



Consent To Care Policy and Procedure

December 2023

Review Date: December 2024

Consent to Care Policy and Procedure

Purpose of Policy

This Consent to Care Policy outlines Remedy support and recruitment group ltd policy on how we will obtain consent to provide care services to clients.

To meet the legal requirements of the following legislation:

- Mental Health Act 1983
- Human Rights Act 1998
- Mental Capacity Act 2005
- Mental Health Act 2007
- The Care Act 2014
- The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- General Data Protection Regulation 2016
- Accessible Information Standard 2016
- Data Protection Act 2018

Scope

The policy applies to:

- All employees, including those designated as temporary, bank staff, agency staff, volunteers or work experience

Objectives

The objectives of this policy are:

- To meet legislative requirements
 - To meet regulatory requirements
 - To ensure consent is obtained from clients to provide care services
 - To ensure that consent is valid
 - To set out the process for employees on how to gain consent
 - To ensure that Best Interest decisions are made for clients who lack capacity
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- To work in partnership with other professionals
 - To ensure clients have the right to withdraw consent

Policy Statement

Remedy support and recruitment group ltd will ensure that consent is obtained before providing care services. Remedy support and recruitment group ltd will ensure that Consent to Care forms is completed with all clients as part of the initial assessment and care planning process.

Remedy support and recruitment group ltd will continuously obtain consent from clients when providing them with care services.

Remedy support and recruitment group ltd will respect the rights of clients to withdraw consent at any time.

If a client does not have the capacity to consent Remedy support and recruitment group ltd will work within the principles of the Mental Capacity Act and follow Remedy support and recruitment group ltd Mental Capacity Policy and Procedure.

Remedy support and recruitment group ltd will partnership work with other professionals to ensure that Best Interest decisions are made for clients who do not have the capacity to consent to their care.

Remedy support and recruitment group ltd recognises that consent from some clients may be implied and not expressed verbally.

Remedy support and recruitment group ltd will comply with the requirements of the Accessible Information Standard and will provide information in a suitable format for clients to support them to make informed decisions relating to consent.

Remedy support and recruitment group ltd will ensure that clients' care records are confidential and will comply with the requirements of the Data Protection Act and the General Data Protection Regulation.

The Registered Manager is responsible for ensuring that Consent to Care is in place for all clients.

Remedy support and recruitment group ltd is committed to implementing this Policy and the practices it sets out.

Procedure

Initial Assessments and Consent

Employees who are responsible for completing Initial Assessments and Care Plans must be competent and trained to undertake this role. The Registered Manager is responsible for ensuring that employees are trained and competent.

The client must be provided with information in a format that is suitable to meet their communication needs.

The employee completing the Initial Assessment and Care Plan must ensure that the client understands what service will be provided to them and consents to this. The employee must answer any questions that the client has.

Clients must be given time to consider the information and to decide to give consent to receive services from Remedy support and recruitment group ltd.

If the client agrees to receive care services from Remedy support and recruitment group ltd a Consent to Care Form must be completed with the client. The Consent to Care Form must contain details of the care that the client has consented to receive from Remedy support and recruitment group ltd. The client must be asked to sign the Consent to Care Form.

If a client is unable to sign the Consent to Care Form the person completing the assessment must ensure that the client has given valid consent. The reasons why the client is unable to sign the form must be recorded.

Family members and other third parties are not able to sign Consent to Care Forms on behalf of the client unless the client lacks capacity and the person is the Power of Attorney for Health and Welfare.

The Registered Manager must review all Consent to Care Forms and must ensure that they are in place for all clients.

Mental Capacity and Consent

The employee completing the Initial Assessment and Care Plan must assess the client's mental capacity to understand and consent to care being provided.

If a client lacks the capacity to consent to receiving care consent will be requested from the client's legally authorised representative such as a Power of Attorney. Family members and other third parties are not able to sign Consent to Care Forms on behalf of the client unless the client lacks capacity and the person is the Power of Attorney for Health and Welfare. In these circumstances a copy of the Power of Attorney document must be provided to Remedy support and recruitment group ltd. The Registered Manager must check the validity of the Power of Attorney with the Office of the Public Guardian.

If a client does not have a legally authorised representative the Registered Manager must refer to appropriate professionals and agencies for a Best Interest decision to

be considered. The Best Interest decision will be made in partnership with other agencies. The Best Interest decision must be documented in the client's Care Plan. The Registered Manager must ensure that the Best Interest decision is reviewed and agreed with the agencies and professionals involved.

Clients who lack capacity must be supported to be involved as far as practicably possible in decisions about their care.

Employees must work in accordance with the principles of the Mental Capacity Act and must follow Remedy support and recruitment group ltd Mental Capacity Policy and Procedure.

Continuous Consent to Provide Care

Employees providing care services to clients must ensure that they routinely obtain consent from the client.

Employees must ensure that clients are aware of the care and support that employees are going to provide and that they consent to this.

Consent can be non-verbal. Examples of non-verbal consent include clients:

- Nodding their head
- Raising their arms to get dressed or undressed
- Holding out their hand for medication
- Opening their mouth to accept medication, food or drinks
- Going to the bathroom for a shower or bath

Employees should record in the client's daily notes that consent has been obtained and how this was obtained.

Refusing and Withdrawing Consent

Clients have the right to refuse services and the right to withdraw their consent to receive care from Remedy support and recruitment group ltd.

If a client refuses to accept care from an employee, the employee must try to establish the reason for this. The employee must record in the client's daily notes that care has been refused and must inform the Registered Manager as soon as possible.

The Registered Manager must establish with the client if the refusal was for care to be provided on one particular occasion or if the refusal relates to the permanent withdrawal of consent for care to be provided.

The Registered Manager must consider if there are safeguarding concerns relating to a client refusing care services and if so, must act in accordance with Remedy support and recruitment group ltd Safeguarding Adults Policy and Procedure.

If the client is permanently withdrawing their consent and is terminating their contract with Remedy support and recruitment group ltd the Registered Manager must ensure that the funding authority is notified if the client's care is funded.

Data Protection

All records relating to clients' care and consent must be stored in accordance with Remedy support and recruitment group ltd Data Protection Policy and Procedure.

Roles and Responsibilities

All employees are responsible for:

- Following the Consent to Care Policy and Procedure.
- Attending training related to consent.
- Obtaining consent to provide care to clients.
- Informing the Registered Manager if a client refuses care.

The Registered Manager is responsible for:

- Ensuring this Consent to Care Policy and Procedure is implemented.
- Ensuring employees receive training relating to consent.
- Ensuring that Consent to Care Forms is in place for all clients.
- Ensuring that employees who complete Initial Assessments and Care Plans are trained and competent.
- Working in partnership with other professionals to ensure that Best Interest decisions are made.
- Ensuring copies of Power of Attorney documents are held and that these are checked with the Office of the Public Guardian.
- Managing refusals and withdrawals of consent to care.

Breaches of Policy

For employees, failure to adhere to the Consent to Care Policy and Procedure could lead to possible disciplinary action being taken.

For others (volunteers, agency staff, contractors) their individual relationship with the organisation may be terminated.

Monitoring and Review

This Policy will be reviewed annually or sooner if necessary due to legislative or regulatory requirements.