

## Consent Policy

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## **EYE CARE MEDICAL CONSENT POLICY**

The aim of the Policy is to ensure that Eyecare medical are operating effective controls that protect the human rights and safety of patients, and to support good practice.

A person has a fundamental legal and ethical right to determine what happens to their own body. Valid consent is therefore absolutely central in all forms of health care, from undertaking a physical examination or providing personal care, through to performing major surgery.

Seeking consent is also a matter of common courtesy between healthcare professionals and a person and staff must work in a partnership.

Patients have a right to be given clear and transparent information about a recommended examination, treatment or investigation, including the risks and benefits associated with that treatment and available alternatives, and the right to accept or refuse examination, treatment or investigation which is enshrined in the NHS Constitution.

It aims to provide advice and guidance to ensure that all healthcare professionals and trainees comply with professional and legal standards on seeking consent in their daily practice.

Healthcare professionals must work in partnership with their patients to ensure patients are involved in planning and making decisions in relation to their health and care. The Department of Health, National Institute of Health and Clinical Excellence (NICE) and the various professional bodies such as the General Medical Council (GMC) have issued a range of guidance documents on consent and these should be consulted for details of the law and good practice requirements on consent. The law relating to consent has its origins in the common law, but other important legislation relating to this Policy include the Mental Capacity Act 2005, Mental Health Act 1983, and Regulation 11 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. (1)

The principles of consent are an important part of medical ethics and international human rights law

**Voluntary Consent** is consent to treatment that is not influenced by pressure from medical staff, friends or family.

**Informed Consent** The person must be given all of the information about what the treatment involves including the risks and benefits, whether there are reasonable alternative treatments and what will happen if treatment does not go ahead.

**Capacity:** The person must be capable of giving consent and be able to understand the information and use it to make an informed decision. If an adult has the capacity to make voluntary and informed consent or to refuse a particular treatment, their decision must be respected.

For the consent to be valid, the person must have capacity to make the particular decision with sufficient and appropriate information and not be acting under duress. Where the person lacks capacity the framework of the Mental Capacity Act (2005) must be followed.

#### **Consent can be given :**

A healthcare professional is required to make an assessment of capacity before carrying out any care or treatment if there is a reasonable belief someone lacks capacity. Mental capacity is not fixed and may change over time, a person may still have the capacity to make a decision on another issue. Please refer to the MCA Code of Practice for additional advice and guidance.

<https://www.gov.uk/government/publications/mental-capacity-act-code-of-practice>

At Eyecare medical all patients undergoing intravitreal injections or laser treatment must sign an informed written consent.

All patients are given a full explanation of the treatment they are undergoing and the risks and benefits of treatment including verbal and written information regarding the procedure. Patients are given time to ask questions and have their questions answered fully prior to signing.

## **Complaints**

A patient who receives treatment and feels they have not given their consent to a procedure they have undergone are advised to complain to the complaints manager at Eyecare medical or to make an official complaint on the following link

<https://www.nhs.uk/using-the-nhs/about-the-nhs/how-to-complain-to-the->

## **Reference**

The Mental Capacity Act 2005,

Mental Health Act 1983,

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.