



# Florence

## Consent Policy and Procedures (Northern Ireland)

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## 1. Introduction

As part of providing person-centred care, Florence understands that obtaining consent is essential before any type of intervention or undertaking any degree of personal care. Every service user with capacity has the legal right to determine what does and does not happen to their body and Florence aims to support this.

## 2. Policy Statement

Florence fully embraces the fundamental legal and ethical right of service users to determine what happens to them in the course of their care.

In line with the Mental Capacity Act (Northern Ireland) 2016, Florence understands that there is a presumption of capacity for everyone over the age of 16. Where capacity is in doubt, Florence appreciates that capacity is determined on a decision-by-decision basis and, as such, it cannot be presumed that just because the service user has capacity to make a decision over personal care, for example, it follows that the service user has capacity to consent to a particular therapy or treatment.

Florence requires care professionals to refer to the policies and procedures of the organisation that they are working within at the time, in the absence of a consent policy, they should use the principles detailed in Appendix 1 of this policy.

## 3. Scope

This policy and the procedures apply to all care professionals working in adult social care in Northern Ireland on behalf of Florence.

## 4. Definitions, Roles and Responsibilities

**CEO (Chief Executive Officer)** The CEO is ultimately responsible for the overall



management and direction of the company. The CEO has the ultimate responsibility for setting the tone and culture for the organisation, ensuring that all employees understand the policy's importance, and overseeing its implementation.

**Central Team** - All direct employees of Florence that are not care professionals working through the Florence platform

**Service User** - a person who uses health and/or social care services. Sometimes known as a "patient", "client" or "person in care".

**Care Professionals** - Anyone on the Florence platform that carries out work on behalf of Florence in other organisations, for example registered nurses and care assistants.

**Employees** - everyone employed by Florence directly and indirectly, including care professionals using the platform and the central team.

**Regulation and Quality Improvement Authority (RQIA)** - is the independent body responsible for monitoring and inspecting the availability and quality of health and social care services in Northern Ireland, and encouraging improvements in the quality of those services.

**Registered Manager** is responsible for ensuring that this policy meets the needs of regulators in Northern Ireland. They are also responsible for identifying any training needs in relation to consent or mental capacity when reviewing incidents, supervisions for appraisals for themes, trends.

## 5. Procedures

Florence will ensure that all care professionals working in Northern Ireland have training on Consent and Mental Capacity to ensure that they are able to support service users with making decisions about their care. Training will also include the right to withdraw consent at any stage without giving a reason.

In the absence of an organisation's consent policy, Florence care professionals should follow the below guidance, ensuring that the MCA principles (as set out in Appendix 1) are adhered to.



## 1. Obtaining Consent

- Care professionals should explain the proposed care or treatment to the service user and provide relevant information.
- They should ensure that the service user has the capacity to give consent and is given ample time to consider their decision.
- If the service user lacks capacity, consent should be sought from their legally authorised representative, following the Mental Capacity Act (Northern Ireland) 2016.

## 2. Documenting Consent

- Consent should be documented in the service user's care plan, including details of the care or treatment, the date, and the signature of the individual or their representative.
- Any changes or withdrawals of consent should also be documented.

## 3. Reviewing Consent

- Consent should be regularly reviewed, especially in cases where a service user's capacity may change over time.
- Care professionals should ensure that individuals are informed of their right to withdraw consent at any time.

## **6. Monitoring and Compliance**

The Registered Manager (NI) will review any incidents or complaints to identify any themes and trends relating to consent.

The Registered Manager is responsible for ensuring the ongoing relevance of this policy and for the addition of legislative changes as they occur.

This policy will be routinely reviewed every 3 years by the Registered Manager, or earlier if there are any changes in legislation.



## 7. Policy Changes/Version History

<b>Date</b>	<b>Reviewed changes</b>
02/09/2024	Registered manager name change



## **Appendix 1 - MCA Principles**

The Mental Capacity Act (Northern Ireland) 2016 sets out five statutory principles that underpin the legal requirements of the Act:

### **Principle 1 - No-one should be treated as lacking capacity unless proven they do**

A person intending to carry out a deprivation of liberty must not presume or assume that a person lacks capacity. The starting point should be that the person has capacity, and capacity should be properly established before any decision is made.

### **Principle 2 - No assumptions can be made**

No assumptions can be made based merely on any condition or characteristics of the person. Symptoms or conditions that can suggest a person lacks capacity should not be used as the reasoning for establishing or concluding that the person lacks capacity.

### **Principle 3 - Help and support must be provided**

Anyone considering whether a person lacks capacity must provide all practicable help and support to allow the person to make their own decision. No determination of lack of capacity can be made until all practicable help and support have been provided.

### **Principle 4 - No assumptions can be made because of unwise decisions**

Unwise decisions made by individuals should not be used as the basis for assuming that they lack capacity. Even if others disagree with the decision, it should not be assumed that the person lacks capacity.



## **Principle 5 - All acts and decisions must be made in the person's best interests**

Any act or decision made on behalf of a person who lacks capacity must be in their best interests. This includes giving special regard to the person's values, beliefs, past and present wishes, and feelings. The opinions of family members, deputies, and Lasting Powers of Attorney should be considered but should not be decisive.

More detailed information on the MCA principles can be found in the Mental Capacity Act (Northern Ireland) 2016.

