UK Court of Appeal Unblocks Trans Youth's Access to Medical Care

article, youth and families, health & depathologisation

TGEU celebrates a new decision by the Court of Appeal of the United Kingdom allowing trans adolescents to access healthcare without the requirement of prior judicial approval.

As of 17 September 2021, the UK Court of Appeal has overturned the judgment by the Divisional Court (December 2020) in the Bell v Tavistock case. The new ruling states that it is for clinicians to exercise their judgement, and not for the Court to provide consent to start medical treatment, as established by last year's decision.

TGEU welcomes this new judgement and hopes for trans youth to feel valued and respected. We trust that the decision will ease access to vital healthcare for those who need it.

Nevertheless, we are concerned that the child's self-determination, autonomy, and best interest are not mentioned in the new decision. Medical support should only help trans adolescents make informed decisions, within the framework of Gillick competence, as established for all people in the UK's National Health Service: "children under the age of 16 can consent to their own treatment if they're believed to have enough intelligence, competence, and understanding to fully appreciate what's involved in their treatment."

In December 2020, the Divisional Court's decision tried to identify the circumstances in which a child was legally competent to give valid consent to medical treatment. The decision questioned trans people's ability to self-determine their gender identity at a young age. As a result, trans adolescents have been heavily impacted and many have not been able to access medical support in their transition. Healthcare providers stopped access to hormone blockers for trans youth in the UK and Sweden. In the midst of anti-gender and anti-trans attacks, this resulted in youth's access to crucial healthcare being diminished and their health seriously harmed across Europe.

TGEU celebrates this judgement, congratulates all organisations that have contributed to the outcome, and wishes for the best possible pathway to be established for trans youth to access the care they need and deserve.

Learn more:

- Gendered Intelligence's statement
- Mermaids' statement