

Decision making and consent

The GMC updated guidance on 'Decision making and consent' comes into effect today, on 9 November 2020, replacing the previous guidance.

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The General Medical Council (GMC) updated [guidance on 'Decision making and consent'](#) comes into effect today, on 9 November 2020, replacing the previous guidance published in 2008.

There is no change to the legal framework for obtaining consent which remains as set out in *Montgomery v Lanarkshire Health Board* [2015]. The judgment in *Montgomery*, in fact, brought the law into line with the GMC guidance at the time, making it clear that a clinician is under a duty to take reasonable care to ensure that the patient is aware of any material risks involved in any recommended treatment, and of any reasonable alternative or variant treatments.

Whilst there is no change to the law, the updated GMC guidance is intended to be easier for clinicians to follow than the previous version, given changes to medical practice, the doctor-patient relationship and the healthcare environment.

The updated guidance, which is underpinned by seven key principles, highlights the need for a proportionate approach to be adopted and that not every paragraph of the guidance will be relevant to every discussion.

One of the key 'new' areas of the updated guidance seeks to provide practical support for clinicians in respect of the conversations needed with patients to find out what matters to them *"about their health – their wishes and fears, what activities are important to their quality of life, both personally and professionally"* so clinicians can assess material risks and share relevant information to help patients decide between viable options (paragraphs 16-20). This reinforces the need for a patient centred approach to consent and highlights the need for a dialogue and exchange of information between doctor and patient which is central to good decision making.

Covid-19 has created new and ongoing challenges and opportunities for clinicians, with an increase in remote consultations making the need for careful consideration about what information and issues a clinician needs to discuss with a patient.

We explored some of the issues arising from the impact of Covid-19 on consent in our webinar on 11 June and you can access the [webinar on-demand here](#) along with the [Q&A factsheet](#) which was produced afterwards.

If you have any queries or would like to discuss anything arising from the updated GMC guidance further, please contact Amelia Newbold.

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