



Informed Consent Policy



“My right to make my own choices and decisions is respected including my right to say ‘no.’”

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 of a young person/rangatahi.

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

Requirements

Rangatahi/tamariki have a right to participate in processes and decisions that concern them taking into account their maturity and ability to understand the nature, purpose and possible consequences of giving or refusing consent.

They will be supported to participate and express their views and wishes (if and as appropriate to their age and stage), for example:



- by using their preferred form of communication (eg pictures, diagrams, video)
- involving the young person's whānau, aiga and other supports
- giving accurate and balanced information about options and answering questions
- cultural support
- disability-related supports
- accessing interpreters.

Involvement of legal guardian(s)

A young person may be sufficiently mature to give informed consent about many issues (based on individualised assessment).

If they are not sufficiently mature (ie too young to consent) or if there is a significant decision or process involved, parental/legal guardian consent will be obtained (eg parent; Oranga Tamariki).

The permission of one parent/guardian will suffice. However, if there is reason to believe that the other parent or guardian disagrees with parental consent, we will take reasonable steps to clarify consent/non-consent with that parent. In this circumstance, the proposed action/decision will not be taken until both parents, as legal guardians, consent.

Support for decision-making

We will support young people and parents/guardians to make informed decisions. We will:

- provide information about risks, benefits and consequences of consent and refusal
- check their expectations about the giving of consent
- obtain cultural advice



- use disability-related supports (when required).

Diminished or temporary incapacity

Decision making and services will be delayed if a rangatahi/their legal guardian, who has the capacity to give consent, is temporarily unable to give consent and delay does not risk the safety of the rangatahi or others.

If the rangatahi has reduced capacity to give consent (e.g because of substance abuse; mental health condition), decisions will be made and services provided only to the extent they can consent. The extent they can consent will be assessed by considering factors such as their understanding of the nature and purpose of the decision to be made, their ability to communicate their views etc.

Ongoing consent/non-consent

Consent is an ongoing process. It will be sought from rangatahi/their legal guardian for key activities and events - intake/enrolment, assessment, transport, change of staff/kaimahi, sharing of information etc. A rangatahi must also give consent before services are delivered remotely.

Consent will usually be obtained in written form unless this is not reasonably practicable in the circumstances or would impede participation (eg because of literacy).

Recordkeeping

A record must be kept of written consents and of the outcome, date and circumstances of kōrero with the rangatahi about consent.

Where a person's ability to consent is assessed (as above), their knowledge and understanding of the following will be recorded:



- the issues involved
- the proposed actions involved
- likely or possible outcomes
- the benefits and risks of the proposed action other alternatives
- the consequences of not giving consent.

Support arrangements must be noted. If a legal guardian is involved, a copy of the relevant court order should be obtained and kept on file.

Review

Consent is an ongoing engagement process and every rangatahi will be informed they have a right to question and withdraw consent at any stage.

They, 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.

Parental consent

Before we start working with a rangatahi under 16 years, kaimahi must obtain written consent from their parent/legal guardian(s). They will support the young person to actively participate in the consent process.

Compliance

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

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

[Client record keeping or Family, Whānau recordkeeping](#)

[Promoting Choice and Control](#)

[ihc Supporting Decision-Making A Guide for Supporters of People with an Intellectual Disability](#)

[People First New Zealand](#)

Review

Date: February 2022

Next review: by January 2024