Consent to Care and Treatment Policy - Progressive Recovery Care (PRC) Group LTD

1. Purpose

This policy outlines the principles and procedures governing **informed consent** at Progressive Recovery Care (PRC) Group Ltd. It ensures that all children, young people, adults, and their families or legal representatives are fully informed and actively agree to any assessments, interventions, or treatments provided by the service.

PRC Group Ltd is committed to delivering respectful, compassionate, and person-centred care that meets the highest legal, ethical, and clinical standards. This includes ensuring that:

- Consent is obtained in a manner that is age-appropriate, culturally sensitive, and clearly communicated.
- Individuals and/or their legal guardians are provided with sufficient information to make informed decisions.
- Consent is treated as an ongoing process, reviewed and re-confirmed as care progresses or circumstances change.
- The right to withhold or withdraw consent at any stage is fully respected and supported.
- Staff are trained and competent in applying consent procedures in line with current legislation and guidance.

This policy supports Progressive Recovery Care (PRC) Group LTD in meeting its legal and regulatory responsibilities, promoting transparency, empowering service users, and ensuring compliance with relevant legislation and CQC standards.

2. Legislative and Regulatory Framework

PRC Group Ltd operates in accordance with the following statutory and regulatory requirements:

- **Care Act 2014**
- **Children Act 1989 & 2004**
- **Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 & Amendment Regulations 2012**
- **Human Rights Act 1998**
- **Mental Capacity Act 2005 & Code of Practice**
- **Mental Health Act 1983 & 2007**
- **Safeguarding Vulnerable Groups Act 2006**
- **Data Protection Act 2018 & UK GDPR**

3. CQC Key Lines of Enquiry (KLOE) Alignment

This policy supports PRC Group Ltd in meeting the following Key Questions, KLOEs, and Quality Statements under the CQC Single Assessment Framework:

Key Question	KLOE Reference	Quality Statement
Caring	C2	Treating people as individuals
Effective	E7	Consent to care and treatment
Responsive	R2	Listening to and involving people
Well-Led	W3	Freedom to speak up

2. Scope

This policy applies to all clinical staff, administrative personnel, and contracted professionals involved in delivering healthcare services at Progressive Recovery Care Group (PRC) LTD, regardless of whether services are provided remotely or face-to-face. It encompasses all interactions with children, young people, and their parents or legal guardians.

3. Guiding Principles

1. Comprehensive Information

Clients and/or their legal representatives must be provided with clear, thorough, and age-appropriate information to support informed decision-making. This includes:

- The nature, purpose, and expected outcomes of proposed care or treatment.
- Potential risks, complications, and side effects.
- Reasonable alternatives, including the option to decline treatment.
- The opportunity to ask questions and receive answers in a format that meets their communication needs.

2. Capacity and Competence

Consent will only be sought from individuals who have been assessed as having the capacity and competence to make informed decisions. This assessment will:

- Follow the principles of the Mental Capacity Act 2005.
- Consider age, maturity, and understanding for children and young people.
- Be decision-specific and time-specific, recognising that capacity may fluctuate.

- Involve independent advocates where appropriate.

3. Voluntariness

Consent must be given freely and voluntarily, without coercion, undue influence, or manipulation. PRC Group Ltd will:

- Create a supportive environment for decision-making.
- Allow sufficient time for individuals to consider their options.
- Respect the autonomy and dignity of all service users.

4. Transparency and Clarity

All proposed assessments, interventions, and treatments will be explained in a transparent and accessible manner. This includes:

- Clear communication of benefits, risks, and alternatives.
- Explicit information about the right to refuse or withdraw consent at any time.
- Assurance that refusal will not result in punitive or discriminatory action.

5. Ongoing and Dynamic Consent

Consent is recognised as a continuous process, not a one-time event. Progressive Recovery Care Group (PRC) LTD will:

- Reconfirm consent at key stages of care or when circumstances change.
- Document consent reviews and updates in care records.
- Ensure that consent remains valid and reflective of the individual's current wishes and capacity.

4. Consent Requirements

4.1 Children and Young People (Under 18)

Progressive Recovery Care (PRC) Group LTD is committed to ensuring that consent involving children and young people is secured lawfully and ethically, in line with the Children Act 1989/2004 and relevant guidance from the General Medical Council (GMC) and Department for Education.

- **Parental or Legal Guardian Consent** must be obtained for all assessments, interventions, and treatments involving minors.
- Where appropriate, **assent** will also be sought from the child or young person to promote autonomy and inclusive decision-making.
- Where a minor is deemed **Gillick competent**, they may provide consent independently. Staff must:

- Assess the child's understanding of the nature, purpose, benefits, risks, and alternatives to the proposed care.
- Record the outcome of the competence assessment clearly.

- Competent young people (aged 16–17) are presumed under UK law to have capacity to consent, unless evidence suggests otherwise.
- Any refusal of care or treatment by a competent minor must be reviewed with senior clinical staff and may require legal advice if it places the child at risk.

4.2 Adults (18 and Over)

In accordance with the **Mental Capacity Act 2005**, all adults are presumed to have capacity to make their own decisions about care and treatment unless a formal assessment concludes otherwise.

Consent will only be considered valid if it meets the following criteria:

Criteria	Requirement
Freely Given	Provided voluntarily, without coercion or undue influence
Legally Competent	Given by an individual with legal and mental capacity to consent
Specific	Relates directly to the care or treatment being proposed
Informed	Based on clear understanding of risks, benefits, and alternatives
Ongoing	Remains valid over time, subject to review if circumstances or care needs change

Consent must always be obtained directly from the individual unless they have been assessed as lacking capacity in relation to the specific decision at hand.

4.3 Assessment of Capacity

Where an individual may lack capacity, Progressive Recovery Care (PRC) Group LTD follows a structured approach under the Mental Capacity Act:

- A capacity assessment is carried out at the time the decision is required.
- The assessment must be decision- and time-specific.
- It must be conducted by a trained and competent member of staff.
- If the individual is found to lack capacity:
  - A **Best Interests Decision** will be made.
  - The decision will involve all relevant stakeholders, including family, carers, and professionals.

- The **least restrictive option** will be chosen.

All findings and actions must be documented in the Service User's care record.

4.4 Advocacy and Deprivation of Liberty

- Where capacity is lacking and significant decisions are required, **Progressive Recovery Care (PRC) Group LTD** will:
  - Facilitate access to an **Independent Mental Capacity Advocate (IMCA)** where required.
  - Promote inclusive decision-making involving family and representatives.
- If the proposed care or treatment may result in a **Deprivation of Liberty**, PRC Group Ltd will:
  - Initiate the appropriate **DoLS application** through the relevant Supervisory Body.
  - Ensure compliance with all safeguarding and legal frameworks, including CQC Regulation 13 (Safeguarding Service Users from Abuse and Improper Treatment).

5. Procedure

5.1 Obtaining Consent

Before commencing any assessment, intervention, or treatment, clinicians at Progressive Recovery Care (PRC) Group LTD are required to obtain informed consent in line with legal and professional standards. This process must ensure that individuals and/or their legal guardians have a clear understanding of what is being proposed and are able to make a voluntary, informed decision.

To this end, clinicians must:

- Clearly explain the nature, purpose, expected outcomes, risks, and potential benefits of the proposed assessment or treatment
- Provide information in a clear, accessible, and age-appropriate format, considering the individual's communication needs, developmental level, and cultural background
- Create a supportive environment that allows for questions and discussion, encouraging individuals and/or their guardians to seek clarification before making a decision.
- Ensure consent is explicitly obtained and appropriately recorded, this includes signed written consent where required, or detailed case notes reflecting verbal consent and the context in which it was given

5.2 Remote Services

When conducting remote assessments or therapy sessions, informed consent must be obtained and documented. This consent must include:

- Agreement to participate using telehealth or remote communication platforms approved by the service.
- Clear explanation of the limitations of confidentiality in remote settings, including potential risks related to data security and privacy.
- Confirmation that the individual has access to a private and secure environment in which to engage in the session, free from distractions and interruptions.

This ensures that remote services are delivered safely, ethically, and in line with regulatory and professional standards.

5.3 Ongoing Consent

Clinicians are required to regularly re-confirm consent throughout the course of care to ensure it remains valid and informed. Consent must be re-confirmed:

- When transitioning between phases of care, such as moving from assessment to treatment
- If there are significant changes to the treatment plan, including changes in therapeutic approach, goals, or methods
- When there are changes in the young person's capacity, understanding, or personal circumstances that may affect their ability to give informed consent

5.4 Refusal or Withdrawal of Consent

Clients and/or their legal guardians have the right to refuse or withdraw consent at any stage of care or treatment.

In such cases, clinicians will:

- Respect the individual's decision without pressure or judgment
- Clearly explain any potential consequences of withdrawing or refusing consent
- Offer alternative options where appropriate and available
- Accurately document the withdrawal of consent and all related discussions in the clinical record

This approach ensures that client autonomy is upheld and that care remains transparent, ethical, and person-centred.

6. Documentation

All forms of consent must be appropriately and accurately documented to ensure clarity, accountability, and compliance with legal and professional standards. This includes:

- Signed written consent forms for all assessments, treatments, and interventions, including those involving high-risk or sensitive procedures
- Specific consent forms for remote sessions, ensuring the client understands the nature, risks, and limitations of telehealth delivery
- Detailed case notes capturing any verbal consent given, as well as ongoing discussions and re-confirmation of consent throughout the care process

Proper documentation ensures that consent is informed, valid, and auditable, and that the individual's rights and preferences are consistently respected.

7. Confidentiality and Information Sharing

The service is committed to maintaining the confidentiality of all client information in accordance with relevant data protection legislation and professional standards.

Consent must be explicitly obtained and clearly documented before sharing any information with external parties, including but not limited to schools, social services, general practitioners (GPs), and other agencies. Separate and specific consent must be sought for each agency or purpose of disclosure.

Exceptions to this requirement apply in situations where there are safeguarding concerns. In such cases, information may be shared without consent if it is necessary to protect the individual or others from harm, in line with statutory duties under safeguarding legislation and professional codes of conduct.

All decisions to share information without consent must be justified, proportionate, and clearly recorded in the individual's case notes, including the rationale and any advice sought.

8. Training and Review

Progressive Recovery Care (PRC) Group Ltd recognises that the lawful and ethical application of consent procedures depends on the knowledge, skills, and confidence of its workforce. To ensure compliance with Regulation 11 (Consent) and Regulation 18 (Staffing) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, the following standards apply:

8.1 Induction and Mandatory Training

- All new staff must complete a structured induction programme that includes comprehensive training on informed consent, capacity, legal frameworks, and safeguarding.
- Training will be delivered in accordance with national standards, including those outlined by Skills for Care, Skills for Health, and the UK Core Skills Training Framework (CSTF).
- Content includes:

- Legal principles (e.g. Mental Capacity Act 2005, Children Act 1989/2004, Human Rights Act 1998)
- Principles of consent, capacity assessments, and best interests' decision-making
- Communication strategies for person-centred engagement
- Documentation and governance requirements

8.2 Mental Capacity Act (MCA) Training

- All staff involved in direct care delivery must complete MCA training relevant to their role.
- Key learning outcomes include:
  - Understanding and applying the five statutory principles
  - Conducting and recording capacity assessments
  - Making and documenting best interests' decisions
  - Recognising and responding to fluctuating or impaired capacity
  - Managing Deprivation of Liberty Safeguards (DoLS) and Liberty Protection Safeguards (LPS)

8.3 Competency in Practice

- Only staff who have **successfully completed MCA and consent training** and demonstrated competence may engage in best interests' decision-making.
- Competency is assessed through:
  - Supervision and supported practice
  - Scenario-based assessments
  - Formal appraisal and reflective practice
- Competent staff are expected to maintain knowledge through annual refresher training and participation in continuing professional development (CPD).

8.4 Monitoring and Review

- Training compliance is monitored via the PRC Group's Learning and Development Tracker.
- The Governance and Quality Team reviews competency data quarterly.
- Targeted support and supervision will be provided if gaps or issues are identified.
- This policy will be reviewed annually, or sooner if required by changes to legislation, CQC expectations, or clinical guidance.

Review

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