

Maternity mock inquest - film 1

Consent is often a key issue in obstetric claims and if it is relevant to the facts of the death, its likely to be an area explored by a coroner.

21 July 2021

This film begins with Mum's evidence about requesting a caesarean section and then shows the obstetrician's recollection of the discussions about mode of delivery with mum. Unfortunately, the antenatal discussions are poorly documented.

Consent is often a key issue in obstetric claims and if it is relevant to the facts of the death, its likely to be an area explored by a coroner.

The legal framework for obtaining consent is set out in [Montgomery v Lanarkshire Health Board \[2015\]](#) which makes 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, which in the context of maternity claims, includes the options for mode of delivery.

The importance of informed consent is highlighted in Ockenden preliminary review and Trusts must ensure women have ready access to accurate information to enable their informed choice of intended place of birth and mode of birth, including maternal choice for caesarean delivery.

Consent is not just a one-off process, there has to be ongoing dialogue and all discussions should be carefully documented.

For further guidance on Consent:

- [Nadine's story - Consent - NHS Resolution](#)
- [Consent for clinicians](#)
- [Consent in the Covid-19 world and beyond](#)

Contact

Mark Hickson

Head of Business Development

onlineteaminbox@brownejacobson.com

+44 (0)370 270 6000

Related expertise

Clinical negligence

Safety and learning in healthcare