

Consent

it's your decision

How you should be involved in decisions
about your health care and treatment

NHS
SCOTLAND

Who is this leaflet for?

- The information in this leaflet is for people of all ages.
- There is also a version of this leaflet for children and young people under 16, called '**Consent – your rights**'. You can get a copy from any place where you receive NHS care, or on the internet at www.scotconsumer.org.uk/hris.

What is this leaflet about?

It tells you about your right to make decisions about your care and treatment. You can accept or refuse any treatment, examinations or tests, and you can decide whether to take part in research.

What does consent mean?

It means agreement. Before a doctor, nurse or anyone else looking after your health can examine or treat you, they must have your consent.

Who can give consent?

- You can give consent if you can make decisions for yourself.
- This means that you are able to understand what is involved and weigh up the information you've been given to come to a decision.

- You must be given enough information, and you should be allowed to make up your own mind without pressure from other people.

What if I can't give consent?

If you are unable to understand the information you are given and you can't weigh it up to come to a decision, or you can't tell other people your decision, someone else may be able to give consent for you.

- If you're under 16, someone with parental responsibility can give consent for you.

See page 10 for where to get more information about the rights of children and young people.

- If you are an adult:
 - someone who you have granted welfare power of attorney can give consent for you
 - someone who has been granted a welfare guardianship order by a court can give consent for you
 - someone who has been granted an intervention order by a court can give consent for you, if the treatment is only needed for a short time, or
 - doctors can treat you if there is no-one else who can give consent on your behalf, and the treatment will benefit you.

See page 11 for where to get more information about the rights of adults who can't make decisions for themselves or can't tell other people their decisions.

What happens in an emergency?

- In an emergency – for example, if you've been in a road accident and you need urgent treatment to save your life – you may not be well enough to make a decision about your treatment.
- If you're not able to give your consent and there is no time for anyone else to make a decision for you, doctors can still treat you. But they can only do this if it is necessary to save your life or to stop you from suffering more serious harm.

How will I be asked to give my consent?

- You might be asked to do something to show your consent. For example, a doctor might ask to examine your foot. If you take off your shoe, it's a sign that you agree to this.
- Sometimes you might be asked to say whether you agree to the examination or treatment.
- If the examination or treatment is more complicated, like an operation, you might be asked to sign a form showing you agree to it.

What information should I be given?

- To help you make a decision, NHS staff must give you information about the examination or treatment you are being offered in a way that you understand. You may want to know:
 - why you are being offered the examination or treatment
 - what it will involve
 - what the benefits are
 - whether there are any risks or side effects
 - how large or small the risks are
 - whether there are any alternatives
 - what might happen if you don't have the examination or treatment
 - whether you will have to pay (for example, for dental treatment), and
 - the name of the doctor who is responsible for your care.
- You have the right to ask questions if you don't understand or you want to know more. If the person who is asking you to give consent is not able to answer your questions, ask them if they can find out or get someone else who can help. If you think it is necessary, you can ask for a second opinion.

- If you want, someone can be with you when you are being told about the examination or treatment. This could be a friend, a relative, a partner or a carer, another member of staff, or an independent representative (often called an 'advocate').
- Sometimes you may find it difficult to take in what you've been told about an examination or treatment. You should say if you would like to be given written information to take away with you.

How long can I take to decide?

If you want time to think about your decision, you should say so. In emergencies, decisions will have to be made quickly. In other cases, you may be able to take more time.

What if I change my mind?

You can change your mind about giving your consent to an examination or treatment at any time. You should tell a member of NHS staff providing your care.

Can I refuse examination and treatment?

- You can refuse an examination or treatment at any time, even if this means your health, or the health of your unborn baby, may be seriously harmed.
- It is important that you understand what might happen to you if you decide not to have the examination or treatment.
- If there is another treatment which can be used instead, you should be given information about it. But you can't insist on a particular treatment if NHS staff providing your care do not think it will help you.
- Remember that you can ask for a second opinion about the treatment you have been offered before you make your decision.

If you are under 16, and you are able to make decisions for yourself, you can refuse an examination or treatment.

- The person providing your care may want to find out why you don't want it. They need to know that they have given you enough information for you to come to this decision.
- In very unusual cases, if you refuse an examination or treatment for a serious condition, your parents or your doctor may want to get legal advice about your decision.

What if I have a mental illness or disorder?

- In most cases, if you have a mental illness or disorder, you have the same right to accept or refuse an examination or treatment as anyone else.
- But if you are being cared for under the Mental Health Act, you can be examined and treated for your mental illness or disorder without your consent. This will only be done if it is in your best interests. There are guidelines for certain treatments. For example, your doctor may need to get a second opinion from another doctor before giving you a particular treatment.
- The Scottish Executive Health Department has produced a series of information guides for people with mental illnesses or disorders. See page 12 for where to get a copy of these.

For more information about the rights of people with mental illnesses or disorders, see page 11.

Teaching and research

What if I'm asked to take part in teaching?

- You should always be asked if you object to healthcare students being present while you are examined or treated. You have a right to refuse, and your care will not be affected in any way.

- You must be asked to give your consent before any photographs, video or sound recordings of your examination or treatment can be made for teaching purposes. Wherever possible, information which identifies you will be removed before being used. In cases where this won't be possible, you must be told before you make your decision.
- If you agree to recordings being made for teaching purposes, you can change your mind later. If you withdraw your consent, the recordings will be deleted if this is possible.

What if I'm asked to take part in research?

- It's up to you to decide whether you want to take part in research.
- Before you make a decision, you should be given as much information about the research as you need, and you can ask as many questions as you want.
- You will usually be given written information about the research to take home. You can use this to discuss the research with your family and friends if you want to. You should never be put under any pressure to agree to take part.
- If you do want to take part in research, you should be asked to sign a form showing that you have given your consent. You may be given a copy of this form to keep, and a copy will also be kept in your health records.

- You can change your mind about taking part in research at any time without having to give a reason.
- If you decide not to take part in the research, the standard of care you receive will not be affected in any way.

Consent for using personal health information

The NHS must keep your personal health information confidential. You should be involved in decisions about how your personal health information is used.

For more information about how your personal health information is used, see our leaflet '**Confidentiality – it's your right**'. See page 13 for where to get a copy of this leaflet.

What if I'm not happy?

If you are not happy with how you have been involved in decisions about your health care, first talk to a member of NHS staff providing your care. If you are still not happy, you can make a formal complaint. For more information about making a complaint, see the leaflet '**Making a complaint about the NHS**'. See page 13 for where to get a copy of this leaflet.

How to find out more

- For more information about anything in this leaflet, contact:
 - a member of NHS staff involved in your care
 - the NHS Helpline on 0800 22 44 88, or
 - your local citizens advice bureau (find your nearest bureau on the internet at www.cas.org.uk or in your local phone book).
- For more information about how the law affects children and young people, contact:

The Scottish Child Law Centre

54 East Crosscauseway

Edinburgh

EH8 9HD

Information helpline: 0131 667 6333

Freephone number for people under 18:

0800 328 8970

Fax: 0131 662 1713

E-mail: enquiries@sclc.org.uk

Website: www.sclc.org.uk

We have also produced a version of this leaflet for children and young people under 16 called '**Consent – your rights**'. You can get a copy from any place where you receive NHS care, from your local NHS Board, or on the internet at www.scotconsumer.org.uk/hris.

- If you can't make decisions for yourself or can't tell other people your decisions, this is called 'incapacity'. For information about the Adults with Incapacity (Scotland) Act, contact:

The Office of the Public Guardian

Hadrian House

Callendar Business Park

Callendar Road

Falkirk

FK1 1XR

Phone: 01324 678 300

Fax: 01324 678 301

Website: www.publicguardian-scotland.gov.uk

- For more information about the rights of people with mental illness or disorder, contact the Mental Welfare Commission for Scotland. They can also give you information and advice on people's rights under the Adults with Incapacity Act.

Mental Welfare Commission for Scotland

Argyle House

3 Lady Lawson Street

Edinburgh

EH3 9SH

Phone: 0131 222 6111

Freephone number for service users and carers:

0800 389 6809

Fax: 0131 222 6112

Website: www.mwcscot.org.uk

- The Scottish Executive Health Department has produced a series of information guides for people who use mental health services. These include a guide on giving consent to treatment. If you would like a copy of these guides, contact:

Mental Health Law Team

Scottish Executive Health Department

St Andrew's House, 3EN

Edinburgh

EH1 3DG

Phone: 0131 244 2591

E-mail: mentalhealthlaw@scotland.gsi.gov.uk

Website: www.scotland.gov.uk/health/mentalhealthlaw

Other leaflets in this series

This leaflet is part of a series. The other leaflets in the series include the following.

- **Confidentiality – it's your right: How the NHS protects your personal health information**
- **How to see your health records**
- **Making a complaint about the NHS**
- **The NHS and You**

You can get these leaflets from:

- GP and dental surgeries, and hospitals
- other places where you receive NHS care
- your local NHS Board
- the NHS Helpline on 0800 22 44 88
- www.scotconsumer.org.uk/hris
- www.show.scot.nhs.uk/healthrights, and
- your local citizens advice bureau (find your nearest bureau on the internet at www.cas.org.uk or in your local phone book).

We have tried our best to make sure that the information given in this leaflet is correct. However, the leaflet is for guidance only so you should not rely on it as a full statement of the law. If you are thinking about taking legal action, you should contact a solicitor, a citizens advice bureau or other advice agency.

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SCOTTISH EXECUTIVE

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To get this information in another language or format, phone your local NHS Board. If you need help to do this, contact the NHS Helpline on 0800 22 44 88.

للحصول على هذه المعلومات بلغة أخرى أو بنسق مختلف، اتصل بالمكتب المحلي لهيئة الرعاية الصحية الوطنية NHS. وإذا احتجت للمساعدة للقيام بذلك، اتصل بخط الاستعلامات التابع للهيئة NHS Helpline على الرقم 0800 22 44 88.

এই তথ্যগুলি অন্য ভাষায় কিম্বা আকারে পেতে চাইলে আপনার স্থানীয় এনএইচএস বোর্ড (NHS Board) -কে ফোন করুন। এতে আপনার সাহায্যের দরকার হলে এনএইচএস হেল্প লাইন (NHS Helpline)-এ যোগাযোগ করুনঃ 0800 22 44 88.

若要取得本資料文件的另一種語文或以另一格式製作的版本，請致電國民保健服務委員會 (NHS Board) 。如果你需要幫助，請致電NHS求助熱線，電話號碼是 0800 22 44 88 。

ਇਹ ਜਾਣਕਾਰੀ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਜਾਂ ਰੂਪ ਵਿਚ ਪ੍ਰਾਪਤ ਕਰਨ ਲਈ ਅਪਣੇ ਲੋਕਲ NHS ਬੋਰਡ ਨੂੰ ਫੋਨ ਕਰੋ। ਜੇ ਤੁਹਾਨੂੰ ਅਜੇਹਾ ਕਰਨ ਵਿਚ ਸਹਾਇਤਾ ਦੀ ਲੋੜ ਹੈ ਤਾਂ NHS ਹੈਲਪਲਾਈਨ ਨਾਲ ਨੰਬਰ 0800 22 44 88 'ਤੇ ਸੰਪਰਕ ਕਰੋ।

یہ معلومات کسی اور زبان یا شکل میں حاصل کرنے کیلئے اپنے این ایچ ایس کے مقامی بورڈ کو ٹیلیفون کریں۔ اگر آپ کو اس سلسلے میں مدد درکار ہو تو این ایچ ایس کی ہیلپ لائن سے 0800 22 44 88 پر رابطہ کریں۔

www.scotconsumer.org.uk/hris