

Consent Policy

Approving Authority:	General Manager – Service Delivery
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Description:	This policy sets out the principles, objectives, and responsibilities for Therapy Pro staff to understand consent, gaining consent from a client to collect and share personal information and work with them to provide quality services.

Related Documents

- *Client Referral;*
- *Client Consent Form;*
- *Privacy & Information Management Policy;*
- *Therapy Pro Welcome Pack*
- *Referral/Intake Processes;*

Definition

Consent is the ‘agreement to do or to act’, or the ‘compliance with a request or instruction’, given by one person to another.

Preamble

A client’s consent to and involvement in the selection, provision, and evaluation of services to meet their needs is good practice. There is a legal obligation to obtain client consent prior to accessing and sharing information, and failure to do so before providing services may breach a number of civil laws. Consent has four key elements, including (but not limited to):

- adequate information is provided to allow for an informed decision to be made around consent;
- consents are voluntary;
- consent is current and specific; and
- consent is made by a person who has the capacity to understand and communicate the consent on behalf of themselves or others.

Consent Policy Statement

Therapy Pro believes that all clients have a right to select, participate in and evaluate the services provided to them. For that reason, all clients (or persons acting on behalf of the client) need to consent to Therapy Pro collecting, using, and sharing their personal information so that a quality therapeutic service can be provided. Clients can withdraw their consent at any time by advising Therapy Pro staff either verbally or in writing.

Each participant's consent is obtained to collect, use and retain their information or to disclose their information (including assessments) to other parties, including details of the purpose of collection, use and disclosure.

Each participant is informed in what circumstances the information could be disclosed, including that the information could be provided without their consent if required or authorised by law.

Each participant is informed of how their information is stored and used, and when and how each participant can access or correct their information, and withdraw or amend their prior consent.

An information management system is maintained that is relevant and proportionate to the size and scale of the organisation and records each participant's information in an accurate and timely manner.

Documents are stored with appropriate use, access, transfer, storage, security, retrieval, retention, destruction and disposal processes relevant and proportionate to the scope and complexity of supports delivered.

Informed Consent

Informed consent is a principle in healthcare and disability supports, that a client must have sufficient information and understanding before making decisions about their health care and health supports. Gaining informed consent is extremely important. Therapy Pro staff should collect personal information directly from the client if it is reasonable to do so. In situations where a client is not able to provide consent (a child, young person or a person with impaired decision making capacity), then their personal information may be collected from a 'person responsible' - who can consent on the client's behalf.

A person responsible for the client is usually a family member, close friend or unpaid carer – who maintains a close personal relationship through frequent personal contact with, and who has a personal interest in, the client's welfare. The person responsible should have informed judgment about the client's ability to consent to and be actively involved in the consent process. Some of the State/Territory legislation pertaining to guardianship and administration excludes paid staff or paid carers from being a 'person responsible'.

Therapy Pro will attempt to obtain written consent from the most appropriate person or alternatively, if an individual does not have anyone suitable to provide this service for them, Therapy Pro will seek consent from either the OPG (prior to delegation of Guardianship) or from an independent party who can make an informed decision on behalf of the person.

Responsibilities

Therapy Pro staff are responsible for:

- Explaining why Therapy Pro needs to gain consent, either to a client or their person responsible;
- Regularly reviewing and confirming with the client that their consent is still current;
- Identifying, discussing, and supporting improvements in gaining client consent; and
- Ensuring that consent is documented accurately within the client management system client file.

Monitoring and Reporting

- Staff will review consent with client or their person responsible, at a minimum, every twelve months or if a reasonable period of time has lapsed (six months) since services have been provided to the person and at the time of re-engagement staff will review the current consent for validity and or change;
- Staff should be aware of any external pressures that might influence a client's decision to consent, and in complex situations or if there is doubt about whether or not a person is able to consent, or if the person responsible is appropriate, staff should refer to the Therapy Pro General Manager for additional advice; and
- Where staff are aware of a client withdrawing consent, they should alert the National Head of Discipline as soon as possible.