

Women and Children's Care Group Patient Information

Consent to treatment or procedures



This leaflet describes what consent is and the responsibilities of you and your doctors and midwives when you need to consent to any treatment or procedure

What is consent?

Consent means giving permission before you receive any medical treatment. Doctors and midwives require your consent before carrying out any procedure or giving you any treatment.

Consent must be informed, and voluntary, and the person consenting must have the capacity to make the decision:

Informed: You need full information about what is involved, including benefits, risks and alternatives.

Voluntary: You must make the decision without pressure from medical staff, friends or family.

Capacity: You must be capable of understanding the information given and to be able to make a decision.

How can information be given?

Information can be verbal or written. Written information can be via a booklet or leaflet, or from a trusted website. You should have time to consider the information and ask questions before giving consent.

What can you do if you feel you are being influenced by others?

- You can point out that it is your right to make your own informed decision
- You can ask for a second opinion from another doctor or midwife if you wish
- You can ask for more written information or take time to do your own research

Of course, there may be some emergency situations when you would be advised to make a decision quickly.

Who is capable of giving consent?

Every adult must be presumed to have the mental capacity to consent to or refuse treatment, unless they are:

- Unable to understand or retain the information given
- Unable to weigh up the information in the process of decision making

The Mental Health Act (2005) provides a legal framework to empower and protect people over 16 who are unable to make their own decisions, including those with learning difficulties, brain injury, mental health problems and autism.

Young people aged 16 and 17 are presumed to have the competence to give consent for themselves.

For those under 16, the doctor or midwife caring for the patient can assess the competency of the patient to make an informed decision. This depends on the child's maturity and understanding. The child must be able to make a reasonable assessment of the advantages and disadvantages of the treatment proposed.

If a competent child consents to treatment, a parent cannot override that consent. Legally, a parent can consent if a competent child refuses.

What if you decline information about your treatment?

The healthcare professional has a moral and legal responsibility to give a minimum of the following information:

- A basic overview of the condition or situation
- The likely outcome of the condition or situation
- Treatment options

The doctor or midwife should not withhold information even if they think it may upset you.

How can you give consent?

Consent can be given:

- Verbally
 - Non-verbally, by a gesture or by cooperating with the procedure
 - In writing
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What if you decline consent?

A competent adult has the legal right to decline treatment, even if that refusal will result in harm or death to the patient or the unborn baby.

Can anyone else give consent on your behalf?

Someone else can give consent for an adult who is normally competent only in an emergency; for example if the patient is unconscious and needs treatment to save their life. Exceptions to this are where the person has issued an advance directive detailing refusal of treatment.

For people who are not considered to have the capacity to give informed consent, proxy decision makers or those with power of attorney can consent. For children, the right to consent lies with parents or those with parental responsibility. Medical practitioners are required to take into account, as far as is reasonable and practicable, the views of the patient's nearest relative and their carer.

There are certain circumstances where referral has to be made to the courts for a ruling on lawfulness before a procedure is undertaken:

- Sterilisation for contraceptive purposes
 - Donation of tissue such as bone marrow
 - Withdrawal of nutrition in those in a persistent vegetative state
 - Where there is doubt about the patient's capacity or best interests
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When is consent not required?

In an emergency when it is in the best interests of the patient, unless there has been an advance directive refusing treatment.

References

GMC (2008) Consent: Patients and doctors making decisions together. General Medical Council, London.

NMC (2012) Consent. Nursing and Midwifery Council, London

Other sources of information

NHS Choices

The UK's biggest health website, certified as a reliable source of health information: www.nhs.uk

Patient UK

Evidence based information on a wide range of medical and health topics. www.patient.co.uk

Patient Advise and Liaison Service (PALS)

PALS will act on your behalf when handling patient and family concerns, they can also help you get support from other local or national agencies. PALS, is a confidential service.

Princess Royal Hospital, Tel: 01952 282888

Royal Shrewsbury Hospital, Tel: 0800 783 0057 or 01743 261691

Website: www.sath.nhs.uk

Disclaimer

This leaflet is provided for your information only. It must not be used as a substitute for professional medical care by a qualified doctor or other health care professional. Always check with your doctor if you have any concerns about your condition or treatment. This leaflet aims to direct you to quality websites: these are correct and active at the time of production. The Shrewsbury and Telford Hospital NHS Trust is not responsible or liable, directly or indirectly, for ANY form of damages whatsoever resulting from the use (or misuse) of information contained in this leaflet or found on web pages linked to by this leaflet.

Your information

Information about you and your healthcare is held by the NHS. You can find out more about how we hold your information and how it is used on our website in your Pregnancy Information Book.

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