# Supporting students’ mental health and wellbeing

## Fact sheet – Obtaining valid student or parent/carer consent

When supporting the mental health and wellbeing of a student, the nominated officer, case manager, guidance officer or principal may refer the student to an internal or external professional or agency as part of the student plan or case management process.

Prior to referral, valid consent must be obtained from the student or the parent/carer using the referral form ([SSMH 1 – Consent form](https://ppr.mpe.qed.qld.gov.au/attachment/ssmh1-form-consent-form.docx)). Although consent may be given verbally or in writing, in general, it is preferable for consent to be in writing.

### Who can give consent?

### Consent must be provided by an individual who has the capacity to give consent. An individual may be deemed to have capacity to consent when they are able to understand the general nature and effect of the consent and can communicate their consent or refusal to consent.

### An individual aged 16 years or over is presumed capable of giving consent unless found to be incapable by reason of: maturity, injury, disease or illness, cognitive or physical impairment, mental disorder, any disability, or any other circumstance. Young people under 16 years can be competent to provide informed consent without parent/carer permission or knowledge under certain circumstances.

### Conditions for consent

### For consent to be valid, it must be: voluntary, informed, specific and current.

### **Voluntary consent** means the person’s agreement is given freely and is not based on the person being tricked, forced or threatened.

### **Informed consent** means the individual has been given enough information to understand:

### the information to be collected/shared or action to be taken

### the purpose of the information s­haring or action

### who else will have access to the information or be involved in the action and

### the consequences of giving or not giving agreement to the proposed information sharing or action.

### **Specific consent** means the individual is given precise information, rather than broad statements about the nature and type of consent being provided.

### **Current consent** means agreement is relevant to the particular time and circumstances. The individual should be informed about the period for which the consent will be valid.

If consent cannot be provided

### When valid consent has not been provided, the nominated officer, case manager or principal should:

### provide information about the implications of the refusal and document this discussion in the *student plan*

### when the student may be at risk of harm or be a risk to others, refer to the [*Student protection*](https://ppr.mpe.qed.qld.gov.au/pp/student-protection-procedure)procedure

### not disclose a student’s personal information unless permitted under section 426(4) of the [*Education (General Provisions) Act 2006*](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2006-039) or requested via a subpoena.