



# Informed Consent Policy

**CATEGORY: Information Management**

**THIS PROCEDURE APPLIES TO: Employees, Clients, Students and Volunteers**



Document Control			
Document Title	<b>Privacy Policy</b>		
Policy Area	Information Management – Privacy		
Status	Current		
Owner	Richmond Wellbeing Executive		
Approved by	RW Executive	Approval Date	3 <sup>rd</sup> February 2017
Version No.	4	Review Date	February 2019

Record of issue		
Version	Date	Reason and comment
1	June 2013	This policy has been separated from the RW Consumer Right to Confidentiality Policy Version 1: February 2008 & Version 2: May 2010.
2	November 2013	Consent/Shared Information Form added to the policy. Some minor changes to policy wording.
3	January 2016	Richmond Wellbeing Rebranding
4	February 2017	Reviewed – no amendments made
Review by Consumer and Family Reference Group		
Version	Date	Reason and comment

Policy Context	
Applicable standards, legislation or other requirements.	QIC Health and Community Services Standards National Standards for Mental Health Services National Standards for Disability Services Commonwealth Privacy Act 1988 – amended in Privacy Amendment (Enhancing Privacy Protection) Act 2012 Australian Privacy Principles 2014 Commonwealth Freedom of Information Act 1982 West Australian Freedom of Information Act 1992
Related RW documents	Consent Forms Privacy Policy

Contact for enquiries and proposed changes	
All queries and changes regarding this document should be directed to	
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Position	Compliance, Risk and Safety Manager

## 1 Purpose

The purpose of the informed consent policy is to provide and clearly explain information about the rights and responsibilities to clients and residents who enter and participate in RW services in their preferred language and form of communication to facilitate informed consent.

## 2 Introduction

RW staff are responsible for ensuring the person is giving 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.

## 3 Policy

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

RW 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.

## 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 disability, 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.

- RW staff ensure that the intake or initial assessment process includes procedures to identify clients/residents who are subject to relevant orders or arrangements such as community treatment orders or adult guardianship arrangements.
- Unless clients/residents make an informed consent not to involve carers, services should be delivered in partnership with consumers and carers. To reduce duplication, and with the consumer'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 health professional who is proposing the provision of the treatment; 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.

Informed consent must be recorded on the client/residents' personal RW file, utilising at a minimum the *RW Consent/Shared Information Form*.

The record of the informed consent must include the date when the informed consent was given; and whether the informed consent was given by the client/resident himself or herself 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.

### **Informed consent by making an Advance Health Directive (AHD)**

Some clients/residents may elect to make an Advance Health Directive.

An Advanced Health Directive (AHD) is a document that contains decisions about future treatment. Treatment includes medical, surgical and dental treatment and other health care.

A person can make an AHD in which the person provides consent, or refuses consent, to future treatment. Further information can be found at

<http://www.health.wa.gov.au/advancehealthdirective/home/index.cfm>.

It is important to note that an AHD will not supersede Mental Health Act Legislation.