



## CONSENT POLICY

Devised in keeping with the UK General Data Protection Regulations (GDPR)<sup>i</sup>, the Data Protection Act 2018 (DPA) and guidance from the Health and Care Professions Council (HCPC) and The Alzheimer's Society.

*This policy should be read in conjunction with Music as Therapy International's Privacy and Data Protection Policy.*

The HCPC *Standards of Proficiency for Arts Therapists* (2013) clearly state that registrant Arts Therapists must:

**7. Understand the importance of and be able to maintain confidentiality.**

**7.1. Be aware that the concepts of confidentiality and informed consent extend to illustrative records such as video and audio recordings, paintings, digital images and other art work.**

**10. Be able to maintain records appropriately.**

**10.2. Recognise the need to manage records and all other information in accordance with applicable legislation, protocols and guidelines.**

**11. Be able to reflect on and review practice.**

Alongside the legal requirements of GDPR, Music Therapists – as registered Allied Health Professionals – have a professional and legal responsibility to respect and protect the confidentiality of children, young people and vulnerable adults (hereafter referred to as “project participants”) at all times. Confidentiality means protecting personal information. *[Source: Health and Care Professions Council (2018) Guidance on Confidentiality. [www.hcpc-uk.org](http://www.hcpc-uk.org)]*

**Gaining Informed Consent:** We seek to explain our intentions and actions with regard to audio or visual records to Local Partners, project participants and families, and to gain verbal or written consent accordingly. This will always happen before any photographs or video footage is taken (or viewed/stored/shared by the charity if supplied independently). However, some of our projects take us to countries where consent policies are not always in place and local practice may not be congruent with UK standards and procedures. Where consent policies are already in place, we ensure we are aware of local guidance and that our volunteers are able to comply with local practice. Where local practice differs significantly from UK standards and procedures, in terms of seeking and gaining consent, this should be discussed with the *Music as Therapy International* and an approach tailored to the local care setting to ensure we do not jeopardise our duty of care and confidentiality.

**Consent for those with limited mental capacity:** Our starting point is always to understand if a person has capacity to give consent. We may seek additional guidance from those who know the person best to identify this capacity, or to identify if a family member or a care practitioner should be consulted.

If the individual does have capacity to give consent, we provide simple, full information about what we are asking their consent for and make it clear this is optional for them. The individual has the right to withdraw their consent at any point. Should they do so we are guided not only by what the individual says, but also what we observe ourselves and what those who know the person well tell us. Depending on the situation, it may, or may not, be appropriate to ask the individual for consent again later. See also “Withdrawal of Consent”, below.

When the person does not have capacity to give consent themselves, those people around them (including ourselves) must act in the 'best interests' of the individual [Source: *Mental Capacity Act 2005*]. Carer practitioners and family members have an important role to play in sharing their knowledge of the individual to help us do this.

**Recording Consent:** In all instances the Consent Form attached to this policy is completed when audio or visual records are recorded by or shared with the charity. The Consent Form can be used in place of any other form of written consent, to support and summarise additional evidence of consent, or to record verbal consent. It may be completed by an employee (including freelance workers) of *Music as Therapy International*, Project Contributors, a representative of the host care setting, Local Partners, project participants or members of their families. The people giving consent are in control of how any images are used, they may deny their consent and subsequent use of the images will be wholly determined by the preferences recorded on the Consent Form.

**Storing Audio or Visual Records:** Audio or visual records may be reproduced in print or online, in keeping with the level of consent that has been given. If audio or visual records are to be used off-site they (or reproductions) may be taken by an employee (including freelance workers), or Project Contributors of *Music as Therapy International* for the specific purpose and then returned or destroyed as applicable. If presentations including audios or visual recordings are loaded onto external devices (e.g. a central computer for a conference presentation), we ensure their full deletion from the system immediately after they have been used.

All recent images held by the charity are stored on a secure cloud-based storage system accessible only to charity employees. Some older audios and visual records are stored on the central external hard drive held in our office.

**Time Limited Consent:** We do not currently limit the length of time we hold audios and visual records, or for which we consider the consent given to be valid. This is due to difficulties in maintaining contact with individuals in order to

renew consent. However, the form includes an option for the person giving consent to state limitations as to how long we store the audio(s) or visual record(s).

**Withdrawal of Consent:** Any individual has the right to withdraw their consent at any point. Should they do so we are guided not only by what the individual says, but also what we observe ourselves and what those who know the person well tell us. At the point an individual withdraws consent, the material will be destroyed or any change to the permissions will be noted. If consent is withdrawn after an image has been published, it will not be possible to remove it from circulation as it will be in the public domain.

*Last review: May 2023*

*Date of next review: March 2024*

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<sup>i</sup> <https://ico.org.uk/for-organisations/data-protection-and-brexit/>