

Consent Policy

Purpose

The Consent Policy provides guidance to support Youth Focus staff to comply with relevant standards and legislation on obtaining the consent of young people to receive services operated by the organisation.

Objectives

The Consent Policy seeks to define the minimum and best-practice standards for obtaining and documenting consent for young people accessing Youth Focus services.

Scope

The Consent Policy applies to all services operated by Youth Focus, including headspace centres operated by Youth Focus as the lead agency.

Policy

Consent is defined as a young person's agreement based on an understanding of the implications of an activity or decision, and any likely consequences.

Consent to service obtained by Youth Focus will be considered valid if it is:

- **Voluntary** – the decision to engage with the service is made by the young person, and not unduly influenced by professionals, family, or carers.
- **Informed** – the young person has received enough information about the service to enable them to make an informed decision.
- **Given by someone who has capacity** – Parents and carers may authorise treatments on behalf of young people under 18. See below – *Mature Minor* – for information on assessing whether a young person under 18 can consent to their own service.
- **Accurate and current** – consent will be reviewed if the service or the young person's circumstances change in a significant way during their engagement. Consent requires review at the commencement of any new period of care

Explicit Consent

All documentation and discussions of consent should be clearly recorded within a young person's client file in MME_x, both in case notes and the Consent field within the demographic section.

At the first point of contact or wherever practically possible thereafter, staff should seek to record consent in writing using a consent form. Consent forms are service-specific, and can be found for each respective service through the Controlled Document Management System (CDMS). This should be accompanied by a verbal and age-appropriate discussion of the information contained in the form.

It is understood that there are some circumstances in which recording consent in writing is not possible or practical. Such situations include:

- The young person has not yet attended a face-to-face appointment.

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- The young person has attended, but consent documentation was not able to be discussed due to the young person's presentation at the time of the appointment.
- Service is provided via telehealth, and written consent has not yet been received
- Practical issues have temporarily prevented the printing or scanning of documents outside of office environments.

In these cases, it is a minimum expectation and mandatory requirement for engaging with a Youth Focus service that a young person has been verbally informed about the service at the commencement of their engagement. Staff are required to document the discussion which informed the young person about the service, and record verbal consent within the client's file. An alert is required which identifies that written consent has not yet been recorded. Consent should be reviewed verbally when any change in service occurs, and recorded in writing as soon as possible.

If there is a substantial and persisting barrier to recording written consent, staff should discuss this with their line manager.

Individual Placement Support (IPS) services operated by Youth Focus require an explicitly documented consent form for all young people. Consent forms are specific to IPS at each service location, and can be accessed through the CDMS.

Implied Consent

Consent may be implied where a young person indicates through their actions that they are willing to proceed with an aspect of their service involvement. Implied consent applies only where risks to the young person or their privacy are not anticipated. If there is doubt about whether the actions of a young person imply consent, their explicit consent must be sought.

Withdrawal of Consent

The young person has the right to retract consent at any time. If consent is retracted Youth Focus must respect the young person's decision and cease servicing the young person. The withdrawal of consent should be noted in the client's MMEEx file and information should be provided about how to re-engage in the future. Where risk is identified see the [Managing High Risk Clients Policy](#).

Mature Minor and Gillick Competency

As a young person ages, if they are assessed as having sufficient intellectual and emotional maturity and competence to understand information relevant to a proposed treatment, including its risks, benefits and alternatives, then they can consent to that treatment on their own behalf.

In assessing the competency and maturity of a young person seeking to access support without their parents' consent, staff must consider the following factors:

- Age
- Nature of the presenting concern
- Ability of the young person to explain their situation and appropriate history
- Nature of the proposed treatment
- Ability of the young person to collaborate meaningfully with staff
- Possible consequences of the treatment, or not receiving treatment
- Level of schooling
- Level of functioning in other aspects of their life

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- Any moral or family issues involved
- Their level of independence
- Reasons why the young person does not want their family to be involved

Youth Focus works within a family inclusive model of care wherever possible due to the benefits of involving a young person's supports in their care. We acknowledge that the involvement of family and carers is the decision of the young person due to their right to privacy. This will be respected and upheld by staff except in specific circumstances (see below).

In cases where a young person is not assessed as a Mature Minor, consent must be sought from a parent or guardian for service to proceed. All decision making in this regard must be clearly recorded within a young person's MMEEx client file.

Staff should consult their line manager if in doubt regarding a young person's status as a Mature Minor.

Release of Information

Young people accessing services through Youth Focus have a right to privacy and decision-making regarding their care. Decisions to share information regarding a young person's engagement with service should be directed by the young person themselves in line with privacy legislation.

All permission to share information with other services should be explicitly documented in writing within the client's MMEEx file. This is required at the first point of contact or wherever practically possible thereafter and should be continuously reviewed. Wherever possible this should include a signed consent form.

There are certain laws and contractual arrangements which require Youth Focus staff to disclose certain information about clients that override confidentiality and other privacy policies and legislation. Scenarios in which information may be disclosed without consent include:

- Our legal obligations require disclosure (e.g. Court subpoena, mandatory notification or notifiable incidents).
- A person is assessed as posing a risk of harm to themselves or another person.
- A person is assessed as being at risk of being harmed by another person
- There is an overriding 'public interest' which justifies disclosure to an appropriate person or authority (commission of a serious crime).

In the above matters, only that information which is necessary and legally required will be disclosed. Wherever practicable and appropriate the client in question should be notified prior to any information being shared.

Where the parent is the person responsible for giving consent to service provision because the young person is not assessed a Mature Minor, the clinician should provide all information that is necessary to enable the parent to make an informed decision in the best interests of that young person.

All decision making relating to breaking confidentiality should be discussed with a line manager and appropriately documented in the client's MMEEx file.

Community Treatment Orders and Consent

Where a young person is required to access Youth Focus services under a Community Treatment Order, informed consent practices must be attempted wherever possible. Due to the nature of Community Treatment Orders voluntary consent is not always practical. For further information see [Using the Mental Health Act 2014](#).