

SFHHPC1

Obtain valid consent for healthcare interventions in a custodial setting



Overview

This standard is about healthcare professionals obtaining valid consent for therapeutic and/or forensic interventions in a custodial environment. This includes informing detained individuals of the rules of confidentiality and assessing the capacity of individuals to give their consent e.g. the individuals' capacity to consent may be affected by their being incapacitated, mental health conditions or the possibility that they are intimidated by their situation. The implications of individuals being unable or unwilling to give their consent must also be understood.

This standard includes obtaining valid consent for adults, young people and children. Note: This standard is specific to the custodial setting and aims to reflect the distinctive relationship between a healthcare professional and detained individual. Therefore, it can be used in the custodial setting to underpin other standards/competences which focus on the clinical conduct of interventions or investigations.

Users of this standard will need to ensure that practice reflects up to date information and policies.

SFHHPC1

Obtain valid consent for healthcare interventions in a custodial setting

Performance criteria

You must be able to:

- P1 communicate with the individual and with police officers/staff clearly and in ways that promote understanding
- P2 explain your own role and its scope, your responsibilities and accountability
- P3 explain your responsibilities regarding potential requirements for disclosure of information provided by the individual
- P4 respect the individual's privacy, beliefs and dignity as far as practicable
- P5 balance considerations of confidentiality and privacy with the need for personal safety during interventions
- P6 assess the individual's capacity for consent to required interventions
- P7 consider delaying interventions where the individual is judged to temporarily lack the capacity for consent, until their capacity for consent is recovered
- P8 identify individuals with capacity for consent and:
 - P8.1 explain the intervention to the individual and accurately answer any questions at a level and pace that is appropriate to the individual's needs
 - P8.2 present and explore options, including the reasons for any clinically preferred option
 - P8.3 confirm the individual's clear understanding of the intervention
 - P8.4 recognise the possibility of the individual being intimidated by their situation and not feeling able to express their true feelings and beliefs
 - P8.5 explain that the individual has the right to refuse consent to an intervention by a healthcare professional
 - P8.6 ensure that individuals understand the possible health consequences and options of refusal to give consent to an intervention by a healthcare professional
 - P8.7 confirm the individual's decision regarding their consent and reassure them that they can change their mind at any stage
- P9 identify individuals lacking the capacity for consent and:
 - P9.1 proceed with therapeutic interventions only as far as required to maintain the individual's safety
 - P9.2 decline to proceed with forensic interventions unless it can be clearly established that forensic intervention is in the best interests of the individual and/or the public and is within the ethical codes of the healthcare professional
 - P9.3 seek consent from another person who is legally entitled to give consent on the individual's behalf where consent is required for a child, young person or due to an individual's mental health condition

SFHHPC1

Obtain valid consent for healthcare interventions in a custodial setting

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- P10 keep accurate, legible and complete records of the individual's decision in accordance with legal, professional and organisational requirements and guidelines

SFHHPC1

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Knowledge and understanding

You need to know and understand:

- K1 the national and local guidelines and legal implications regarding consent and confidentiality of information
- K2 the rights and expectations of individuals held in custody regarding medical care
- K3 the roles and responsibilities of other team members, associated professionals and agencies
- K4 the limitations of one's own knowledge and experience and the importance of not operating beyond these
- K5 the principles of valid consent and the ways in which an individual's ability to give consent may be compromised
- K6 how to establish the individual's best interests where there is doubt about the validity of consent
- K7 the health consequences and available options when an individual refuses to give consent
- K8 the national and local guidelines for consent where an adult is unable to consent themselves and/or where there are communication difficulties
- K9 the rules for obtaining consent from people with mental health conditions to allow findings to later be admissible as evidence
- K10 the range of consent forms and the benefits of obtaining consent in writing
- K11 how the legal position concerning consent changes with age, and the position regarding those who are unable to give consent themselves
- K12 when and how to obtain consent from a person with parental responsibility
- K13 the rules for obtaining consent from children and young people to allow findings to later be admissible as evidence
- K14 when refusal of consent by a young person can be over-ruled
- K15 when it may be acceptable to provide treatment for a child or young person who has refused consent
- K16 why it is good practice to seek to inform and obtain consent of a person with parental responsibility where consent is given by a child or young person
- K17 the circumstances in which it may be appropriate to proceed with forensic interventions without the individual's consent
- K18 how the individual's right to privacy and confidentiality may be compromised in the custodial setting
- K19 how to balance considerations of confidentiality and privacy with the need for personal safety
- K20 when you may be required to disclose information provided by the individual
- K21 information about the detained individual required by police officers/staff

SFHHPC1

Obtain valid consent for healthcare interventions in a custodial setting

- and when clinical information may be withheld (if applicable)
- K22 procedures for disclosing information to a solicitor acting for an individual who has been examined whilst in custody
- K23 how to keep accurate, legible and complete records (preferably contemporaneous) in accordance with legal, professional and organisational requirements and guidelines
- K24 how to communicate clearly and in ways that promote understanding
- K25 the different types of needs, concerns and beliefs individuals may have

SFHHPC1

Obtain valid consent for healthcare interventions in a custodial setting

Additional Information

External links

This standard links with the following dimension within the NHS Knowledge and Skills Framework (October 2004):

Dimension: HWB2 Assessment and care planning to meet people's health and wellbeing needs

SFHHPC1

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