

# INFORMED CONSENT POLICY

## COMMUNITY SERVICES (ACQS 1 – DIGNITY AND CHOICE)



### 1. Purpose

The purpose of this policy is to ensure clients and community members engaged in Northside’s services and programs are at all times supported to give informed consent in relation to all matters that affect them and that they understand the nature and consequences of their consent, and that they can freely make decisions without unfair pressure or influence from others. This includes understanding the impact on them of any prescribed restrictive practice that might result from their consent.

### 2. Scope

This policy applies to all Northside staff and volunteers providing services to clients (with the exception of Children’s Services).

### 3. Policy

Northside will adopt best practices that support and maximise the person’s decision-making, choice and self-direction.

Northside staff will use whatever strategies are necessary to facilitate the person’s capacity to communicate their choices and decisions when:

- there is uncertainty about the person’s capacity to provide informed consent
- there is an absence of engaged family, other friends and advocates to assist
- there are conflicts around what decisions and actions are in the person’s best interests

A person may withdraw their consent at any time

All clients of Northside will have their informed consent obtained prior to discussion, release of information or access to any records regarding their personal details.

All clients have the right to decide who has access to information they have provided to the staff of Northside.

### 4. Procedure

**In obtaining informed consent, staff must consider the following:**

- Information might need to be provided in different ways depending on the person’s abilities backgrounds, experiences, languages, needs and mental state at the time.
- What the consent applies to must be very clear. For example, in relation to the sharing of information, the person should be informed about what information will be shared, with whom and how.
- Care should be taken to avoid assumptions that consent provides a blanket approval or that consent on one occasion or about one event implies consent for future occasions or events.
- The person should be informed that they have the right to change or withdraw their consent at any time.
- Consideration should also be given to the person having the opportunity to nominate someone they trust to make decisions on their behalf if they are unable to give informed consent.
- Failure to observe the requirements necessary for informed consent to be obtained can result in the infringement of a person’s rights.

<b>Document Type:</b> Policy	<b>Doc Ref No.:</b> COMS- POL-003	<b>Distribution:</b>
<b>Version No.:</b> V1	<b>Due for Review:</b> 12/2019	<b>All Community Service Staff</b>

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- Northside staff ensure that the intake or initial assessment process includes procedures to identify clients who are subject to relevant orders or arrangements such as community treatment orders or adult guardianship arrangements.
- Unless clients make an informed consent not to involve carers, services should be delivered in partnership with clients and carers. To reduce duplication, and with the client's informed consent, contact should be made with health and other service providers involved to obtain applicable information as soon as practicable after the person enters the service.

### Sufficient time for consideration

A person cannot be asked to make a decision about the provision of care unless the person has been given sufficient time to consider the matters involved in the decision; and has been given a reasonable opportunity to discuss those matters with the relevant person such as a medical practitioner or other identified supports external to the service; and has been given a reasonable opportunity to obtain any other advice or assistance in relation to the decision that the person wishes.

Please note: A demonstrated significant risk to self or others may override the opportunity to give extended time for decision making and where the person is demonstrating a diminished capacity to provide informed consent.

### The following steps are to be adhered to when obtaining consent:

- During assessment the client will be informed of their rights, will be provided with a privacy statement explaining who may access their client record, who may discuss their situation in a multi-disciplinary setting, case conference, or referral etc;
- The client will be asked to sign a Client Consent Form once it is clear that the requirements of informed consent have been met;
- In the event that a client is unable to sign, an authorised delegate (Enduring Power of Attorney) carer or authorised advocate may sign the Client Consent Form on the client's behalf;
- A copy of this form will be left with the client;
- For evidentiary purposes, the client's informed consent must be recorded on the client personal secure electronic file, utilising at a minimum the Northside Consent/Shared Information Form.
- The consent form will provide evidence that valid, informed consent was obtained, when it was obtained and by whom; the informed consent was given by the client themselves or by a person authorised by law to give the informed consent on the person's behalf; and the name and contact details of the person who gave the informed consent.
- Northside staff will handle all client details in accordance with the Privacy Act 1988 (amended 2002);
- A client may withdraw consent at any time;
- Separate consent will also be sought for participation in the National Disability Insurance Scheme

## 5. Definitions

**Northside** Northside Community Service Limited

**Client** An individual, also known as a consumer, service user or care recipient

## 6. Key roles and responsibilities

**Approved Provider Key Personnel** ensure regular monitoring and review of systems and processes through internal auditing and regular reporting.

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**Management** ensures processes and practices are in accord with consumer dignity and choice and provide the resources to support staff and consumers including staff development and supervision

**Staff** follow policies and procedures, participate in development opportunities, treat consumers with dignity and respect at all times, work to maintain an environment that is culturally safe, support consumers to make informed choices about their care and ensure the privacy and confidentiality of consumers

**Clients and/or their representatives** make their choices known to staff and let us know when they feel they have not been treated with dignity and respect or have not been supported or permitted to express their choices about their care and services.

### 7. Related Standards and Documents

- National Standards for Mental Health Services
- National Standards for Disability Services
- National Quality Standards for Age Care
- Commonwealth Privacy Act 1988 – amended in Privacy Amendment (Enhancing Privacy Protection) Act 2012
- Australian Privacy Principles 2014
- Commonwealth Freedom of Information Act 1982
- Freedom of Information Act (ACT) 1989

#### Related documents

- Access & Equity Policy
- Confidentiality & Records Policy
- Compliments, Suggestions, Complaints & Feedback Policy
- Client Rights & Responsibilities Policy
- Privacy and Confidentiality Policy
- Dignity and Choice Policy

### 8. Related Documents & References

### 9. Document Control & Version History

Document Reference number:	COMS- POL-003
Version Number:	V1
Written by: Name & position	Kate Cvetanovski, Executive Director Community Services
Document Status:	Final
Document approved by:	Bruce Papps, CEO
Approval Date:	10/12/2018
Effective Date:	18/12/2018
Review Date:	This will be no later than 12 months from Release Date. A register is maintained to ensure currency
Corporate/Community Services or Children’s Services:	Community Services

#### Version History

<i>Version No. V1</i>	<i>Date of effect</i>	<i>Brief Summary of Change</i>
<b>Document Type:</b> Policy	<b>Doc Ref No.:</b> COMS- POL-003	<b>Distribution:</b>
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