

Consent Policy

Person Responsible	Director
Status (Draft/Released)	Released
Date Last Updated	28th March 2024

Definition

Consent is the 'agreement to do or to act', or the 'compliance with a request or instruction', given by one person to another.

Preamble

A client's consent to and involvement in the selection, provision, and evaluation of services to meet their needs is good practice. There is a legal obligation to obtain client consent prior to accessing and sharing information, and failure to do so before providing services may breach a number of civil laws.

Consent has four key elements, including (but not limited to):

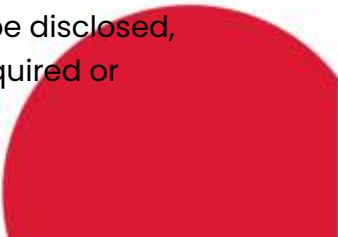
- adequate information is provided to allow for an informed decision to be made around consent;
- consents are voluntary;
- consent is current and specific; and
- consent is made by a person who has the capacity to understand and communicate the consent on behalf of themselves or others.

Policy Statement

Adaptability Therapy believes that all clients have a right to select, participate in and evaluate the services provided to them. For that reason, all clients (or persons acting on behalf of the client) need to consent to Adaptability Therapy collecting, using, and sharing their personal information so that a quality therapeutic service can be provided. Clients can withdraw their consent at any time by advising Adaptability Therapy staff either verbally or in writing.

Each participant's consent is obtained to collect, use and retain their information or to disclose their information (including assessments) to other parties, including details of the purpose of collection, use and disclosure.

Each participant is informed in what circumstances the information could be disclosed, including that the information could be provided without their consent if required or authorised by law.

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Each participant is informed of how their information is stored and used, and when and how each participant can access or correct their information, and withdraw or amend their prior consent.

An information management system is maintained that is relevant and proportionate to the size and scale of the organisation and records each participant's information in an accurate and timely manner.

Documents are stored with appropriate use, access, transfer, storage, security, retrieval, retention, destruction and disposal processes relevant and proportionate to the scope and complexity of supports delivered.

Policy Objectives


Gaining informed consent is extremely important. Adaptability Therapy staff should collect personal information directly from the client if it is reasonable to do so. In situations where a client is not able to provide consent (a child, young person or a person with impaired decision making capacity), then their personal information may be collected from a 'person responsible' – who can consent on the client's behalf. Some of the State/Territory legislation pertaining to guardianship and administration excludes paid staff or paid carers from being a 'person responsible'.

A person responsible for the client is usually a family member, close friend or unpaid carer – who maintains a close personal relationship through frequent personal contact with, and who has a personal interest in, the client's welfare. The person responsible should have informed judgment about the client's ability to consent to and be actively involved in the consent process.

Adaptability Therapy will attempt to obtain written consent from the most appropriate person or alternatively, if an individual does not have anyone suitable to provide this service for them, Adaptability Therapy will seek consent from either the OPG (prior to delegation of Guardianship) or from an independent party who can make an informed decision on behalf of the person.

Responsibilities

Adaptability Therapy staff are responsible for:

- Explaining why Adaptability Therapy needs to gain consent, either to a client or their person responsible;
 - Regularly reviewing and confirming with the client that their consent is still current;
 - Identifying, discussing, and supporting improvements in gaining client consent; and
 - Ensuring that consent is documented accurately within the client management system client file.
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Monitoring and Reporting

- Staff will review consent with client or their person responsible as required, when made aware or when any change is apparent;
- Staff should be aware of any external pressures that might influence a client's decision to consent, and in complex situations or if there is doubt about whether or not a person is able to consent, or if the person responsible is appropriate, staff should refer to the Adaptability Therapy General Manager for additional advice; and
- Where staff are aware of a client withdrawing consent, they should alert the Adaptability Therapy Team Lead or Manager as soon as possible.

