

Purpose

The Procedure will provide Life Without Barriers (LWB) staff with guidance on how to record evidence of a person’s consent to their Service Agreement with LWB. Refer to the [NDIS LWB 904 Evidencing Consent – Procedure](#) for information about how to evidence consent to plans, protocols or assessments.

The Service Agreement is a legally binding document that is mandatory for all people accessing NDIS services through LWB. It documents what the person and LWB have agreed to. For example, what supports will be delivered, how they will be delivered, and how payments or claims will be made for the support provided. It also includes information about how to raise concerns or provide feedback.

When a Service Agreement is returned signed, or verbal consent is provided to LWB, the Service Agreement needs to be uploaded to the person's CIRTS file, and a Progress Note recorded.

Types of Consent

Written Consent

Written consent can be a signature on the actual Service Agreement or an Email or Letter giving consent from the person we support or their formal or informal decision maker.

Verbal Consent

Verbal consent is where a person states their consent verbally, but does not provide a signature. This could be from the person we support or their decision maker.

Implied Consent

Implied consent is consent that can reasonably be assumed from a person’s actions. For example, if a person hasn't replied to our email correspondence but still wants to receive services from LWB, we can imply that they have given permission for us to provide these supports.


Consent to an LWB Service Agreement can be implied where we can evidence the following:



The person freely cooperates in the ongoing delivery of support.	<ul style="list-style-type: none"> • We have evidence about the person’s level of engagement with their LWB supports • They accept support routinely • They don’t refuse support on a regular basis.
There are no open complaints relating to service delivery.	<ul style="list-style-type: none"> • Complaints related to LWB support and don’t impact the person’s current support.

<p>There are no other disputes or issues.</p>	<ul style="list-style-type: none"> • There are no other ongoing issues relating to the person’s support, raised by their formal or informal supports (Support Coordinator, family members, friends or neighbours). • There are no ongoing issues relating to non-payment of invoices or dispute of LWB claims.
<p>We have told the person that if we don't hear from them within two weeks, this will imply they are okay with us continuing to support them.</p>	<ul style="list-style-type: none"> • Evidence of this conversation is included in a Progress Note.


If there is no evidence to suggest there are any issues with LWB service delivery, we will maintain the continuity of our supports to the person.

Evidencing Consent

<p>Evidence the conversation with and consent of the person we support in your Progress Note</p> 	<p>Record all details and discussions with the person about the Service Agreement.</p> <ul style="list-style-type: none"> • When did it happen, and who was there? • Detail the person-centred communication used, including any style or aids, speech, augmentative and alternative communication strategies, visual cues, objects, pictures, or diagrams. Resources used can be attached to the Progress Note as additional evidence of the support provided. • Detail things like informed consent, information sharing, confidentiality, and privacy. • How did you explain the Service Agreement to the person? • What questions did you ask to clarify their understanding or concerns about consent? <p>If evidencing a conversation with the person we support explaining the return of a Service Agreement signed by a formal or informal decision maker.</p> <ul style="list-style-type: none"> • Record how you explained that the signed Service Agreement will be uploaded to their CIRTS file. How did you speak to them about their consent, and how did you explain the things that we would use to determine implied consent if no returned consent is received? • What questions did you ask to clarify their understanding or concerns about consent?
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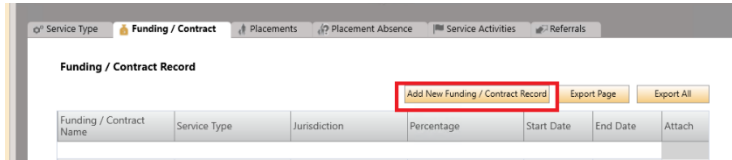
	<ul style="list-style-type: none"> Describe the person's facial and personal expressions, body language or behavioural cues, words and vocalisations used in giving their consent to upload to the file CIRTS.
<p>Requesting consent on a Service Agreement from a formal or informal decision maker</p> 	<ul style="list-style-type: none"> Telephone or message the person and inform them that you are sending an email with the Service Agreement as an attachment for them to read and consent to. The email subject line should be "Signature request" In the body of the email, include the text below (this can be copied and pasted into the email). Please ensure you insert the correct names. <p>Please find attached <i>[insert person's name]</i> Service Agreement dated <i>[insert start and end date]</i>.</p> <p>Life Without Barriers has discussed this document with <i>[insert person's name]</i> and informed them of this request to sign. As a <i>formal or informal</i> decision maker for <i>[insert person's name]</i>, Life Without Barriers requests your consent to this Service Agreement. We appreciate that it is not always convenient to sign documentation, and a reply email noting receipt of and agreement to this Service Agreement would be sufficient.</p> <p>If no response is received within 2 weeks of the date of this email, LWB will consider the Service Agreement approved and will implement it as detailed in the Agreement.</p> <p>We would be very happy to discuss any aspect of the Agreement. If you wish to discuss this, please contact <i>[insert DSL name]</i> on <i>[insert DSL email and phone number]</i>.</p> <p>Kind regards. <i>[insert your name]</i></p>
<p>Evidencing Service Agreement consent in your Progress Note</p> 	<ul style="list-style-type: none"> Ensure all follow-up actions to retrieve the signed Service Agreement are recorded in the Progress Note. When the finalised Service Agreement is received: Written (Signed Service Agreement): Create a Progress Note detailing when and how the signed Service Agreement was received. Written (Email / Letter/ SMS) – Create a Progress Note and attach the correspondence. Verbal – Create a Progress Note and document the conversation and consent given. If an email/letter /SMS needs to be attached to a person's CIRTS record, attach it as an Outlook item or a PDF file. <p>Note: For an SMS message, take a screenshot of the SMS message and email the screenshot to the service email so you can attach it to your Progress Note.</p>

Upload the Service Agreement to CIRTS under Funding/Contract Record

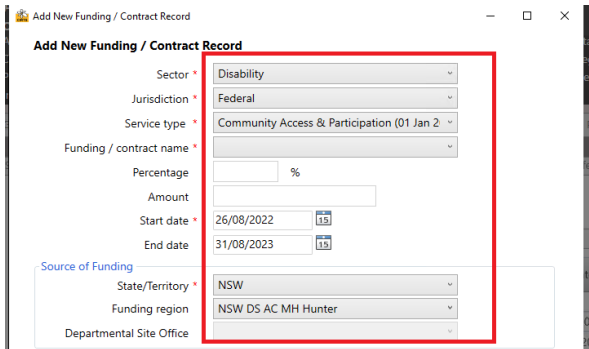


- Ensure the Progress Note is recorded with the Subject Category> Legal.
- So you can search for the Progress Note, include in the Subject Line “Signed Service Agreement upload to CIRTS on ‘date’”.

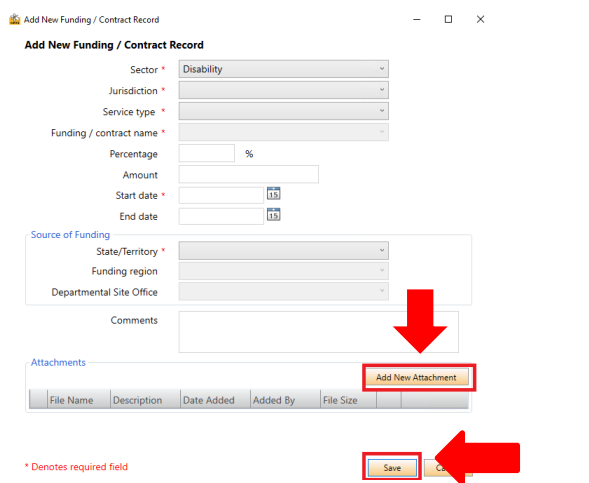
- When the Service Agreement has been consented to, the document needs to be uploaded to CIRTS.
- Update the Progress Note/s to detail whether the consent was received verbally, in an email or by letter.
- Go to Programs Tab in the CIRTS file.
- Click on “Add New Funding/Contact Record.”




- Complete relevant details



- Click “Add New Attachment”
- Attach the signed document and click “Save”



	<ul style="list-style-type: none"> • If adding a signed document to an existing unsigned version of the Service Agreement. <ul style="list-style-type: none"> – Open the Service Agreement – Double click on the original document – Select "Edit" – Select "Add new Attachment" <p>Attach the signed document and click "Save".</p>
<p>Linking your Progress Note to the NDIA Funding/Contract Record in CIRTS</p> 	<p>When needing to link a Progress Note to a Service Agreement previously saved in CIRTS, update or include these details:</p> <ul style="list-style-type: none"> • Remove any previous "comments" for example – Refer to Progress Note – "Service Agreement sent for Signatures" from the comments section. • Record a new comment in the "Comments" section of the Funding / Contract Record (see example in the image below). • Update the Progress Note/s to detail whether the consent was received verbally, in an email or by letter. • Ensure that the "Subject" and the "Date Occurred" on your Progress Note match the details entered in the comments section. This will make the search process easier and quicker. 