



Consent to take part in a Video Consultation

Consent

Consent is the process of seeking agreement from a person to a course of action. In this case, consent is required to take part in a video consultation and to receive treatment, care or an intervention based on the outcome of the consultation.

In a healthcare setting, consent is required on every occasion a clinician wishes to examine, treat or undertake an intervention (except in an emergency).

Within social care, consent is required where changes of care are anticipated or may be required.

Types of Consent

Consent may be explicit or implied.

- Explicit or express consent is when a person actively agrees, either verbally or in writing.
- Implied consent is signalled by the behaviour of an informed person. Implied consent is not a lesser form of consent, but it only has validity if the person genuinely knows and understands what is being proposed.

The Consent Process

- The provision of sufficient accurate information is an essential part of seeking consent. Just accepting what is happening, when a person does not know what the intervention entails, or is unaware that he or she can refuse, is not 'consent'.
- Consent is a process, not a one-off event, and it is important that there is continuing discussion to reflect the evolving nature of the situation or treatment. (For example, if there is an issue with the video call and the person is unable to hear clearly, they may wish to end the call.)

Who is Responsible for Obtaining Consent?

- Where a member of staff or advocate helps a person take part in a video call, for example to support a care home resident, the staff member or advocate assisting the caller is responsible for ensuring that the person has consented to take part in the video call.
- During the consultation, the clinician, social worker or other professional has responsibility for providing an explanation to the patient or service user and obtaining his or her consent for any examination, assessment, treatment, intervention, review or change to care arrangements.

How to Obtain Consent to Take Part in a Video Consultation

- Explain to the person the reason for the video consultation.
- Describe the video call process and advise that they will be able to see, hear and speak to the clinician, social worker or other professional.
- Assure the person that no other parties are watching.
- Assure the person that the session is not being recorded.
- Ask if they have any questions about the video consultation.
- Ask the person if they are happy to proceed.
- Be on the lookout for the person changing their mind, and be accepting if they do so. If they become agitated or distressed or say that they no longer want to take part in the call, these are indications that they have withdrawn consent and the video call should be stopped.
- If the person does not consent to the video consultation, arrange an alternative appointment.

Adults with Incapacity

A person with incapacity may not be able to give informed consent. Guidance on using video consultations for adults with incapacity can be found here:

<https://tec.scot/programme-areas/near-me/resources>