Consent Policy and Procedure

PURPOSE

All About Care Australia (AACA) is committed to obtaining informed consent from participants before collecting, using, disclosing or sharing any personal information. This policy ensures that participants' rights to privacy and self-determination are upheld in all interactions with AACA.

AACA must gain consent from participants before sharing information with family members, advocates, other providers and government bodies. Children under 18 years of age require consent from their parent or guardian, as do participants over 18 who rely on a parent or legal guardian to share information on their behalf.

SCOPE

This policy applies to all AACA directors, management, staff, volunteers and contractors. It applies to all services and supports delivered by AACA, including the collection, use and disclosure of participant information.

AACA will obtain consent even where language or communication barriers exist. When barriers are present, staff will ensure that all reasonable efforts have been made to communicate relevant information and to obtain meaningful consent. This may include consulting with relatives, using interpreters, or requesting assistance to establish the participant's values and preferences.

DEFINITIONS

- **Consent –** A voluntary agreement given by a person, or their authorised representative, after being provided with sufficient information to make an informed decision. Consent may be given verbally or in writing.
- **Informed Consent –** Consent that is given after the person has received clear and accessible information about what they are consenting to, including the purpose, risks, benefits and alternatives.
- **Capacity to Consent –** The ability of a person to understand the nature and effect of their decisions at the time consent is required.
- **Authorised Representative –** A person who has legal authority to make decisions on behalf of a participant, such as a parent, guardian, administrator or person appointed under a Power of Attorney.
- **Withdrawal of Consent –** The right of a person to revoke their consent at any time, either verbally or in writing.

POLICY

AACA is committed to upholding the rights of participants to make informed decisions about the collection, use and disclosure of their personal information.

All workers must respect and support participant consent at all times.

Key principles include:

- Participants have the right to make decisions about things that affect their lives, including decisions about the collection, use and disclosure of their personal information.
- Information is provided in accessible formats to enable meaningful engagement and communication.
- When a participant wants or needs support to make decisions, that support is provided in ways preferred by the participant and by a supporter of their choice, without undue influence.
- If a participant wants or needs support from an advocate, this is encouraged and facilitated by AACA.
- Support with decision-making must respect the person's cultural, religious and other beliefs.

AACA will not share any participant information without consent unless the disclosure is a legal or mandatory requirement. Participants are informed of their privacy rights and of any circumstances where these rights may be limited upon entry into the service.

Consent must be documented and is required for each new occasion where information is to be shared or a new activity or intervention is proposed. Use of images through photography or video requires written consent, with annual review.

PROCEDURE

AACA obtains and manages consent through clear and accessible processes that respect participant rights and meet legislative requirements.

Before sharing a participant's personal information with any third party, staff will inform the participant of the requirement for written consent and advise that consent can be withdrawn at any time, either verbally or in writing. Information about consent is communicated in a method that is relevant and accessible to the participant.

Where there is doubt about a participant's capacity to consent, guidance is sought from the participant's guardian, administrator or other authorised representative. Where a guardian or administrator has been appointed under the Guardianship and Administration Act 2000 (Qld), consent is obtained from the appointed person for decisions within the scope of their authority.

Participants and their representatives are advised that consent may be withdrawn at any time. Upon withdrawal, the relevant information sharing or activity ceases immediately.

Where AACA is legally required to disclose information without the participant's consent (e.g. mandatory reporting, court orders, or notifiable incidents), the disclosure is documented and the participant informed where it is safe and appropriate to do so.

RELEVANT LEGISLATION

This policy should be read in conjunction with relevant legislation, standards and organisational policies, including but not limited to:

- National Disability Insurance Scheme Act 2013 (Cth)
- NDIS (Practice Standards) Rules 2018 (Cth)
- Privacy Act 1988 (Cth)
- Guardianship and Administration Act 2000 (Qld)
- Powers of Attorney Act 1998 (Qld)
- Information Privacy Act 2009 (Qld)
- Human Rights Act 2019 (Qld)

REFERENCES

- NDIS Quality and Safeguards Commission – Practice Standards: https://www.ndiscommission.gov.au/providers/registered-ndis-providers/provider-obligations-and-requirements/ndis-practice-standards
- Office of the Public Guardian (Qld): https://www.publicguardian.qld.gov.au
- AACA-C012 Participant Consent Form
- AACA-C011 Participant Authorisation Form
- AACA-PP020 Privacy Policy

Information can be provided in alternative formats upon request.

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