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**Ms Elizabeth Trickett**  
**Executive Director**  
**Quality and Safety Unit**  
**Health Directorate**  
Email: [Elizabeth.Trickett@act.gov.au](mailto:Elizabeth.Trickett@act.gov.au)

Dear Ms Trickett,

**RE: HCCA Feedback on the draft Generic Consent to Treatment Form**

The Health Care Consumers' Association (HCCA) of the ACT was formed over 30 years ago to provide a voice for consumers on local health issues and now provides opportunities for health care consumers in the ACT to participate in all levels of health service planning, policy development and decision making.

HCCA welcomes the opportunity to provide written feedback on the ACT Health Directorate's draft Generic Consent to Treatment Form. We were very pleased with the response we received to our earlier submission on the Consent to Treatment Policy and Standard Operating Procedure; it is good to see that the consumer perspective was considered in the revision of the procedures.

**General Comments**

Overall, we see the form as being a positive step forward for meaningful informed consent, particularly considering that this form is intended to be adopted across TCH and Calvary. However, we remain concerned that the heart of the issue is actually the process of information and education that occurs prior to the consumer giving consent to treatment. We hope that further work on consent to treatment will take this focus, rather than one that is purely medico-legal. We have been encouraged by discussions with the Health Directorate in this regard. We would like to see this matter progressed in the context of patient experience and increasing the health literacy of those people using health services.

We understand that the draft generic consent to treatment form has been positively received by clinicians as a form that will facilitate an effective process of gaining informed consent. It is regrettable that this form is not able to engage consumers as well as a previous trial version which clinicians found to be unacceptable. However, in light of their objections, we are happy to accept this form with a few minor amendments.

It is essential that patients are able to have a discussion with either their treating clinician or another qualified staff member about the procedure they are being asked to consent to, the risks involved, the alternatives, and the likely outcomes. Our members are concerned that this is particularly lacking for consumers who are judged as having low health literacy, as clinicians more worried about placating those who are well aware of their rights. It may also be beneficial for these discussions to occur with a less intimidating health care worker, such as a GP, nurse or social worker that has the time to sit down and make sure the consumers understands the procedure and encourage them to ask questions. Patient First, developed in collaboration with the Health Consumers' Council of WA is a valuable resource that could help to address these issues. We have previously raised the potential with the ACT Health Directorate of having this revised and adapted for the ACT context. We would be very interested in discussing this further and see that there are strong links with the NSQHS Standards.

It is also important to have a clear strategy in place when collecting informed consent from culturally and linguistically diverse (CALD) consumers to ensure that they are provided with accurate information about the procedure to which they are consenting. Limited interpreting services continue to be a serious problem in the ACT health system and represent a high risk to quality and safety of care. We note that an earlier version of the generic consent form included a signature space for an interpreter (if present). We strongly suggest including this in the final version. HCCA has employed a Multicultural Liaison Officer to work on the Health Infrastructure Program. Also, the ACT Health Directorate is establishing a Multicultural Health Policy Unit (MHPU). We see that there is value in involving HCCA and the MHPU in discussions to address these issues.

### **Specific Comments**

It might be worth considering changing the dot points under 'Patient or Authorised Person to Complete' to boxes that need to be ticked by the consumer. This would increase the likelihood that the consumer will take the time to read through each of the points and get a better idea of what it is they are actually consenting to.

After this section, it would be useful to have a prompt or a final question that encourages the consumer to ask any further questions they may have before signing the form. This could be achieved by including a dot point such as "I have been able to have all of my questions answered". While we support the decision to formalise the consent process, there still needs to be room for one-on-one discussion.

We would also like to see a point covering the issue of financial consent, an area which has often been overlooked in the past. This could be something like "I am aware of and consent to any potential costs associated with this procedure".

On the information sheet accompanying the consent form, it would be good to explain who is able to act as a witness when signing the form. There could also be a

brief section explaining what informed consent is, why it is so important and what the rights of the consumer are. Consumers could then be given a number to call for further information or if they feel that the consent process has been conducted improperly.

As part of the development of a standardised consent to treatment process, the Health Directorate would do well to consider how the informed consent process could be streamlined and digitalised to fit in with developments in eHealth.

In conclusion, while we support the adoption of this new generic consent to treatment form, we would like to stress that this is only one part of the process of informed consent. We look forward to continuing collaboration with the Health Directorate to improve the education and information provided to all consumers prior to their giving consent to treatment.

We are happy to discuss our submission further.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Darlene Cox', with a stylized flourish at the end.

Darlene Cox  
Executive Director  
Health Care Consumers' Association

15 February 2013