

Respecting patient autonomy: understanding the impact on NHS hospital in-patients of legislation and guidance relating to patient capacity and consent

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Objectives: To determine the extent and nature of the decisions individuals are asked to make as in-patients, and whether doctors, nurses, other health care practitioners, and housekeepers engaged in routine (non-emergency) medical assessments, investigations and treatments, or acts of personal care observe the *Reference Guide to Consent for Examination or Treatment*, the principles of the Mental Capacity Act (England and Wales) 2005, and the guidance from the Dignity in Care Campaign.

Methods: Hospital staff working on a general medical ward and a ward for older people in a large teaching hospital in England were observed for over 50 hours carrying out acts of medical and personal care. The observations were recorded using a semi-structured record sheet, complemented by unstructured field notes. Observations were subsequently categorized, coded and counted.

Results: A total of 206 acts were observed, 127 (62%) of which were acts of medical care and 79 (38%) were acts of personal care. Patients approached for acts of personal care were generally presented with choices and options (78%). In contrast, when approached for acts of medical care, they were rarely presented with a choice (6%); instead, health care practitioners either requested permission to perform a procedure (29%) or informed patients that they were about to perform a procedure (50%). Irrespective of the way in which health care practitioners approached patients about acts of medical care, in the overwhelming majority of instances, patients complied (80%, 99 cases), either by giving permission for the act to be performed, or by complying and/or cooperating with the health care practitioner. In only a minority of cases did patients either refuse or resist a proposed procedure (9%).

Conclusions: Patients were asked to make many varied decisions and the approaches taken by hospital staff differed depending on the nature of the decision and/or act in question. In contrast to personal care decisions, when health care practitioners approached patients in order to undertake routine acts of medical care, they generally did so in a manner that did not acknowledge that the patient had a right to exercise a choice. This is contrary to current law, policy and guidance. It seems to be rooted in the practical demands of running a hospital ward and uncertainties as to the purpose of securing patient consent before undertaking routine acts of medical care.

Journal of Health Services Research & Policy Vol 16 No 1, 2011: 13–20

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Introduction

The culture of the past, in which medical and other health care practitioners were presumed to have the authority to make decisions on behalf of patients under their care,¹ has been steadily eroded: patients have become better informed about medical matters; and successive governments have introduced policies promoting a more participatory approach to medical

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various acclaimed authors present their views on this interesting and extremely relevant debate *The Sinews of War* James A. Huston, 1966 **Le spinozisme** Victor Delbos, 2005 Donn es en 1912 1913 la Sorbonne ces le ons permettent d aborder la pens e de Spinoza de comprendre les concepts fondamentaux qui structurent cette philosophie et de saisir les enjeux soulev s dans les d bats avec Descartes Leibniz Kant **The Linacre Quarterly**, 1989 **American Journal of Public Health**, 1997-07 *Students' Right to Speak* Erica R. Salkin, 2016-05-16 In 1969 Supreme Court Justice Abe Fortas called free speech in public schools a hazardous freedom but one well worth the risk A half century later with technology enabling students to communicate in ways only dreamed about in Fortas time that freedom seems more hazardous than ever Yet still worth the risk given equal respect for students First Amendment rights and for the requirements of an orderly educational institution This book provides educators administrators school board members and parents a starting point in creating student speech policies that encourage the responsible exercise of constitutional freedoms while respecting the learning environment The author discusses the history sociology law and philosophy surrounding student speech demonstrating that free speech and effective teaching and administration in public schools are not mutually exclusive **Signal**, 1995

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