**Consent**

**MAKING DECISIONS ABOUT YOUR HEALTHCARE AND TREATMENT**

**Consent**

Consent means agreeing to something. Before a health professional can examine or treat you they must ask you to give your consent to the examination or treatment being carried out.

**Treatment**

Treatment is medical care given to a patient for an illness or injury.

You can give your consent in different ways:

* By doing something to show you give your consent – like putting your arm out for a blood sample to be taken
* You can say that you give your consent
* You can sign a form that says you give your consent

Before you give consent you can ask any questions that you want to, some examples are:

* Why do you need the examination or treatment?
* What will happen?
* How will it help you?
* Are there any risks involved?
* Is there something else that can be done instead?
* What might happen if you don’t consent?

**Your rights**

You have the right to have your say about you healthcare and treatment.

You have the right to ask questions if you are unsure about something.

You have the right to say no to any treatment.

You have the right to say no to treatment in advance by making an Advance Decision.

You can have a chaperone during your examination.

You have the right to see the health professional on your own.

You do not have to be examined or treated by a student.

You can ask to be referred to a different healthcare professional.

**What if you are unable to give consent?**

You may not be able to give consent due to not understanding the information given or due to illness or being unconscious.

In this case, if a decision needs to be made on your behalf it will be made in **your Best Interest**.

**People who can make best interest decisions include any person who:**

* you have appointed as an Attorney within a lasting Power of Attorney document for Health and Welfare
* someone who has been appointed by the Court of Protection

Sometimes a Doctor or any other Health Professional will make decisions, and will talk to your family or close friends if appropriate.

If a Doctor or any other Health Professional believes that you lack mental capacity to make a decision about serious medical treatment and there is no-one who can be consulted regarding the decision other than paid professionals or carers, the Doctor or any other Health Professional must instruct an Independent Mental Capacity Advocate who will make sure that your rights and Best Interests are upheld.

All people who make decisions for people who cannot make decisions for themselves, have to follow rules that have been set by the Government. These rules are intended to safeguard and protect the person who is unable to make the decision.

**In an emergency**

In an emergency you may not be able to agree to treatment.

A healthcare professional can still treat you however they can only do this if it will save your life or stop you suffering further harm.

**If you have a mental illness or disorder**

Usually you have the same rights as anyone else.

If the Doctor or any other Health Professional believes that you lack mental capacity to make decisions about your care and treatment they may make a Best Interest decision under the Mental Capacity Act 2005.

If you disagree with the Doctor or any other Health Professional and feel that you have mental capacity to make your own decision about your care and treatment, you can make an application to the Court of Protection and a judge will make the decisions required, or the Health Professional may make an application to the Court of Protection.

If you disagree the doctor or any other Health Professional will have to ask a special court for permission to treat you. The court is called the Medical Appeal Tribunal.

**If you are not happy about the way you have been treated**

If you are not happy about the way you have been treated you have the right to complain.

If you want to complain you should tell the person who is treating you, or you can ask to speak to a senior member of staff or the complaints manager.

**Useful links**

**GOV.UK Consent Guide**

<https://www.gov.uk/government/publications/reference-guide-to-consent-for-examination-or-treatment-second-edition>

**GOV.UK MCA Code of Practice**

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224660/Mental_Capacity_Act_code_of_practice.pdf>