

Informed Consent Procedure

Version 6.0

Procedure Number	PRO-79
Procedure Name	Informed Consent Procedure
Procedure Area	Operations/ Quality and Compliance
Procedure Owner	Chief Operations Officer

Introduction

Consumer (Client or resident) informed consent is a key service quality mechanism and a legal, ethical and professional staff requirement in the provision of person-centred care. The informed consent processes supports the role of the consumer as genuine partner in mental healthcare and promotes their involvement in decision making. Consumers must: understand the information provided; not feel under pressure or coerced into making a decision; and have time to consider their options.

Purpose

The purpose of this procedure is to provide instruction for workers in how to ensure consumers are involved in their decision-making processes. To help them feel empowered and enabled to seek further relevant information and ask questions about their mental health support options. Consumers must be provided with sufficient information including the benefits, associated risks and alternative options, to enable them to make an informed decision, including the right to refuse mental health support.

A targeted approach may be needed to overcome potential barriers to informed consent such as levels of health literacy and education, cultural difference, physical issues and/or some forms of disability. This procedure and associated policy POL-97 Informed Consent Policy also relates to NDIS participants and the support they receive to make informed choices, exercise control, maximise their independence and ensures compliance with NDIS Practice Standards and Quality Indicators. Failure to observe the requirements necessary for informed consent to be obtained can result in the infringement of a person's rights.

Scope

This policy and procedure applies to employees, family supports/advocates, consumers, board members, students and volunteers.

Procedure

To obtain informed consent:

1. Determine the person's decision-making capacity. That their consent is voluntary and specific to what has been discussed.
2. Ensure they understand the information provided about the decision (can they remember the information; do they understand the implications and can they communicate their decision).
3. Make information understandable, sufficient and appropriate to the person's circumstances, education, personality, expectations, fears, beliefs, values and cultural background use plain English to communicate information.
4. Offer the opportunity to nominate someone they trust to make decisions on their behalf if they are unable to give informed consent.
5. Provide sufficient time for the consumer to: consider the options involved, discuss with any advocates or advisors, access any additional resources required, depending on individual needs (verbal, written, translator etc.).
6. Check that the person understands the information provided at suitable intervals as this may vary (see item 1).
7. Ask the person what they need to happen for the informed consent to be culturally safe for them and follow their wishes as is reasonable and practicable.
8. Encourage the person to have a support person involved, access a second opinion, and/or do further research if desired.
9. Inform everyone they can change or withdraw their consent at any time. Discuss the person's goals and concerns with them (or their substitute decision-maker), their options for care and support, the potential outcomes (positive, negative and neutral), risks and benefits, and what this might mean for them. Provide opportunities for them, or their support people, to ask questions and raise any concerns.
10. Document the Consumers consent to share information in the Privacy, Personal Information and Consent form and upload to CONNECT. ([Entry form - Privacy Personal Information and Consent \(tablet use\).dotx](#)). This will identify both family members, carers, significant others, and service providers that the consumer has given consent for Richmond Wellbeing to share information with.
11. Check Connect notes to identify any relevant orders or arrangements such as community treatment orders or adult guardianship arrangements.
12. Unless consumers make an informed consent not to involve carers, services will be delivered in partnership with consumers and carers.
13. Contact health and other service providers involved to obtain applicable information as soon as practicable after the person enters the service.
14. Record the consent on the Consumers Connect file notes, the appropriate form and a brief summary of the discussion in the progress notes.
15. Review the Privacy, Personal Information consent form as changes occur and on an annual basis.

Notes:

1. 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.
2. Do not assume that consent provides a blanket approval or that consent on one occasion or about one event implies consent for future occasions or events.
3. Additional consent for one off instances that may occur later are documented on the Letter of Authority form.
4. Some consumers may elect to make an Advance Health Directive with clinician support.

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.

Related Documents

POL-99 Privacy Policy

PRO-79 Informed Consent Procedure

PRO-11 Use of Interpreters

FOR – Privacy Personal Information and Consent

Consumer Information Pack

NDIS Consumer Information Pack

POL-160 Mature Minors Policy

PRO- 97 Mature Minors Procedure

FOR – Letter of Authority

PRO-101 Documentation of Consumer Information

PRO-47 Consumer Information Access

POL-110 Consumer Rights

Supporting Information

Australian Privacy Principles 2014

Commonwealth Freedom of Information Act 1982

West Australian Freedom of Information Act 1992

Commonwealth Privacy Act 1988 – amended in Privacy Amendment (Enhancing Privacy Protection) Act 2012

National Standards for Disability Services

National Standards for Mental Health Services

QIC Health and Community Services Standards

Rainbow Tick Standards

NDIS Practice Standards and Quality Indicators

National Disability Insurance Scheme Act 2013

National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018

NDIS Code of Conduct

NDIS Consultation and Companion Paper - Supporting you to make your own decisions.

<https://www.ndis.gov.au/community/have-your-say/support-decision-making-consultation>

NDIS Psychosocial Disability Recovery-Oriented Framework

<https://www.ndis.gov.au/media/3957/download?attachment>

MHA Fact sheet on supported decision making, psychosocial disability and the NDIS

<https://mhaustralia.org/fact-sheet-supported-decision-making-psychosocial-disability-and-ndis>

WHO Quality Rights Toolkit

[QualityRights materials for training, guidance and transformation \(who.int\)](#)

Presumption of Capacity

<https://www.health.vic.gov.au/practice-and-service-quality/presumption-of-capacity>

References

ACSQHC Informed Consent <https://www.safetyandquality.gov.au/our-work/partnering-consumers/informed-consent>

RACGP Informed Consent

extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.racgp.org.au/download/Documents/PracticeSupport/informedconsentinfosheet.pdf

Canberra Health Literacy. Informed Consent for Consumers. <https://cbrhl.org.au/consumers-carers/making-decisions-about-health-care/informed-consent-for-consumers/>

Review Timeframe and Responsibility

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