

Version	Date of change	Reason for change and author
0.1		M Horswell; first draft for comments
0.2	26/08/2015	M Horswell; revisions from user comments and inclusion of examples
0.3	30/09/2015	M Horswell; version agreed at 4 Nov. meeting but to have social care examples added to boxes

The purpose

The purpose of this consent model is to define when consent is required to electronically access and view an individual’s health and social care related information and when implied consent is assumed.

Consent Model Principles

Consent to electronically view an individual’s health and social care related information via the Portal will be recorded and made available for audit purposes. Before accessing a record, the professional wishing to view the information will need to declare in the system, the consent model being used e.g. Informed Consent, Implied Consent or Emergency Access for treatment etc.

User organisations and sharers of information will be required to carry our regular audits to ensure appropriate access, the correct recording of consent model and that the users have legitimate relationships with the individuals whose information they are accessing.

Consent Models

A number of consent models will be worked through by the IG working group and agreed with organisations. The strict laws and regulations to ensure individuals records are kept confidential and can only be accessed by appropriate professionals directly involved in their care must be adhered to.

In all cases data may only be viewed once a legitimate relationship has been confirmed by the user. Information will only be viewed by local authorised professionals involved in the individual’s care or wellbeing and they will only see information appropriate to their professional role.

In some scenarios it may be agreed that it is appropriate to access and view without asking for the individual’s permission at the time of access (see consent models).

How we will inform individuals of the consent model

The changes in how information is being electronically accessed and viewed in the Berkshire wide health and social care community and how the consent models will operate will be communicated by various mediums as described in Product A – Public Information Programme. They will be provided with information on how to opt out of the Berkshire wide health and social care community sharing arrangement.

Consent Model

1. Informed Consent

Wherever possible informed consent will be obtained at the time of consultation, checking with the individual that they agree the professional may view the electronic record held on the portal and that consent will be recorded in the system.

Used in encounters such as:

- Walk in Centre attendance
- Hospital inpatient admission
- Ambulance service triage
- OOH telephone triage

2. Implied Consent

When an individual agrees to a referral to a service for treatment and care, it may be desirable for the professional to view the records before meeting that individual, for example to ascertain previous history, current issues and long term conditions, e.g. in out of hours care where the individual is likely to be unknown to the clinician. For the purposes of the project, consent to view previous records will be implied when the individual consents to referral to a service. The Informed Consent model may then follow.

Used in encounters such as:

- *GP referral to a service*
- *Hospital outpatient attendance*

3. Emergency Access (Assumed Consent)

In common with good clinical practice, the portal can be used to view an individual's data without consent in an emergency and where it is believed to be in the individual's best interest. Breaking the seal and the reasons for doing so will be recorded and available for audit purposes.

Used in encounters such as:

- *A&E attendance*
- *OOH referral for confused elderly patient*