



# Patient Consent

## Information for Patients and Families

St Margaret of Scotland Hospice, founded by the Sisters of Charity in 1950, is at the heart of the Community providing wholeness of care for both body and Spirit.

## About this Leaflet

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This information leaflet tells you about your right to make decisions about your care and treatment. It is your right to accept or refuse any care or treatment offered and you can decide whether or not to take part in research.

### **What is Consent?**

Consent 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 you are able to understand what is involved and weigh up the information you have 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.

### **How Will I be asked to give 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 is a sign that you agree to this.

## **What Happens if I am unable to give Consent?**

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

If you are an adult:

- Someone whom you have granted welfare power of attorney may give consent for you
- Someone who has been granted a welfare guardianship order by a court may give consent for you
- Someone who has been granted an intervention order by a court may 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.

If you cannot make decisions for yourself or cannot tell other people your decisions, this is called 'incapacity'. For information about the Adults with Incapacity (Scotland) Act, ask the nurse in charge of the ward or contact:

The Office of the Public Guardian  
Hadrian House  
Callendar Business Park  
Callendar Road  
Falkirk  
FK1 1XR

Phone: 01324 678300

Fax: 01324 678301

Website: [www.publicguardian-scotland.gov.uk](http://www.publicguardian-scotland.gov.uk)

## **What Information should I be given?**

To help you make a decision, Hospice staff must give you information about the care and treatment you are being offered in a way that you understand. You may want to know the following:

- Why you are being offered the care 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 do not have the care or treatment
- The name of the doctor who is responsible for your care

You have the right to ask questions if you do not 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 wish, someone may be with you when you are being told about the care you are being offered. This could be a relative, friend, partner, carer, another member of staff or an independent representative (often called an 'advocate').

Sometimes you may find it difficult to take in what you have been told about care or treatment. If this is the case, let the nurse in charge know and we will do our best to help you understand and give you time to think about your decision.

### **What if I Change my Mind?**

You may change your mind about giving your consent to care or treatment at any time. If you do change your mind, you should tell a member of the Hospice staff providing your care.

### **Can I Refuse Care and Treatment?**

You may refuse care or treatment at any time, but it is important you understand what might happen to you if you decide not to have the care or treatment offered. The Hospice staff providing your care and

treatment will check they have given you enough information for you to come to this decision.

### **What If I am asked to take part in Teaching?**

You should always be asked for your consent for healthcare students to be present while you are receiving care or treatment. You have a right to refuse, and your care will not be affected in any way.

### **What If I am asked to take part in Research?**

You should never be put under any pressure to take part in research. It is your decision whether you take part or not. 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 wish. You will usually be given written information about the research. You can use this to discuss the research with your family and friends if you wish to.

### **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 as anyone else to accept or refuse care and treatment. 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 who use mental health services. These include a guide on giving consent to treatment. These guides can be obtained from:

Mental Health Law Team

Scottish Executive Health Department

St Andrew's House

Edinburgh

EH1 3DG

Phone: 0131-244-2591

E-mail: [mentalhealthlaw@scotland.gsi.gov.uk](mailto:mentalhealthlaw@scotland.gsi.gov.uk)

Website:

[www.scotland.gov.uk/health/mentalhealthlaw](http://www.scotland.gov.uk/health/mentalhealthlaw)

To find out more about how your personal information is used and protected, you can contact the Information Commissioner's Office at the address below.

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

SK9 5AF

Phone: 01625 545 700

Fax: 01625 524 510

Website: [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

## Regulation of Care

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If you are dissatisfied with the service, you may complain directly to Tracy Birch, Programme Manager, Independent Healthcare, Healthcare Improvement Scotland, Gyle Square, 1 South Gyle Crescent, Edinburgh EH12 9EB

Email: [tracy.birch@nhs.net](mailto:tracy.birch@nhs.net)

Telephone: 0131 623 4701