## Consent – it’s your decision

### How you should be involved in decisions about your health care and treatment

**Who is this leaflet for?**

- This leaflet is for people of all ages.
- There is also a version of this leaflet for young people under 16, called Consent – your rights. You can get a copy from anywhere you receive NHS care, or on the internet ([www.hris.org.uk](http://www.hris.org.uk)).

**What is this leaflet about?**

It tells you about your right to make decisions about your health care and treatment. Normally, you can accept or refuse any treatment, examinations or tests, and you can decide whether to take part in research.

**What does consent mean?**

It means agreement. Before a doctor, nurse or any other health professional 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.

- Being able to make decisions means you can understand what is involved and can think clearly about the advantages and disadvantages of different actions.

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### Consent – الموافقة

#### الموافقة - إنه قرارك الشخصي

كيف يمكنك المشاركة في القرارات التي يتم اتخاذها بخصوص رعايتك الصحية وعلاجك؟

<table>
<thead>
<tr>
<th>إلى من توجه هذه النشرة؟</th>
<th>هذه النشرة موجهة إلى الأشخاص من كافة الأعمار.</th>
</tr>
</thead>
<tbody>
<tr>
<td>تتوفر نسخة من هذه النشرة لمن هو أصغر من 16 عامًا، يعنوان ”الموافقة، حقوقك“</td>
<td>ويمكنك الحصول على نسخة منها من أي مكان تلتقي فيه أي من خدمات رعاية ”إن إتش ان إس“ أو عن الإنترنت على العنوان (<a href="http://www.hris.org.uk">www.hris.org.uk</a>).</td>
</tr>
</tbody>
</table>

| عن لماذا تتحدث هذه النشرة؟ | العرض منها تعرّفك على حقك في اتخاذ القرارات فيما يخص رعايتك الصحية والعلاج الذين يقدمان لك، حيث أن من حقك أن تقبل أي علاج أو فحوصات أو تحاليل تجرّك أو أن ترفضها، كما أنه من حقك أيضاً أن تتخذ قرار فيما إذا كنت ترغب بأن تشارك في ما يجري من أبحاث أو لا ترغب بذلك. |

|ماذا تعني الموافقة؟ | الموافقة تعني القبول، حيث تعين على الطبيب أو الممرضة أو أي إخصائي في مجال الصحة الحصول على موافتك قبل أن يقوم بفحصك أو معالجتك. |

<table>
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<th>من الذي يمكنه إعطاء الموافقة؟</th>
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<td>القدرة على اتخاذ القرارات تعني أنك تعي تماما ما أنك مقبل عليه وأنك تتمتع بالقدرة على التفكير بوضوح في مزايا كل من الإجراءات المتاحة وعيوبها.</td>
<td></td>
</tr>
</tbody>
</table>
• You must be given enough information, and you should be allowed to make up your own mind without pressure from other people.
• If you want someone to help you express your views, you can ask a friend, a relative, a partner or carer, another member of staff, or an independent representative (often called an ‘advocate’). An advocate is independent of the NHS. They can help make sure your views are heard and get you access to the information you need to make your own decisions. You can ask a member of staff involved in your care about advocacy services in your area.

What if I can’t give consent?
You can give consent only if you can understand the information you are given, make a decision, remember your decision and tell other people your decision. If you can’t do all these things, it is called ‘incapacity’.

- If your incapacity is because of intoxication from drugs or alcohol, a health professional may be able to treat you without consent, if this is in your best interests.
- If your incapacity is because of a mental disorder such as a learning disability or dementia, someone else may be able to give consent for you.

If you are an adult
Someone can give consent for you if:

• you have given them welfare power of attorney with the power to consent to treatment, or
• a court has given them a welfare guardianship order with the power to consent to treatment, or
• a court has given them a welfare intervention order specifically for the treatment, and the treatment is needed only for a short time.

Doctors can also treat you if there is no-one who can give consent on

• the care needs of the person,
• the care needs of other people,
• the medical condition of the person.

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If you are under 16

- Someone with parental responsibility can give consent for you if you can’t give it yourself.

See page 12 for where to get more information about the rights of young people under 16.

What happens in an emergency?

- In an emergency – for example, if you’ve been in a road accident and you need urgent treatment to save your life – you may not be well enough to make a decision about your treatment.

- If you can’t give your consent and there is no time for anyone else to make a decision for you, doctors can treat you. But they can only treat you without your consent if this is necessary to save your life or stop you suffering more serious harm.

How will I be asked to give my consent?

- A doctor or another health professional may ask you to do something to show your consent. For example, a doctor may ask to examine your foot. If you take off your shoe, it shows you agree to this.

- Usually you will be asked to say whether you agree to the examination or treatment.

- If the examination or treatment is complicated, for example an operation, you may be asked to sign a form showing you agree to it.

For more information, see the leaflet Caring and consent. See page 12 for where to get a copy.

See page 10 for where to get more information about the rights of adults with incapacity.

If you are under 16

- If you are under 16, doctors can treat you without your consent if they think it is necessary to save your life or stop you suffering more serious harm.

- Doctors can examine you without your consent if they think it is necessary to treat you. This can include examining your feet, for example.

- If you take off your shoe, it shows you agree to this.

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- If the examination or treatment is complicated, for example an operation, you may be asked to sign a form showing you agree to it.
What information should I be given?

- To help you make a decision, NHS staff involved in your care must give you information about the examination or treatment you are being offered in a way that you understand. You may want to know:
  - why you are being offered the examination 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 may happen if you don’t have the examination or treatment
  - whether you will have to pay (for example for dental treatment), and
  - the name of the doctor who is responsible for your care.

- You have the right to ask questions if you don’t understand or you want to know more. If the person who is asking you to give consent can’t answer your questions, ask them if they can find out or get someone else who can help. If you think you need it, you can ask for a second opinion.

- If you need an interpreter, ask a member of staff to arrange this for you in advance. When you make an appointment, tell them which language you prefer.

- If you wish, someone can be with you when you are told about the examination or treatment. This could be a friend, a relative, a partner or carer, another member of staff, or an independent advocate.

- You may find it difficult to fully understand what you’ve been told about an examination or treatment. If you would like to take away written information to help you make a decision, you should say so.

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ما هي المعلومات التي ينبغي أن أحصل عليها؟

- لمساعدتك في اتخاذ القرار، يقوم طاقم خدمات الرعاية بالشرح لمعلومات عنها أو عن الأدوية التي يمكن استخدامها، حيث تحتاج إلى معرفة:
  - سبب الفحص أو العلاج.
  - إذا كنت تינטר تضامنًا أو رغبًا في ذلك.
  - الفوائد.
  - إذا كانت هذه الخطر كبيرة أو صغيرة.
  - إذا كنت تتمتع بديلًا.
  - ما قد يحدث إذا لم تلتقي الفحص أو العلاج.
  - إذا ترغب على أي مبلغ (علاج الأسنان مثلا). اسم الطبيب المسؤول عن رعايتك.

إذا كنت بحاجة إلى مرتجع فوري، فعليك الاتصال ب комнат الفحص. إذا كنت تريد معرفة المزيد، إذا كان الشخص الذي يطلب منك الفحص غير قادر على الإجابة على أسئلتك فلن تطلب منه أن يأتي شخص آخر يفهم مساعدةك، ويمكنك أن تطلب الحصول على رأي اختصاصي ثاني إذا أردت أن تحتاج إلى ذلك.

إذا رغبت، يمكن لك طرح أسئلة إن لم تستمتع شيء أو إن كنت تريد معرفة المزيد. إذا كان الشخص الذي يطلب منك الفحص غير قادر على الإجابة على أسئلتك فلن تطلب منه أن يأتي شخص آخر يفهم مساعدةك، ويمكنك أن تطلب الحصول على رأي اختصاصي ثاني إذا أردت أن تحتاج إلى ذلك.

قد تجد أنه من الصعب استيعاب كل ما يقال حول الفحص أو العلاج استيعابًا تامًا، وإذا كنت تود الحصول على معلومات خطية تساعدك في إتخاذ القرار فعليك أن تطلب ذلك.

يقدم الطاقم جميع المعلومات التي تحتاج إليها بحيث يمكنك استيعابها وتلبيه احتياجاتها (على سبيل المثال: توثيق الإشارة البريطانية أو أي نطق أخرى غير الإنجليزية مثلا).
- Staff will give you all the information you need in a way that you can understand and meets your needs (for example in audio format, British Sign Language, or a language other than English).

**How long can I take to decide?**
In emergencies, decisions will have to be made quickly. In other cases you may be able to take more time. It is important that you are given enough time to make your decision so you don’t feel rushed. If you want time to think about your decision, you should say so.

**What if I change my mind?**
You can change your mind about giving your consent to an examination or treatment at any time. You should tell one of the people looking after you.

**Can I refuse examination and treatment?**
- Normally you can refuse an examination or treatment at any time, even if this means your health, or the health of your unborn baby, may be seriously harmed.
- It is important that you understand what may happen to you if you decide not to have the examination or treatment.
- If another treatment can be used instead, you should be given information about it. But you can’t insist on a particular treatment if the NHS staff involved in your care don’t think it will help you.
- Remember that you can ask for a second opinion about the treatment you have been offered.

**Information for young people under 16**
If you are under 16, and the health care professional looking after you believes you can make decisions for yourself, you can refuse examination or treatment.
However:

- the person providing your care may ask why you don’t want it. They need to know they have given you enough information for you to make your decision.
- in very unusual cases, if you have refused treatment and you have a very serious condition, your parent or the person who looks after you may disagree with you and want to discuss your case with a lawyer. You could also have your own lawyer to help you with this.

For more information contact the Scottish Child Law Centre (see page 9).

For where to find information about consent for young people under 16, see page 9.

**What if I have a mental illness or disorder?**

- In most cases, if you have a mental health problem, you have the same right to accept or refuse an examination or treatment as anyone else.
- 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 happen only if:
  - it is in your best interests, and
  - there would be a significant risk to yourself or others if you didn’t have the treatment.

There are guidelines for certain treatments. Your doctor may need to get a second opinion from another doctor before giving you a particular treatment.

- The Scottish Government Health Directorates have produced a series of guides for people with a mental disorder and their carers. See page 10 for where to get copies of these.

For more information about the rights of people with mental illnesses or disorders, see page 10.

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**قد يسال الشخص المسؤول عن رعايتك عن سبب عدم رغبتك، حيث يحتاج إلى معرفة أنهم حصلوا على معلومات كافية تساعده على اتخاذ القرار. إذا رفضت العلاج في الحالات غير العادية وكرت عائلتك من حالة طارئة جداً، فعليك أو السول في رد عليك أن يتم ضمّ أن كتّب ملاحظة حالةك مع محام، كما يمكن الاستعانة بمحاميك الخاص مساعدتك في ذلك. لأساليب مزيد من المعلومات يرجى الاتصال بالمركز الإسكتلندي لقانون الطفل (انظر صفحة 9). **

لمعرفة مكان إيجاد معلومات حول موافقة من هم دون سن 16 سنة انظر صفحة 9.

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**ماذا لو كنت مريضاً من مرض أو اضطراب نفسي؟**

- في أغلب الحالات، إذا كنت تعاني من مرض نفسي فأنت تتمتع بنفس الحق في قبول إجراء فحص أو علاج ما أو رفضه كأي شخص آخر.
- ولكن إذا كنت تلتقي الرعاية بموجب قانون الصحة النفسية فإنه يمكن أن تخضع للفحص أو العلاج دون موافتك، وهذا لا يمثل
  - إذا كان في مصلحتك
  - إذا كان هناك احتمال خطر كبير عليك أو على الآخرين إذا لم تلتقي العلاج.

يوجد أدلة إرشادية لعلاجات معينة، ويجتاز طبيبك إلى الحصول على رأي طبيب آخر قبل تقديم علاج معين.

- قامت مديرية الصحة الحكومية الإسكتلندية بإصدار سلسلة من الأدلة موجهة للأشخاص ذوي الاضطرابات النفسية ولمتزمين الرعاية إليهم. معرفة مكان الحصول على نسخ منها
  - أنظر صفحة 10.

لمزيد من المعلومات حول حقوق الأشخاص ذوي الأمراض أو الاضطرابات النفسية انظر صفحة 10.
### What if I’m asked to take part in teaching?

- NHS staff involved in your care should always ask if you prefer not to have a student present while you are examined or treated. You have a right to refuse, and the standard of care you receive won’t be affected.
- Staff must ask you to give your consent before they take any photographs or make any video or sound recordings of your examination or treatment for teaching purposes. Wherever possible, they will remove information that identifies you before using the recordings. Where this isn’t possible, they must tell you before you make your decision.
- If you agree to photos being taken or recordings being made for teaching purposes, you can change your mind later. If you withdraw your consent, the photos or recordings will not be used and will be destroyed as soon as possible.

### What if I’m asked to take part in research?

- If you can make your own decisions, it’s up to you to decide whether you want to take part in research.
- Before you decide, 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 to take home. You can use this to discuss the research with your family and friends if you want to. You should never be put under any pressure to agree to take part.
- If you do want to take part in research, the staff should ask you to sign a form showing that you give your consent. They may give you a copy of this form to keep, and will also keep a copy in your health records.
- You can change your mind at any time about taking part in research, without giving a reason.
- If you decide not to take part in the research, the standard of care you receive won’t be affected.

### إما ن طلب مشاركتك في التعليم؟

- ينبغيك على طاقم خدمات الرعاية أن ينهض بالمقام على رعايتكم أن يسألوك باستمرار إذا كنت لا تريد تواجد طالب لدى فحصك أو علاجك، ويحترم ذلك رفضك، ولا تتاثر معايير الرعاية التي تلتقي بها.
- ينبغيك على الطاقم طلب موافقتك قبل التقاط أية صور أو تصوير أي مقطع فيديو أو صوت لفحصك أو علاجك لأغراض تعليمية. يقوم الطاقم كلما أمكن بحفظ المعلومات التي تشير إليك قبل استخدام التسجيلات، ويتبع إليك قبل أن تقرر هذا القرار عندما لا يكون ذلك ممكنًا.
- إذا أوقفت على التقاط صور أو عمل تسجيلات لأغراض تعليمية، فإيه يمكنك تغيير رأيك فيما بعد، وإذا سحبة موافقتك فإن الصور أو التسجيلات لن تستخدم وسيتم إتلافها بأسرع وقت ممكن.

### إما ن طلب مشاركتك في الأبحاث؟

- إذا كنت تتخذ قرارك بنفسك فإن اتخاذ قرار بالمشاركة في الأبحاث يعد إجابة لا.
- قبل أن تقرر، ينبغي عليك الحصول على أكبر قدر من المعلومات حول البحث الذي تحتاج إليه، ويمكنك طرح مقدار الأسئلة التي تريد.
- تحميل عادة على معلومات خطي حول البحث تأخذها للنبيت، ويمكنك استخدامها لمناقشة البحث مع عائلتك وأصدقاءك إذا رغبت في ذلك، وعليك الا توافق أبدا على المشاركة تحت الضغط.
- إذا رغبت في المشاركة في البحث، فعليك الطاقم أن يطلب منك التوقيع على نموذج يبين إعطاء موافقتك، وهو يقدمك لك نسخة من هذا النموذج للاحتفاظ بها، كما يمكنهم حفظان نسخة منه في ملفاتك الصحية.
- يمكنك تغيير رأيك في أي وقت حول المشاركة في الأبحاث دون إبداء الأسباب.
- إذا قررت ألا تشارك في الأبحاث فإن تتاثر معايير الرعاية التي تلتقي بها.
you receive will not be affected.

**Consent for using personal health information**

The NHS must keep your personal health information confidential. You should be involved in decisions about how your personal health information is used.

For more information about using your personal health information, see the factsheet **Confidentiality: the right for your personal health information to be kept secure and confidential**. See page 11 for where to get a copy of this factsheet.

**What if I’m not happy?**

If you are unhappy about how you have been involved in decisions about your health care, first talk to a member of NHS staff involved in your care. If you are still unhappy, you can make a formal complaint.

For more information about making a complaint, see the factsheet **Feedback and complaints: the right to have a say about your care and have any concerns and complaints dealt with**. See page 11 for where to get a copy of this factsheet.

**How to find out more**

- For more information about anything in this leaflet, contact:
  - a member of NHS staff involved in your care
  - the NHS inform Helpline on 0800 22 44 88 (textphone 18001 0800 22 44 88; the helpline also provides an interpreting service), or
  - the Patient Advice & Support Service (PASS) at your local citizens advice bureau (find your nearest bureau on the website at www.cas.org.uk or in your local phone book). PASS is independent and provides free, confidential information, advice and support to anyone who uses the NHS in Scotland.

**كيف يمكنني أن أحصل على معلومات أخرى**

لمزيد من المعلومات حول أي شيء في هذه النشرة برجى الاتصال بـ:

- طاقم خدمات رعاية ”إن إتش إس” المشارك في رعايتكم.
- خط خدمات رعاية ”إن إتش إس” للمساعدة على الرقم 0800 22 44 88 (ال телефون النصي "كتسكرون"، 88 22 44 88 08001، كما توفر خدمة ترجمة فورية على خط المساعدة). أو
- خدمة إرشاد ودعم المرضى في مكتب إرشاد المواطنين المحلي (برجى إيجاد أقرب مكتب على الموقع www.cas.org.uk أو في دليل الهاتف المحلي).

تعتبر خدمة إرشاد ودعم المرضى مثمرة وتوفر إرشادة ودعمًا ومعلومات مجانية.
For more information about how the law affects children and young people, contact:

**The Scottish Child Law Centre**
54 East Crosscauseway
Edinburgh EH8 9HD
Information helpline 0131 667 6333
Free text service: text ‘SCLC’ followed by your question to 80800 (replies will be sent to your mobile)
Email enquiries@sclc.org.uk
Website www.sclc.org.uk

If you can’t make decisions for yourself or can’t tell others your decisions, this is called ‘incapacity’. The leaflet **Caring and consent** explains the rights of people who can’t consent to medical treatment and the rights of their carers. See page above for where to get a copy. For general information about the Adults with Incapacity (Scotland) Act, contact:

**The Office of the Public Guardian (Scotland)**
Hadrian House
Calendar Business Park
Callendar Road
Falkirk FK1 1XR
Phone 01324 678 300
Email opg@scotcourts.gov.uk
Website www.publicguardian-scotland.gov.uk

For more information about the rights of people with a mental health condition, contact:

**The Scottish Law Centre**
54 East Crosscauseway
Edinburgh EH8 9HD
Information helpline 0131 667 6333
Free text service: text ‘SLC’ followed by your question to 80800 (replies will be sent to your mobile)
Email enquiries@scotlawcentre.org.uk
Website www.scotlawcentre.org.uk

For more information about the rights of people with a mental health condition, contact:

**The Office of the Public Guardian (Scotland)**
Hadrian House
Calendar Business Park
Callendar Road
Falkirk FK1 1XR
Phone 01324 678 300
Email opg@scotcourts.gov.uk
Website www.publicguardian-scotland.gov.uk
illness, learning disability, dementia or related conditions, contact the Mental Welfare Commission for Scotland. They can also give you information and advice on people’s rights under the Adults with Incapacity Act.

Mental Welfare Commission for Scotland
Thistle House
91 Haymarket Terrace
Edinburgh EH12 5HE
Phone 0131 313 8777
Freephone number for service users and carers 0800 389 6809
Email enquiries@mwcscot.org.uk
Website www.mwcscot.org.uk

- For information about advocacy and to find a local advocacy group, contact:
  Scottish Independent Advocacy Alliance
  Phone 0131 260 5380
  Email enquiry@siaa.org.uk
  Website www.siaa.org.uk

- The Scottish Government Health Directorates have produced a series of guides for people with a mental disorder and their carers. These include a guide on giving consent to treatment. If you would like copies of any of these guides, contact:
  Mental Health Law Team
  Mental Health Division
  Scottish Government Health Directorates
  St Andrew’s House
  Regent Road

- (Mental Welfare Commission for Scotland)
  Thistle House
  91 Haymarket Terrace
  Edinburgh EH12 5HE
  هاتف: 0131 313 8777
  رقم الهاتف المجاني لمستخدمي الخدمات ومقدمي الرعاية: 0800 389 6809
  البريد الإلكتروني: enquiries@mwcscot.org.uk
  الموقع على شبكة الإنترنت: www.mwcscot.org.uk

- (Scottish Independent Advocacy Alliance)
  هاتف: 0131 260 5380
  البريد الإلكتروني: enquiry@siaa.org.uk
  الموقع على شبكة الإنترنت: www.siaa.org.uk

- (Scottish Government)
  أصدرت مديريات الصحة الحكومية الاسكتلندية سلسلة من الأدلة الموجهة للأشخاص ذوي الاضطرابات النفسي والمقدمي الرعاية لهم، وهي تتضمن دليلا إلى إعطاء الموافقة على العلاج، وإذا رغبت في الحصول على نسخ من أي من هذه الأدلة يرجى الاتصال به:
  (Mental Health Law Team Mental Health Division Scottish Government Health Directorates St Andrew’s House Regent Road)
Information about health rights

- **The Charter of Patient Rights and Responsibilities** tells you what you can expect from the NHS and what the NHS expects from you.
- The series of **Your health, your rights factsheets** explain what the rights and responsibilities included in the Charter mean for you:
  - **Access**: your rights when using NHS services in Scotland.
  - **Hospital waiting times**: how quickly you should receive hospital care.
  - **Communication and participation**: the right to be informed, and involved in decisions, about health care and services.
  - **Confidentiality**: the right for your personal health information to be kept secure and confidential.
  - **Respect**: the right to be treated with dignity and respect.
  - **Safety**: the right to safe and effective care.
  - **Feedback and complaints**: the right to have a say about your care and have any concerns and complaints dealt with.

- **How to see your health records** explains your right to see or have a copy of your health record.
- **Health care for overseas visitors** is a set of factsheets explaining what NHS services overseas visitors can expect to
receive while they are in Scotland.

Information for young people

- Consent – your rights explains how you should be involved in decisions about your health care and treatment.
- Confidentiality – your rights tells you how the health service keeps information about you private.
- Have your say! Your right to be heard tells you how to give feedback or make a complaint about the NHS.

Information for carers

- Caring and consent explains your right to be involved in decisions about the health care of the adult you care for.

We have tried our best to make sure that this information is correct. However, the information is for guidance only so you should not rely on it as a full statement of the law. If you are thinking about taking legal action, you should contact a solicitor, a citizens’ advice bureau, the Patient Advice and Support Service or other advice agency.

Produced by NHS inform.

To get this leaflet in another language or format phone your local NHS board. If you need help to do this contact the NHS inform Helpline on 0800 22 44 88 (textphone 18001 0800 22 44 88; the helpline also provides an interpreting service).

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