

CONSENT POLICY

AGE UK CROYDON is a registered charity no. 1081013 and a registered company no. 3921436. AGE UK CROYDON TRADING LIMITED, registered company no. 5792724 is a wholly owned subsidiary of AGE UK CROYDON. All Policies and Procedures apply to both companies.

AGE UK CROYDON is an equal opportunities employer and any discrimination or harassment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation will not be tolerated.

POLICY

- 1.0 AGE UK CROYDON recognises that concerns regarding the sharing of information are legitimate and that adequate procedures will be put in place.
- 2.0 In order to best meet our client's needs, AGE UK CROYDON will keep accurate records of our professional relationship with our client and may at times wish to share information with other agencies or persons. We will not do either of these without the consent of our client unless otherwise directed under The Data Protection Act:
 - 2.1 To protect a person's vital interest
 - 2.2 In order to comply with a court order
 - 2.3 To fulfil a legal duty, statutory function or legitimate interest
 - 2.4 To support a statutory function e.g. emergency services
- 3.0 AGE UK CROYDON will always assume capacity for a person's consent to be valid they must be:
 - 3.1 Capable of giving consent (competent)
 - 3.2 Have sufficient information to make an informed decision
 - 3.3 Act voluntarily (not under any pressure or duress from anyone)
- 4.0 In situations where the client is unable to make a decision or give consent, AGE UK CROYDON will act according to the "best interests" procedures as laid down in the Mental Capacity Act, recognising that capacity may:
 - 4.1 vary
 - 4.1.1 be time specific.
 - 4.1.2 differ for each individual decision.
- 5.0 AGE UK CROYDON recognises that seeking consent is part of a respectful relationship and should be seen as a process, not a one-off event.

- 5.1 Consent will be sought at the earliest opportunity in a working relationship and should be done in conjunction with an explanation of the Confidentiality policy
- 6.0 Consent can be Expressed or Implied
 - 6.1 Expressed – Permission is given verbally or in writing and recorded in the client's notes and profiles
 - 6.2 All consent must be recorded
 - 6.3 Implied consent – Information given voluntarily by the client, but this can't be used for special category data like Ethnicity or Health information. Need to get consent for each use of information.
- 7.0 Consent will be refreshed if the individual has not been in contact for an extended period of time.
- 8.0 Consent may be given verbally but should be confirmed in writing where appropriate. This does not apply to special categories of data.
- 9.0 Wherever AGE UK CROYDON needs to contact a third party/agency for explicit personal information or refer client to a third party then written consent should be collected on a Client Consent Form where possible and practicable.
- 10.0 AGE UK CROYDON recognises that clients have a right to see information stored about them.
 - 10.1 Clients may request to see information stored about them using the process laid down in the Data Protection policy

Definitions

- 11.0 Implied consent is consent which is not expressly granted by a person, but rather implicitly granted by a person's actions and the facts and circumstances of a particular situation (or in some cases, by a person's silence or inaction).
- 11.1 Explicit consent — also known as express or direct consent — means that an individual is clearly presented with an option to agree or disagree with the collection, use, or disclosure of personal information
- 11.2 It is important to be clear who the client is, as the person to whom confidentiality applies. If you are approached by a relative or carer on behalf of an older person, the relative or carer is the client. You should only act on behalf of the older person directly with his or her direct permission.
- 11.3 Confidentiality leaflet can be given to the client along with the consent form, as appropriate

Date this policy came into effect and approved by the SMT	Signature: <i>[Signature]</i> Name: KATE PIERPOINT Date: 14/10/19
Next Review Date as agreed by the SMT	Date
Name or position of person responsible for this policy.	Signature: <i>[Signature]</i> Name: Susan Underhill Position: Programmes Director
Other related policies	Case Management & Record Keeping Confidentiality Data Protection Safeguarding Adults at Risk
Relevant Legislation	Data Protection Act 2018 The Common Law Duty of Confidence Human Rights Act 1998 Mental Health Act 1983 Mental Capacity Act 2005
Useful information	www.dh.gov.uk – search “No Secrets”

- ☐ Upon initial contact clients will be informed of AGE UK CROYDON policy regarding confidentiality
- ☐ Consent to store information will be sought and will follow AGE UK CROYDON procedures
- ☐ Where consent is initially given verbally, such as on the telephone, written consent will be sought where possible
- ☐ Where third party information or support is needed to meet the needs of clients, AGE UK CROYDON will collect written authority to do so
- ☐ All forms of consent are recorded
- ☐ Where mental capacity is in doubt AGE UK CROYDON will act in “best interests” according to Mental Capacity Act 2005

