



Health and Disability Commissioner
Te Toihau Hauora, Hauātanga

Lack of informed consent for circumcision procedure **20HDC02087**

Deputy Health and Disability Commissioner Dr Vanessa Caldwell has found that a GP breached the Code of Health and Disability Services Consumers' Rights (the Code) for his care of a teenager who underwent a circumcision procedure for cultural reasons.

The teenager attended a medical centre for the procedure. The teenager's mother told HDC that the GP examined the surgical site after the procedure in the presence of whānau without any explanation or asking for consent. In addition, the mother alleged that on several occasions during the consultations the GP did not act in a respectful and culturally sensitive way.

Dr Caldwell found the GP breached Right 6, which gives consumers the right to information | Whakamōhio, and Right 7, which gives consumers the right to make a choice and give consent | Whakaritenga mōu ake. However, she found that there were no cultural issues because it is not appropriate in any circumstance to undertake a sensitive examination without first obtaining the consumer's informed consent.

"Given the teenager's vulnerability as a young person, the intimate nature of the post operative examination and the presence of the teenager's whānau in the room at the time, I find the GP opening the teenager's sarong without consent unacceptable," Dr Caldwell said.

"In my view, although the teenager had consented to undergo circumcision, this did not mean the GP could continue further physical examinations without explicitly gaining consent for each follow up examination."

"The teenager had the right to be informed about the GP's intention to examine his postoperative site, and the reasons for that examination, and he had the right to give or withhold his consent and indeed to request this examination occur more privately."

"Consenting is an ongoing process and care must be taken to protect the privacy and dignity of consumers," Dr Caldwell said.

Dr Caldwell made an additional comment about the GP's advice to the teenager to lose weight. "I encourage the GP to use sympathetic and thoughtful language in the future when advising his patients on sensitive matters including weight loss," she said.

Since the events, the GP has made several changes to his practice, as outlined in the report.

Dr Caldwell acknowledged these changes and made several further recommendations, including that the GP provide a formal written apology to the teenager and his whānau and that he complete HDC's online module on informed consent.

25 March 2024

Editor's notes

The full report of this case will be available on HDC's [website](#). Names have been removed from the report to protect privacy of the individuals involved in this case.

The Commissioner will usually name providers and public hospitals found in breach of the Code, unless it would not be in the public interest, or would unfairly compromise the privacy interests of an individual provider or a consumer.

More information for the media, including HDC's naming policy and why we don't comment on complaints, can be found on our website [here](#).

HDC promotes and protects the rights of people using health and disability services as set out in the [Code of Health and Disability Services Consumers' Rights](#) (the Code).

In 2021/22 HDC made 402 recommendations for quality improvement and providers complied with 98% of those recommendation.

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