

Policy Name:	CONSENT POLICY
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BACKGROUND

Why consent is crucial

Patients have a fundamental legal and ethical right to determine what happens to their own bodies. Valid consent to treatment is therefore absolutely central in all forms of healthcare, from providing personal care to undertaking major surgery. Seeking consent is also a matter of common courtesy between health professionals and patients.

This policy sets out the standards and procedures in this organisation which aim to ensure that health professionals are able to comply with the guidance.

ACTIONS

Implied Consent

Implied consent will be assumed for many routine physical contacts with patients. Where implied consent is to be assumed by the clinician, in all cases, the following will apply:

- An explanation will be given to the patient what he / she is about to do, and why.
- The explanation will be sufficient for the patient to understand the procedure.
- In all cases where the patient is under 18 years of age a verbal confirmation of consent will be obtained and briefly entered into the medical record.
- Where there is a significant risk to the patient an "Expressed Consent" will be obtained in all cases (see below).

Expressed Consent

Expressed consent (written or verbal) will be obtained for any procedure which carries a risk that the patient is likely to consider as being substantial. A note will be made in the medical record detailing the discussion about the consent and the risks. A Consent Form may be used for the patient to express consent (see below).

Obtaining Consent

- Consent (implied or expressed) will be obtained prior to the procedure, and prior to any form of sedation.
- The clinician will ensure that the patient is competent to provide a consent (16 years or over) or has “Gillick Competence” if under 16 years. Further information about Gillick Competence and obtaining consent for children is set out below.
- Consent will include the provision of all information relevant to the treatment.
- Questions posed by the patient will be answered honestly, and information necessary for the informed decision will not be withheld unless there is a specific reason to withhold. In all cases where information is withheld then the decision will be recorded in the clinical record.
- The person who obtains the consent will be the person who carries out the procedure (i.e. a nurse carrying out a procedure will not rely on a consent obtained by a doctor unless the nurse was present at the time of the consent).
- The person obtaining consent will be fully qualified and will be knowledgeable about the procedure and the associated risks.
- The scope of the authority provided by the patient will not be exceeded unless in an emergency.
- The Surgery acknowledges the right of the patient to refuse consent, delay the consent, seek further information, limit the consent, or ask for a chaperone.
- Clinicians will use a Consent Form where procedures carry a degree of risk or where, for other reasons, they consider it appropriate to do so (e.g. malicious patients).
- No alterations will be made to a Consent Form once it has been signed by a patient.
- Clinicians will ensure that consents are freely given and not under duress (e.g. under pressure from other present family members etc.).
- If a patient is mentally competent to give consent but is physically unable to sign the Consent Form, the clinician should complete the Form as usual, and ask an independent witness to confirm that the patient has given consent orally or non-verbally.

Other aspects which may be explained by the clinician include:

- Details of the diagnosis, prognosis, and implications if the condition is left untreated
- Options for treatment, including the option not to treat.
- Details of any subsidiary treatments (e.g. pain relief)
- Patient experiences during and after the treatment, including common or potential side effects and the recovery process.
- Probability of success and the possibility of further treatments.
- The option of a second opinion

Immunisations

Informed consent must be obtained prior to giving an immunisation. There is no legal requirement for consent to immunisation to be in writing and a signature on a consent form is not conclusive proof that consent has been given, but serves to record the decision and discussions that have taken place with the patient, or the person giving consent on a child's behalf.

Consent for children

Everyone aged 16 or more is presumed to be competent to give consent for themselves, unless the opposite is demonstrated. If a child under the age of 16 has "sufficient understanding and intelligence to enable him/her to understand fully what is proposed" (known as Gillick Competence), then he/she will be competent to give consent for him/herself. Young people aged 16 and 17, and legally 'competent' younger children, may therefore sign a Consent Form for themselves, but may like a parent to countersign as well.

For children under 16 (except for those who have Gillick Competence as noted above), someone with parental responsibility should give consent on the child's behalf by signing accordingly on the Consent Form.

More information about Gillick Competence is at

<http://www.firstpracticemanagement.co.uk/knowledge-base/general-administration/fraser-guidelines-gillick-competence/>

Appendices

Consent forms

12 key points on consent: the law in England

PATIENT CONSENT FORM

(For medical treatment, immunisation, investigation or operation)

This form can also be used for a parent or guardian to give consent for treatment to be given to a young person

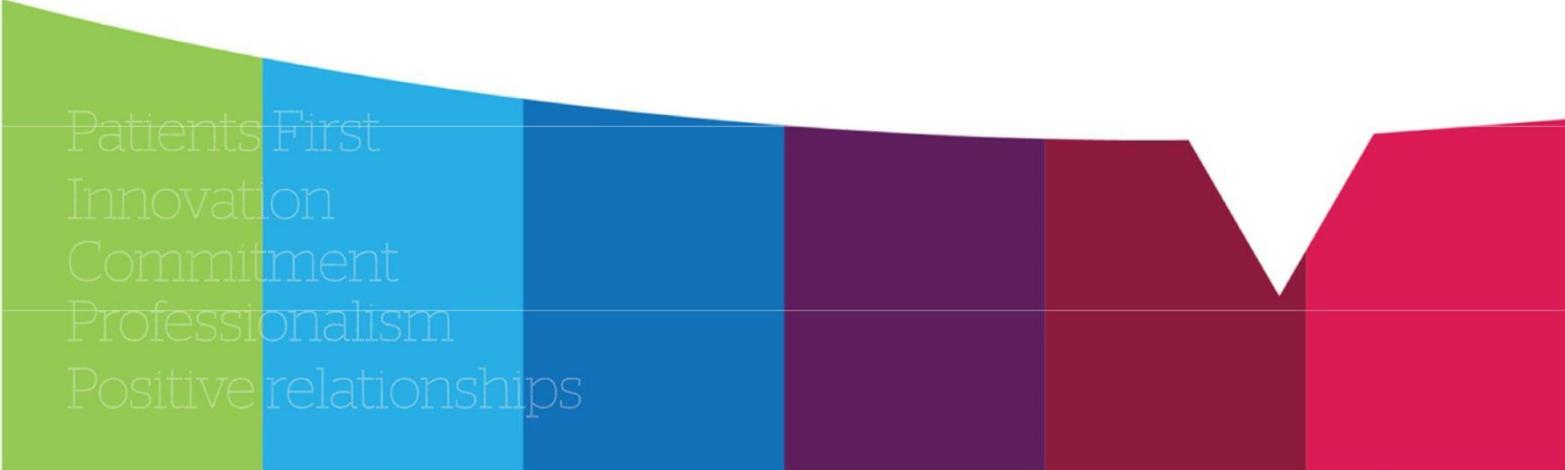
[Insert name of Surgery]

PATIENT'S DETAILS

Surname:.....

First Names:.....

Date of Birth: Male/Female:



Patients First
Innovation
Commitment
Professionalism
Positive relationships

THIS SECTION FOR COMPLETION BY THE CLINICIAN

This form has been prepared for the treatment, immunisation, investigation or operation detailed below:

.....

.....

.....

I confirm that I have explained the above treatment, immunisation, investigation or operation to the patient, and such options as are appropriate such as the type of anaesthetic (if any) proposed, in terms that in my judgement are suited to their understanding and/or these have been explained to a parent or guardian of the patient.

Signature of clinician: Date:

Name of clinician completing the procedure:

THIS SECTION FOR COMPLETION BY THE PATIENT / PARENT / GUARDIAN

1. I am the patient / parent / guardian (delete as necessary) See * below for information about consent for children.
2. I agree to the procedure(s) proposed on this form and the clinician named on this form has explained this to me.
3. I agree to have the type of anaesthetic that has been explained to me.
4. I understand that any procedure, in addition to that described on this form, will only be carried out if it proves to be necessary and in my best interests and can be justified for medical reasons.
5. I have explained to the clinician about any procedures listed below which I would not wish to be carried out without the opportunity to consider them first. These include:

.....

6. I have notified the clinician of the following allergies/medications which I am currently taking which may be relevant to my treatment:

.....

Signature of Patient/Parent/Guardian:

Full Name of Patient/Parent/Guardian:

Address (if not the same as patient):

.....

.....

If the **treatment is for a child** and if the child wishes to sign this form, he/she may do so here; see * below for information about consent for children

I agree to have the treatment I have been told about.

Date Signature

Note to clinician:

A patient has the legal right to grant or withhold consent prior to this procedure. Patients should be given sufficient information in a way they can understand, about the proposed treatment and the possible alternatives. The patient's consent to the procedure should be recorded on this form.

Note to Patient:

The clinician should explain the proposed treatment and any alternatives. You can ask questions and seek further information. You have the right to refuse this treatment. You may ask for a relative, friend or nurse to be present.

Statement of interpreter (where appropriate)

I have interpreted the information above to the patient to the best of my ability and in a way in which I believe s/he can understand.

Signed Date.....

Name

This form, once completed, must be kept with the patient's medical records.

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