Briefing Document: Informed Consent in Healthcare - Perspectives from Simon Parsons and Jonathan Webb

This briefing document synthesises the key themes and important ideas presented by Simon Parsons, a consultant Upper-GI surgeon and co-founder of EIDO, and Jonathan Webb, Head of the Welsh Risk Pool, regarding informed consent in healthcare. The sources are transcripts of their presentations.

Source: Excerpts from " 02 Jonathan Webb_SRT _English.srt.pdf"

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Author/Speaker: Jonathan Webb. Head of Safety & Learning at NHS Wales - Welsh Risk Pool and partner for the Health and Care professions council within his registration as a paramedic

Key Themes:

- **The Centrality of Informed Consent:** Both speakers underscore the fundamental importance of informed consent as a legal and ethical obligation in healthcare. It is not merely a form-filling exercise but an ongoing process of shared decision-making.
- **GMC Guidance as a Cornerstone:** Simon Parsons explicitly highlights the General Medical Council (GMC) guidance on consent as a crucial document outlining clinicians' responsibilities. He emphasises the legally binding nature of the "musts" within the guidance.
- **Meaningful Dialogue and Patient-Centred Care:** A recurring theme is the necessity of a "meaningful dialogue" between clinicians and patients. This involves understanding what matters to the patient, providing relevant information in an understandable way, and allowing sufficient time for questions and comprehension. This aligns with Principle Four of the GMC guidance: "doctors must try to find out what matters to the patient."
- **The Role of Information and Support Tools:** Both speakers acknowledge the challenges clinicians face in providing comprehensive information within time constraints. Simon Parsons advocates for tools like EIDO to provide patients with essential information, acting as a foundation for the subsequent dialogue. Jonathan Webb highlights the Welsh Risk Pool's support for EIDO leaflets and their development of digital resources and locally produced leaflets.
- **Risk Management and Avoidable Harm:** Jonathan Webb focuses on the financial and human costs associated with inadequate consent processes. He states, "It's about avoidable harm to patients from not having that informed

consent." The Welsh Risk Pool identifies consent as a priority area due to the significant proportion of claims involving allegations related to the consent process (around 20%).

- **Collaboration and National Consistency:** Jonathan Webb emphasises the strong collaborative environment within NHS Wales, which facilitates the development and implementation of national policies, consent forms, and learning resources. The "All Wales model consent policy" and "All Wales consent forms" aim for consistency across the nation.
- **Continuous Improvement and Learning:** The Welsh Risk Pool actively promotes prevention and learning programs, including peer review, to improve consent practices. They focus on three key areas for improvement: "Communication, documentation and escalation."
- **Delegated Consent and Training:** Simon Parsons addresses the practicalities of delegated consent, particularly involving trainees. He stresses the importance of proper training and supervision, highlighting EIDO's informed consent training package and the need for trainees to "act within your area of competency" and seek support when needed.
- **The Impact of Digital Technology:** While acknowledging the potential of digital platforms to enhance information provision (e.g., animations, accessibility features), Jonathan Webb also points out the current challenge of ensuring these technologies streamline, rather than lengthen, the clinician's workflow.

Most Important Ideas and Facts:

Simon Parsons:

- **The updated GMC guidance (2020) outlines seven key principles of consent, with the first four being crucial for decision-making:** "all patients have a right to be involved in decisions about their treatment and care and to be supported to make informed decisions if they're able."
- "Decision-making is an ongoing process focused on a meaningful dialogue and the exchange of relevant information specific to the individual patient."
- "all patients have the right to be listened to and to be given information that they need to make a decision and the time and support that they need to understand it."
- "doctors must try to find out what matters to the patient." (Resulting from the Montgomery case).

- **Clinicians have a legal obligation to provide specific information to patients, including:** diagnosis, prognosis, uncertainties, treatment options (including no treatment), the nature of each option, and the benefits and risks of harm.
- **EIDO aims to support this process by providing standardised information on various aspects of surgical procedures.**
- **A meaningful dialogue involves asking patients questions to understand their individual circumstances and the risks they are prepared to take.**
- **Providing information in accessible formats (translations, easy read, large print, animations) is crucial for supporting patient understanding.**
- **Effective teamwork ensures that patients receive information and have initial discussions before the day of surgery.**
- **Delegated consent is permissible if trainees are properly trained and have access to consultant support.**
- **Accurate medical record keeping, explicitly referencing the information provided (e.g., EIDO documents), is vital for medico-legal evidence.**
- **Clinicians must be aware of changes in a patient's condition, especially if they have been on a waiting list.**
- **Hospitals have an obligation to support clinicians in the consent process by providing validated information.**
- **Resources like EIDO are intended to *support* but not *replace* the meaningful dialogue between clinicians and patients.**

Jonathan Webb:

- The Welsh Risk Pool indemnifies all health bodies in Wales.
- Claim numbers and costs related to healthcare are increasing significantly in Wales, with claim values rising exponentially.
- Around 20% of letters of claim received by the Welsh Risk Pool involve allegations related to the consent process.
- The Welsh Risk Pool has implemented prevention and learning programs to improve consent practices.
- There is strong collaboration within NHS Wales to address consent-related issues, leading to national policies and resources.
- Wales has an "All Wales model consent policy" and "All Wales consent forms" that are regularly updated.

- While digital solutions for consent are being explored, current implementation can sometimes lengthen workflow.
- The Welsh Risk Pool has introduced standards for Consent to Examination or Treatment and provides assurance reports to health organisations.
- The Welsh Risk Pool has supported the use of EIDO consent information leaflets for 15 years, considering them the "gold standard" for information sharing. These leaflets are available in Welsh.
- Plans are underway for a system where locally produced leaflets can be uploaded into the EIDO platform, creating a single resource for clinicians.
- The Welsh Risk Pool learning panel has identified three key areas for improvement in clinical practice: Communication, documentation, and escalation.
- A Wales-specific E-learning package on consent has been accessed by over 10,000 staff, focusing on the practical application of consent principles.

Quotes:

- **(Simon Parsons on GMC guidance):** "all patients have a right to be involved in decisions about their treatment and care and to be supported to make informed decisions if they're able."
- **(Simon Parsons on meaningful dialogue):** "Decision-making is an ongoing process focused on a meaningful dialogue and the exchange of relevant information specific to the individual patient."
- **(Simon Parsons on finding out what matters to the patient):** "doctors must try to find out what matters to the patient."
- **(Simon Parsons on the purpose of EIDO):** "That's what EIDO is all about because it is quite a difficult thing to do well without any support."
- **(Simon Parsons on the importance of asking questions):** "I would rather spend my time asking the questions, finding out what's important to the patients... so that I can tailor my information for them."
- **(Simon Parsons on delegated consent):** "the GMC allows for delegated consent so long as that trainee is trained in consent..."
- **(Simon Parsons on record keeping):** "when you're doing the consent, you must refer to the information that you've given on the consent form so that we have medico-legal evidence that the patient has received an EIDO document."

- **(Simon Parsons on hospital support):** "Your hospital should support you. The GMC make it very clear that your trust has an obligation to support you in the consent process."
- **(Simon Parsons on the role of resources):** "resources available to help, but they cannot replace a meaningful dialogue."
- **(Jonathan Webb on the impact of poor consent):** "It's about avoidable harm to patients from not having that informed consent."
- **(Jonathan Webb on the Welsh Risk Pool's findings):** "...around 20 percent of them have some form of allegation or critique of the consent process."
- **(Jonathan Webb on the focus for improvement):** "there's three things we want our clinicians to do better: Communication, documentation and escalation."
- **(Jonathan Webb on EIDO in Wales):** "...very proud in the Welsh Risk pool to have supported, as a whole nation, the EIDO consent information leaflets now for 15 years, and they are seen as the gold standard information sharing for procedures..."

This briefing highlights the shared commitment to improving the informed consent process, driven by ethical and legal obligations, the desire to provide patient-centred care, and the need to mitigate risks and avoid preventable harm. Both speakers emphasise the crucial role of clear communication, accessible information, and ongoing learning and adaptation within the healthcare system.