

# My right to health

## Chapter 3



# 3.1 Healthcare

## Do I have a right to healthcare?

In the case of medical emergencies, anybody in Ireland has the right to attend their local hospital accident and emergency department. There may be a cost for this unless you have been referred by your family doctor (GP) or you hold a medical card.

Some health services are free. These include:

- maternity and infant care
- health services for pre-school children
- school health services
- vaccinations
- immunisation services.

## Do I have a right to free immunisation?

Yes, you are entitled to free immunisation. You need your parent's consent if you are under 16 years of age. For more information see the [National Immunisation Office section of the HSE website](#).



## What free postnatal healthcare will my child receive?

Under the National Healthy Childhood Programme, which is free to all children, Public Health Nurses and Community Health Doctors deliver 'Child Health Screening and Development Surveillance' to children from birth to their first year in second-level school (school immunisations).

Under the Maternity and Infant Care Scheme, your GP will examine your baby at two weeks and you and your baby six weeks after the baby was born.

Different vaccinations are provided for your child at two months, four months, six months and one year.

To find out more about these and other postnatal health information see the [My Child website](#).

## What free healthcare will my child get in school?

Every child is entitled to school health services. Children under six or who attend a national school, will get free health examinations. These usually include:

- immunisations against particular infectious diseases
- developmental checks
- visits by public health nurses
- child welfare clinics
- school health examinations.

Private primary schools may ask for the service and the Health Service Executive can decide whether or not to extend the service to these schools.

If any problems are found with your child's teeth, sight or hearing during the school health check, they will be treated free of charge. Your child also has an entitlement to free dental services up to the age of 15 years, if they are attending school.

## Does my child have an entitlement to a medical card?

A child may be entitled to a medical card based on their parents' or guardian's income. If your child is in State care or Direct Provision, they will get a medical card. A medical card entitles them to free:

- hospital care
- doctor visits
- medical appliances
- dental, eyesight and hearing services.

You may still have to pay prescription charges even if your child has a medical card.

If a child lives at home and their parent or guardian has a medical card, they will be covered by this card. If a child is between 16 and 25 years of age and is financially dependent on a parent or guardian, they are entitled to a medical card if the parent or guardian has one. If the State pays State Domiciliary Care Allowance for a child, that child is entitled to a medical card.

## Does my child have an entitlement to a free GP Visit Card?

All children under the age of six living in Ireland are entitled to receive a free GP Visit Card. This is due to expand to all children under the age of eight in September 2020.

With the free GP Visit Card your child is entitled to:

- free GP visits
- assessments at age two and age five
- GP home visits
- out-of-hours urgent GP care
- care for asthma.

The card does not cover hospital charges or medication costs. You can apply for the card online or by post. For more information see the [HSE website](#).

For children over the age of six, if their parent or guardian does not qualify for a medical card, they may get a GP Visit Card depending on their circumstances. This will cover the child and let them visit the doctor for free. If a child is over 16, they may qualify for a GP Visit Card in their own name.

## 3.2 Consent

### At what age can I give my consent to medical treatment?

Giving consent to medical treatment means giving permission for surgical, medical or dental treatment. If you are under 16 years, your parent or guardian must consent to any surgical, medical or dental treatment you receive. However, you should be told about the treatment and your views or concerns should be listened to and taken into account.

If you are over 16, you can consent to surgical, medical or dental treatment, including any treatment or tests needed to find out what is making you feel unwell. However, doctors and hospitals will usually also look for the consent of your parent or guardian before they carry out any tests or treatment.

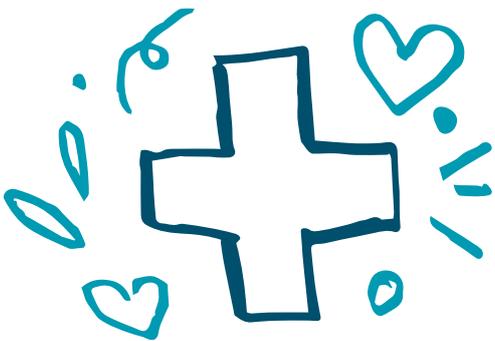
You must be 18 to consent to mental health treatment.

### Can I refuse to give consent to medical treatment?

The law is not clear on whether you can refuse medical treatment when you are under the age of 18. If you are under the age of 18, you will not usually be allowed to refuse treatment if your doctor believes it is the best thing for you and your parent or guardian agrees. The doctor should help you to understand the importance of having the treatment.

### Do I have a right to see my health records?

You can see your health records when you are 18 years of age. If you are under 18, your parent or guardian can access them on your behalf. In some cases, you or your parent or guardian may not get access to your health records if a doctor or hospital thinks it is not the best thing or could be damaging for you.



## 3.3 Confidentiality

### Can I visit the doctor on my own without my parent or guardian?

Yes. But while you are under the age of 18 years the doctor cannot promise that they will not tell your parent or guardian about your treatment.

### Do I have a right to confidentiality with my doctor?

No. If you are under 16, your doctor must inform your parent or guardian about your visit except in very rare cases. Even if you are over the age of 16, the doctor cannot give you a guarantee of confidentiality as your parent or guardian has a right to ask for access to your medical records until you are 18. But if your doctor thinks that it would be better for you if your parent did not know about your visit, they may decide to keep the information from them.

If a doctor or nurse is concerned that you or another child is being harmed in any way or at risk of being harmed, the law says they must report their concern to Tusla, the Child and Family Agency.

## 3.4 Children with disabilities

For information on educational rights for children with disabilities see chapter 2, 'my right to education'.

### Am I entitled to support for my disability?

If you have a disability that affects your ability to move, communicate or learn, you may be entitled to get help from the disability support services. Depending on the type of disability you have, you and your parent or guardian may also be eligible for financial supports. These include the Domiciliary Care Allowance (DCA) and the Disability Allowance Payment.

#### **Domiciliary Care Allowance (DCA)**

Your parent or guardian may get the DCA if you are under 16 years of age and have a severe disability that has continued or is expected to last for at least a year, and which means that you need substantially more care than another child of your age.

Your parent or guardian must meet a number of conditions to qualify for this payment (including residency [living] requirements). For instance, you must be living at home and in continuous care.

If you are in residential care but return home two or more days a week, your parent or guardian may qualify for a reduced rate of payment.

Any parent who receives DCA will automatically qualify for the Carer's Support Grant paid annually. If the parent is working, they may in certain circumstances qualify for the incapacitated child tax credit.

You can find out more about these on the [Department of Employment Affairs and Social Protection website](#).

#### **Disability Allowance Payment**

You may be eligible for this payment if you are over 16 years of age and have an injury, disease or physical or mental disability that has continued or is expected to last for at least a year. This payment is means-tested, which means your income must be below a certain level for you to get the payment.

## Do I have a right to medical care?

If you receive Domiciliary Care Allowance, you are entitled to a medical card. You can sign the register for the medical card on the online portal on the [HSE website](#). If you do not receive Domiciliary Care Allowance, you may still be entitled to a medical card if your family satisfies the means-test. Certain disabilities will qualify for the long-term illness scheme. This covers all medical expenses related to the condition in question. For more see the [HSE website](#).

## Can my family get help to adapt my house to make it more accessible for me?

If you have a disability that is recognised by the Health Service Executive (HSE), your parent or guardian may be eligible for a grant to help pay for the cost of adapting your home. You can find out more about these grants and supports from the [Citizens Information Service](#) or from the housing department of your [local authority](#).

## Is my child entitled to have their needs assessed?

Any child born after 1 June 2002 is entitled to a free assessment of their health and educational needs carried out by an assessment officer from the HSE Disability Services. You can apply for an assessment of need using the online application form on the HSE website. Unless there are exceptional circumstances, the HSE must:

- acknowledge your application within 14 days
- begin the assessment within three months
- complete the assessment within a further three months.

If there are delays in completing your assessment, you must be told the reasons and given a timescale for when it will be completed.

After the assessment, you will receive an assessment report. This will outline:

- if your child has a disability
- the type of disability and how severe it is
- the health and educational needs arising from the disability
- the services considered best to meet those needs and when your child will receive them
- when the HSE should review the assessment.

You will also get a document called a 'service statement'. It sets out the health and education services that your child needs. This takes account of:

- the assessment report
- whether or not your child is eligible for services
- relevant standards and codes of practice
- the practicality of providing the service
- the financial resources available.

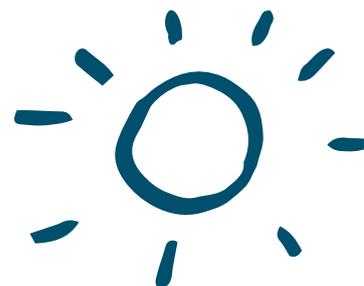
To apply for an assessment for your child, contact the assessment officer at your Local Health Office. You can complain to the HSE if:

- you are not satisfied with the assessment
- you are not satisfied with how the assessment was carried out
- the assessment has not been carried out within the six-month time frame.

You can appeal the HSE's finding to the independent Office of the Disability Appeals Officer (see contact details in chapter 10 'where can I go for help').

## 3.5 Mental health

### Why is looking after mental health important?



Looking after your mental health is as important as looking after your physical health.

At different times in your life your mental health may be affected by what is going on around you. Many everyday things can affect your mental health or sometimes a big event, like the death of someone you love or living in poverty, can affect you.

You can also have an ongoing mental health condition, and your mental health can suffer, even if other parts of your life are going well.

### Where can I get help?

If you feel you may need help, remember that you are not alone, even if it may seem that way. It is important to open up about how you are feeling to someone you trust. There are many online supports and phone helplines that you can use.

If you are worried about yourself or a friend, talk to your family or look for help from youth mental health organisations and groups.

There are several online and phone resources for young people which give information on different areas of mental health. These include:

- [yourmentalhealth.ie](http://yourmentalhealth.ie)
- [Let Someone Know](#)
- [Reachout](#)
- [Jigsaw](#)
- [Pieta House](#).

You can find further details of these in chapter 10 'where can I go for help'.

You could also talk to a friend, or ask for support through your school.

A first step may be to talk to your doctor about what help you may need. Your doctor can address most mental health issues directly or with the help of therapy that may be available in your community. Sometimes, as part of the treatment, you may need:

- medicines
- to see a counsellor

- to see a specialist mental health doctor
- to stay in a hospital.

The doctor will be able to talk to you about the type of treatment they would recommend for you.

## At what age can I give permission to receive mental health treatment?

Any decision about your mental health or treatment for a problem that you are experiencing should take your best interests into account. Until you are 18, your parents give or refuse permission for you to receive treatment. Once you are 18 years old you can give or refuse permission to be treated for mental health. This includes consenting to being admitted to hospital for mental health treatment and care.

## If I am in hospital, how long will I have to stay?

The length of stay in hospital is different for everyone. Most young people are admitted to hospital voluntarily. This means that you, your parent or guardian and the doctors have made the decision together for you to go into hospital.

The doctors will aim to keep you in hospital until you are better. Your parent has the right to take you home at any time, when you are in hospital on a voluntary basis. If your parent feels that you should be in hospital and you do not wish to be there, you can ask your treatment team to review the decision.

## What is 'involuntary detention'?

'Involuntary detention' is when the doctors in charge of your care ask the District Court for permission to admit you to hospital or keep you in hospital when your parent or guardian does not want you to stay. This can happen if the doctor feels you might be a risk to yourself or others. It can also happen if your parent or guardian decides to take you out of hospital and the doctors think you are not ready or well enough to leave.

The court can order that you be kept in hospital for up to 21 days. This order can be renewed for periods of three or six months. Your doctors will continually review your mental health. You and your parent or guardian may be asked for your views. When your doctors feel that you are well enough, they will ask the court to withdraw the involuntary detention order.

## Who has the right to information about my mental health treatment?

People involved in your mental health care and treatment will have access to information about your mental health. Normally your information will be shared with your parent or guardian also. Your information will not be shared with anyone else unless:

- you want it to be
- you are in danger of harm
- it could be used as evidence of a crime.

## What does the Mental Health Commission do?

The Mental Health Commission is an independent organisation set up in 2002. It carries out a number of activities including keeping a register of approved inpatient mental health centres, preparing codes of practice and guidelines for people working in mental health services. It also appoints an Inspector of Mental Health Services who annually inspects mental health services, including centres where young people are being treated. It does not investigate individual cases but if you contact them with a concern about a specific service they can refer you to the Inspector of Mental Health Services. The Inspector logs all concerns that relate to mental health services and these are taken into account on inspection of services.



## 3.6 Sexual health

### Why is it important to know my rights and look after my sexual health?

Deciding to have sex is a very personal decision and should be decided first by your own beliefs around relationships and sex and also how comfortable you feel around the other person. When you are making the decision about whether you are ready to have sex think about it seriously as it is a big deal. You should feel ready to have sex and not feel pressured by friends or a partner. You should always feel confident and comfortable about your choices and never allow someone to pressure or bully you into an uncomfortable situation. Trust your instinct and gut feeling and if you are not sure what to do talk to a friend or someone you trust.

Foróige run a programme called REAL U for young people aged 12-18 years old. **REAL U** can help you to express and explore our own, and others, views on issues that affect us all around Relationships and Sexuality.

You should be able to enjoy a safe happy and healthy sexual relationship free from abuse and harm. It is important that you know your rights around sex and how to practise safer sex.

It is also important to know how to look after your sexual health. If you decide to have sex, you need to know how to protect yourself against:

- sexually transmitted infections (STIs)
- an unplanned pregnancy.



### Where can I get more information about sexual health and STIs?

There are a number of sexual health clinics around Ireland. They are also known as STI (sexually transmitted infections) clinics or Genito-Urinary Medicine (GUM) clinics. They will give you support whatever your age, gender or sexual orientation.

You can find impartial and factual information on relationships and sex at:

- [B4UDecide](#)
- [SpunOut.ie](#)
- [BeLonGTo In The Know Course](#)

# What is consent to sex?

Consent is when people agree together that they definitely want to have sex, or do any sexual act. This includes kissing and sexual touching. The rules around consent apply no matter your sexual orientation or what gender your sexual partner or partners are.

## You can say no at any time

It is only consent if you give it freely and you are not pressured into saying yes. It is really important to know that even if you initially consent to having sex or engaging in a sexual act, you are absolutely free to change your mind before you start or at any time before it ends. If someone hasn't said 'no' or hasn't resisted a sexual act, it does not mean that they have given consent.

There are some circumstances where a person cannot give free and voluntary consent. These include:

### a) When force is used

A person cannot give consent if they:

- are forced to take part in sexual activity
- are threatened with force to themselves or to someone else unless they submit to sexual activity
- have good reason to fear that force may be used against themselves or another person if they do not submit to sexual activity.

### b) Asleep or unconscious

A person cannot give consent to any sexual activity if they are asleep or unconscious.

### c) Under influence of alcohol or drugs

A person may not be able to give consent to sexual activity because of the effects of alcohol or another drug that they have taken.

### d) Unable to agree

A person may not be able to consent to sexual activity due to a physical disability that prevents them from communicating whether or not they agree.

### e) Unable to understand

A person is not able to give free and voluntary consent to sexual activity if they do not understand the nature and purpose of the act.

### **f) Mistaken identity**

A person is not giving consent to sexual activity if they mistake the identity of another person involved in the act (that is if they believe the other person taking part to be a different person).

### **g) Another person says so**

A person cannot give free or voluntary consent to sexual activity if the only form of consent comes from someone else (one person says that another person consents).

### **h) Cannot leave**

A person cannot give free and voluntary consent to sexual activity if they are being prevented from leaving against their will for no good reason.

### **Other reasons**

There may be other situations where free and voluntary consent to sexual activity cannot be given but these are some of the most common.

## At what age can I consent to have sex?

Legally, you can consent to sex at 17. This is the same no matter your sexual orientation or what gender your sexual partner or partners are.

The law also recognises a difference if young people engage in sexual activity with each other. There is a 'proximity of age' defence. This means that if a person has been charged with an offence of engaging in a sexual act with a person between the ages of 15 and 17 years, they can offer the defence 'proximity of age'. However, all the following conditions must apply:

- the age difference between the two people must be two years or less
- the people involved must have agreed to the sexual activity freely and voluntarily
- neither person must have felt exploited or intimidated
- neither person may have been in a position of authority.



## At what age can I consent to sexual health treatment?

You can consent to medical treatment if you are over 16, this includes any tests or treatments that you may need for your sexual health. If you are engaged in sexual activity under the age of 16 you can still access any test or treatments that you may need for your sexual health in [STI or GUM clinic \(sexual health clinic\)](#).

## At what age can I buy condoms?

Any age. There is no age restriction on buying condoms.

## At what age can I get other forms of contraception?

If you are under 17, the law is unclear as to your right to be prescribed contraception. Some doctors will prescribe contraceptives to young people under 17, but others will refuse.

You can access all forms of contraception at 17, which is the legal age of consent to have sex. For some forms of contraception, like the contraceptive pill, you will need a prescription from a doctor and you will have to pay for it.

If you are over the age of 16, you can get emergency contraception (known as the 'morning-after pill') from a pharmacist without the consent of your parent or guardian. If you are under 16, the pharmacist will usually look for the consent of your parent or guardian.

## Does the doctor have to tell my parent or guardian if I ask for contraception?

If you are 16 or over, you can discuss contraception with your doctor without your parent's or guardian's consent or knowledge. If you are under 16, while your doctor may or may not contact or inform your parent or guardian, they have a right to know if you have been given medical treatment, including a prescription for the pill or any other form of contraception.

If you are concerned about giving information to the doctor, you should clarify this with the doctor at the beginning of the consultation.

## Will I be reported to social services or the Gardaí if I am sexually active or pregnant under 17?

The law states that 17 years is the age of consent to sex whatever your gender or sexual orientation. Generally, it is an offence to have sex with anyone under the age of 17 years. See the section on consent above for more information. For information on online sexual activity see the section on my rights online below.

You can find contact details for organisations providing information and resources on sexual health in chapter 10 'where can I go for help'.

## Where can I go if I have been the victim of a sexual assault?

The **Dublin Rape Crisis Centre** operates a national 24-hour helpline on 1800 77 8888. This helpline provides confidential listening and support to women and men who have been raped, sexually abused or sexually assaulted.

**CARI** provides specialist support services that include:

- counselling
- going with you to the Gardaí or court
- general support for children under 18 who are victims of sexual violence.

**The Rape Crisis Centres** across the country will see anyone over age 14, and one centre (Rape Crisis North East) will see anyone over 12.



## 3.7 Pregnancy

### Where can I get advice and support if I think I might be pregnant?

You can visit your GP (family doctor) or local health centre for advice and support.

There are free, non-judgemental crisis pregnancy counselling services all around Ireland. For a list of these, visit the [MyOptions website](#) or text the word 'LIST' for free to 50444.

You can also find information on the [sexualwellbeing](#) and [mychild](#) websites.

### Can I go for counselling for a crisis pregnancy without my parent or guardian knowing?

You can contact the [HSE My Options service](#) on 1800 82 8010 or see the [MyOptions](#) or [Sexualwellbeing](#) websites.

If you ring a counselling service, you can ask over the phone about their policy on seeing someone under 18 without the consent of a parent or guardian. Some services will talk to you about how to tell your parent or guardian, and they will support you in doing that.

Other services will only see you if your parent or guardian comes with you.

### Is there any special support service for teenage or young parents?

Some parts of the country have a Teen Pregnancy Support Programme (TPSP) for young parents under 19 years of age until their child reaches two years of age. The TPSP is a community-based service which gives free, confidential information and advice to young parents and other family members like grandparents.

The TPSP will tell you about your rights, entitlements and responsibilities as a young parent. They can also give you information about services available to you including:

- welfare
- accommodation
- education
- training
- childcare.

For more information on this service, see [Teen Pregnancy Support Programme website](#) or see chapter 10 'where can I go for help'.

## Can I get free medical care while pregnant?

Yes, you are entitled to free pregnancy care under the Maternity and Infant Care Scheme until your baby is six weeks old. This covers:

- doctor visits
- ante-natal clinics
- the maternity hospital when your baby is born
- two check-ups after the birth.

Contact your GP (doctor) or your local health centre for more information. You can also get more information on the scheme on the [MyChild](#) website.

## Can I still go to school if I am pregnant?

Yes, you are entitled to continue your education if you are pregnant.

You may be entitled to financial assistance for schooling at home under the Home Tuition Grant Scheme. This scheme pays for nine hours of schooling a week for 10 weeks. It is usually given to students who need to be absent from school in the later stages of pregnancy or immediately following the birth of the baby. To access this scheme, contact the Special Needs and Tuition Grants section of [the Department of Education and Skills website](#).

## Can I get an abortion?

An unplanned pregnancy may leave you feeling worried and confused. Deciding whether or not to continue with a pregnancy is a personal decision. You should not feel forced by anyone to have an abortion.

You can have an abortion if you are no more than 12 weeks pregnant which means it has been 84 days since the first day of your last period. After 12 weeks, you can only have an abortion in certain circumstances. You can visit your GP or local health centre for advice and support.

You can also contact My Options which is a HSE Freephone line that provides free and confidential information and counselling to people experiencing an unplanned pregnancy. If you choose to continue with your pregnancy, they can support you with this option. If you decide that you want to have an abortion, they can also provide you with information on abortion services as well as post-abortion support. They can also explain to you about consent, confidentiality and involving your parent, guardian or another supportive adult.

You can contact them from 9am to 9pm on Monday to Friday and 10am to 2pm on Saturdays at 1800 828 010 or see the [My Options](#) website.

