



The Royal College of
Chiropractors

Navigating Consent: A Chiropractor's Guide in Light of the Montgomery Ruling

Introduction

For the 2022/23 CPD year, the General Chiropractic Council asked chiropractors to reflect on their understanding of informed consent. It also issued [guidance](#) on the subject. In recent years, the importance of informed consent has gained significant recognition in the healthcare field. The landmark [Montgomery ruling](#) in the UK reinforced the significance of consent as a fundamental aspect of patient-centred care. For chiropractors, understanding the implications of this ruling is crucial for maintaining ethical and legal practice. This article explores the concept of consent, its importance in chiropractic care and how the Montgomery ruling impacts chiropractors in the UK.

Understanding Consent

Consent is the process by which patients are informed about the nature, risks, benefits and alternatives of a proposed treatment or procedure. It involves the patient's voluntary agreement to undergo the recommended intervention after having all the necessary information presented to them in a clear and understandable manner. Consent empowers patients to actively participate in their healthcare decisions, respecting their autonomy and ensuring they have a voice in their treatment plans.

The Montgomery Ruling

The Montgomery ruling, which originated from a case heard by the UK Supreme Court in 2015 (Montgomery v Lanarkshire Health Board), brought a significant shift in the legal landscape concerning consent. The ruling emphasised that healthcare professionals have a duty to disclose all material risks associated with a proposed treatment, considering both the nature of the risk and the patient's individual circumstances. The standard of disclosure is no longer based on what a reasonable body of medical professionals would consider relevant but, instead, on what a reasonable patient would want to know.

Implications for Chiropractors

Chiropractors must recognise that the Montgomery ruling applies to their practice as it does to that of other healthcare professionals. It emphasises the importance of effective communication, patient-centred care and shared decision-making. Here are some key considerations:

1. **Enhanced disclosure:** Chiropractors must ensure that patients are provided with clear and comprehensive information about the proposed treatment, including its purpose, potential risks, benefits and any viable alternatives. It is essential to individualise this information, considering the patient's unique circumstances, preferences and concerns. It is important to make clear that patients have the option of not having care, and should

have time to consider this without feeling undue pressure to give consent.

2. Communication skills: Chiropractors should prioritise effective communication techniques to establish a trusting relationship with their patients. Active listening, empathy, and the use of plain language are crucial in facilitating patient understanding and allowing them to make informed decisions. See the [Royal College of Chiropractors Practice Standard on Communication with Patients](#).
3. Documentation: Accurate documentation is vital to demonstrate that informed consent discussions have taken place. Chiropractors should maintain comprehensive records of the information provided, patient queries, and decisions made collaboratively. This documentation acts as evidence of the consent process and safeguards both the practitioner and the patient. See the [Royal College of Chiropractors' Practice Standard on Clinical Record Keeping](#).
4. Ongoing consent: Chiropractors should be aware that consent is not a one-time event but an ongoing process. As treatment plans evolve or new information arises, it is crucial to revisit and reaffirm consent to ensure patients remain fully informed and engaged in their care.
5. Training and education: Chiropractors should invest in ongoing training and education to stay up-to-date with evolving legal and ethical requirements as well as understanding the up-to-date evidence on risk. This will help ensure compliance with the Montgomery ruling and provide the best possible care for patients.

Conclusion

In light of the Montgomery ruling, consent has become an even more critical aspect of chiropractic practice in the UK. Chiropractors must embrace a patient-centred approach, prioritising effective communication, shared decision-making and comprehensive documentation. By adhering to the principles of informed consent, chiropractors can uphold patient autonomy, foster trust and provide ethical and legally sound care. Embracing the Montgomery ruling provides an opportunity to enhance patient interactions and care delivery, ultimately benefitting both practitioners and their patients.

Reading/Resources

General Chiropractic Council Guidance on Consent (2022) [https://www.gcc-uk.org/assets/publications/GCC_Consent_guidance_\(July_2022\).pdf](https://www.gcc-uk.org/assets/publications/GCC_Consent_guidance_(July_2022).pdf)

Montgomery V Lanarkshire Health Board. <https://www.supremecourt.uk/cases/docs/uksc-2013-0136-judgment.pdf>

The Royal College of Chiropractors' Chiropractic Practice Standard: Communication with patients 2022. https://rcc-uk.org/wp-content/uploads/2022/07/CPS-Communication-with-Patients_web.pdf

The Royal College of Chiropractors' Chiropractic Practice Standard: Clinical Record Keeping 2023. https://rcc-uk.org/wp-content/uploads/2023/06/CPS-Clinical-Record-Keeping_web.pdf

The Royal College of Chiropractors' AGM Webinar Series – Communication Skills 2: A Matter of Consent with Richard Brown DC LLM FRCC. Recorded 14 October 2021. <https://rcc-uk.org/rcc-tv/>