

Tower Hamlets GP Care Group CIC			
Consent Policy (General)			
Prepared by:		Issue Number	
Issue Date:		Review Date:	
Review by:			

Introduction

Consent to treatment is the principle that a person must give their permission before they receive any type of medical treatment.

Consent is required from a patient regardless of the treatment, from blood test to organ donation.

The principle of consent is an important part of medical ethics and the international human rights law.

Defining consent

For consent to be valid, it must be voluntary and informed, and the person consenting must have the capacity to make the decision. These terms are explained below.

- **Voluntary:** the decision to consent or not consent to treatment must be made alone, and must not be due to pressure by medical staff, friends or family.
- **Informed:** the person must be given full information about what the treatment involves, including the benefits and risks, whether there are reasonable alternative treatments, and what will happen if treatment does not go ahead. Healthcare professionals should not withhold information just because it may upset or unnerve the person (see below).
- **Capacity:** the person must be capable of giving consent, which means they understand the information given to them and they can use it to make an informed decision. If the person has enough capacity and makes a voluntary and informed decision to refuse a particular treatment, their decision must be respected. This is still true even if their decision would result in their death, or the death of their unborn child.

How to give consent

Consent should be given to the healthcare professional directly responsible for the person's current treatment, such as the nurse arranging a blood test, the GP prescribing new medication or the surgeon planning an operation.

It can be given:

- verbally
- non-verbally, for example, raising a hand to indicate they are happy for a nurse to take a blood sample

- in writing, by signing a consent form

If someone is going to have major medical intervention, such as an operation, their consent should be obtained well in advance so they have plenty of time to study any information about the procedure and ask questions.

Withholding information

To consent to a treatment or procedure, the person needs to be fully informed about the treatment and understand why it is considered necessary.

Healthcare professionals should not withhold information just because it may upset or unnerve the person. Even if the person specifically requests not to be told about the extent or likely outcome of their condition, the healthcare professional has a moral and legal responsibility to provide them with at least:

- a basic overview of their condition
- the likely outcome of their condition
- their treatment options

Involving the Court of Protection

There are some circumstances where a decision should always be referred to the Court of Protection if the person cannot give their consent. Situations that should always be referred to the courts include:

- **sterilisation** for contraceptive purposes
- **donation of regenerative tissue**, such as bone marrow
- **withdrawal of nutrition and hydration from a person who is in a persistent [vegetative state](#)**
- **where there is serious concern about the person's capacity or best interests**

When consent is not necessary

There are a few exceptions when treatment can go ahead without consent.

One main exception is if a person does not have the mental capacity (the ability to understand and use information) to make a decision about their treatment. In this case, the healthcare professionals can go ahead and give treatment if they believe it is in the person's best interests.

When consent is not needed

There are a few exceptions when treatment may be able to go ahead without the person's consent, even if they are capable of giving consent.

These circumstances are outlined below.

Additional procedures

There may be some circumstances when, during an operation, it becomes obvious that the patient would benefit from an additional procedure that was not included in their original consent.

For example, they may be having abdominal surgery when the surgeon notices that their appendix is infected, dangerously close to bursting and needs to be removed.

If it is felt that it would be too dangerous to delay the additional procedure and wake the person up to get their consent, the additional procedure can go ahead if it is considered to be in the patient's best interest.

However, extra procedures cannot be done just because it would be convenient for the healthcare professionals. There has to be a clear medical reason why it would be unsafe to wait to obtain the patient's consent.

Emergency treatment

If a person requires emergency treatment to save their life, and they are unable to give consent as a result of being physically or mentally incapacitated (for example, they are unconscious), treatment will be carried out. Once they have recovered, the reasons why treatment was necessary will be fully explained.

Mental health condition

Under the Mental Health Act (1983), people with certain mental health conditions, such as schizophrenia, bipolar disorder or dementia, can be compulsorily detained at a hospital or psychiatric clinic without their consent.

If the patient made an advance decision, this can potentially be overruled providing it is regarding treatment for a mental health condition and they are being held under the 1983 Act.

If an adult lacks capacity, any physical interventions must be in their "best interests". The healthcare professionals must:

- Consider if it is safe to wait until the person can give consent.
- Involve the person in the decision as much as possible.
- Determine whether the person has previously expressed any opinions regarding certain procedures, perhaps on the grounds of religious or moral beliefs.
- If possible, consult other people, such as the person's immediate family.

In situations where there is doubt about what is in the person's best interests, the healthcare professionals can refer to the Court of Protection, which is the legal body that oversees the operation of the Mental Capacity Act (2005).

Risk to public health

Under the Public Health (Control of Disease) Act (1984), a magistrate can order that a person is detained in hospital if they have an infectious disease that presents a risk to public health, such as rabies, cholera or tuberculosis.

Severely ill and living in unhygienic conditions

Under the National Assistance Act (1948), a person who is severely ill or infirm and is living in unsanitary conditions can be taken to a place of care without their consent.

Further resources

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

Consent to medical treatment form

Consent to release of medical information form

