

## BOOK REVIEW

### Consent, rights, and choices in health care for children and young people

British Medical Association. *British Medical Association*, 2001, £19.95 (BMA members £18.95), pp 266 + xix. ISBN 0-7279-1228-3

Making decisions when caring for children and young people involves a delicate balancing of the child's rights and needs as well as the rights of the parents. Those who look to the law for guidance will find that it is often unclear. The courts have asserted the parents' rights to make decisions concerning the child's treatment, in so far as these accord with the child's welfare. Children have the right to be consulted about decisions concerning their welfare. Some people see an anomaly in relation to treatment in that, while a court has overruled in the case of a competent child's right to refuse treatment, a child considered competent may initiate consultation and consent to treatment without their parents' knowledge or consent. The child's right to confidentiality appears to override the parent's right to the information parents need if they are to be aware of, let alone contribute to, decisions about treatment. In addition practitioners will need to consider the implications of the Human Rights Act. The publication of a book which addresses these issues is both timely and welcome.

This book aims to give practical guidance on ethical issues arising out of the treatment and

care of children and young people. It is based on three firm premises: firstly that children's health care is enhanced by their involvement in decision making, whether or not they are competent to make the final decision; secondly that in most cases concerning young children parents are the appropriate people to make decisions about the treatment, and thirdly that older teenagers are usually the primary decision makers while still, in law, minors. These themes are repeated throughout the book.

Although it does not set out to be an academic text, it is based upon the deliberations of a steering group, consisting of leading academics and practitioners in law and medicine. The result is a book that is both authoritative and practical. The law is stated succinctly and clearly, and supported by helpful case studies. Even more importantly, the book points out areas where the law is untested or unclear or where Human Rights Act issues may arise.

Textbooks on medical ethics can sometimes focus on complex or unusual cases, at the expense of more routine problems. One of the strengths of this book is that it reflects the issues most commonly raised by practitioners seeking advice from the BMA's medical ethics department. The focus is on creating a handy reference point for issues which one might be expected to encounter in practice. Thus the chapter on competence includes advice on approaches to assessing competence, and there is useful guidance for the practitioner involved in child protection procedures. This is not to say that more unusual or controversial issues are ignored; a chapter on Sensitive or controversial procedures deals with subjects as diverse as live donations of organs and tissue, genetic testing, and teenage sexual health.

The book opens with a general discussion of ethical principles, followed by an overview of the law in the United Kingdom, including a chapter devoted to Scottish law. Confidentiality, consent, and refusal of treatment are covered in depth, but the book also considers wider issues, including mental health care for young people, the involvement of children in research, and the provision of health care in schools. Each chapter concludes with a summary of issues, and the final chapter contains a summary of good practice, reflecting the issues discussed throughout the book. Where relevant the book includes summaries of guidance from the Department of Health and professional bodies, making it a valuable reference resource.

It is intended to be a reference book. The authors envisage that readers will use it to obtain guidance for a specific problem and so each chapter is designed to stand alone and to cover all relevant issues. The necessary repetition of material, in order to achieve this aim, makes the book less suitable for those wishing to obtain a general overview of the subject.

No book can hope to give solutions to every problem, and indeed there are some issues for which there may be no definitive answers. This book is realistic about its limitations, and refers the reader to expert legal advice where this is appropriate. The overall result is a concise and practical guide which will be a useful addition to any practice library and admirably fulfil its purpose as a ready reference.

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