

MISLEADING INFORMATION

Providing misleading information is unlawful and could vitiate consent

WHEREAS, if the information provided to the individual to obtain consent is misleading, this could vitiate consent as the individual has not been informed with accurate information.

"Misleading. If a complication is listed, but the risk level is not accurate, it could be construed as misleading. A patient may accept a risk of internal bleeding at less than 1% but not if 10% of patients experience this complication. Major risks like brain damage, death, paralysis, and other life-changing complications should be outlined specifically, along with common complications."

- UK Medical Freedom Alliance "Informed consent and Covid-19 vaccines - <https://www.ukmedfreedom.org/>.; and

Providing incomplete information is unlawful and could vitiate consent

WHEREAS, if the information provided to the individual is incomplete, this could vitiate consent.

"Incomplete information. Sometimes risks or complications that have occurred, but only rarely, are not listed on the consent form."

"If it can be proven that another physician would have disclosed the risk, but your doctor did not tell you about it, and then the complication occurred, there may be a possibility to pursue a medical malpractice claim."

- UK Medical Freedom Alliance "Informed consent and Covid-19 vaccines."; and

WHEREAS, the UK Medical Freedom Alliance has provided the following information on informed consent and other relevant information. The UK Medical Freedom Alliance is an alliance of Doctors, scientists and lawyers. The following letters are in the public domain and you should refer to them. The UK medical freedom alliance website also contains further open letters that have been sent regarding the covid19 vaccines and expert analysis of the covid vaccines for the information of patients, including, but not limited to the following letters:

1. <https://www.ukmedfreedom.org/open-letters/ukmfa-open-letter-to-gps-vaccinators-re-obtaining-informed-consent-for-covid-19-vaccines>; and

2. Vaccine consent form
https://uploadssl.webflow.com/5fa586942937a4d73918723/5ff46d3fa0a18f0c8e0cbc2_UK_MFA_CV19_vaccine_consent_form_v3.pdf

3. UK medical freedom alliance, Open letter to the JCVI re advice that Covid19 vaccines should be offered to all pregnant women:
<https://www.ukmedfreedom.org/open-letters/ukmfa-open-letter-to-the-jcvi-re-advice-that-covid-19-vaccines-should-be-offered-to-all-pregnant-women>;

4. UK MFA- Open letter re Vaccination Mandates by Employers for Employees or potential Employees:

[https://uploads-](https://uploads-ssl.webflow.com/5fa5866942937a4d73918723/6034d75d99ca064068db36c5_UKMFA_L4L_Workers_Union-Employers_Vaccine_Open_Letter.pdf)

[ssl.webflow.com/5fa5866942937a4d73918723/6034d75d99ca064068db36c5_UKMFA_L4L_Workers_Union-Employers_Vaccine_Open_Letter.pdf](https://uploads-ssl.webflow.com/5fa5866942937a4d73918723/6034d75d99ca064068db36c5_UKMFA_L4L_Workers_Union-Employers_Vaccine_Open_Letter.pdf); and

The function of the law is to enable rights to be vindicated and to provide remedies when duties have been breached.

WHEREAS, in the UK case of Thefaut v Johnson [2017] EWHC 497 (QB) at para [63], the Court cited the judgments of the House of Lords in the UK case of Chester v Ashfar [2004] UKHL 41, stating, inter alia:

"63. Finally, I would refer to the judgments of the House of Lords in Chester (ibid) where the Judicial Committee held (by a majority) that where in breach of duty a patient was not warned of a small risk of damage, which damage then eventuated, and the patient would otherwise have sought advice on alternatives and would not have undergone surgery at the time and in the circumstances that she in fact underwent surgery, the surgeon should nonetheless be regarded as having caused the entirety of the damage. Lord Hope stated:

"86. I start with the proposition that the law which imposed the duty to warn on the doctor has at its heart the right of the patient to make an informed choice as to whether, and if so when and by whom, to be operated on. Patients may have, and are entitled to have, different views about these matters. All sorts of factors may be at work here - the patient's hopes and fears and personal circumstances, the nature of the condition that has to be treated and, above all, the patient's own views about whether the risk is worth running for the benefits that may come if the operation is carried out. For some the choice may be easy - simply to agree to or to decline the operation. But for many the choice will be a difficult one, requiring time to think, to take advice and to weigh up the alternatives. The duty is owed as much to the patient who, if warned, would find the decision difficult as to the patient who would find it simple and could give a clear answer to the doctor one way or the other immediately.

87. ...The function of the law is to enable rights to be vindicated and to provide remedies when duties have been breached.

Unless this is done the duty is a hollow one, stripped of all practical force and devoid of all content. It will have lost its ability to protect the patient and thus to fulfil the only purpose which brought it into existence. On policy grounds therefore I would hold that the test of causation is satisfied in this case.

The injury was intimately involved with the duty to warn."

<https://www.bailii.org/ew/cases/EWHC/QB/2017/497.html#para51> and <https://www.bailii.org/uk/cases/UKHL/2004/41.html>; and