CONSENT

Inspired Care 4All Ltd

January 2025

Policy Leads:	Wigdan Abdelaziz Mohamed Ali
Version No.	3
Date of Issue:	October 2026
Next Review Date:	October 2027

This policy is protected by Copyright Inspired Care 4All Limited ©2026.
and is only available to holders of the correct licence provided by the W&P Assessment and Training centre

Scope

- **Policy Statement**
- **The Policy**
- What is Informed Consent?
- Ongoing Consent as a Process
- Reviewing Informed Consent
- The Legal and Ethical Framework
- Informed Consent in Special Circumstances
    - Delayed Consent
    - Implied Informal Consent
- The Process of Gaining Informed Consent
    - The Discussion
    - Acknowledging Diversity
    - Re-enforcing the Discussion
    - Consent Form
    - Service Users
    - Recognising Special Needs
    - Capacity to Decide
    - Service User with Learning Disabilities
    - Conclusion

This policy is protected by Copyright Inspired Care 4All Limited ©2026.
and is only available to holders of the correct licence provided by the W&P Assessment and Training centre

- **Related Policies**
- **Related Guidance**
- **Training Statement**

Policy Statement

Inspired Care 4All needs to ensure that suitable arrangements are in place for obtaining and acting, in accordance with the consent of service users concerning the care, treatment, and support they receive.

The Policy

This policy aims to provide an overview and understanding of consent, the process of gaining consent, and, with the Mental Capacity Act 2005, the importance of capacity in relation to agreed consent. All staff within Inspired Care 4All will be kept updated on any changes via legislation or guidance.

What is Informed Consent?

> "The process of agreeing to care, treatment, or support, based on access to all relevant and easily-digestible information regarding care, treatment, or support needs".

This policy is protected by Copyright Inspired Care 4All Limited ©2026.
and is only available to holders of the correct licence provided by the W&P Assessment and Training centre

The above definition is straightforward and sets out the importance of the information that service users should receive before consent is agreed, to ensure that the consent is valid.

For truly informed consent, the service user must understand the following;

- The benefits and risks.
- Data protection and storage.
- The notice periods that apply.
- The purpose of the consent form.
- The practicalities and processes involved.
- Full details of fees and the process of collection.
- The purpose of the care, treatment, or support.
- Who is involved in the delivery of the service?
- How information will be provided and updated.
- Contact details should they have any further questions.

In addition, a care plan should be prepared that uses language appropriate to the service user and avoids the use of technical language or jargon.

It is also important to remember that written information is only one method of sharing and that the use of diagrams, pictures, tables, and flow charts could contribute to understanding the information. There may be circumstances where video pens, podcasts, recordings, or other means of sharing information may be more appropriate.

This policy is protected by Copyright Inspired Care 4All Limited ©2026.
and is only available to holders of the correct licence provided by the W&P Assessment and Training centre

All of the above contribute to an informed consent decision.

Ongoing Consent as a Process

Informed consent is an ongoing process and, consequently, providers must ensure those service users:

- Continue to understand what they are consenting to.
- Are provided with any new information that could influence their decision to consent, and
- Continue to consent to care, treatment, and support in an informed environment.

Note: No adult can consent on behalf of another adult without legal authority.

Reviewing Informed Consent

Reviewing informed consent is often done informally but, on occasions, it will be appropriate for formal consent to be obtained and recorded, e.g. where there is a significant change to the care plan.

The Legal and Ethical Framework

> "The aim of the Mental Capacity Act 2005 is to balance the importance of care, treatment, and support of service users who lack capacity with a need to protect their interests and respect their current and previously expressed wishes and feelings."

This policy is protected by Copyright Inspired Care 4All Limited ©2026.
and is only available to holders of the correct licence provided by the W&P Assessment and Training centre

The ethical principle relating to informed consent is the belief that everyone should be treated with respect, and that their diverse needs when gaining informed consent must take into account factors such as:

- Culture.
- Ethnicity.
- Gender.
- Disability.
- Language.
- Religious beliefs.
- Level of understanding.

Sensitivity and care must be taken when going through the process of gaining informed consent. When the service user has made the decision relating to their care, treatment, or support, Inspired Care 4All will respect that autonomous decision, even if we disagree with it.

This respect for autonomous and informed decision making also requires that service users are never coerced into informed consent decisions. It is important to remember that service users are potentially vulnerable to such coercion by the nature of their relationship with this organisation.

UK case law on consent has established three requirements that need to be satisfied before a service user can give informed consent:

This policy is protected by Copyright Inspired Care 4All Limited ©2026.
and is only available to holders of the correct licence provided by the W&P Assessment and Training centre

- Consent should be given by someone with the mental capacity to do so.
- Sufficient information should be given to the service user.
- Consent must be freely given.

If any of these requirements are lacking then the consent is invalid.

Informed Consent in Special Circumstances

The principles and processes in obtaining informed consent are the same, but there are circumstances where it is not possible to gain consent via the usual practices:

Delayed Consent

This usually applies in emergencies, e.g.:

- At a cardiac arrest.
- At the roadside in the event of an accident.
- During the early stages of a person's admission to an Accident and Emergency department.

In these circumstances, a best-interest decision will be taken by the emergency team involved but can only cover the minimum needed to sustain life.

This policy is protected by Copyright Inspired Care 4All Limited ©2026.
and is only available to holders of the correct licence provided by the W&P Assessment and Training centre

Implied Informed Consent

This may arise when express written and/or verbal consent is not given, e.g. when a service user is asked to transfer from chair to bed. Implied consent is assumed by their participation in the manoeuvre.

The Process of Gaining Informed Consent

Below are the factors to be considered when going through the process of obtaining informed consent.

The Discussion

It is important to make service users, their family, or representative as comfortable as possible at the assessment of needs stage so that they can concentrate and feel confident enough to ask questions. The location should be private and free of any interruptions, where possible. Where necessary, repeat, explain and re-enforce the information given. Always ask questions to check their understanding of the information.

It is also important to think about the timing and context of the discussion, e.g. service users who have just been given news of a life-threatening illness are unlikely to be able to make informed decisions regarding, care, treatment, or support whilst

This policy is protected by Copyright Inspired Care 4All Limited ©2026.
and is only available to holders of the correct licence provided by the W&P Assessment and Training centre

struggling to come to terms with their situation. Such issues will need to be considered at different intervals.

Acknowledging Diversity

It is important to acknowledge diversity, alongside other factors, when gaining informed consent. Asking questions can help to understand a service user's needs, and how these can best be met.

Re-enforcing the Discussion

It is not enough to give service users a verbal explanation of their care, treatment, or support; their understanding of the frequently complex and detailed information that they have been given must also be ensured. To this end, it may be necessary to prepare information material in different formats and languages, where appropriate.

Consent Form

The signing of such a form has become standard practice in confirming that the service user has freely given their informed consent to the care, treatment, or support they receive. Service users should not be asked to sign the consent form until they have been given adequate information and time to consider their decision. It is important to explain verbally all aspects of their care, treatment, or support and to check their understanding thereof.

This policy is protected by Copyright Inspired Care 4All Limited ©2026.
and is only available to holders of the correct licence provided by the W&P Assessment and Training centre

During the assessment of needs process, it is important to engage with the service users, their families, or representatives in a meaningful and professional manner to make the process work.

Service Users

The Statement of Government Policy on Adult Safeguarding, issued by the Department of Health and Social Care, introduces six principles of safeguarding adults.

The principle of empowerment is based on a presumption of person-let decision-making and informed consent. This principle should be prioritised in working with adults. This includes safeguarding but must also be seen as the individual being able to take person-led decisions, and that their views and wishes are to be listened to and respected. Where lack of capacity is an issue, the Mental Capacity Act 2005 Code of Practice must be observed.

Assessing a service user's capacity to give informed consent autonomously is an essential part of the informed consent process. This can prove challenging, however, it is important to involve multi-agency partners and others who know the service user in making such decisions. It is important to remember that the Mental Capacity Act 2005 begins with the presumption of competence, and that capacity can fluctuate and be affected according to how information is conveyed.

This policy is protected by Copyright Inspired Care 4All Limited ©2026.
and is only available to holders of the correct licence provided by the W&P Assessment and Training centre

The provision of accurate and meaningful information is at the very heart of acquiring informed consent.

Factors to consider when working with service users or groups who may be considered vulnerable are:

- Any special needs,
- Capacity, and
- Learning disabilities.

Recognising Special Needs

Service users can have a range of special needs (See policy on Accessible Information and Communication) that should be taken into account, but which are not always obvious: some service users may conceal them, e.g. service users with reading or writing difficulties may conceal their limitations due to embarrassment (e.g. “I’ve forgotten my glasses, I will read it later”); others may have visual or hearing impairment, illness, or emotional difficulties.

It is vital therefore to explore the service user’s abilities sensitively. The ability to process information can slow with age, so older service users should be given plenty of time and opportunity to ask questions and to think about whether they desire the care, treatment, and support. It is important, however, that older service users are encouraged to participate fully in the consent process.

This policy is protected by Copyright Inspired Care 4All Limited ©2026.
and is only available to holders of the correct licence provided by the W&P Assessment and Training centre

Capacity to Decide

Service users can only give consent if they are capable of choosing between alternative courses of action. This means they must be able to understand the information given to them. Where a service user lacks capacity, a best-interest decision involving those who know the service user should be instigated using the Mental Capacity Act 2005 Code of Practice and the local mental capacity team guidance.

Service User with Learning Disabilities

Service users with learning disabilities must be accorded the same respect as anyone else. Some may not be able to exercise fully their right to self-determination but should be offered choices within their capabilities.

Care should be taken in evaluating each individual's comprehension. Use plain language, supported, if necessary, by other materials such as pictures. Depending on the needs of the service user, it may be necessary to present the information in different formats or over a longer duration.

Every effort should be made to seek informed consent. It may be necessary to involve a range of multi-agency partners who are knowledgeable about the service user's situation and can contribute to an assessment of their best interests.

This policy is protected by Copyright Inspired Care 4All Limited ©2026.
and is only available to holders of the correct licence provided by the W&P Assessment and Training centre

Conclusion

The key principles in obtaining informed consent are to put the service user's needs first. To participate effectively in informed consent processes, all staff should have the knowledge, expertise, and competencies to give sufficient information in an appropriate format and be able to answer any questions raised by the service user, their family, or representative.

The relevant staff must be able to assess a service user's capacity to give informed consent. If staff are open, honest, and ensure the service user's understanding, truly informed consent will be obtained.

This policy should be read alongside the Accessible Information policy

Related Policies

Accessible Information and Communication

Adult Safeguarding

Assessment of Need and Eligibility

Care and Support Planning

Cyber Security

Data Protection Legislative Framework (GDPR)

Deprivation of Liberty Safeguards

This policy is protected by Copyright Inspired Care 4All Limited ©2026.
and is only available to holders of the correct licence provided by the W&P Assessment and Training centre

Mental Capacity Act 2005

Record Keeping

Related Guidance

CQC Regulation 11: Need for Consent:

https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-11-need-consent

Mental Capacity Act 2005 Code of Practice:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/497253/Mental-capacity-act-code-of-practice.pdf

SCIE Mental Capacity at a Glance:

https://www.scie.org.uk/

NICE Guideline:108 Decision-making and mental capacity, November 2018:

https://www.nice.org.uk/guidance/ng108

NICE Quality Standard 194 decision making and mental capacity

https://www.nice.org.uk/guidance/qs194

This policy is protected by Copyright Inspired Care 4All Limited ©2026.
and is only available to holders of the correct licence provided by the W&P Assessment and Training centre

Coronavirus Act 2020:

http://www.legislation.gov.uk/ukpga/2020/7/pdfs/ukpga_20200007_en.pdf

Training Statement

All staff, during induction, are made aware of the organisation's policies and procedures, all of which are used for training updates. All policies and procedures are reviewed and amended where necessary, and staff are made aware of any changes. Observations are undertaken to check skills and competencies. Various methods of training are used, including one to one, online, workbook, group meetings, and individual supervisions. External courses are sourced as required.

Date Reviewed: January 2025

Person responsible for updating this policy: Wigdan Abdelaziz Mohamed Ali

Next Review Date: January 2026

This policy is protected by Copyright Inspired Care 4All Limited ©2026.
and is only available to holders of the correct licence provided by the W&P Assessment and Training centre