

Consent for care or treatment given by an anaesthetist

(For patients capable of giving consent)

Purpose and nature of consent

In a patient-centred healthcare service patients must be involved, wherever possible, in decisions about their treatment and care. This type of care engenders mutual trust and respect between health professionals and their patients. Because they have an ethical and legal right to give or refuse permission for care or treatment, patients need sufficient information in a way they can understand, in order to help them to exercise these rights. If permission is given or an agreement is reached between the patient and the anaesthetist, this constitutes consent. It may be implied or explicit. For a consent process to be successful, it needs to be underpinned by time for discussion, which is adequate enough for the individual needs of each patient. For one patient this will be very little but another may want or need more information and explanation depending upon their circumstances. If good communication and sufficient information tailored to the needs, circumstances and wishes of the individual patient is provided, consent will often follow. However, some patients may wish to opt out of the care or treatment recommended and this right should always be respected. Obtaining consent should be regarded as a continuing process and not a one-off event. The validity of consent does not rest on a signature on a piece of paper but on the agreement reached between the anaesthetist and patient.

The process of consent should apply not only to surgical procedures but also to all clinical procedures and examinations which involve touching; anaesthesia involves touching. In the healthcare environment consent in relation to touching may be implied, simply by the fact that the patient is, by their own choice, in receipt of services. For example, for many patients the presence of the anaesthetist results from his or her acceptance of the need for surgery. This presence does not in itself imply consent for anaesthesia. As anaesthesia carries its own risks and side effects, these need to be appropriately explained to the patient. The greater the risks and side effects the more reason there will be to ensure that consent is explicit and more formalised. The following guiding principles will help to ensure the validity of consent for anaesthesia.

- All patients should be treated as individuals with potentially different needs and wants.
- It is the anaesthetist's responsibility to seek consent for the care he or she provides.
- For planned care, information should be provided in advance, either in the form of a general information leaflet about anaesthesia and/or through the opportunity to discuss anaesthesia at a pre-assessment clinic.
- Information should be evidence based and in a form which is comprehensible to patients.
- Information should not be withheld from patients for fear that they may choose not to go ahead with a planned procedure.
- The pre-operative visit should be conducted at a time and place appropriate for the patient and anaesthetist, which should avoid pressure of time on both parties.
- The anaesthetist should ensure that his or her discussion with the patient and the provision of the patient's consent is documented in the anaesthetic record, in the patient's notes or on a consent form.
- Only in the most exceptional circumstances should it be acceptable for a patient to receive no information about his or her anaesthetic until their arrival in a treatment or theatre environment.

- In such exceptional circumstances, where the patient has no opportunity for information and discussion, this should be done as soon as possible after their surgery.
- If time has lapsed between consent and the care planned, it is important that the anaesthetist confirms the patient's consent and his or her understanding of the procedure to which he or she has consented.
- Patients should be informed about the use of invasive procedures that carry additional risks for them. They may need more information to make an informed decision about a procedure, which carries a greater risk of failure or adverse side effects.

Further detailed information and advice may be obtained from the General Medical Council¹ which provides helpful, comprehensive ethical guidance that applies to all doctors regardless of status or speciality.

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¹ GMC Seeking patients' consent: the ethical considerations; 2001