

Policy Document

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Service delivery

Informed Consent

Service delivery Category

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Informed Consent

"My right to make my own choices and decisions is respected including my right to say 'no.'"

Intent

We respect and promote the right of a person to make their own decisions on a voluntary and informed basis. All reasonable steps will be taken to ensure people we work with have the information and support they need to exercise their rights.

Definition

"Informed consent" is an agreement to do something or allow something to happen after all the relevant facts (risks and consequences) are disclosed.

"Parental consent" may be consent by one or both parents/guardians of a young person/rangatahi.

"Young person"/"Rangatahi" is a child or young person up to and including 17 years.

Requirements

People who engage with us will be given information on which to make decisions and exercise choice. Throughout our mahi, they will have opportunities to question and become informed about:

- relevant issues
- options
- likely or possible outcomes of options
- the benefits and risks of options
- support available to decide whether to consent.

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Support

Support to give consent will be available as necessary and care taken to ensure that information is given in a way that is understood by the recipient. Support may involve the following:

- allowing extended time for decision-making
- involving cultural support/advisors
- using interpreters where English is a second language
- time and provision for wider family/whānau involvement in decision - making
- other responses to the Tangata Whaiora's needs.

Concerns about capacity

If there are concerns a person is unable to give informed consent, we will consider, or refer the person to another agency or practitioner to assess:

- if they understand:
 - the purpose of what is being proposed
 - options and consequences (e.g risks, benefits, costs) and
 - that they can choose to refuse or give consent.
- if they have shown they can and are able to make other decisions
- if they can communicate their choices and decisions
- whether they have assistance already (eg caregiver assigned)
- the complexity of the issue requiring a decision
- whether there is any external pressure on the person affecting their capacity to voluntarily agree or disagree with the proposed action or decision.

Diminished or temporary impairment

Where the ability to consent is temporarily impaired (eg from intoxication), decisions will be delayed until the person is able to consent unless it would be unsafe.

If a person can make decisions but only to a limited extent, they will be supported to make decisions only to the extent of their ability.

Consent will not be sought from a person if we are concerned they may lack the ability/capacity to make a decision/give consent. In this circumstance, if appropriate, their legal guardian and next of kin will be consulted.

Consent by child, rangatahi

Young people will be encouraged and supported to participate in processes and decisions that concern them. The opportunities for participation must be suited to their level of maturity and ability to understand the nature, purpose, and possible consequences of giving or refusing consent.

If a decision is needed about a complex or significant matter, a young person's legal guardian(s), whānaunga or other representative will be involved.

Record keeping

Consent will be sought for key activities - intake, assessment, transport, sharing of information etc.

Consent will usually be obtained in written form. If given verbally, kaimahi must note for that client, the date, time and scope of their consent.

The process used to obtain consent should be recorded in the person's file.

Training

The right to give informed consent will be promoted as an important Tangata Whaiora right.

Kaimahi and volunteers will receive training about the right to give and refuse consent when relevant to their role and responsibilities.

Review

Consent is an ongoing engagement process. Each person must be informed they have a right to question and withdraw consent at any stage and to make a complaint.

A person, or their representative or support person(s) may ask for a decision that was made on their behalf to be reviewed. The request will be progressed and dealt with through our complaints process.

Compliance

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Social Sector Accreditation Standards Level 2, Community wellbeing 5.0-6.0; Client services and programmes 2.1

Social Sector Accreditation Standards Level 3, Client services and programmes 1.0-1.1

Oranga Tamariki Act 1989

Code of Health and Disability Services Consumers' Rights, Rights 6 and 7

NZS 8134: 2021 Our Rights Criterion 1.7

Helpful links

[Please visit this policy on our policy to view these links.](#)

Health and Disability Commissioner Code of Health and Disability Services Consumers' Rights Regulation 1996 Rights 5(1), 6(1), 7

Article 12 United Nations Convention on the Rights of Persons with Disabilities

Promoting Choice and Control

ihc Supporting Decision-Making A Guide for Supporters of People with an Intellectual Disability

People First New Zealand

Review

Date: January 2024

Next review: by December 2025

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