

palpation for instance, when he or she voluntarily undresses and lies on a couch; or when a patient offers an arm for venepuncture.

Express consent

Express consent can be oral or written and should be obtained for any procedure which carries a material risk. The patient's specific agreement must be obtained for the procedure contemplated.

Oral consent

Oral consent is valid but written consent is more usually obtained for major procedures. If, for whatever reason, it is only possible to obtain oral consent, it is appropriate to make an entry in the clinical records which confirms what advice is given to the patient and that consent has been given.

Written consent

Written consent is not absolutely necessary to defend an action for assault but it will afford documentary evidence that consent has been obtained. An action may be brought several years after the event and a judge may prefer a patient's evidence to that of a clinician if a signed and witnessed consent form cannot be produced.

Obtaining consent

1. When should consent be obtained?

Consent should be obtained preferably a short time before the proposed procedure (but before any sedation is given). In the case of elective surgery, where no change in the basic condition requiring operative treatment is to be expected, there is no objection to obtaining the patient's signed consent during the out-patient clinic.

If the patient's condition alters between the out-patient appointment and admission to hospital so that there is some material change in the nature, purpose or risks of the procedure, then the patient's consent should be obtained again; a further explanation should be given and a fresh consent form should be signed.

Similarly, if a considerable time has elapsed between the out-patient appointment and admission, consent should be obtained again.

2. Explanation by a knowledgeable clinician

In hospitals consent is usually obtained by a doctor or dentist, though valid consent may be obtained by another healthcare professional in some