

Dr Ian Carson
Deputy Chief Medical Officer

URGENT COMMUNICATION

HSS(MD)10/2004

Chief Executives of HSS Trusts
Chief Executives of HSS Boards

Room C.5.18, Castle Buildings
Stormont, Belfast BT4 3SQ
Tel: (028) 9052 0709
Fax: (028) 9052 0574
E-mail: ian.carson@dhsspsni.gov.uk

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Dear Colleague

GOOD PRACTICE IN CONSENT – REGIONAL FORMS AND GUIDES

We are writing to you with information on the new regional forms, information leaflet and guides which are being introduced from 1 April 2004.

BACKGROUND

Following consultation the Department issued in March 2003, under cover of a departmental circular (HSS(MD)7/2003), guidance on consent “*A Reference Guide to Consent for Examination, Treatment or Care*” and “*Good Practice in Consent, Consent for Examination, Treatment or Care: A Handbook for the HPSS.*”

HSS Trusts and other special agencies, as appropriate, were asked to adopt the model consent policy, including the new consent forms and the accompanying patient information leaflet “*Consent – it’s up to you*” in their organisation by 31 March 2004.

Development of standardised documentation for the HPSS

The Department has been assisted in regard to the implementation of the new policy by the Consent Working Group which was expanded to include the consent lead from each HSS Trust. Given the regional nature of the HPSS, and the fact that both service users and staff may move between a number of different organizations, the Working Group took the view that both the consent forms and the consent policy in use across the HSS should be recognisably the same. In order to achieve this, new regional standardised documentation has been developed for the HPSS. The content of these model documents should be regarded as a core minimum, which

should not be amended or removed. It is, however, recognised that local needs may arise. The *Good Practice in Consent Handbook* makes clear what degree of flexibility is acceptable.

It is a matter of local determination what type of consent is appropriate for individual procedures, within the broad guidelines set out in the model consent to treatment policy. The development of the new consent forms does not change the current position on when written, as opposed to verbal, consent is necessary.

New regional documentation

The Department has worked with the CSA's Regional Supplies Service to produce standardised documentation for use in the HPSS. This is comprised of:

- (i) The four consent forms namely:
 - Form 1: for adults who are able to consent for themselves.
 - Form 2: for those with parental responsibility, consenting on behalf of a child or young person.
 - Form 3: a shorter version, both for adults able to consent for themselves and for those with parental responsibility consenting on behalf of a child/young person, where the procedure does not involve any impairment of consciousness.
 - Form 4: for use where the patient is an adult unable to consent.
- (ii) The accompanying information leaflet "*Consent – it's up to you.*"
- (iii) The six information booklets on consent which will be available for the use of patients/clients who request additional information: "*Consent – what you have a right to expect- guides for adults, children and young people, people with learning disabilities, for the deaf community and parents and relatives and carers*"

These items are/will be available from SDC, Belfast (Boucher) and SDC Campsie stores. They can be ordered under the normal stock requisition process.

Human Tissue Bill

As a result of comments received during the consultation, the Working Group recommended that the consent forms should include a section covering the subsequent use of samples of human tissue obtained during surgical and other procedures. It was recognised that this requirement should be reviewed when the new Human Tissue Act comes into force. The Human Tissue Bill is progressing through Parliament, and a number of amendments that relate to the subsequent use of tissues are under consideration by Ministers. The Bill is now expected to be finalised in May or June this year, with an implementation date in 2005.

The Department will review the consent forms later in the year to ensure that the wording is compatible with the requirements of the Human Tissue Act.

Further development of the documentation

Work is continuing to develop documentation in the main ethnic minority languages and alternative formats.

Given that individual practitioners and organisations may have variations in regard to the modality of delivery of services and procedures, there are no plans for the Department to develop procedure specific information. Where additional written information is considered to be necessary, Trusts should consider adopting/adapting guidance, which is widely available from medical Royal Colleges, professional bodies and specialty associations, to suit their particular requirements.

Application of consent forms to mental health services

The consent forms will clearly be applicable where patients are being treated other than under Part IV of the *Mental Health (Northern Ireland) Order 1986* e.g. where they are 'voluntary' patients, or where the treatment in question is not for their mental disorder. While the forms were not specifically designed to be used where patients are being treated under Part IV of the Order, HSS organisations may nonetheless find them helpful and are encouraged to use them to supplement the statutory documentation where appropriate.

Further details may be obtained from:

Dr Heather Neagle, Medical Officer, Room C.3.17, Castle Buildings Belfast
BT4 3SQ Tel: 028 90 522359 Email: heather.neagle@dhsspsni.gov.uk or
Dr Elizabeth Mitchell, Principal Medical Officer, Room C 5 17, Castle Buildings
Belfast BT 4 3SQ Tel: 028 90520716 Email: elizabeth.mitchell@dhsspsni.gov.uk

This letter is available at www.dhsspsni.gov.uk and also on the DHSSPS Extranet which can be accessed directly at <http://extranet.dhsspsni.gov.uk> or by going through the HPSS Web at <http://www.n-i.nhs.uk> and clicking on DHSSPS.

Yours sincerely

Dr Ian Carson,
Deputy Chief Medical Officer.

cc Members of Consent Working Group
Consent Trust Leads
Chairs of Local Health and Social Care Groups
Chief Executives Special Agencies

Directors of Public Health of HSS Boards
Director, Regional Supply Services
Chief Officers, Health and Social Services Councils
Vice Chancellor, QUB
Dean, Faculty of Medicine and Health Sciences, QUB
Head of School of Dentistry, QUB
Head of School of Nursing and Midwifery, QUB
Postgraduate Dean, NICPMDE
CE, NI Practice and Education Council for Nursing and Midwifery
Dean, School of Health Sciences, University of Ulster
Dean, School of Bio-Medical Sciences, University of Ulster
School of Nursing, University of Ulster