

# Government response: Voice for Justice UK's campaign about gender reassignment

The Department of Health and Social Care notes the [petition's call for the banning of medical intervention to change gender](#), whether surgical or by the administration of sex-changing hormones, for people below the age of 18.

With regard to young people's consent to these procedures and treatment, the department's position is that patients have a fundamental legal and ethical right to determine what happens to their own bodies. Valid consent to treatment is therefore central to all forms of healthcare, from providing personal care to undertaking major surgery.

If children have the capacity to give consent for themselves, then consent should be sought direct from them. Once young people reach the age of 16, they are presumed in law to be competent to give consent for themselves for their own surgical, medical or dental treatment, and any associated procedures, such as investigations, anaesthesia or nursing care.

Those under 16 are not automatically presumed to be legally competent to make decisions about their healthcare. However, the courts have stated that a person under 16 will be competent to give valid consent to a particular intervention if they have "sufficient understanding and intelligence to enable him or her to understand fully what is proposed".

If a child is not competent to give consent for themselves, consent should be sought from a person with parental responsibility. This will often, but not always, be the child's parent. Legally, consent is only needed from one person with parental responsibility.

As is the case where patients are giving consent for themselves, those giving consent on behalf of child patients must have the capacity to consent to the intervention in question, be acting voluntarily and be appropriately informed. The power to consent must be exercised according to the welfare principle, namely, that the child's welfare or best interests must be paramount. Even where a child lacks capacity to consent on their own behalf, it is good practice to involve the child as much as possible in the decision-making process.

Where necessary, the courts can overrule a refusal by a person with parental responsibility. It is recommended that certain important decisions, such as sterilisation for contraceptive purposes, should be referred to the courts for guidance, even if those with parental responsibility consent to the operation going ahead.

The NHS has strict guidelines regarding the prescription of puberty-blocking and cross-sex hormones for young people. These drugs may only be prescribed

with the agreement of a specialist multidisciplinary team and after a careful assessment of the individual, and generally once the patient is around 15 years old for hormone blockers and 16 years old for cross-sex hormones.

For further information on transgender matters, please see the [NHS Choices website](#).