

Different Minds (ADHD-ASD Norfolk) Ltd Service User Consent Policy

1. Purpose

The purpose of this policy is to ensure that service user consent is obtained, recorded, and respected in a manner that is lawful, ethical, and consistent with recognised good practice. Different Minds (ADHD-ASD Norfolk) Ltd is committed to upholding individuals' rights to autonomy, choice, and control in all aspects of their care and support.

2. Scope

This policy applies to all staff, sub-contractors, volunteers, and anyone acting on behalf of Different Minds (ADHD-ASD Norfolk) Ltd who may be involved in obtaining or acting upon consent from service users.

3. Legal and Ethical Framework

This policy is informed by and compliant with the following:

- The Mental Capacity Act 2005
- The UK General Data Protection Regulation (UK GDPR)
- The Data Protection Act 2018
- Common law duty of confidentiality
- NHS and Care Quality Commission (CQC) guidelines on informed consent
- Professional codes of practice (e.g. HCPC, NMC, BACP)

4. Principles of Valid Consent

Consent must be:

- **Freely given** – without coercion or undue pressure
- **Informed** – the person must have all relevant information to make a decision
- **Specific** – given for a particular purpose or action
- **Capable** – the person must have the mental capacity to give consent
- **Revocable** – a person may withdraw consent at any time

5. Types of Consent

Consent may be obtained in several forms, depending on the context and sensitivity of the activity:

- **Verbal Consent** – appropriate for routine interactions or low-risk activities
- **Written Consent** – used where required by law, for higher-risk activities, or for recording and data sharing
- **Implied Consent** – where actions indicate agreement (e.g. offering an arm for blood pressure measurement), though this must never be assumed for significant decisions

6. Capacity to Consent

- All adults are presumed to have capacity to consent unless proven otherwise.
- If a service user lacks capacity to make a specific decision, staff must follow the **Mental Capacity Act 2005** and act in the person's **best interests**, involving family or advocates as appropriate.
- Children and young people under 16 may be able to give valid consent if they are assessed as **Gillick competent**.

7. Consent in Practice

Staff must:

- Clearly explain the purpose, risks, and benefits of any intervention, support, or data collection
- Allow time for questions and decision-making
- Respect the individual's right to decline or change their mind
- Record all decisions and any consent given, including how and when it was obtained
- Review consent regularly, particularly where circumstances change

8. Consent for Information Sharing

- Service users must be informed about how their personal data will be used, stored, and shared, in line with our **Privacy Notice**.
- Explicit consent must be obtained for the sharing of sensitive information with third parties, unless another lawful basis applies (e.g. safeguarding or legal requirement).
- Consent for marketing or non-essential communication must be opt-in only.

9. Withdrawing Consent

- A service user has the right to withdraw consent at any time.
- Staff must act promptly to reflect this change and confirm what it means for ongoing care or services.
- Records must be updated to document the withdrawal of consent.

10. Training and Support

All staff are required to complete training on consent, the Mental Capacity Act, and data protection as part of their induction and continuing professional development. Guidance will be available to support complex or sensitive situations.

11. Monitoring and Review

This policy will be reviewed annually, or earlier if changes in legislation or national guidance require it. Compliance will be monitored through supervision, audits, and feedback from service users.

Approved by:

Graham Boulter MSc

Director

Different Minds (ADHD-ASD Norfolk) Ltd

3/4/25 to be reviewed 3/4/26