

IMPORTANT

- The information we provide on our rights4children website is for general guidance. It is not legal advice.
- If you need legal advice, please contact an independent advocate or a solicitor.
- Article 39 tries its best to make sure information is accurate and up-to-date. However, we cannot guarantee this. We'd appreciate you letting us know if you notice any errors or out-of-date information: info@article39.org.uk

Taking medication

- + Did you know asthma is the most common long-term childhood health condition in the UK? Around 800,000 teenagers in the UK have asthma.
- + Diabetes, allergies (like hay fever) and epilepsy are other common long-term physical health conditions in childhood.
- + Many children and young people take medication now and again for minor health problems – headaches, high temperatures and acne for example.
- + Mental health problems are common in childhood. For every 100 children and young people, at least 10 have mental health problems.
- + Sometimes children and young people with mental health problems take medication, just like with physical health problems.
- + Not all children and young people with physical health or mental health problems take medication.



It is illegal for drug companies to make coloured aspirin or paracetamol tablets for children aged 12 or under. The tablets must be white.¹ Can you work out why?

Our lives affect our health. For example, pollution can cause and worsen breathing problems. Not having a garden or safe places to play can affect the amount of exercise a child has. When children have very sad or frightening things happen to them, this can affect their feelings and thoughts.

Your rights – general

- + Generally speaking, the adults caring for you should help you to take responsibility for your own health and medication. This is especially important if you have a condition which is long-lasting.
- + If you have had a medical condition for a long time, it's likely you've become an expert on looking after your own medication.
- + Wherever you live, your carers will want to make sure you are not misusing medication. But they should also make sure your care is as homely as possible. So, if you need to take paracetamol because you have a headache or period pain, for example, this should be sorted without a fuss.²
- + Your views about your health should be treated seriously in line with your age and maturity.³ This is part of the United Nations Convention on the Rights of the Child. You also have the right to information about your health.⁴ Excellent!
- + The law says that schools must support children with medical conditions.⁵
- + If you have a long-term health condition, you will have your own healthcare plan at school. This is an important part of your school giving you the right support.
- + Teachers are expected to let you look after your own medication if you have enough understanding. If you don't carry your medication around with you, you should always be able to get it quickly.⁶

Decisions around prescribed medication

No matter what age you are, your doctor should always tell you what medicines are for. You should be told about any possible side-effects of medication.

Medication side-effects don't always occur but, when they do, they can be mild right up to serious. It's important to know what they might be, because then you (and your parents or carers) can balance the benefits and the risks of taking any medication.

Doctors and others caring for you should think about all different ways of helping, like you having someone to talk to or being able to join a support group.

Your doctor should always give you plenty of time and space to ask questions and be interested in your views about your health. Your physical and mental health are both equally precious, and it's crucial you feel respected at all times.

If you are aged 16 or above, you have the right to consent to health care and treatment.⁷ This means you cannot usually be forced to take medication (there are some exceptions – see below).

Below the age of 16, your right to give consent depends on two things:

- + Your understanding of the health decision that has to be made, and
- + Your understanding of what could happen if you decide to go ahead with treatment, or refuse it.

If you understand both things well, you are said to be ‘Gillick competent’.

The term ‘Gillick competent’ comes from a case that went to court. The person who took the case was a woman called Victoria Gillick.

Victoria Gillick didn’t want her daughters to be able to get contraception from a GP without her agreement. Her case went to the highest court in England, which was then the House of Lords (our highest court now is the Supreme Court). The court decided that children under the age of 16 could give their own permission for treatment from doctors and others, if they have enough understanding. That was in 1985 and the law still stands today!

Being forced to take medication

Only in very rare situations could you be forced to take medication. You would have to be seriously ill.

If you are aged 16 and 17, your views can be overruled even though you have the legal right to consent to medical treatment.

If you refuse medication and the people looking after you believe you are not able, at this time, to think and make decisions for yourself, a court can be asked to decide what’s best for you.

If you are under 16 and have good understanding, your views can also be overruled. If a court gets involved in making decisions about you, your best interests will be its top priority.

An independent advocate could help you get your views across to adults looking after you.

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1 Section 275, The Human Medicines Regulations 2012.

2 For children’s homes guidance, see Department for Education (2015) Guide to the children’s homes regulations including the quality standards; see also National Institute for Health and Care Excellence (2014) Managing medicines in care homes. Social care guideline.

3 Article 12, UN Convention on the Rights of the Child.

4 Article 17, UN Convention on the Rights of the Child.

5 Section 100, Children and Families Act 2014.

6 Department for Education (2015) Supporting pupils at school with medical conditions. Statutory guidance for governing bodies of maintained schools and proprietors of academies in England.

7 Section 8, Family Law Reform Act 1969.