The intention of the guidance is to take account of the Law Lords' judgment on this matter, and to take into account the social and moral concern that has been widely expressed on this issue.

Mrs. Anna McCurley (Renfrew, West and Inverclyde): Does my hon. Friend not think that this institutionalisation of a breach of confidentiality on a subjective judgment is the thin end of the wedge for general practitioners and medical practitioners? Young girls who go to them are socially responsible. Despite what my hon. Friend the Member for Ealing, North (Mr. Greenway) said, it has nothing to do with parents whether there are adverse or non-adverse effects on children or young people who are prescribed contraceptives; it is a matter of clinical judgment. That is not affected by whether parents know or do not know.

Mr. Hayhoe: I received only this morning the revised guidance which the General Medical Council approved yesterday and have not had time to give it the careful consideration which it deserves. I believe in these matters that careful consideration is much preferred to instant comment.

Mr. D. N. Campbell-Savours (Workington): Is the Minister aware that many of us in the Life lobby have found the position of Victoria Gillick very hard to stomach, and that that is one of the issues which has divided many of us? Is he aware that the General Medical Council's guidance note may be an excellent compromise?

Mr. Hayhoe: Rather than comment upon the guidance which was approved by the GMC yesterday, I believe that it would be right for me to give it careful consideration, and I shall take it into account along with the other matters that I have described before I issue the revised DHSS guidance, which I hope to do shortly.

Dr. John G. Blackburn (Dudley, West): Does my right hon. Friend agree that there are hundreds of thousands of caring parents who wish to know what will be the position of 13 and 14-year-old children in the revised guidelines? At that stage in their lives they need all the love and care of a secure home and the knowledge that their families care.

Mr. Hayhoe: The stability of family relationships and parental responsibility are matters that we must all take fully into account.

Land Rover

20. **Mr. Heathcoat-Amory** asked the Secretary of State for Trade and Industry if he has any plans to privatise the Land Rover division of British Leyland; and if he will make a statement.

Mr. Peter Morrison: Discussions are in progress between BL and General Motors with the aim of creating an internationally competitive United Kingdom commercial vehicle industry. These talks cover Leyland Trucks, Land Rover, Freight Rover and certain related overseas companies.

Mr. Heathcoat-Amory: As Jaguar has flourished in the private sector, why has my hon. Friend not pursued a similar course with Land Rover? What can Land Rover gain from General Motors that could not be achieved by privatisation in a British market?

Mr. Morrison: Obviously my right hon. Friend and I and the whole of the BL board must carefully take into account the prospects for the future of Land Rover when it goes into the hands of the private sector. The board believes that the prospects for Land Rover and Range Rover will be greatly enhanced if, subject to the conditions that my right hon. Friend announced in the House last week, they team up with General Motors.

Mr. Terry Davis: As no one in the senior management of British Leyland will admit to being involved in the discussions, will the Minister name the members of the BL board who are involved in trying to sell off the British motor industry?

Mr. Morrison: I am amazed by that question. I do not know the names of all the people involved. There have

been negotiations at many levels—technical, commercial and industrial. Several people have been involved in the negotiations across the board.

21. **Mr. John Mark Taylor** asked the Secretary of State for Trade and Industry if he will make a statement about negotiations taking place between General Motors and Leyland Truck and the involvement of Land Rover.

Mr. Peter Morrison: Discussions are in progress between BL and General Motors with the aim of creating an internationally competitive United Kingdom commercial vehicle industry.

Mr. Taylor: As my hon. Friend is considering the options, will he include among them a management buy-out and accept the importance of a significant involvement of employees of the company in that scheme?

Mr. Morrison: That will initially be a matter for the BL board. Certainly as regards the future of Land Rover and Range Rover it is important that any deal that they come to is a deal that they and the Government consider to be the best for enhancing their prospects and the prospects of my hon. Friend's constituency and the thousands of his constituents who work there.

Mr. Geoffrey Robinson: Has General Motors made the inclusion of Land Rover in the division of British Leyland a condition of its acquisition of that division? If not, why will the hon. Gentleman not listen to the views of the management and unions at Land Rover and to the view of both sides of the House and consider a future for Land Rover outside the deal with General Motors?

Mr. Morrison: At this stage, General Motors has not put forward any formal proposition. It would be fair to say that General Motors is looking at the three constituent parts about which I have already told the House.

Ms. Jo Richardson (Barking): Is the Minister aware that many young girls consult their parents but that many find that they cannot? I echo the outrage of the British Medical Association at the confusion which the General Medical Council's guidelines will cause for doctors and their patients. The guidelines make the situation worse than it was before Mrs. Gillick brought her case. They provide virtually a licence for doctors to do as they like.

Will the Minister clarify the fact that a young girl seeking advice on contraception will have to talk to her doctor before she knows whether he will inform her parents? Surely this uncertainty will mean that she will not consult him at all. She will not do so unless she has some sort of assurance beforehand. What does the Minister propose to do — we look forward to receiving his guidelines—to improve the service for young people to avoid the unwanted pregnancies to which he referred? In 1983—the most recent year for which he has given me figures—over half of these unwanted pregnancies were terminated.

Mr. Nicholas Soames (Crawley): Tell them not do it.

Mr. Hayhoe: I am glad that the hon. Lady is awaiting the revised guidance, which I shall be issuing after having given careful consideration to the guidance issued and approved by the General Medical Council yesterday.

Mrs. Elaine Kellett-Bowman (Lancaster): Does my right hon. Friend accept that the very thought that parents might be informed by the doctor will be a substantial deterrent to girls indulging in under-age sex? Given the extremely alarming figures that are now emerging, and which the House debated only recently, of cervical cancer among the very young, would it not be very desirable to have this deterrent in situ?

Mr. Hayhoe: I note what my hon. Friend has said, as I have noted the remarks of all hon. Members in all parts of the House on this important issue. I shall take all views into account in preparing the revised guidance that I hope to issue shortly.

Immigration (Members' Representations)

3.38 pm

Mr. Gerald Kaufman (Manchester, Gorton): On a point of order, Mr. Speaker. You will recall that yesterday, Mr. Speaker, following a point of order raised by my hon. Friend the Member for Birmingham, Ladywood (Ms. Short), who had been contacted by a journalist before 1 pm about a written answer that it was expected would be released that day, you said during the ensuing exchanges:

"I would deprecate the giving of a written answer to the press before it has been given to the hon. Member concerned. That is clearly in breach of our conventions."—[*Official Report*, 11 February 1986; Vol. 91, c. 793.]

A written answer was provided yesterday, by the Home Secretary and not by the Minister of State. It was not a casual written answer for it had attached to it a five-page document of 19 paragraphs setting out completely a new policy to be followed by the Home Secretary. The contents of the document included a number of matters which the journalist who had spoken on the telephone to my hon. Friend the Member for Ladywood had told her would be included in the written answer.

There seem to be only two alternative possibilities, both of which are discreditable. One is that there was a leak from the Home Office to the press. The second possibility is that the Home Office—this must have been via the Home Secretary—deliberately committed what you described yesterday, Mr. Speaker, as a "breach of our conventions", which you deprecated, and supplied a written answer to a journalist two and a half hours before it was the property of Parliament.

As the Leader of the House responded, towards the end of those exchanges, by saying that he would draw the attention of the Secretary of State for the Home Department to the allegations, and as the Opposition have sought today from the Home Secretary a statement to the House of Commons—which is the proper way in which a major new statement of policy ought to be made—I ask you, Mr. Speaker, firstly to give us your advice about what we can do in future when there is a breach of our conventions and secondly to assist us in obtaining a response from the Leader of the House, following the undertaking that he gave yesterday.

Mr. Speaker: That is not a matter for me. I have nothing to add to what I said yesterday in the column of *Hansard* that was mentioned by the right hon. Member.

Mr. Douglas Hogg (Grantham): Further to that point of order, Mr. Speaker. Does not this depend upon whether or not the document was embargoed?

Hon. Members: No.

Mr. Speaker: I know nothing about that. I repeat to the House what I said yesterday: that it is a bad practice for members of the press, or for anyone else, for that matter, to be given information before Members of this House.

The Minister of State, Home Office (Mr. David Waddington): Further to that point of order, Mr. Speaker. I understand that a press officer at the Home Office was rung up yesterday morning and asked about the question

[*Mr. David Waddington*]

on the Order Paper. The questioner was told that an answer was to be given that afternoon. No answer was given to the journalist.

Hon. Members: Oh.

Mr. Speaker: Order. Now we are going down a track that we hit on Friday. The hon. Member for Bolsover (Mr. Skinner) quite rightly drew to my attention the fact that we are getting, in effect, statements on points of order. Since that was, in effect, a statement, I shall have to treat it as such.

Mr. Kaufman: May I put it to you, Mr. Speaker, that as the answer was given in the name of the Home Secretary, not the Minister of State, it would have been proper for the Home Secretary to come to the House to make a statement this afternoon and not to send his junior Minister. May I put it to you, Mr. Speaker — [*Interruption.*] Well, may I put it to the Minister that this journalist, to whom his press officer spoke, must have been a person of amazing invention and telepathic ability. After having, apparently, only been told by the Home Office press officer that an answer would be given, he was able to conjure out of his imagination a good deal of the content of the answer.

It was passed by the journalist to my hon. Friend the Member for Birmingham, Ladywood (Ms. Short) because the journalist wished to have my hon. Friend's comments. They were then passed by my hon. Friend to me, which meant that I was in possession of that information, too. This is a very curious way of keeping Parliament informed. After the sieve-like nature of Downing street and Government Departments in the last few weeks, will the Minister pursue the matter of a leak by a press officer which seems, like the one from Miss Collette Bowe and Mr. Bernard Ingham, to have been an authorised leak?

Several Hon. Members *rose*—

Mr. Speaker: Order. I said that I shall have to treat this as a statement, so I cannot answer that question.

Hon. Members: Answer.

Mr. Waddington: I do not think that I can add anything to what I have already said. I have told the House that my understanding is that this journalist rang up the Home Office. I have also told the House my understanding of what he was told. I cannot take the matter any further.

Mr. Simon Hughes (Southwark and Bermondsey): May I add one further matter for correction in the internal workings of the Home Office. When we debated last night the Home Office precept order for the police—

Mr. Speaker: Order. What the hon. Gentleman says must relate to the Minister of State's response.

Mr. Hughes: It does relate to it. We were told by the Minister of State, who is on the Treasury Bench, that earlier that day there had been an announcement—not to this House—of an increase in the police grant from 50 per cent. to 51 per cent. and of an increase in rate support grant of £22 million. Is it Home Office policy now to pre-empt matters to be announced in the House by a few hours through procedures other than those of the House—statement or question? If that is so, people outside the House will yet again be given information before the

House about material which is highly relevant and which is about to be debated in the House. Hon. Members may well not know the information that the Government have let into the public domain from a Department when it is relevant first to the Order Paper.

Mr. Waddington: That matter has nothing whatsoever to do with the question that was addressed to me and the matter with which I was dealing. I shall communicate to my right hon. Friend the Home Secretary what the hon. Gentleman has said.

Several Hon. Members *rose*—

Mr. Tony Marlow (Northampton, North): On a point of order, Mr. Speaker. Is this absolutely necessary? This morning we were not advised that there would be a statement. It is not a statement, with respect, but a point of order. Is it necessary for my hon. and learned Friend the Minister to answer questions?

Mr. Speaker: I do not know whether the hon. Gentleman was present last week when, on two occasions, points of order were used as a basis for a sort of statement. After the events of last Friday I said that if this happened again, I would have to treat it as a statement, and I am afraid that I must do that.

Mr. Robert Atkins (South Ribble): Further to that point of order, Mr. Speaker. Is it not the case that when we are to have a statement we need to be informed in advance, so that we can question Ministers? Since there has been no information in advance, surely these proceedings are out of order?

Several Hon. Members *rose*—

Mr. Speaker: Order. That is the normal practice. It is unwise of Ministers to answer points of order with a statement because that means that hon. Members are not given the opportunity to question them properly.

Mr. John Watts (Slough): Is my hon. and learned Friend aware that the substance of the matter is of far more interest to hon. Members, who must deal with large numbers of immigration cases, than the method of disclosure? Will he accept that the proposals of our right hon. Friend the Home Secretary reflect such basic common sense that anyone of reasonable intelligence who is well-informed could have put them together? They are certainly welcome to me and, I suspect, to my right hon. and hon. Friends who must operate these procedures.

Mr. Waddington: The answer is yes. I am grateful to my hon. Friend.

Mrs. Elaine Kellett-Bowman (Lancaster): On a point of order, Mr. Speaker.

Mr. Robert Atkins: On a point of order, Mr. Speaker.

Mr. Speaker: Order. I hope that the point of order is not on the same subject because—

Mrs. Kellett-Bowman: On a point of order, Mr. Speaker.

Mr. Speaker: Order. I call Mr. Robert Atkins.

Mr. Atkins: Surely it was not my hon. and learned Friend the Minister who raised a point of order, as you suggested, but the right hon. Member for Manchester, Gorton (Mr. Kaufman)?

From: THE PRIVATE SECRETARY



NORTHERN IRELAND OFFICE
WHITEHALL
LONDON SW1A 2AZ

Miss Sarah Bateman
Private Secretary to
The Rt Hon Kenneth Clarke QC MP
Minister of Health
Alexander Fleming House
Elephant and Castle
LONDON
SE1 6BY

15th July 1985

Dear Sarah,

MRS VICTORIA GILLICK - v - DHSS

The Secretary of State has seen a copy of Mr Clarke's letter of 24 June to Lord Whitelaw.

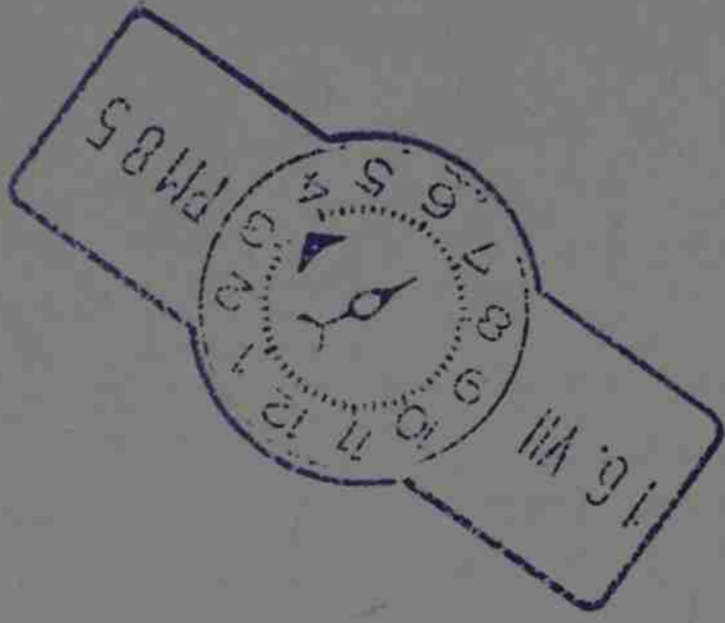
He is content with the line proposed in the penultimate paragraph although I should perhaps draw to your attention the fact that guidance corresponding to that which is the subject of this appeal was not issued in Northern Ireland.

We will certainly wish to review our position in the light of the House of Lords conclusions but the question of reinstating guidance temporarily pending such a review will not arise here. You will wish to take account of this divergence in framing your statement.

I am copying this letter to the Private Secretaries to the Prime Minister, members of H Committee, the Attorney General, the Lord Advocate and Sir Robert Armstrong.

*Yours Sincerely
Neil Ward.*

N D WARD





HOUSE OF LORDS,
SW1A 0PW

9 July 1985

MBPM
My dear Willie:

Gillick v. The Department of Health and Social Security

In his letter of 24th June, Kenneth Clarke proposes to make a statement by way of Written Answer when judgment is given in this case. I agree with what is proposed.

It is, however, possible that the decision will have implications for the legal relationship between parent and child which will go a good deal wider than the question of consent to medical advice and treatment. The law could be held to be in an unclear or otherwise unsatisfactory state.

Quite apart from the difficulties which this would present for the medical - and perhaps other - professions, I am concerned that the law should be clear. It should not be left to the judges to decide controversial and sensitive issues without guidance from Parliament. For these reasons I do not think that we should rule out the possible need for legislation at this stage.

I am sending a copy of this letter to the Prime Minister, the other members of H Committee, Michael Havers, Kenny Cameron and Sir Robert Armstrong.

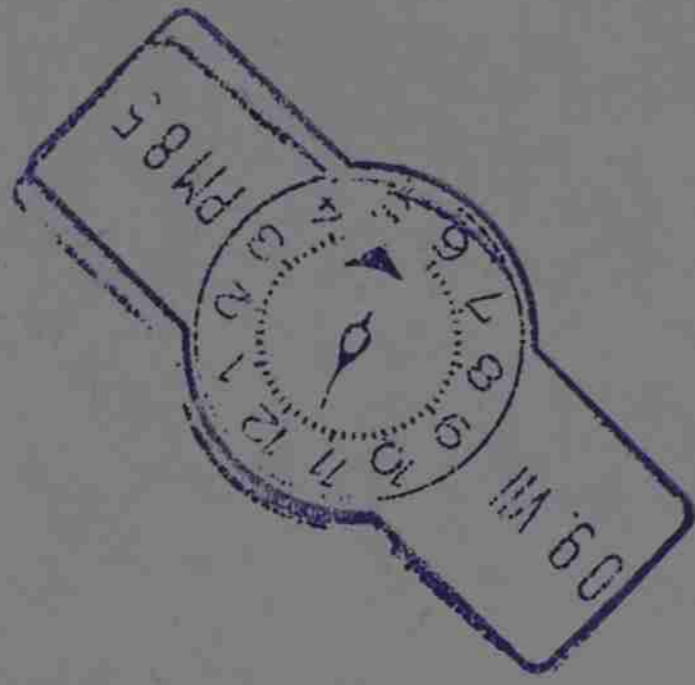
yrs:

LORD HALSHAM OF ST. MARYLEBONE CH, F.R.S, D.C.L.

Perhaps we cd: meet when the facts become clearer.

The Right Honourable
The Viscount Whitelaw, CH., MC.

Nat Health : Contraception for Under 16's April 80



CONFIDENTIAL

AB



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

1 July 1985

Dear Kenneth

MBPM

MRS VICTORIA GILLICK v DHSS

Thank you for your letter of 24 June about the way to handle the outcome of the Gillick case.

Subject to any comments from colleagues, I would be content in principle with the action you propose. If the court does uphold the existing departmental guidance it seems to me desirable both in principle and practice to reinstate it pending fuller consideration. It was, after all, in operation for some time before the Gillick case. If the outcome of the judgement is more complex and requires further study, however, I think that one of the Government's objectives must be to minimise confusion. For that reason, may I suggest that you consider whether to subsume the exercise of considering the possibility of reinstating the existing guidance within the fuller review you would need to carry out? Even were study of the judgement to justify reinstatement of the present guidance, if there is likely to be a substantial change later it may confuse everybody less to wait until we are ready to issue new guidance. As you say, any proposals for legislation would have to be considered by colleagues and would not necessarily secure an early place in the programme.

I am sending copies of this letter to the Prime Minister, the members of H Committee, the Chancellor of the Duchy of Lancaster, the Minister without Portfolio, the Attorney General, the Lord Advocate, the Paymaster General and Sir Robert Armstrong.

A handwritten signature in dark ink, appearing to read 'Margaret Thatcher'.

The Rt Hon Kenneth Clarke QC MP

CONFIDENTIAL

NAT HEALTH: Contraception for UIG's

4/80



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Telephone Direct Line 01-212 0515
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Rt Hon Kenneth Clarke QC,
Minister for Health
Alexander Fleming House
Elephant and Castle
LONDON SE1 6BY

27 June 1985

NB37M
MRS VICTORIA GILICK v DHSS

Thank you for copying to me your letter of 24 June to Willie Whitelaw.

I understand that no Departmental guidance such as was issued by DHSS has ever been put out by the Scottish Home and Health Department, but that doctors in Scotland effectively act in accordance with that guidance. The relevant law, particularly with regard to the relationship of parent and child, is significantly different in Scotland. This means that it cannot be assumed that the House of Lords decision in the Gillick case would be followed in Scotland.

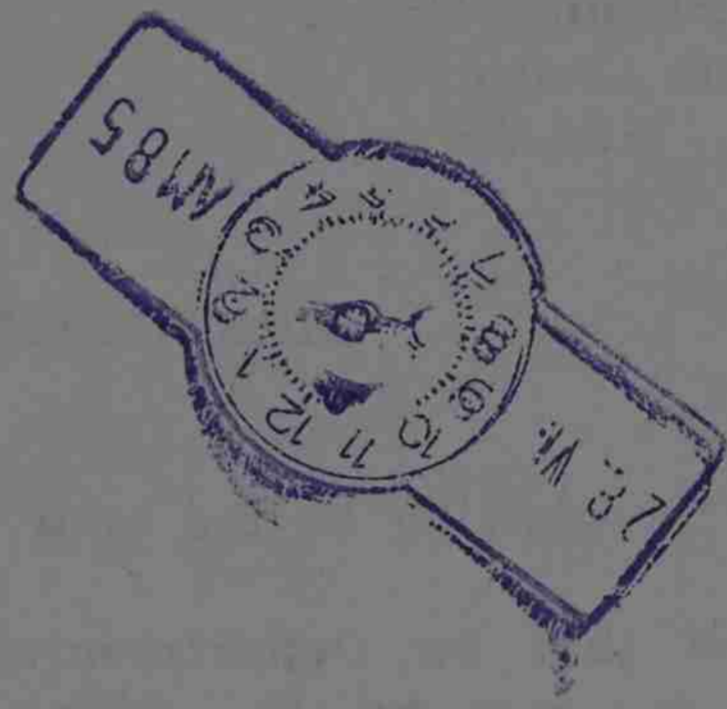
I therefore suggest that any announcement to be made in the immediate aftermath of the Gillick decision should simply make it clear that the original DHSS guidance did not extend to Scotland, that there are significant differences between the law of Scotland and England in this area, and that the whole question of the rights and obligations of parents and children in this context is at present being considered by the Scottish Law Commission.

Copied to the Prime Minister, the Members of H Committee, Michael Havers and Sir Robert Armstrong.

CAMERON OF LOCHBROOM

NATIONAL HEALTH 4180

Contraception for the under sixteens



DEPARTMENT OF HEALTH



DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Alexander Fleming House, Elephant & Castle, London SE1 6BY
Telephone 01-407 5522

From the Minister for Health

The Rt Hon The Viscount Whitelaw CH MC
Lord President of the Council
Privy Council Office
Whitehall
London
SW1A 2AT

24th June 1985

Dear White,

MRS VICTORIA GILLICK v DESS

I am writing to inform colleagues of the impending hearing of our Department's appeal to the House of Lords against the judgements of the Court of Appeal in this case, and of the action we propose to take following receipt of the Lords judgements.

The case arises from an assurance which Mrs Gillick sought from her local health authority that her daughters would not be given advice or treatment on family planning or abortion without her specific consent. The health authority declined to give the assurance. That was in accordance with the Department's guidance, which stresses the importance of seeking to involve parents but recognises that advice or treatment can be given without parental consent if need be. A copy of this guidance is enclosed.

Mrs Gillick challenged both the Health Authority and the Department's guidance in the High Court and lost. The Court of Appeal however ruled in her favour last December and declared that, except in cases of emergency or with the leave of a court, the provision of contraceptive and abortion advice and treatment to young people under 16 is not lawful without parental consent. The judgements opened up the question of consent of young people to other actions. While their effect is unclear, they can be interpreted as meaning that no important decision affecting the upbringing or welfare of a young person under 16 can be taken except by his or her parents or a competent court. This could in our view include any significant medical treatment, for example surgery, other than possibly in an emergency. The judgements also contain a view of continuing parental control of 16 to 18 year olds at variance with the previously understood position in common law.

I announced immediately that we would be appealing to the House of Lords for clarification of the law and that, meanwhile, existing Departmental guidance in relation to contraceptive and abortion services for young people under 16 was suspended.

The House of Lords hearing of our appeal against the Court of Appeal judgements will start on 24 June and could last for several days. The detailed judgements will

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probably not follow for a few weeks, but the Lords' basic findings might be available at the end of the hearing if they were persuaded that there was exceptional urgency because of the public interest. In view of the intense interest in the case, the Government will need to be ready with a statement of intentions immediately the import of the judgement is available. My assessment of the possible outcomes and our response is set out below.

In the event of judgements not requiring the consent of young people's parents to contraception and abortion I propose that we should reinstate the suspended Departmental guidance temporarily and review it in the light of the legal action.

We said before the Court of Appeal hearing that we would review the guidance as soon as possible in the light of the result of the legal proceedings. Revision of the suspended guidance would take a little time as we considered the detailed implications of the judgements - some consultation with the public and interested organisations and professions would be necessary - and it might not be possible or desirable to issue revised guidance before the autumn. I do not think we could justify a further period in which no authoritative guidance was available from the Government if the House of Lords had supported the basic premise of the existing guidance. I would however want to make a statement indicating the legal effect of the Lords judgements and explaining that the reinstatement was temporary pending the outcome of an early review.

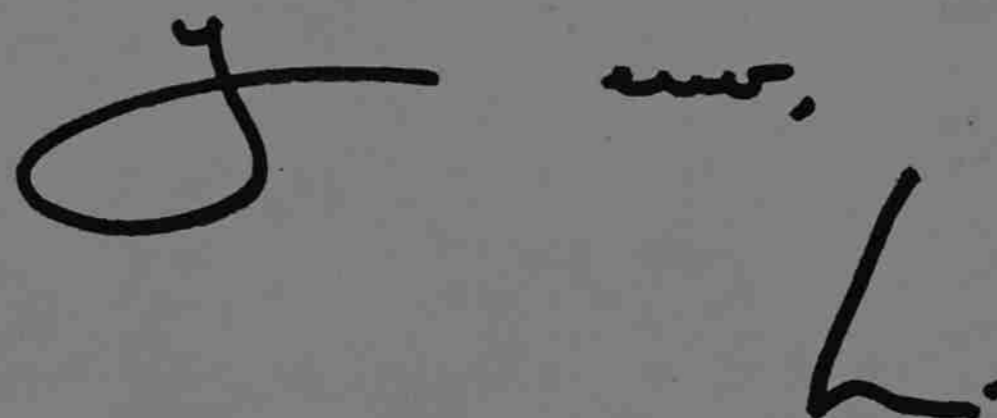
If the judgements had the effect of requiring the consent of young people's parents to contraception and abortion, we would need to withdraw the Departmental guidance on abortion and contraception forthwith. If the judgements also had the effect of requiring consent to other forms of medical treatment, on which no guidance currently exists, we should need to consider with the health professionals and health authorities what further advice should be issued.

It is of course possible that judgements will be more complex. In that case we will have to look at them carefully before deciding whether or not to reinstate the existing guidance pending a review. In this event we would not commit the Government to any line of action in advance of further consultation with colleagues.

It is also possible that the House of Lords might say that legislation to clarify the position is needed. I would obviously not respond to that without further consideration. Clearly any legislation would be highly controversial and, although it might be consistent with the results of the interdepartmental review of Child Care Law, it could not be a high priority for parliamentary time.

Subject to colleagues views, therefore, I propose to make a statement by written answer as soon as possible after we know the House of Lords' conclusions, to say whether or not we intend to reinstate the guidance temporarily pending a review. I would also make sure that the implications of the Lords' judgements were communicated to all those involved in providing abortion and family planning services.

I am copying this letter to the Prime Minister, the members of H Committee, Michael Havers and Kenneth Cameron and to Sir Robert Armstrong.



KENNETH CLARKE

~~PRIME MINISTER~~

Nat
Heath 2
PA (CFR10)
MS
28/4

SCHOOLGIRL PREGNANCIES

You will remember that we discussed schoolgirl pregnancy rates on occasion while preparing for Questions.

I thought that you might like to know that I followed this topic up with the DHSS statisticians. They told me that they have looked at the birth and abortion statistics and have concluded that, on 1979 figures, one girl in forty four becomes pregnant before her 16th birthday.

You might like to have this in the back of your mind if you are asked about this general area.

MS

ms

27 April 1981



✓ MS

DEPARTMENT OF HEALTH & SOCIAL SECURITY
Alexander Fleming House, Elephant & Castle, London SE1 6BY

Telephone 01-407 5522

From the Secretary of State for Social Services

15 April 1981

N Sanders Esq
Private Secretary
10 Downing Street
LONDON
SW1

Dear Nuh

CONCEPTION TO GIRLS UNDER AGE SIXTEEN

I hope that your office is not beginning to regard our preoccupation with conceptions to girls under sixteen, as a little obsessive!

Our statistician colleagues here in OPCS have had another look at the statistics, and it seems that your understanding of a 1 in 40 chance of girls becoming pregnant before their sixteenth birthday is of the right order of magnitude. They have analysed the 1979 data on population, births and abortions, and using a number of assumptions and approximations, the cumulative probability of conception before age sixteen works out at 0.0226 or 1 in 44. How this continues in the future depends, of course, on how the patterns of behaviour of 1979 are repeated.

I think this is exactly what you were looking for, but if you would like our statisticians to amplify or discuss any of the figures, they will be glad to do so.

Your ever
D

D Brereton
Private Secretary

15 APR 1984





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Nat Health

10 DOWNING STREET

From the Private Secretary

31 March 1981

BF 14-4-81

Under 16 Conceptions

Thank you very much for your letter of 30 March. I am most grateful to you for letting me have the information in it. I am not sure, however, that it answers the precise question which I had in mind: namely, what is the cumulative probability of conception for an individual girl before her 16th birthday. As you say, taking the whole of the 11 to 15 age group may give a misleading low figure. I should be glad to have any further advice you can offer on this point, I hope before Easter.

I should be very pleased to have a word on the telephone with the Statistician involved if this would help.

N. J. SANDERS

Don Brereton Esq
Department of Health and Social Security

DB



DEPARTMENT OF HEALTH & SOCIAL SECURITY
Alexander Fleming House, Elephant & Castle, London SE1 6BY

Telephone 01-407 5522

From the Secretary of State for Social Services

30 March 1981

Nick Sanders Esq
Private Secretary
10 Downing Street
LONDON
SW1

Dear Nick,

UNDER 16 CONCEPTIONS

In your letter of 3 March, you asked if I could manage a reply by the end of the month; I think I am just in time.

On the basis of information supplied to us by OPCS, our statisticians have estimated the number of girls conceiving before their 16th birthday as around 10,000 in the year April 1978 to March 1979. In that year, a total of 3,585 girls gave birth (or would have done so had they not previously had a termination) before their 16th birthday. A further 8,526 reached that state (or again would have done so, had their pregnancy not previously been terminated) while they were 16. On the assumption of an even spread of birthdays for both mother and child throughout the year, our statisticians have allowed three-quarters of the latter figure, (ie, nine months gestation being three-quarters of the year) as having conceived before their 16th birthday, ie 6,395. These figures are for England and Wales only.

Clearly the next question is out of what population. The usual convention is to take the rate for girls aged 11 to 15. On this basis, the estimate of 10,000 conceptions quoted is a rate of 6.4 per 1000. Our officials point out however, that this might underestimate the position, since the majority of girls conceiving would be aged 15. For that age alone, the rate might be as high as 18 per 1000. It would be possible to calculate rates for each age group, but this would take a little while, as it would require a certain amount of additional work.

Yours ever

D Brereton
Private Secretary

30 MAR 1981

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10 DOWNING STREET

From the Private Secretary

3 March 1981

UNDER 16 CONCEPTIONS

We had a word a little while ago about the statistics on school girl pregnancy. I said that we would be interested to know whether any figures were available for the number of girls who conceived before their 16th birthday. You told me that the OPCS were going to do some work on this question. Is there any chance of that work yielding the answer by the end of this month?

N. J. SANDERS

Don Brereton, Esq.,
Department of Health and Social Security.

in each year since 1975 for a dependance allowance to enable them to take up full-time education while their husbands looked after their children; and what percentage of these was granted.

Dr. Boyson: The information is not available in the form requested.

Allowances for dependants under the Local Education Authority Awards Regulations are payable to students of either sex subject to certain conditions which apply equally to men and women. In the academic year 1978-79 allowances were paid to some 4,500 men and 2,250 women students at a total cost of £4.7 million.

University and Polytechnic Courses

Mr. Trippier asked the Secretary of State for Education and Science (1) how many students are currently studying production engineering in universities and polytechnics.

(2) how many students are currently studying sociology in universities and polytechnics;

(3) how many students are currently receiving instruction on footwear design in universities, polytechnics, technical colleges and other teaching establishments; and how many were studying the same subject a year ago;

(4) how many students are currently studying design engineering in universities and polytechnics.

Dr. Boyson: This information is not immediately available, I shall write to my hon. Friend.

ENVIRONMENT

Dog Licences

Mr. Colvin asked the Secretary of State for the Environment how many dog licences were issued and what was the total gross revenue raised in the financial year 1979-80.

Mr. Wiggin: I have been asked to reply.

This information is not yet available but, judging by experience in recent years, about 2.8 million dog licences will have been taken out in Great Britain raising about £1 million gross.

Mr. Colvin asked the Secretary of State for the Environment to what level the cost of a dog licence would have to be raised to bring its purchasing power to the level in real terms of 7s. 6d., as first established in 1878.

Mr. Wiggin: I have been asked to reply.

I am advised by the Central Statistical Office that, in terms of purchasing power, the corresponding amount today might lie in the range £7.50-£8.50.

Housing Bill

Mr. George Cunningham asked the Secretary of State for the Environment what action has been taken by his Department, in the light of the letter of 28 March addressed to the Minister of State by the hon. Member for Islington, South and Finsbury about wrong interpretation of the Housing Bill by the Peabody Trust, in the light of his responsibilities on the registration of housing associations.

Mr. Geoffrey Finsberg: I replied to the hon. Member's letter on 1 May explaining that interpretation of legislation is a matter for the courts once it has been enacted.

TRANSPORT

International Road Safety Conference

Mr. George Robertson asked the Minister of Transport if his Department is making any financial contribution to the International Road Safety Conference to be held in London on 20 to 22 May; and if he will make a statement.

Mr. Kenneth Clarke: The Department already makes a substantial grant in support of the Royal Society for the Prevention of Accidents, totalling £350,000 in 1980-81. I regret that we are not able to make any extra financial contribution in relation to this conference, although my right hon. Friend and I support its aims and objectives.

SOCIAL SERVICES

Contraceptives (School Children)

Mr. Colvin asked the Secretary of State for Social Services if, in the light of his review of the question of the provision

Department, and by the independent education sector, respectively.

Mr. Mark Carlisle: In the financial year 1978-79 the total net recurrent and capital cost of maintained education in England and Wales and of universities in Great Britain was £8,270 million at outturn prices. Comparable data for the independent sector are not available.

Private Fee-paying Schools

Mr. Canavan asked the Secretary of State for Education and Science whether he will conduct an inquiry to assess the extent to which private fee-paying schools receive public assistance by way of public expenditure and financial concessions at national and local level.

Mr. Macfarlane: No.

Institute of Hearing Research

Mr. Alfred Morris asked the Secretary of State for Education and Science if he will make a statement on the progress of the work of the Institute of Hearing Research.

Mr. Macfarlane: The Institute of Hearing Research has just moved into its permanent building on the campus of Nottingham university. I also refer the

Physical education	...	...	...	...
Mathematics	...	...	...	...
Science subjects	...	...	...	...

* The majority of these students will be on the third year of the course in the current academic year

In addition, the following numbers of graduates are in the current academic year undertaking one-year postgraduate

Physical education	...	...	...	...
Mathematics	...	...	...	...
Science subjects	...	...	...	...

Maintained School Pupils (Educational Attainments)

Mr. Field asked the Secretary of State for Education and Science if he will list the qualifications of school leavers from maintained schools for each year from 1966 according to whether the pupils obtained (a) five or more CSE passes, (b) five or more CSE grade 1 passes, (c) five or more O-level passes, (d) five or more O-level passes at grades A to C, (e) one or

right hon. Member to the answers I gave to his questions on 25 July 1979 and 25 January 1980.—[Vol. 971, c. 276-77; Vol. 977, c. 404.] These gave details of the work of the institute, which continues. A report on the progress of the institute will be published in the next few weeks and will be put in the Library.

Teacher Training Colleges

Mr. Trippier asked the Secretary of State for Education and Science (1) how many students in teacher training colleges are training to become physical education teachers;

(2) how many students in teacher training colleges are training to become teachers in mathematics;

(3) how many students in teacher training colleges are training to become teachers in science subjects.

Dr. Boyson: In the academic year 1977-78, the latest year for which complete information is available, the numbers of non-graduate students in England and Wales following 3 and 4-year courses of initial training in the subjects stated in preparation for teaching pupils in the secondary or middle years of schooling were:

	Total number	Number on the first year of the course*
Physical education	6,291	1,665
Mathematics	1,752	438
Science subjects	2,798	608

courses of training for teaching pupils of secondary age:

	In non-university institutions	In university departments of education
Physical education	90	123
Mathematics	235	401
Science subjects	472	971

more A-level passes and (f) three or more A-level passes.

Dr. Boyson: I shall write to the hon. Member shortly, enclosing all the figures requested, with the addition of the percentage of school leavers involved in each case.

Dependance Allowance (Women)

Mrs. Renée Short asked the Secretary of State for Education and Science how many applications were made by women

of contraceptives to school-children without parental knowledge or consent, he is yet able to make a statement.

Dr. Vaughan: I have reviewed that part of DHSS circular HSC(IS)32 issued in May 1974 on family planning services which gives guidance to health authorities in relation to the young. Attached to the circular was a memorandum of guidance, paragraphs 40 to 45 of which dealt with this question. There have been suggestions that paragraphs 40 and 41 may have encouraged doctors and others to believe that they might in all cases advise about contraception and prescribe for girls under the age of consent without the involvement of their parents or those legally responsible for them.

My review has led me to conclude that although these paragraphs provided a factual statement of the position in law and of professional practice, they could with advantage have placed greater emphasis on the moral and social perspective in which this question should be considered.

The guidance stated (paragraph 41) that

"it would always be prudent to seek the patient's consent to tell the parents".

I do not consider that this gives sufficient emphasis to the vital importance of parental responsibility. I would, therefore, very much hope that in any case where a doctor or other professional worker is approached by a person under the age of 16 for advice in these matters, the doctor or other adviser would always seek to persuade the child to involve the parent or guardian at the earliest stage of consultation; and would proceed from the assumption that it would be most unusual to provide advice to individuals about contraception without the consent of the parent, or guardian—or other person in loco parentis.

It is, however, widely accepted that consultations between doctors and patients are confidential and I accept the importance doctors attach to this principle. It is a principle which applies also to other professions concerned. If it were abandoned in relation to under-age patients, a situation would quickly develop where many young people would decide not to seek professional advice at all. They could then be exposed to the

immediate risks of pregnancy and of sexually transmitted disease, as well as of other long-term physical, psychological and emotional consequences. In these circumstances, the aim of supporting stable family life would in no way have been furthered.

I accept therefore—in all the circumstances—that provision must be made for the occasional possibility of counselling, and if necessary contraception, being provided to young people without the knowledge of their parents or guardians. This must be a matter for clinical judgment. I am here thinking particularly of young people whose parents may be unconcerned, entirely unresponsive, or grossly disturbed. Some of these young people are away from their parents and in official care. I am mindful also that in any such case the nature of any counselling and the decision whether or not to provide contraception must be a matter for the doctor or other professional worker concerned.

I propose to consult the appropriate professional bodies on the basis of this statement, with a view to amending the relevant paragraphs of the memorandum.

State Retirement Pension

Mr. Bidwell asked the Secretary of State for Social Services in view of the fact that the present value of the national State retirement pension has been seriously eroded by the high rate of inflation, if he will now consider supporting a six-monthly review.

Mrs. Chalker: No. Uprating retirement pensions at six-monthly intervals would involve considerable additional expenditure and administrative work which is out of the question in the present economic situation.

The proposed increase of 16.5 per cent. from November 1980 takes full account of the estimated movement of prices since the increase in November 1979, which gave retirement pensions their highest ever purchasing power.

Pensions Increase (Payment Date)

Mr. Bidwell asked the Secretary of State for Social Services if he will bring the payment of the increase for pensioners forward from 24 November next, in view of the fact that this date is two

weeks later than the payment of the annual increase last year.

Mrs. Chalker: No. An unintentional effect of the provisions of the Social Security Act 1975 has been that the date for increasing benefits has been creeping forward. But for the provisions of the Social Security Bill now before Parliament, the date would have crept forward this year a whole week from 17 November, the date in 1975, to 10 November. The Bill therefore provides for the uprating to take place before the end of November.

In the present difficult economic situation, and with the urgent need for restraint in public expenditure, the Government consider it necessary to defer this year's uprating until the week beginning 24 November. This uprating will take full account of the estimated movement in prices since the previous uprating in November 1979.

Area Health Authorities

Mr. Dubs asked the Secretary of State for Social Services if he will list each area health authority in England and Wales, indicating the financial allocation for 1979-80 and the amount of over or underspending, listing capital and current expenditure separately.

Dr. Vaughan: The Department sets the cash limits of regional health authorities, who in turn set the cash limits of area health authorities: information on area health authorities' cash limits is not held centrally. Final figures on over or underspending for 1979-80 will not be available for some months, until authorities have completed their financial accounts for year ending 31 March 1980.

National Health Service (Catering Management Staff)

Mr. Speller asked the Secretary of State for Social Services if he will make a statement upon the future and promotion prospects for professionally qualified catering management staff within the National Health Service, as present proposals for reorganisation delete the post of district catering manager, leaving the food provision service without representation on the district management team.

Dr. Vaughan: We are reviewing management arrangements at district level, including those for the catering function, in the light of the comments received on "Patients First", and expect to announce policy in July. At present the catering function is represented on the district management team by the administrator, and "Patients First" proposes no change in this arrangement.

Turning Point (Financial Assistance)

Dr. Roger Thomas asked the Secretary of State for Social Services if he will consider making adequate financial assistance to Turning Point, the Helping Hand Organisation, in view of its valuable contribution to alleviating the medical and social problems of alcoholism and in view of the drain on the National Health Service caused by alcoholism.

Sir George Young: Last year the Department granted £29,000 towards Turning Point's headquarters costs and will consider an application in respect of headquarter's costs for 1980-81. Support for local activities should be sought from local statutory authorities.

Supplementary Benefit and Housing Addition

Mr. Ralph Howell asked the Secretary of State for Social Services why a non-householder in receipt of supplementary benefit receives a housing addition; and why these two benefits should not be combined.

Mrs. Chalker: A non-householder on supplementary benefit gets a standard housing addition to enable him to make a contribution towards the housing expenses of the household. In theory this addition could be combined with each of the non-householder scale rates, but in practice it has been found preferable, for legislative and administrative reasons, to keep the two elements separate.

Hospital Caterers Association (Consultative Document)

Mr. McKelvey asked the Secretary of State for Social Services if he has considered the Hospital Caterers Association consultative document entitled "Patients First"; and what study he has made of the document's analysis of the effect of abolishing the post of health district catering manager.

File

ER

B/A for
Hunsand

6/5/80

2 May 1980

Thank you for your letter of 30 April, reporting that Dr. Vaughan is now ready to make a statement on Contraception for the Under Sixteens.

The Prime Minister is content with what is proposed.

M. A. PATTISON

J.E. Knight, Esq.,
Office of the Minister of State for Health

TGR

PRIME MINISTER

Dr. Vaughan has now concluded his review of departmental (1974) guidance to Health Authorities in respect of contraception for the under-16s.

He proposes to state his conclusions in a Written Answer on Tuesday, 6 May.

In essence, he intends to strengthen the wording of the guidance to place still greater emphasis on the desirability of involving the patient's parents, but to stop short of making this a requirement if a doctor's professional judgement is against it in a particular case.

30 April 1980



DEPARTMENT OF HEALTH AND SOCIAL SECURITY
ALEXANDER FLEMING HOUSE
ELEPHANT AND CASTLE LONDON SE1 6BY
TELEPHONE 01-407 5522 EXT

From the Minister for Health

M A Pattison Esq
10 Downing Street
London SW1

30.4.80

Dear Mike,

CONTRACEPTION FOR THE UNDER SIXTEENS

The Prime Minister has received correspondence on this subject, which has recently been the subject of public interest and controversy. She may wish to know that, with the agreement of the Secretary of State, Dr Vaughan is now ready to make a statement on the conclusions of our Ministers' review of the Department's 1974 guidance to Health Authorities.

An answer to a Written Question is to be used as the vehicle for the statement. Mr Michael Colvin has put down a question which Dr Vaughan intends to answer next Tuesday 6 May. A Press Notice will be issued.

I attach a copy of the proposed statement.

Yours ever
Jeremy Knight

J E KNIGHT
Private Secretary

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CONTRACEPTION FOR THE UNDER SIXTEENS

[QUESTION (Mr Michael Colvin)]

To ask the Secretary of State for Social Services, if, in the light of his review of the question of the provision of contraceptives to school-children without parental knowledge or consent, he is yet able to make a statement.]

PROPOSED ANSWER

1. I have reviewed that part of DHSS Circular HSC(IS)32 issued in May 1974 on Family Planning Services which gives guidance to Health Authorities in relation to the young. Attached to the Circular was a Memorandum of Guidance, paragraphs 40 to 45 of which dealt with this question. There have been suggestions that paragraphs 40 and 41 may have encouraged doctors and others to believe that they might in all cases advise about contraception and prescribe for girls under the age of consent without the involvement of their parents or those legally responsible for them.
2. My review has led me to conclude that although these paragraphs provided a factual statement of the position in law and of professional practice, they could with advantage have placed greater emphasis on the moral and social perspective in which this question should be considered.
3. The guidance stated (paragraph 41) that "it would always be prudent to seek the patient's consent to tell the parents". I do not consider that this gives sufficient emphasis to the vital importance of parental responsibility. I would therefore very much hope that in any case where a doctor or other professional worker is approached by a person under the age of 16 for advice in these matters, the doctor or other adviser would always seek to persuade the child to involve the parent or guardian at the earliest stage of consultation; and would proceed from the assumption that it would be most unusual to provide advice to individuals about contraception without the consent of the parent, or guardian (or other person in loco parentis).

4. It is, however, widely accepted that consultations between doctors and patients are confidential and I accept the importance doctors attach to this principle. It is a principle which applies also to other professions concerned. If it were abandoned in relation to under age patients, a situation would quickly develop where many young people would decide not to seek professional advice at all. They could then be exposed to the immediate risks of pregnancy and of sexually transmitted disease, as well as of other long-term physical, psychological and emotional consequences. In these circumstances, the aim of supporting stable family life would in no way have been furthered.

5. I accept therefore - in all the circumstances - that provision must be made for the occasional possibility of counselling, and if necessary contraception, being provided to young people without the knowledge of their parents or guardians. This must be a matter for clinical judgment. I am here thinking particularly of young people whose parents may be unconcerned, entirely unresponsive, or grossly disturbed. Some of these young people are away from their parents and in official care. I am mindful also that in any such case the nature of any counselling and the decision whether or not to provide contraception must be a matter for the doctor or other professional worker concerned.

6. I propose to consult the appropriate professional bodies on the basis of this statement, with a view to amending the relevant paragraphs of the Memorandum.

30 APR 1969



