

# Cukula Counselling

## Consent and Capacity Policy

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## **1. Introduction**

Cukula Counselling will seek to gain the voluntary informed consent of all those who wish to make use of its services. Cukula Counselling recognise that sometimes a person may be unable to give informed consent, but would still benefit from access to the services provided. Under regulation 11 of the Health and Social Care Act 2008, Care of service users must only be provided with the consent of the relevant person.

The Mental Capacity Act 2005, governs what happens when an individual lacks the understanding or ability to make decisions. The Mental Capacity Act applies to all professions and Cukula Counselling will take steps to ensure that it is implemented

## **2. Consent**

2.1 "Voluntary Informed Consent" means that service users understand what service they are going to receive, and agree to it, without being pressured to do so.

2.2 Before commencing a service with any individual, Cukula Counselling will require consent to the work due to be undertaken.

2.3 The communication needs of the individual will be taken into account when helping them to understand the nature of the work to be undertaken, and their ability to refuse the service without prejudice.

2.4 Information sharing will be discussed at this stage to ensure the client is aware that relevant information will be shared within the organisation, as part of the support.

2.5 Cukula Counselling have created a consent and confidentiality form to record this agreement, and to prompt staff in providing the necessary information to the client.

2.6 There will be situations in which Cukula Counselling work with individuals who cannot provide informed consent, such as within the Advocacy Service.

2.7 Cukula Counselling understand that consent is situational and can be withdrawn by a client at any time.

## **3. Capacity**

3.1 "Capacity" means the ability to use and understand information to make a decision, and communicate any decision made.

3.2 An individual who lacks capacity, may not be able to provide consent to receive services from Cukula Counselling.

3.3 Cukula Counselling will assume individuals over 16 have capacity to make decisions for themselves, unless there is significant evidence to suggest otherwise.

3.4 For individuals under the age of 16, Cukula Counselling will seek to gain the consent from the person's parent or Guardian.

3.5 Where an individual is judged not to have capacity Cukula Counselling will look to see, who has been responsible for this assessment, when the assessment was completed and whether the individual has been treated in accordance with the Mental Capacity Act.

3.6 Where a client does not have capacity an there is an individual who has lasting power of

attorney, Guardianship or any other official delegation of authority to make decisions, Cukula Counselling will liaise with them accordingly and gain their consent for any work to be undertaken.

3.7 Staff who work with individuals who lack capacity should follow the Mental Capacity Act Code of Practice.

3.8 Cukula Counselling recognise that individuals who lack capacity may be at additional risk of abuse, and this policy is designed to be used in conjuncture with our Safeguarding Policy.

3.9 Where Cukula Counselling work with individuals subjected to a deprivation of liberty, we will work within the guidelines set of by the Mental Capacity Act to ensure the Deprivation of Liberties is authorised, reviewed correctly, that it is proportionate and that any additional we will voice any concerns to the relevant Managing Authority and/or Supervisory Body