

# **Consent - What you have a right to expect:**

A guide for relatives  
and carers

## Consent – what you have a right to expect

Before a doctor, dentist, nurse, carer, therapist or health professional can examine, treat or provide care to a person, they usually need his or her consent or agreement. As long as the person you care for can understand what's involved in the treatment and they are over 18 years of age he or she is the only person who can give consent. (For advice see our leaflet Consent what you have a right to expect: A Guide for adults.)

But what happens about consent if someone has problems in understanding?

For example, if someone is unconscious after an accident, cannot communicate at all after a severe stroke, or is too confused to make decisions because of advanced dementia – then they're not usually in a position to give consent.

or

Sometimes people can understand enough to make everyday decisions about health or social care, such as pain relief. But when it comes to a major operation, perhaps because of a learning disability, they have difficulty in understanding in order to give consent.

Where do you stand as a relative or carer in situations like these? This guide is designed to help you.

## **How far is the person you care for able to decide for himself or herself?**

A person might seem unable to understand enough to consent to, or refuse, proposed medical treatment or care. Or they might seem unable to communicate their wishes.

But no one person should assume – neither carers nor health and social care professionals or staff – that a person with, for example, a learning disability or dementia is not capable of consenting. No one knows better than you that if time is spent explaining the options simply, they may be able to reach a decision.

## **Making the most of people's abilities**

If a person has some ability to understand and think things over, they should always be encouraged to decide for themselves.

It may not be a decision you agree with, but that's not the key test. What you and the people providing the health and social care need to ask yourselves is: can the person understand and weigh up the information provided?

## **What if a person is totally unable to decide for himself or herself?**

Under the law, no one (not even husbands or wives, partners, close relatives or carers) can give consent to treatment or care on behalf of another adult. This obviously causes a problem if individuals are not in a condition to give consent for themselves.

## **How can they be treated?**

Doctors, dentists, nurses, carers and therapists are generally allowed to provide treatment or care which they believe is in the persons "best interests". This doesn't just mean what might be best for the person's physical health. It takes into account their general well-being and what they're known to believe in.

## You can help

It's true that friends and relatives cannot make decisions on behalf of individuals who can't decide for themselves. Even so, they may be able to tell health and social care professionals about the person's opinions and beliefs – for example whether they've ever accepted or refused certain kinds of treatment, or if they have strong views about particular health conditions or treatment.

If friends and relatives do not speak English, they should ask for an interpreter and for translation of any written information they are given.

If they have a sensory impairment, for example difficulty hearing, or other communication needs, they should ask what is available to help them tell the professionals about the person.

This will help health and social care professionals and staff make a better decision about what will be in the patient's best interests. People close to the patient should be involved in this way, unless the patient has made clear in the past that he or she would not want a particular person involved.

## So – who does decide?

Whose opinion counts on whether or not the person you care for understands enough to decide about consent? And if they cannot decide, who is to judge what's in their best interests?

On the one hand, health and social care professionals may feel the need to take urgent action; but this should not lead them to assume a person isn't capable of deciding. On the other hand, no one is in a better position than you to stand up for the person, but you need to take on board professional opinion.

It's a difficult area and requires give and take all round. In the end, everyone usually agrees what's best. Occasionally they don't. If this is about a serious matter, either you or the person providing health and social care can ask a Court to intervene and decide what is in the person's best interests.

You should never be asked to sign a consent form on behalf of the person you are looking after. However you may be asked to sign a form to say that you have been consulted.

## Refusing treatment in advance

Sometimes people may decide that they would not want to receive a particular treatment if something happened to them in the future and they were no longer capable of refusing consent. This is sometimes called a Living Will.

- If you know that the person you care for has taken such a decision in the past, you should tell the health care professionals caring for them.
- If the person has signed a document in which they refuse treatment, you should, if possible, give a copy to the health care professionals.
- Health care professionals are bound by that earlier decision, even if you disagree with it.

## Suppose I or the person I care for are not happy about how we've been consulted?

You should tell the health and social care professionals or staff concerned that you are worried. But if you're still not satisfied, you are entitled to complain. You can find out how to from the Health and Personal Social Services organisation responsible for their 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](mailto:ecouncil@ehssc.n-i.nhs.uk)

### Southern Health and Social Services Council

Quaker Buildings  
High Street  
Lurgan  
BT66 8BB  
Tel: 028 38349 900  
Minicom: 028 3834 6488  
Email: [reception@shssc.n-i.nhs.uk](mailto:reception@shssc.n-i.nhs.uk)  
Website: [www.shsscouncil.net](http://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](mailto:info@nhssc.n-i.nhs.uk)  
Website: [www.nhssc.org](http://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](mailto:lpreston@hilltop.n-i.nhs.uk)

## Carers Northern Ireland

58 Howard Street  
Belfast  
BT1 6PJ  
Tel: 028 9043 9843  
Email: [infocarersni.demon.co.uk](mailto:infocarersni.demon.co.uk)  
Website: [www.carersonline.org.uk](http://www.carersonline.org.uk)

Provides information and support to carers and campaigns for carer's rights in Northern Ireland.

## Alzheimer's Society

86 Eglantine Avenue  
Belfast  
BT9 6EU  
Tel: 028 9066 4100  
Helpline: 028 9066 4100  
Email: [HelplineNI@alzheimers.org.uk](mailto:HelplineNI@alzheimers.org.uk)  
Website: [www.alzheimers.org.uk](http://www.alzheimers.org.uk)

Provides information, support and a range of services for people with dementia, their families and carers.

## **Age Concern Northern Ireland**

3 Lower Crescent  
Belfast  
BT7 1NR  
Tel: 028 9024 5729  
Advice line: 028 9032 5055  
(9.30am -1pm)  
Email: [advice@ageconcernni.org](mailto:advice@ageconcernni.org)  
Website: [www.ageconcern.org](http://www.ageconcern.org)

Provides information, support and a range of services for older people, their families and carers.

## **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](mailto:mencapni@mencap.org.uk)  
Website: [www.mencap.org.uk](http://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](mailto:admin.belfast@lawcentreni.org)  
Website: [www.lawcentreni.org](http://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](http://www.dhsspsni.gov.uk)

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