

What is medical consent and why is it important?

All adult patients of sound mind are entitled to decide whether to undergo any treatment, and their informed consent must be obtained before treatment begins.

Here are some of the key points concerning medical consent.



Risks

All medical treatments and procedures have recognised risks, even if excellent care is provided.

The risks can differ for every form of treatment but usually they relate to certain complications, the treatment not working or some other poor outcome. The level of risk can also be higher or lower for different treatment options.



Risk Awareness

For a patient to give valid consent, they must be made aware of any risks, material to that patient based on their characteristics, and of any reasonable alternative treatments.

This falls under the professional duty of the medical staff performing the treatment.

If this information isn't provided, the treatment will have been carried out without the patient's informed consent. If the treatment then causes an otherwise avoidable injury, this could be grounds for a medical negligence claim.

To prove a medical negligence claim for failure to consent, a medical negligence solicitor will:



1. Obtain a report from an independent medical expert to identify what information should have been given to the patient.



2. Prepare a detailed witness statement on behalf of the patient, considering what risks should have been discussed with them and how this knowledge would have led them to a different decision about their consent being given. The solicitor might also obtain statements from friends and family members.

For more information visit [co-oplegalservices.co.uk](https://www.co-oplegalservices.co.uk)



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