

Consent Policy and Procedure

1.0 Purpose

121 Supports Hunter Pty Ltd must gain consent from the participant before sharing any information with family, advocates, other providers and government bodies.

Children under eighteen (18) age will need consent from their family/advocate/guardian to share information with other providers and government bodies. It is the responsibility of all staff to inform participants about their rights regarding the provision of consent.

2.0 Scope

All efforts should be made to obtain consent. When there are language or communication barriers, staff members will ensure that all reasonable efforts have been made to overcome these, using available communication skills and technology, interpreters, relatives/carers and friends.

Relatives may be consulted about the best ways to communicate or may be requested to establish the participant's values and preferences if they cannot express these themselves.

Initial consent will be undertaken during the participant's registration with the service. The primary responsibility for obtaining consent lies with the front-line worker to carry out the service. Consent can be sought from another individual, but only if they have enough knowledge to correctly provide the right information and answer the participant's questions. Consent is equally valid whether it is expressed verbally, non-verbally (implied), or is written:

- **Implied consent** is adequate for most of the support provided by the organisation.
- **Oral consent** is enough for most doctors and other health professionals (e.g. commencing a manual handling process or using complex medical procedures).
Oral consent should be recorded in the support plan with relevant discussion details, the date and time of the entry, and the staff member's name legibly written. Oral refusal of consent for any intervention must also be recorded in the support plan in the same manner.
- **Written consent** should be gained to use an advocate or share information by the participant and the healthcare professional. Note: Participants automatically opt-in and must request to opt-out of NDIS audit requirements.
- **Taking a photograph** requires written consent from any participant whose photo is being taken.

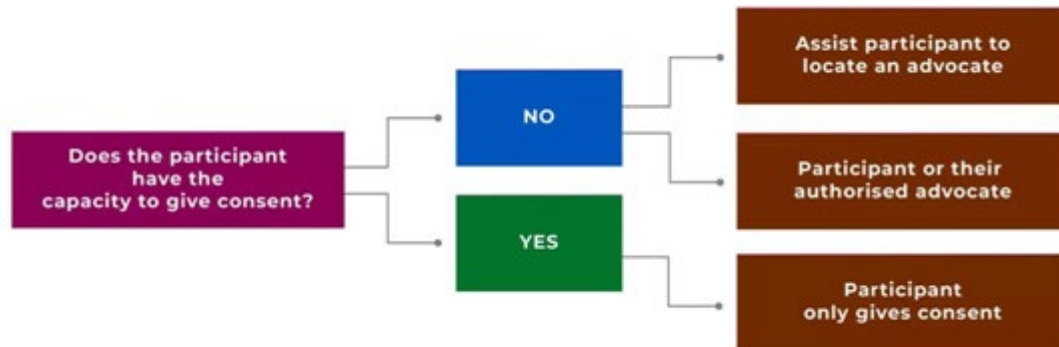
3.0 Policy

- 121 Supports Hunter Pty Ltd recognises the importance of maintaining the privacy and confidentiality of all participants; however, there are times when it is essential to share information with other parties, such as government bodies and other service providers.
- 121 Supports Hunter Pty Ltd will not provide any information to a person or authority without the participant's consent unless the disclosure is a legal requirement.
- 121 Supports Hunter Pty Ltd will inform all participants about their rights to privacy and confidentiality upon entry into the service.
- 121 Supports Hunter Pty Ltd will notify all participants that they have an opt-out option if their information is requested for audit purposes.

3.1 Guiding principles

- Participants have the right to make decisions about things that affect their lives.
- It is presumed that participants can make their own decisions and provide consent when required unless there is evidence otherwise.
- Participants are supported to make informed decisions when their consent is required.
- Consent is obtained from the participant, or a legally appointed guardian, for life decisions such as accommodation, medical treatment, forensic procedures and behaviour support.
- Consent for financial matters is obtained from the participant, a legally appointed financial manager or the person appointed under a Power of Attorney.
- Participants are supported to identify opportunities to make decisions about their own lives and build confidence in their decision-making skills.
- When a participant wants or needs support to make decisions, it is provided in ways preferred by the participant and a supporter of their choice.
- Support with decision-making must respect the person's cultural, religious and other beliefs.
- Encourage and facilitate development if a participant wants support from family and friends.
- Support is provided in ways that uphold the participant's right to self-determination, privacy and freedom from harm, abuse and neglect.
- Decision-making and self-determination are not limited by the interests, beliefs or values of those providing the decision-making support.
- The support a participant requires to make decisions will depend on the specific decision or the situation.
- Participants are supported to make decisions that affect their own lives, even if others do not agree with them or regard the decisions as risky.
- Participants are supported to access opportunities for meaningful participation and active inclusion in their community when they want this.
- Information is provided in formats that everyone can understand and enables the participant, their supporters and others, such as legally appointed guardians, to communicate effectively.

Diagram 1. Participant consent process



4.0 Procedure

If a participant wishes to provide consent so another person or organisation can access their personal information, then the following procedure is to be undertaken:

1. The participant is informed that written or verbal consent is required before sharing personal information.
2. The participant is advised that their consent can be withdrawn at any time.
3. Information about the consent is communicated in a relevant method to the participant.
4. The participant completes a Participant Information Consent Form.
5. A signed Participant Information Consent Form is placed at the front of the participant's file.
6. All relevant staff members are informed about consent approval.

Diagram 2: Participant consent process



5.0 Related documents

- Participant Information Consent Form

6.0 References

- Disability Services Act 1986 (Commonwealth)
- Disability Discrimination Act 1992 (Commonwealth)
- Privacy Act 1988 (Commonwealth)
- NDIS Practice Standards and Quality Indicators 2021