

The Rycote Practice

Consent – it's your decision

At The Rycote Practice we think it is essential that you are aware of your right to make decisions about your health and your treatment. This leaflet is designed to explain how you should be involved in decisions about your health care.

What are my rights?

Normally, you can accept or refuse any treatment, examinations or tests, and you can decide whether to take part in research or teaching.

What does consent mean?

It means agreement. Before a doctor, nurse or any other health professional can examine or treat you, they must have your consent.

Who can give consent?

You can give consent if you can make decisions for yourself.

- Being able to make decisions means you can understand what is involved and can think clearly about the advantages and disadvantages of different actions.
- You must be given enough information, and you should be allowed to make up your own mind without pressure from other people.

In essence, consent should be **voluntary, informed**, and you should have the **capacity** to make a decision.

If you want someone to help you express your views, you can ask a friend, a relative, a partner or carer, another member of staff, or an independent representative (often called an 'advocate'). An advocate is independent of the NHS. They can help make sure your views are heard and get you access to the information you need to make your own decisions. You can ask a member of staff involved in your care about advocacy services in your area.

What if I can't give consent?

You can give consent only if you can understand the information you are given, make a decision, remember your decision and tell other people your decision. This is called **capacity**. If you can't do all these things, it is called 'incapacity'.

If your incapacity is because of intoxication from drugs or alcohol, a health professional may be able to treat you without consent, if this is in your best interests.

If your incapacity is because of a mental disorder such as a learning disability or dementia, someone else may be able to give consent for you.

Who can give consent if I do not have capacity?

If you are an adult someone can give consent for you if:

- You have given them welfare power of attorney with the power to consent to treatment, or
- A court has given them a welfare guardianship order with the power to consent to treatment, or
- A court has given them a welfare intervention order specifically for the treatment, and the treatment is needed only for a short time.

Doctors can also treat you if there is no-one who can give consent on your behalf, and the treatment will benefit you.

You should always be given information in a way that you understand and you should always be given help to communicate.

If you are under 16 someone with parental responsibility can give consent for you if you can't give it yourself.

What happens in an emergency?

In an emergency – for example, if you've been in a road accident and you need urgent treatment to save your life – you may not be well enough to make a decision about your treatment.

If you can't give your consent and there is no time for anyone else to make a decision for you, doctors can treat you. But they can only treat you without your consent if this is necessary to save your life or stop you suffering more serious harm.

How will I be asked to give my consent?

A doctor or another health professional may ask you to do something to show your consent. For example, a doctor may ask to examine your foot. If you take off your shoe, it shows you agree to this. This is referred to as **implied consent**.

Usually you will be asked to say whether you agree to the examination or treatment.

If the examination or treatment is complicated, for example an operation, you may be asked to sign a form showing you agree to it.

What information should I be given?

To help you make a decision, staff involved in your care must give you information about the examination or treatment you are being offered in a way that you understand.

You may want to know:

- why you are being offered the examination or treatment
- what it will involve
- what the benefits are
- whether there are any risks or side effects
- how large or small the risks are
- whether there are any alternatives
- what may happen if you don't have the examination or treatment
- whether you will have to pay (for example for dental treatment)

- the name of the doctor who is responsible for your care

You have the right to ask questions if you don't understand or you want to know more. If the person who is asking you to give consent can't answer your questions, ask them if they can find out or get someone else who can help. If you think you need it, you can ask for a second opinion.

If you need an interpreter, ask a member of staff to arrange this for you in advance. When you make an appointment, tell them which language you prefer.

If you wish, someone can be with you when you are told about the examination or treatment. This could be a friend, a relative, a partner or carer, another member of staff, or an independent advocate.

You may find it difficult to fully understand what you've been told about an examination or treatment. If you would like to take away written information to help you make a decision, you should say so.

Staff must give you all the information you need in a way that you can understand and meets your needs (for example in audio format, British Sign Language, or a language other than English).

How long can I take to decide?

In emergencies, decisions will have to be made quickly.

In other cases you may be able to take more time. It is important that you are given enough time to make your decision so you don't feel rushed. If you want time to think about your decision, you should say so.

What if I change my mind?

You can change your mind about giving your consent to an examination or treatment at any time. You should tell one of the people looking after you.

Can I refuse examination and treatment?

Normally you can refuse an examination or treatment at any time, even if this means your health, or the health of your unborn baby, may be seriously harmed. It is important that you understand what may happen to you if you decide not to have the examination or treatment.

If another treatment can be used instead, you should be given information about it. However you can't insist on a particular treatment if NHS staff involved in your care do not think it will help you.

Remember that you can ask for a second opinion about the treatment you have been offered.

Information for young people under 16

If you are under 16, and the health care professional looking after you believes you can make decisions for yourself, you can refuse examination or treatment.

However

- The person providing your care may ask why you don't want it. They need to know they have given you enough information for you to make your decision
- In very unusual cases, if you have refused treatment and you have a very serious condition, your parent or the person who looks after you may disagree with you and want to discuss your case with a lawyer. You could also have your own lawyer to help you with this.

What if I have a mental illness or disorder?

In most cases, if you have a mental health problem, you have the same right to accept or refuse an examination or treatment as anyone else.

But if you are being cared for under the Mental Health Act, you can be examined and treated for your mental illness or disorder without your consent. This will happen only if:

- It is in your best interests, and
- There would be a significant risk to yourself or others if you didn't have the treatment.

There are guidelines for certain treatments. Your doctor may need to get a second opinion from another doctor before giving you a particular treatment.

What if I'm asked to take part in teaching?

We are very proud of our involvement in teaching medical students and GPs at The Rycote Practice. We are extremely grateful to patients who allow us to undertake this aspect of our work. You may also be asked to take part in teaching whilst at a hospital appointment.

However

- You should always be asked you if you would prefer not to have a student present while you are examined or treated. You have a right to refuse, and the standard of care you receive won't be affected.
- We will ask you to give your consent before we take any photographs or make any video or sound recordings of your examination or treatment for teaching purposes. Wherever possible, we will remove information that identifies you before using the recordings. If this isn't possible, we will tell you before you make your decision.
- If you agree to photos being taken or recordings being made for teaching purposes, you can change your mind later. If you withdraw your consent, the photos or recordings will not be used and will be destroyed as soon as possible.

What if I'm asked to take part in research?

Although we do not undertake many research projects at the surgery, we are becoming more involved in research. In addition, you may be asked to take part in research at the hospital.

- If you can make your own decisions, it's up to you to decide whether you want to take part in research.
- Before you decide, you should be given as much information about the research as you need, and you can ask as many questions as you wish.
- You will usually be given written information about the research to take home. You can use this to discuss the research with your family and friends if you want to. You should never be put under

any pressure to agree to take part. You are also welcome to discuss research requests with your usual doctor at The Rycote Practice.

- If you do want to take part in research, you should be asked to sign a form showing that you give your consent. They may give you a copy of this form to keep, and will also keep a copy in your health records.
- You can change your mind at any time about taking part in research, without giving a reason.
- If you decide not to take part in the research, the standard of care you receive will not be affected.

Consent for using personal health information

The NHS must keep your personal health information confidential. You should be involved in decisions about how your personal health information is used.

For more information about using your personal health information, see our leaflet on Confidentiality: the right for your personal health information to be kept secure and confidential.

What if I'm not happy?

If you are unhappy about how you have been involved in decisions about your health care, first talk to a member of NHS staff involved in your care. If you are still unhappy, you can make a formal complaint.

For more information about making a complaint, see our information sheet on making complaints, which is available in the surgery.

How to find out more

For more information about anything in this leaflet please discuss the issue with your GP or with our practice manager Karl Savage.

You can also find out more information online at

<http://www.nhs.uk/conditions/consent-to-treatment/Pages/Introduction.aspx>