

CC5 Assessing patient capacity and obtaining consent

Assessment of these competencies to be integrated during Mini-CEX, ACAT-EM or CbD of clinical modules.

Assessment of key communication skills can also be assessed through DOP of key procedures e.g. fracture reduction or audit of personal/ local practice. Some aspects of knowledge could be obtained through eLc.

Potential situations in which assessment of capacity and consent issues could be considered as part of the overall assessment include the following:

- Patient with dementia/ acute delirium (sufficient to impair capacity) requiring consent for a procedure or treatment
- Adult with learning disability, that impairs capacity, requiring consent for a procedure or treatment
- Patient at risk (or who poses a risk to others) from a mental health presentation
- Assessing cognition and capacity in a patient who is intoxicated
- Obtaining written consent for patient requiring invasive procedure/ treatment
- Child requiring consent for a procedure
- Adolescent requiring consent for a procedure

Trainees are expected to achieve EPA level 2 (Direct active – full supervision by senior clinician, with prompting/ verbal and actual guidance and help throughout) in these competencies, unless indicated separately in specific clinical modules.

Knowledge/ Skill/ Behaviour	Detail of competency
Knowledge	Understands potential causes of impairment of cognition or capacity e.g. delirium, dementia, severe mental health disorder
	Understands the importance of the patient's background, culture, education and preconceptions (ideas, concerns, expectations) to the consultation process and how it influences communication
	Understands when problems with communication and a patient's mental state may make obtaining consent difficult and the appropriate actions to take
	Understands the law as it applies to healthcare provision, patient consent and capacity and where to find sources of medicolegal information

Knowledge/ Skill/ Behaviour	Detail of competency
Skills	Establishes a rapport with the patient and any relevant others (e.g. carers)
	Consents patients verbally and notes the consent for minor procedures such as suturing and abscess drainage
	Can perform a mental state examination and assessment of cognition and capacity
	Gains written consent for procedures requiring sedation or intravenous anaesthesia in line with local departmental protocols e.g. conscious sedation for shoulder reduction
	Recognises when consent or refusal is invalid due to lack of capacity and applies principles of 'best interests' and proportionality 'least restriction'; concept and safe use of restraint/deprivation of liberty
	Is able to explain complex treatments meaningfully in layman's terms, to listen actively and question sensitively to guide the patient and to clarify information to assess level of understanding and thereby to obtain appropriate consent
Behaviour	Acts with courtesy, empathy, compassion and professionalism. Ensure that the approach is inclusive, and patient centred and respect the diversity of values in patients, carers
	Checks the patient's/carer's understanding, ensuring that all their concerns/questions have been covered
	Uses different methods of ethical reasoning to come to a balanced decision where complex and conflicting issues are involved
	Respects a patient's rights of autonomy even in situations where their decision might put them at risk of harm
	Shows a willingness to obtain a second opinion, senior opinion, and legal advice in difficult situations of consent or capacity
	Where communication or capacity is impaired, escalates appropriately to senior colleagues
	Makes accurate contemporaneous records of the discussion
Paediatric specific competencies	Understands the rights of children and adolescents to participate in decisions about their health within their own legal framework
	Is able to discuss treatments requiring consent with patient and family/carer/legal guardian and obtain consent from the appropriate person, dependant on legal age of consent

