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Christophe Locatelli · Sep 20, 2021 · 2 min read



The Court of Appeal Has Overturned the Puberty Blockers Ban for Transgender Children

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Kiera Bell appearing on BBC News

If you read our article ["What Was the High Court Puberty Blockers Case, and What Was the Ruling?"](#), you will know that in December 2020, 'Bell V Tavistock' was a case taken to the high court against the Tavistock and Portman NHS Foundation Trust by Kiera Bell.

It was ruled that when treating a child for gender dysphoria, medical professionals would need court approval before puberty blockers could be prescribed.

Due to the court's decision, the NHS immediately paused all referrals for the use of puberty blockers to ease physical discomfort from gender dysphoria.

Ruling in the Court of Appeal

Following the original December 2020 case, the NHS publicly announced that they would appeal the court decision. Last week, the NHS won the appeal for the ruling to be overturned, meaning it will no longer be the court's decision to determine whether puberty blockers are the appropriate treatment for a child, but the decision of the NHS and medical professionals.

The main arguments for and against NHS control of prescribing puberty blockers

Bell's original argument in the case claimed that the clinic provided insufficient information to patients diagnosed with gender dysphoria, meaning a young person could not properly consent to treatment.

However, the NHS argued that the medical professionals prescribing the treatment are powerfully regulated. They also maintained that puberty blockers are extensively studied, reversible, and internationally used for transgender children and children with other types of conditions.

The Court of Appeal's Decision

The Court of Appeal's judgement [stated that](#) it was "not for this court to determine clinical disagreements between experts about the efficacy of a treatment." In addition, they concluded that the original court decision using the '[Gillick Competence](#)' was defined improperly, and clinicians prescribing puberty blockers will "inevitably take great care before recommending treatment to a child and be astute to ensure that the consent obtained from both child and parents is properly informed".

The Court of Appeal's judgement will allow children to obtain puberty blockers directly from the Portman and Tavistock NHS Trust, while the Trust [promises](#) a new, improved quality of care and decision-making due to the issues that arose in the court case.

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