

Consent

A guide for patients and service users



Happier | Healthier | Hopeful

Consent is where you agree or give permission for something to happen, such as receiving medical treatment. This factsheet aims to give you information about what consent is, what you have a right to expect, and what your options are.

The information in this factsheet concerns both physical and mental health conditions.

This information is intended to be a guide. It is not a statement of law. If you are unsure about anything or have any questions, please speak to a member of staff and they can explain how consent affects you.

What is consent?

Before any doctor, nurse or other health professional examines or treats you, they must make sure that you are happy for them to do so.

There are different ways you can give consent:

In writing – they might ask you to sign a consent form

Verbally – they might ask you if you give consent or are happy for them to examine or treat you

Non-verbally – you can show consent by an action. If your nurse says they would like to take a blood sample and you raise your arm to let them take the sample, that action shows that you consent

No matter how you give your consent, it is important that your consent is genuine and valid. This means that:

You must be able to give consent for yourself

You must have enough information to help you make a decision

You must be acting under your own free will and not under the strong influence of another person.

What am I consenting to?

Your consent is needed for any examination or treatment that is carried out.

If there are any risks or side effects of the treatment, your health professional will explain these to you. If you consent to go ahead with the treatment, you are accepting that there may be some risks or side effects involved.

You will also be asked to consent to information about your care and treatment being shared with other health professionals involved in your care, or with your family or carer. If you would like more information about confidentiality and sharing



information, please ask staff for a copy of the factsheet **Confidentiality: a guide for people who use our services**.

How much do I need to know?

Some people want to know as much as possible about their condition and treatment options; others are happy to make decisions based on little information. If you are unsure about anything, ask the health professionals involved in your care.

You might want to ask:

What are the benefits, risks and side effects of having the treatment?

What are the risks of not having the treatment?

You might be prepared to take some risks if there is a chance of a very good outcome. Or you might prefer to put up with some discomfort than have a treatment which carries a small risk of making things worse. Only you can make that decision.

How much time can I take to decide?

Your doctor, nurse or other health professional may encourage you to accept a particular treatment if they believe it will be helpful for you. But it is **your** decision whether or not to go ahead. If you want more time to think about your decision, say so.

In emergencies, decisions may have to be taken more quickly, but at other times it is often possible to take as much time as you need.

What if I am not able to make a decision?

English law assumes that if you are an adult you are able to make your own decisions, unless it is proven otherwise. There may be occasions where you are unable to give consent, for example if you are unconscious after a road accident or cannot communicate after a severe stroke.

If this happens, the health professionals looking after you can provide the treatment that they believe is in your best interests. The only exception is if you have clearly refused a particular treatment in advance.

No-one (not even husbands, wives, partners or close relatives) can give consent on behalf of another adult. However, they can tell health professionals about your beliefs and values and if you have strong views on particular health issues or treatments. This can help health professionals decide what is in your best interests.

If you do have strong views about some treatments, it is important to discuss these with your friends and relatives in case anything happens. You can also make an Advanced Decision (see below).

The Mental Capacity Act 2005 protects adults who lack the mental capacity to make decisions about their own health.

What is an Advanced Decision?

You may be certain that if you were ill in the future, you would not want a particular treatment. In that case you can make a written record of your wishes. This document

is called an Advanced Decision. It is also sometimes called a Living Will or Advanced Directive.

If you do require treatment in the future but are not able to communicate at the time (for example if you are unconscious) the health professionals involved in your care will follow your wishes.

It is important to be very precise about which treatments you don't want. If you are not very clear you could exclude treatments which you would be willing to accept. It is also important to discuss your wishes with those close to you and let them know if you have changed your mind at any point.

What if I have a mental illness?

If you are suffering from a serious mental illness, it may be necessary for you to stay in hospital under the Mental Health Act 1983. If so, you may be given treatment for your mental illness even if you do not consent. There are safeguards for patients in this situation and treatment will only be given if it is considered to be in your best interests.

The terms of the Mental Health Act only applies to treatment for your mental illness. If you need treatment for a physical condition, you can choose whether or not to accept treatment, unless it is proven that you don't have capacity.

What if I am asked about students being present?

Sometimes you may be asked if you mind students being present while you are being treated. If you are undecided, ask what they intend to do – if they will be just observing, taking notes or helping to examine you. You can also say if you are only happy for students of one gender to be present.

If you are not comfortable with students being present, you can say no. It will not make a difference to the quality of care you receive.

What if I am asked to take part in research?

You might be asked to take part in research:

- as part of your treatment, for example to compare two different treatments
- as something separate which will not affect your treatment, for example providing an extra blood sample to be used in research.

Before taking part in any research, you will be given information and can ask as many questions as you like before making a decision. If you chose not to take part, this will not affect the rest of your care.

What if I am unhappy about anything?

Tell the health professionals involved in your care if you:

- are not happy about the way you have been asked to give consent
- feel that you haven't been given enough information to make a decision
- are concerned that something has happened that you didn't consent to.

If you feel unable to do that, or are still unhappy, you can contact the **Patient Experience Team** (address on next page).

Find out more about consent

NHS Choices

www.nhs.uk/conditions/consent-to-treatment

Patient Experience Team

Confidential information and advice for anyone with concerns, queries or suggestions about NHS services.

Address: PET, Cumbria Partnership NHS Foundation Trust, The Coppice,
Carleton Clinic, Cumwhinton Drive, Carlisle CA1 3SX
Free phone: 0800 633 5547 Landline: 01228 608257
Text: 07827 312 699
Email: PET@cumbria.nhs.uk

The Patients Association

Information, advice and publications about better healthcare services for patients.

Address: PO Box 935, Harrow, Middlesex HA1 3YJ
Helpline: 0845 6084455
Email: helpline@patientsassociation.com
Website: www.patients-association.com

Patient Concern

Advisory service specialising in consent-related issues, patient choice and empowerment.

Address: PO Box 23732, London SW5 9FY
Telephone: 020 7373 0794
Email: patientconcern@hotmail.com
Website: www.patientconcern.org

Confidentiality

‘The Trust’s vision is to keep your information safe in our hands.’

We promise to use your information fairly and legally, and in-line with local and national policies. You have a right to understand how your information is used and you can request a copy of the information we hold about you at any time.

For further information contact the Information Governance Team on 01228 608998 or email Information.Governance@cumbria.nhs.uk

Feedback

We appreciate and encourage feedback, which helps us to improve our services. If you have any comments, compliments or complaints to make about your care, please contact the Patient Experience Team.

Email: PET@cumbria.nhs.uk Tel: 01228 602128 Freephone: 0800 633 5547

If you would like this factsheet in another language or format, for example Braille, large print or audio, please call:

01228 603890

E: communications.helpdesk@cumbria.nhs.uk

Or write to Engagement and Communications
Voreda House | Portland Place | Penrith | CA11 7QQ



Happier | Healthier | Hopeful

ID: TW001

Version: 2

Issue date: November 2017

Review date: November 2019

© 2016 Cumbria Partnership NHS Foundation Trust