

Consent - What you have a right to expect:

A guide for adults

Consent – it's up to you

When a doctor, dentist, nurse, social worker or therapist asks you to agree to any form of examination, treatment or care, remember you have a choice. You are always free to say no, or to ask for more information before you make up your mind.

This leaflet aims to answer your questions about what you have a right to expect and what to do. It is for adults; there are separate leaflets for relatives and carers, for children and young people and for their parents and for people with learning disability.

What we say mainly concerns physical conditions. The rules may be different if you are being treated for a mental disorder. You'll find more information on page 5.

What does consent really mean?

Before any doctor, dentist, nurse, social worker or therapist examines, treats or cares for you, they must seek your consent or permission. This could simply mean following their suggestions, such as your GP asking to have a look at your throat and you showing your consent by opening your mouth. Sometimes they will ask you to sign a form, depending on the seriousness of what they're proposing or whether it carries risks as well as benefits.

It does not matter so much how you show your consent: whether you sign or say you agree. What is important is that your consent is genuine or valid. That means:

- you must be able to give your consent
- you must be given enough information to enable you to make a decision
- you must be acting under your own free will and not, say, under the strong influence of another person.

The law assumes that if you're an adult you are able to make your own decisions, unless it's proved otherwise. As long as you can understand and weigh up the information you need to make the decision, you should be able to make it.

What if I'm not able to take a particular decision?

Suppose, for example, you are unconscious after a road accident or cannot communicate after a severe stroke. In these types of situation people providing health care can still give you treatment that they believe is in your best interests. The only exception is if you have clearly refused a particular treatment in advance (see page 4).

No one (not even husbands, wives, partners or close relatives) can give consent to treatment or care on behalf of another adult. Relatives and friends may have useful advice to give. They may be able to tell health and social care professionals about the person's beliefs and values. For example, they may know whether they have accepted or refused certain kinds of treatment in the past or have strong views on some health questions. So it is important to discuss your views with your friends and relatives in case anything happens.

What if I'm asked about students being present?

Sometimes you may be asked if you mind students being present while you are treated. If you are undecided, ask what they intend doing. Will they be observing only, taking notes or examining you. If you prefer, you can specify students of one gender only.

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

What sort of information do I need?

In order to make a decision, you need to have information from health and social care professionals about the treatment, care or investigation which is being offered to you. **You should always ask them more questions if you don't understand or you want more information.**

For example:

- What sort of things will the treatment or care involve?
- What are the benefits they hope will result?
- How good are the chances of getting such benefits?
- Whether there are any alternatives?
- What are the risks, if any?
- If there are risks, are they minor or serious?
- What may happen if you don't have treatment or care?

Sometimes the person asking for your consent to the treatment or care will not be able to answer your questions. In such cases, ask them to find out or arrange for someone else to talk to you about your concerns.

If you do not speak English, ask for an interpreter. You can also ask for translation of any written information you are given. If you have a sensory impairment, for example have difficulty hearing, or any other communication needs, ask what is available to assist you.

If you would find it easier to ask questions with someone supporting you, take a friend with you or ask about local advocacy services. You can also ask for someone of the same gender as yourself to be with you while you are being examined or treated.

How much do I need to know?

Some people want to know as much as possible about their condition and possible treatments or care. Other people prefer to leave decisions to the people looking after you. No one providing health and social care will force information on you, for example, about the risks of treatment or intervention if you don't want to know. But remember, the person in the best position to know what matters most to you is yourself. Perhaps you're the kind of person who is prepared to take some risks if there is also a chance of a very good outcome. On the other hand, you might rather put up with some discomfort than have treatment or care which carries a small risk of making things worse – even though it ought to improve your condition. Only you can know what is most important to you.

How much time can I take to decide?

Your doctor, dentist, social worker, nurse or therapist may encourage you to accept a particular intervention, treatment or care 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 quickly, but at other times it is often possible to take as much time as you need.

Can I refuse treatment in advance?

You may be quite certain that you would **not** want a particular treatment in the future. In that case you may like to make a written record of your wishes (a document sometimes called a Living Will), and make sure people close to you know. Then if this situation arises at some point in the future and you are not in a position to tell your wishes to people providing health care, they will be bound by your earlier decision.

It is important to be very precise about any treatment you are refusing in advance, otherwise you could exclude treatment which you would want to accept. It is also important to let people close to you know if you have changed your mind so they can pass on this information if necessary.

Can I say in advance which treatment I'd prefer?

You may want to write down the sorts of intervention or treatment you would rather have, and the concerns that you have about other kinds. These wishes would not be binding in the same way as an advance refusal. You cannot, for example, insist on a particular kind of intervention or treatment if a health or social care professional does not believe it is right for you. But if the time ever comes when you can no longer make decisions or tell people about them, it would help those providing health or social care to have your wishes as a guide when deciding what is in your best interests.

You **cannot** request something that is against the law, such as euthanasia.

What if I have a mental illness?

Usually, if you have a mental illness, you will be able to consent to or refuse treatment. However, if you are suffering from a serious mental illness, it may be necessary for you to stay in hospital under the Mental Health (Northern Ireland) Order 1986. If so, you may be given treatment or care for your mental disorder, even if you do not consent. There are safeguards for individuals in this situation.

However, the terms of that Order only apply to treatment for mental disorder. You may also have a physical disorder (concerned with your body) that has nothing to do with your mental condition. If treatment is suggested for that, you are entitled to choose whether or not to accept it, as long as you are able to understand enough about the choices to make a decision.

Suppose I'm not happy about how I've been approached about consent?

You should tell the health and social care professionals concerned that you're worried so that they can help you. But if you're still not satisfied, you can complain. You can find out how to go about this from the Health and Personal Social Services organisation responsible for your care. You also have the right to seek the help of your local Health and Social Services Council who represent the interests of the public and provide information, advice and support on health and social services issues.

Would you like more help with consent?

Here is a list of organisations you can ask for more help and support about giving consent to treatment and care.

Health and Social Services Councils

Eastern Health and Social Services Council

19 Bedford Street
Belfast
BT2 7EJ
Tel: 028 9032 1230
Minicom: 028 9032 1285
Email: ecouncil@ehssc.n-i.nhs.uk

Southern Health and Social Services Council

Quaker Buildings
High Street
Lurgan
BT66 8BB
Tel: 028 3834 9900
Minicom: 028 3834 6488
Email:
reception@shssc.n-i.nhs.uk
Website: www.shsscouncil.net

Northern Health and Social Services Council

8 Broadway Avenue
Ballymena
BT43 7AA
Tel: 028 2565 5777
Minicom: 028 2565 5777
Email: info@nhssc.n-i.nhs.uk
Website: www.nhssc.org

Western Health and Social Services Council

“Hilltop”
Tyrone and Fermanagh Hospital
Omagh
BT79 0NS
Tel: 028 8225 2555
Minicom: 028 8224 8389
Email: lpreston@hilltop.n-i.nhs.uk

Mencap

Segal House,
4 Annadale Avenue
Belfast
BT7 3JH
Tel: 028 9069 1351
Family Adviser Line:
084 5763 6227
E mail:
mencapni@mencap.org.uk
Website: www.mencap.org.uk

Provides information, support and a range of services for children and adults with a learning disability.

Law Centre (NI)

124 Donegall Street
Belfast
BT1 2GY
Tel: 028 9024 4401
Advice line: 028 9024 4401
(9.30am - 1pm)
Minicom: 028 9023 9938
Email:
admin.belfast@lawcentreni.org
Website: www.lawcentreni.org

Is concerned with the enforcement and development of social welfare law in Northern Ireland and provides a community care legal advice service.

The Department will make this document available in Irish, Cantonese, audio tape and braille and will consider requests for translations into other minority ethnic languages.

Health Promotion Team
Department of Health, Social Services & Public Safety
Castle Buildings
Belfast BT4 3SJ

Telephone: 028 9052 0534
Textphone: 028 9052 7668
www.dhsspsni.gov.uk

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