



Informed Consent for Digital Service Delivery

Seeking informed consent before delivering services to a consumer is standard practice. Community mental health organisations should seek additional informed consent to provide services digitally.

As in the delivery of its other services, the organisation should provide digital services according to a charter of rights that is consistent with the [Australian Charter of Healthcare Rights](#) (2018). This charter should be easily accessible to consumers and their supporters.

Different processes for seeking consent will apply depending on the service provided. For example, a more comprehensive informed consent process is required when delivering counselling through videoconferencing, compared to an anonymous online chat tool.

- the organisation should make every effort to ensure that the consumer understands the information provided. Information must be presented in a way that the consumer can understand (including where possible in a language familiar to them). Interpreters may be required. Where written information is provided, the consumer should have time to read it and ask questions.

This process for seeking informed consent should be the practice for both existing consumers (who may have previously received services in person) and new clients of your service consumers.

In a situation where the consumer does not have the capacity to give consent, the organisation should have a process in place to support decision-making, and if necessary, work with a substitute decision-maker about use of digital service delivery.

Recording informed consent

Consumer consent for a video consultation can be given verbally, but this must be documented in their records along with a date and the reason for not seeking written consent.

In some circumstances, there may be value in making a video recording of a consultation e.g., to record changes in speech or range of movement. Written consent must be explicitly given each time a recording is to be made. Prior to the recording, the consumer must be informed how the recording will be used and how it will be stored.

If any part of a video consultation is recorded (including video, still images or audio), then the consumer's written consent must be obtained and stored with their consumer record¹.

If other parties are present during the consultation, the consumer's explicit consent for them to be present and their basic details should be recorded.

Privacy and confidentiality policies and procedures should include the storage of any video/audio recordings or still images.

Checklist: Recording informed consent

Does your organisation have a process for seeking informed consent that:

Includes seeking written confirmation of informed consent to receive the digital service?

Takes place at the appropriate time, i.e., before a service is delivered?

Clearly explains how the service will be delivered, including its risks and benefits?

Reflect the type of service being delivered?

Accommodates a diversity of consumer needs, including e.g., disability, literacy, cultural and linguistic diversity?

Includes appropriate record-keeping, especially where only verbal consent is available?

Complies with legislation and best practice guidelines?

¹ AHPA 2020, *Telehealth Guide for allied health professionals May 2020*. Available: https://ahpa.com.au/wp-content/uploads/2020/06/AHPA-Telehealth-Guide_Allied-Health-Professionals-May-2020.pdf

Product Information

To give informed consent, a person requires all the information available about the service to assist them in decision-making. The National Safety and Quality Digital Mental Health Standards requires service providers to provide product information on each service to service users and where relevant, their support people that aligns with [a template](#) which can be used to develop product information for consumers and carers seeking to use a digital mental health service.

By answering the questions in the template and providing standard product information, service providers can help consumers to choose whether a digital mental health service meets their needs or not.

Checklist: Product information

Is information about your organisation's digital services:

Provided at the appropriate time, i.e., before the service is delivered?

Provided in circumstances where and when the consumer is ready and able to absorb the information offered?

Available to the service user with assistance if they have difficulties accessing the information for whatever reason?

Made available with support to assist with decision-making if the consumer experiences any difficulty in deciding whether to use the service or not?

Easily accessible to service users and their support people e.g., written in plain English; available online?

Available in multiple languages?

Further resources

- National Safety and Quality Mental Health Standards, [Product information template for digital mental health services \(safetyandquality.gov.au\)](#)
- [The National Safety and Quality Digital Mental Health Standards - Guide for Service Providers](#) - A practical resource to help digital mental health services implement the National Safety and Quality Digital Mental Health Standards
- [Allied Health Professionals Australia: Telehealth Guide](#): Appendix A has an example of a video consultation informed consent form