

# Consent:

## A guide for patients and service users



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## Consent a guide for patients and service users

### About this leaflet

You have the right to make decisions about what happens to you. If a health or social care professional recommends any treatment or care for you, such as a blood test, operation or providing you with a home help, they must first get your consent.

Health care professionals are doctors, nurses, physiotherapists or anyone else who treats you. Social care professionals include social workers, key workers, residential home staff or any other professionals who provide care for you.

This leaflet explains what consent means and how it may affect you and your care. It is not a substitute for the HSE *National Consent Policy* which is the main reference for HSE staff and which sets out in detail the general principles of consent and provides good practice guidance including reference to current Irish law. You can read the full *National Consent Policy* on the HSE website [www.hse.ie](http://www.hse.ie)

### What is consent?

Giving your consent means giving your permission, but it is more than that. Before you can give your consent to something, you need to understand what is involved, what the benefits and risks are, and what other choices you may have. This means that:

- health and social care professionals must give you enough information – in a way that you can understand – so that you can decide whether to agree or not;
- your decision must be voluntary. This means that no one may put pressure on you to agree to something; and
- you must be ‘mentally capable’ of making and communicating a decision. There is more about this near the end of the leaflet.

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### When do you need my consent?

We need your consent for all interventions provided by or on behalf of the Health Service Executive (HSE) such as treatment in hospitals, services in the community or care in residential homes.

### What are health and social care interventions?

Here are some examples:

- Physical examinations
- Bathing, dressing and toilet care
- Blood tests
- X-rays and scans
- Operations
- Anaesthetics
- Cancer treatment (such as chemotherapy or radiotherapy)
- Administration of medications
- Blood transfusions
- Assessment of your need for health or social care
- Psychological interventions such as counselling
- Sharing your personal information
- Providing you with day care or residential care
- Involving you in social or educational activities as part of your care.

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### What kind of information will I be given?

This depends on how serious your situation is, the risks involved and your own preferences. For minor, risk-free procedures, for example changing a dressing, a nurse may just say briefly what they are doing and that it may be a little uncomfortable. However, for major procedures such as an operation, you will need much more information before you can decide whether or not to go ahead with the operation. For example, you will need to know:

- what exactly is wrong with you;
- what the operation involves;
- the potential benefits and risks for you;
- whether the operation would help your condition;
- whether there are other ways to treat or manage your condition; and
- what might happen if you decide against treatment.

Your doctor will tell you about the risks, side effects such as bruising or discomfort, and the possibility of rare but serious complications including death.

Hearing this kind of information can be confusing and worrying. If you have memory or hearing problems or are very unwell, you may need more time or help to take it all in. Your health care team will do all they can to give you the information in a clear way and at a time and place that suits you. You can have a family member or friend with you for support, if you like. You can also take as much time as you need to ask questions if you are not sure about anything.

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### What does 'voluntary' consent mean?

No one can force you to agree to treatment or care that you don't want. The health and social care professionals who are looking after you may tell you what they think would be best for you. Your family or close friends may also have an opinion on what you should do. **But it is your choice and your decision whether or not to give your consent.**

### What does 'mentally capable' to make a decision mean?

We always presume that you have the ability to make your own decisions. If you have a mental illness, dementia, memory problems or difficulty communicating, your health or social care professionals will do all they can to support you to make your own decisions.

Despite these efforts, some people will be unable to make their own decisions. If this applies to you, your health or social care team will decide what is in your best interests. They will take into account:

- what you may have written or said in the past about your preferences, wishes and beliefs;
- whether your inability to make a decision is temporary or permanent;
- which treatment or care choice would be best for you; and
- your current views if you can communicate them.

Your family or friends may be able to say what you would have wanted. However, they cannot give consent for you unless a court has decided that they may do so.

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### How do I give consent?

That depends on the type of intervention. For minor interventions, for example a physical examination by your doctor, you will give your consent verbally.

For more serious interventions, such as an operation, you may be given a detailed information leaflet. This will contain important information about the operation and the questions people usually ask about it. You should read the leaflet carefully and ask about anything that is unclear to you. Your doctor will then ask you to sign a consent form to say that you give your consent to the operation.

Sometimes there can be a delay between the date that you sign the consent form and the date of the operation. If you cannot remember the earlier information you were given about the operation or if your condition has changed, please tell us so that we can give you more up-to-date information and make sure that you are happy to go ahead with the operation. You can, of course, withdraw your consent at any time.

### What if I don't want to give my consent?

If you decide that you do not want to go ahead with the treatment or service that is being offered or recommended to you, you can refuse to give your consent. Your doctor and the others involved in your care will respect your decision. They may ask why you are refusing the treatment or service. This is to just to make sure that you understand the information they have given you.

