

Consent Policy and Procedure

1.0 Purpose

The purpose of this policy is to ensure that SilaCa Tasmania Pty Ltd obtains valid and informed consent from participants before sharing their personal information with family members, advocates, other service providers, or government agencies.

Consent practices at SilaCa Tasmania Pty Ltd are designed to uphold participant rights to dignity, privacy, autonomy, choice, and control. Participants must be fully informed and supported in their decision-making process regarding how their information is used and shared.

For participants under the age of eighteen (18), consent must be provided by a parent, legal guardian, or appointed advocate. All staff have a responsibility to ensure participants understand their rights in relation to giving, refusing, or withdrawing consent.

2.0 Scope

The policy applies to all staff involved in obtaining, recording, or managing participant consent at SilaCa Tasmania Pty Ltd.

3.0 Policy

SilaCa Tasmania Pty Ltd is committed to ensuring that all consent procedures align with the NDIS Practice Standards (Rights and Responsibilities module), promoting informed, voluntary, and person-centred decision-making.

Consent will always be obtained before personal information is disclosed to third parties unless there is a legal obligation to release the information. Participants will be informed of their rights regarding privacy and the use of their personal data when they begin using the service.

All participants will be advised of their right to withhold or withdraw consent, and will be made aware of their opt-out rights if information is requested for auditing or quality assurance purposes.

In circumstances where a participant has limited or impaired capacity, supported decision-making principles will guide the process. Staff will support the participant to be involved in decisions to the greatest extent possible. Where applicable, consent must be obtained from legally appointed guardians, substitute decision-makers, or individuals authorised under child protection orders or relevant legal arrangements.

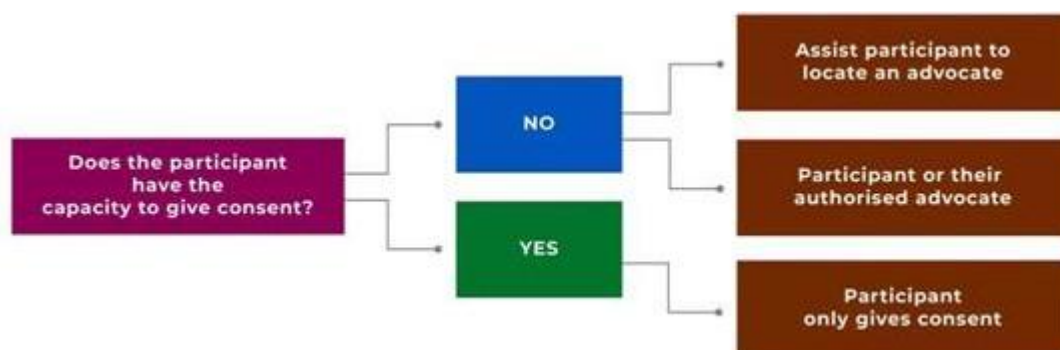
SilaCa Tasmania Pty Ltd will ensure all staff understand and follow this policy and are trained in how to obtain and record consent accurately and respectfully, in line with safeguarding expectations and privacy obligations.

3.1 Guiding principles

- Participants have the right to make decisions about things that affect their lives
- It is presumed that participants can make their own decisions and provide consent when required unless there is evidence otherwise
- Participants are supported to make informed decisions when their consent is required
- Participants have the right to withdraw consent at any time. Staff must respect and document any withdrawal of consent and communicate changes to all relevant service providers involved in the participant's care
- Participants will be supported to make their own decisions wherever possible, using supported decision-making approaches. Where participants are unable to give informed consent, decisions will be made in line with relevant legal guardianship frameworks and the participant's will and preferences
- Consent is obtained from the participant, or a legally appointed guardian, for life decisions such as accommodation, medical treatment, forensic procedures and behaviour support
- Consent processes will be culturally safe and responsive to the diverse needs of participants, including Aboriginal and Torres Strait Islander peoples and culturally and linguistically diverse (CALD) participants
- Consent for financial matters is obtained from the participant, a legally appointed financial manager or the person appointed under a Power of Attorney
- Participants are supported to identify opportunities to make decisions about their own lives and build confidence in their decision-making skills
- When a participant wants or needs support to make decisions, it is provided in ways preferred by the participant and a supporter of their choice
- Support with decision-making must respect the person's cultural, religious and other beliefs
- Encourage and facilitate development if a participant wants support from family and friends
- Support is provided in ways that uphold the participant's right to self-determination, privacy and freedom from harm, abuse and neglect
- Decision-making and self-determination are not limited by the interests, beliefs or values of those providing the decision-making support
- The support a participant requires to make decisions will depend on the specific decision or the situation
- Participants are supported to make decisions that affect their own lives, even if others do not agree with them or regard the decisions as risky
- Participants are supported to access opportunities for meaningful participation and active inclusion in their community when they want this

- Information is provided in formats that everyone can understand and enables the participant, their supporters and others, such as legally appointed guardians, to communicate effectively.
- While participant consent is essential, there are circumstances under which SilaCa Tasmania Pty Ltd may be legally required to share information without consent, including when complying with NDIS (Incident Management and Reportable Incidents) Rules 2018, mandatory reporting of abuse, neglect, or exploitation, and other safeguarding obligations. Participants will be informed of these limits to confidentiality during the consent process

Diagram 1. Participant consent process



4.0 Procedure

Consent must be obtained and documented for:

- Involvement of allied health, behaviour practitioners, or other specialists
- Photographs, marketing, and sharing participant stories
- Withdrawal of consent must be respected and recorded in the participant's file, and all relevant staff and providers must be informed immediately of the change

Participants will be informed that NDIS auditors may request to review their records as part of organisational quality audits. Participants may choose to opt-out of having their personal information included in audit samples and this preference will be recorded in their consent form.

If a participant wishes to provide consent so another person or organisation can access their personal information, then the following procedure is to be undertaken:

1. The participant is informed that written or verbal consent is required before sharing personal information
2. The participant is advised that their consent can be withdrawn at any time. Written consent must be obtained from participants for any photographs, videos, or use of their image or stories in marketing, social media, or publications

3. Information about the consent is communicated in a relevant method to the participant
4. The participant completes a Participant Information Consent Form
5. A signed Participant Information Consent Form is placed at the front of the participant's file
6. All relevant staff members are informed about consent approval

Diagram 2: Participant consent process



If a participant believes their consent has been breached or not respected, they are encouraged to raise this concern with Manager. If unresolved, participants can escalate the matter to the NDIS Quality and Safeguards Commission on 1800 035 544.

5.0 Related documents

- Participant Information Consent Form

6.0 References

- Disability Services Act 1986 (Commonwealth)
- Disability Discrimination Act 1992 (Commonwealth)
- Privacy Act 1988 (Commonwealth)
- NDIS Practice Standards and Quality Indicators 2021
- NDIS (Incident Management and Reportable Incidents) Rules 2018
- NDIS Worker Screening Rules 2018