

POLICY NUMBER: NDIS SER DEL 21

INTENT

Real Living Options Association Inc. recognises the importance of maintaining the privacy and confidentiality of all Participants; however, there are times when it is essential to share information with other parties, such as government bodies and other service providers. This policy sets out the guidelines for obtaining consent to share information.

DEFINITION

Consent: *permission or agreement for something to be shared which can be given in writing or verbally.*

Implied Consent: *refers to situations in which it is assumed a person consented to something by their actions. This means that, although the person has not given verbal or written consent, circumstances exist that would cause a reasonable person to believe the person had consented. Legal and ethical standards require that implied consent must still be voluntary and based on a clear understanding of the situation.*

POLICY STATEMENTS

- Real Living Options Association Inc. recognises the importance of maintaining the privacy and confidentiality of all Participants; however, there are times when it is essential to share information with other parties, such as government bodies and other service providers.
- Real Living Options Association Inc. will not provide any information to a person or authority without the Participant's consent, unless the disclosure is a legal requirement.
- Real Living Options Association Inc. will inform all Participants, upon entry into the Service, about their rights to privacy and confidentiality.
- Real Living Options Association Inc. will notify all Participants that they have an opt-out option if their information is requested for audit purposes.
- Real Living Options Association Inc. will gain consent from each Participant before sharing any information with their family, Representative/Nominee, other providers, and stakeholders.

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CONSENT TO SHARE INFORMATION

Real Living Options Association Inc. abides by the following guiding principles:

- Participants have the right to make decisions about anything that may affect their lives.
- It is presumed that Participants have the capacity to make their own decisions and provide consent when it is required unless there is evidence to the contrary.
- Participants are supported to make informed decisions when their consent is required.
- 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 for financial matters is obtained from the Participant, or 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 to 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/or their representative.
- Support with decision-making must respect the person's cultural, religious and other beliefs.
- If a Participant wants support from family and friends, this is encouraged and facilitated.
- Support is provided in ways that uphold the Participant's right to self-determination, privacy and freedom from abuse and neglect.
- Decision-making and self-determination are not limited by the interests, beliefs or values of staff providing the decision-making support.
- The amount or type of support required by a Participant to make decisions will depend on the specific decision or the particulars of the situation.
- Participants are supported to make decisions that affect their own lives, even if other people do not agree with them or regard the decisions as too risky.
- Participants are supported to access opportunities for meaningful participation and active inclusion in their community.
- As far as practicable, information is provided in formats that everyone can understand and enables the Participant and or their Representative/Nominee and others, such as legally appointed guardians, to communicate effectively with each other.

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PROCEDURES

All efforts should be made to obtain consent. When there are language or communication barriers, representatives of Real Living Options Association Inc. will ensure that all reasonable efforts have been made to overcome these, using available communication skills and technology, interpreters, family, and friends.

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:

- The Participant is informed that written or verbal consent is required prior to sharing any of their personal information.
- The Participant is advised that their consent can be withdrawn at any time.
- Information about the consent is communicated in a method that is relevant to the Participant.
- The Participant and/or their Representative/Nominee completes a Consent Form, or the Service completes documentation of verbal consent.
- A signed (where possible) Consent Form is held in the Participant's file.
- All relevant employees are informed about the consent approval.

If the Participant is unable to provide consent, then consent must be obtained by their legally appointed guardian if there is one or their Representative/Nominee.

DELEGATIONS

General Manager

- Ensure as far as practicable that this policy is adhered to by all employees.

All Employees

- Ensure that signed or verbal consent is obtained prior to sharing personal information about a Participant.

RELATED DOCUMENTATION

Consent to Release or Obtain Personal Information.

NDIS Individual Service Agreement.

Intake Support Plan Assessment.

Personal Support and Health & Medical Information.

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REFERENCES

National Disability Insurance Scheme Act 2013.

Privacy Act (1988).

NDIS Practice Standards and Quality Indicators.

AMENDMENTS/REVIEWS

Amended 02/03/2023.

Amended 02/07/2026.

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