

# Consent to Treatment



## What this leaflet will tell you

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This leaflet will give you information about consenting to treatment options. It will let you know how you can consent and who is able to consent on your behalf. It will also tell you what sort of information will be available for you to make a decision about treatment.

## What is consent?

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Before a health professional examines or treats you, they need your consent or permission to do so. You can agree to treatment in different ways:

- by doing something to show you agree with treatment, e.g. by offering your arm for your blood pressure to be monitored,
- by verbally agreeing to something
- by signing a consent form (a written record of your decision is usually needed if your treatment involves sedation, general anaesthesia or surgery).

You can refuse to have the treatment that is being offered. You can also change your mind at any time before the procedure.

## Can everyone give consent?

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Most patients will be able to consent for themselves.

Some people, e.g. younger children or adults who do not have capacity, cannot consent. This is because they do not fully understand what they are agreeing to. Someone else will then have to give consent on their behalf. This could be someone with parental responsibility for a young child, or someone acting under a health and welfare Lasting Power of Attorney for an adult.

The Mental Capacity Act 2005 allows you to make a health and welfare Lasting Power of Attorney (LPA), appointing someone else to make decisions about your healthcare should you not have capacity and cannot consent to treatment for yourself.

Where a decision is needed about treatment and you do not have capacity to consent, and where there is no-one else legally authorised to consent on your behalf (e.g. someone acting under an LPA), then the team looking after you will make a decision for you. This decision will be made in your best interests following strict guidelines set out in the Mental Capacity Act 2005. The team will speak to your close family and friends to help them decide what is in your best interests.

On some occasions we will ask an IMCA (Independent Mental Capacity Advocate) to become involved in a decision for serious medical treatment. This would happen when you do not have capacity for the decision and do not have any friends or family who can speak for you. An IMCA will participate in the decision-making process to support you. If the treatment is urgent or in response to an emergency, the law says a doctor can treat you without referral to an IMCA, if it is felt to be in your best interests to do so.

## **What about emergency treatment?**

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In an emergency, you may not be able to agree to treatment. There may also be no LPA in place for you. The healthcare staff will treat you without consent but they can only do this if it will save your life or stop you suffering more serious harm.

## **What should I know before giving my consent/permission?**

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Health professionals must ensure you have enough information about your condition and treatment to enable you to decide the best option for your treatment. They will usually have given you a written patient information leaflet. If a consent form is used they will also write information on the consent form; you are able to keep a copy of this form for your information.

They should also have discussed the various treatment options available for your condition with you. Although the healthcare professional may recommend a particular option, you are free to choose another if you feel that is right for you or you may choose not to have any treatment at all – that is up to you.

If you would rather not know about certain aspects of the treatment, discuss your concerns with whoever is treating you.

## **What sort of information do I need to allow me to make a decision?**

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In order to make a decision about accepting treatment options you will need to know more about the treatment. You need to know what it will involve, what the benefits and risks are, what alternatives there are and what will happen if you choose not to have any treatment.

You will have an opportunity to ask your health professional anything you want about the treatment.

You might find it helpful to bring a relative or relative along with you to support you and prompt questions, as there will be a lot to remember and you may feel very anxious.

## **Who will treat me?**

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You will be treated by an appropriately qualified health professional. Amongst these may be a 'doctor in training' – someone who is medically qualified but now doing more specialist training. These doctors can range from recently qualified doctors to doctors almost ready to be consultants. They will only carry out procedures for which they have been appropriately trained. Someone senior will be available to supervise – either in person accompanying a less experienced doctor in training, or able to advise someone more experienced if required.

## **What about anaesthesia?**

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If your treatment involves general or local anaesthesia you will be given general information about it in advance. You will also have an opportunity to talk with the anaesthetist when he or she assesses your general health shortly before treatment.

## **Will samples be taken during the procedure?**

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Some procedures involve removing a part of the body (for example your appendix). You would always be told about this in advance.

Other procedures may need a sample to be taken such as blood or small sections of tissue. You should be told in advance if samples are likely to be taken. Sometimes these samples may be used for teaching, research or quality assurance purposes. You will be asked to confirm that you are happy for such samples to be taken before your procedure.

## **Photographs and videos**

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As part of your treatment a photographic record may be needed, for example x-rays, clinical photographs or a video. You will be told if this is going to happen. The photograph or recording will usually be kept with your notes and will be held in confidence as part of your medical record. This means that it will normally be seen only by those involved in providing your care or those who need to check the quality of care you have received.

The use of photographs and recordings is also extremely important for other NHS work, such as teaching or medical research. However, we will not use your images in a way that might allow you to be identified or recognised, without your express permission.

## Where can I get more information?

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If you need more information about your procedure please speak to your doctor or one of our specialist nurses. If you have been given an information leaflet about your procedure there should be contact details for the best people to talk to within the leaflet.

### **You can also find more information about consent on the NHS website:**

<http://www.nhs.uk/Conditions/Consent-to-treatment/Pages/Introduction.aspx>

### **The Department of Health has published a reference document on consent:**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/138296/dh\\_103653\\_\\_1\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/138296/dh_103653__1_.pdf)

Information about Lasting Powers of Attorney is available from the Office of the Public Guardian (<http://www.justice.gov.uk/about/opg>) and from the NHS website (<http://www.nhs.uk/CarersDirect/moneyandlegal/legal/Pages/Overview.aspx>).

Approved by Consent Working Group



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## **PALS and Advocacy contact details**

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Contact details of independent advocacy services can be provided by our Patient Advice and Liaison Service (PALS) who are located on the right hand side as you enter the main reception area. PALS are also your first point of contact for health related issues, questions or concerns surrounding RSCH patient services.

**Telephone:** 01483 402757

**Email:** [rsc-tr.pals@nhs.net](mailto:rsc-tr.pals@nhs.net)

**Opening hours:** 9.00am–3.00pm, Monday to Friday

If you would like information documents in large print, on tape or in another language or form please contact PALS.

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