

# What is consent and why am I being asked for it?

## Information for young people

Consent is the word we use in healthcare to mean ‘agreeing to something’ – this might be having an operation or procedure, using a photo or video with you in it or sharing your experience with other people. There are different times when we ask for your consent and different ways we ask you too. This information sheet from Great Ormond Street Hospital (GOSH) explains a bit more about consent and how you can make the best decision for you.

### Consent is ...

A process rather than a one-off conversation that should involve you and your clinical team as well as your parents if you want them involved.

You don't always have to sign a form or tablet to give your consent – there are other ways too. For example, you could tell us you agree to something (verbal consent) or hold out your arm to have your blood pressure checked (non-verbal consent).

We will always ask your consent if you are due to have an operation or procedure under anaesthetic, but we might ask for consent for other things too, such as having a medicine or taking part in research.

### Can I give consent myself?

This depends on your age mainly – the law about consent changes as you grow older.

If you are **under 16 years old**, the clinician will assess whether you can understand about the proposed treatment, any risks associated with it and what might happen if you don't have it.

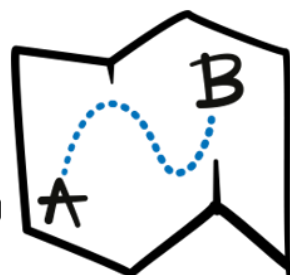
This is called ‘**competence**’ and will vary depending on your age – some 12 year olds might be competent in the eyes of the law, but some 15 year olds might not be. The clinician will assess whether you are competent for each decision you take – some decisions are easy to make but others are harder.

If you are assessed competent, you can **agree** to the proposed treatment without your parents' involvement. They cannot overrule you if you have agreed.

However, if you **disagree with or refuse** the proposed treatment but clinicians think it is the best option, your parents can overrule your decision and give their consent instead.

If the clinicians **don't think you are ‘competent’** to make a specific decision, your parents can give permission for you to have treatment.

If they think you don't have the competence to make this decision, it doesn't mean your parents will **always** have to decide for you – our clinicians will take into account what you are being asked to decide as well as your competence each time.



If you are **16 or 17 years old**, we assume that you can understand about the proposed treatment, any risks associated with it, what might happen if you don't have treatment and you can tell us clearly what you want.

This is called '**mental capacity**' – it is governed by a law called the Mental Capacity Act that applies to every aged 16 years or older in England and Wales.

If the clinician assesses that you have the **capacity** to make this specific decision, they must ask you directly, not your parents. If you have capacity, your parents must not give permission on your behalf.

If the clinician isn't sure whether you have capacity to make this specific decision, they will assess you to decide. If they think you **lack capacity** for this decision, your parents can still give permission for treatment.

When you are **18 years old or more**, the law changes again. We assume that you have the capacity to make a decision unless the clinician isn't sure about this particular decision when they will assess you.

If the clinician assesses you to have capacity for a decision, they will ask you directly.

However, if they think you **lack capacity**, your parents cannot give permission on your behalf. The only exception is if they have successfully applied for an Order from the Court of Protection.

If you lack capacity and your parents don't have an Order from the Court of Protection, the decision whether or not to have treatment is made by two doctors who decide if it is in your 'best interests'.

Your '**best interests**' are not simply whether treatment is 'a good thing' or not. The doctor should take into account other things, such as your feelings about treatment previously, your quality of life and also your family life and circumstances.

## What should I understand before I make my decision?

We want to make sure you understand everything about what's proposed before you make a decision. The person asking for your consent should explain clearly and in words you understand:

- What the proposed treatment is
- What it involves
- Whether anything could go wrong, cause problems or make you worse
- The benefit or good that having the treatment will bring you
- Whether there are any alternatives that are suitable for you
- What might happen if you don't have the proposed treatment

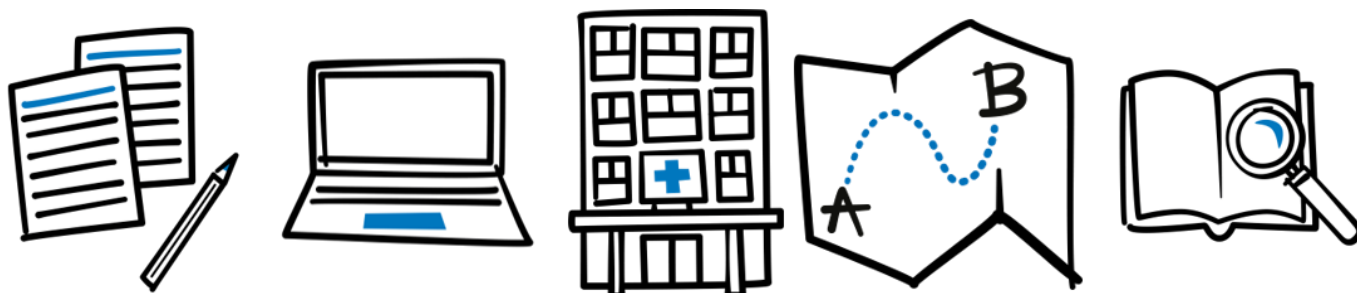
This varies from procedure to procedure and is also influenced by you and your underlying health condition and any additional needs. The clinician should explain the general risks, benefits and alternatives and then explain what they could mean to you and you alone.

The clinician may give you an information sheet to read afterwards as a reminder of what they've said but remember, these are written to cover everyone so some bits might not be relevant or apply to you. You can ask questions when the clinician is talking to you about treatment or afterwards. We want you to understand what's proposed so please ask us – no question is too silly.

## Thinking it over

In most cases, it will be fine to take some time to think about the proposed treatment and how it could impact you.

Remember if anything is unclear, ask a member of your clinical team to explain it again. If you have any questions, ask them.



If you don't understand what they tell you, ask them to explain it again in a way you can understand.

It can sometimes help to talk it over with someone you trust – this could be your parents or another person whose opinion you value. Remember to keep in mind what you think rather than be swayed by their feelings. Ultimately, it is you that could be having the proposed treatment so your wishes are important.

Sometimes, if you need emergency treatment to save your life or prevent serious harm to you, we might not be able to give you much time, but in most cases, you can think it over.

## What happens if we can't agree?

We want every involved to reach a decision that is in your 'best interests'. However, there will be times when there's a difference of opinion and you just can't agree. If this happens, we can call in other people to help you all reach a decision – this may involve a 'mediator' or go-between who is trained to help people reach difficult decisions.

If everyone involved still can't make a decision, there is a Court Service we can approach with you to help reach a decision in your best interests. We will support you through this process and we only use the Court Service as a last resort when we have tried everything else.

## Further information and support

If you have any questions, please ask the healthcare professional asking for your consent.

You can also contact the Patient Advice and Liaison Service (Pals) office if you have any questions. Telephone them on 020 7829 7862 or email them at [pals@gosh.nhs.uk](mailto:pals@gosh.nhs.uk). They can also pass you on to other people if you have specific questions about the proposed treatment.

## Disclaimer

This is a general GOSH information sheet. If you have specific questions about how this relates to you, please ask your doctor. Please note this information may not necessarily reflect treatment at other hospitals.

## Can I change my mind?

You can change your mind at any point after giving consent, even if you have signed a form or tablet giving permission.

If you do change your mind, we will usually ask you to note this on the consent form. We won't treat you any differently if you change your mind – the bottom line is that we want you to be comfortable with whatever decision you make.

## Our promise to you

When we ask for your consent, we will

- Make sure the right person asks for consent
- Assessed your competence or capacity for each decision
- Take you somewhere quiet
- Give you time to think it over and ask any questions
- Give you as much information as you need to decide
- Explain everything in a way that you understand
- Repeat our explanations in a clearer way if you don't understand
- Answer any questions honestly

