

## ATMS POLICY

### Informed Consent

#### Preamble

This policy stands as a foundational guide, reinforcing the principles of respect, autonomy, and ethical conduct within the diverse landscape of complementary medicine. At its core, informed consent embodies the mutual trust and understanding between practitioners and clients.

This policy outlines the procedures, obligations, and best practices essential for obtaining valid informed consent. It integrates the legal framework surrounding consent while embracing the distinct dynamics within complementary medicine.

Members of The Australian Traditional Medicine Society are required to comply with this policy and uphold its principles in conjunction with the ATMS Code of Conduct and all applicable laws and regulations. This commitment is vital in cultivating a community that places paramount importance on the well-being and self-determination of every individual seeking complementary healthcare.

#### Purpose and Scope

The purpose of this policy is to guide members of The Australian Traditional Medicine Society in obtaining valid informed consent from their clients. It applies to all complementary medicine practitioners, emphasizing legal obligations and procedural steps.

The policy is designed to align with relevant legal requirements and ethical principles governing informed consent in complementary medicine practices.

#### 1 Definition and Importance

Informed consent refers to the voluntary, clear, and comprehensible agreement provided by the client after understanding the proposed treatment, its risks, benefits, and alternatives. It ensures respect for the client's autonomy and promotes client-practitioner trust.

The provision of treatment without consent exposes health practitioners to risks of legal claims including trespass to the person (assault and battery) and/or negligence (failure to inform), except in cases where the law permits or requires treatment without consent.

#### 2 Consent principles

- 2.1 Members must seek a client's consent *prior* to providing treatment unless there is an emergency which requires urgent treatment and the client is incapable of providing consent, or the law either permits or forbids treatment regardless of consent.
- 2.2 Members should remember that obtaining informed consent is an *ongoing* requirement. Depending on the modality or treatment used, a Member may need to receive ongoing consent from the client i.e. before and during an appointment, and potentially several times throughout the therapeutic relationship if treatment changes.

- 2.3 **Express Consent:** Practitioners should seek express consent for treatments that are more complex, involve significant risks, or may have a higher degree of invasiveness. This ensures that the client fully understands the potential risks and benefits associated with the treatment. Examples may include specialised herbal remedies, intricate dietary plans, or treatments with potential side effects. A signed form is an example of express consent, but an informed and well-documented discussion with a client might equally comply with this requirement.
- 2.4 **Implied Consent:** Implied consent is appropriate for less invasive or routine treatments where the risks are minimal, and the client's actions clearly indicate their agreement.
- 2.5 **Right to Change and Withdraw Consent:** Clients have the right to change or withdraw their consent at any stage of the treatment process, and practitioners must respect and honour this right.

### 3 Obtaining Valid Informed Consent

- 3.1 To ensure informed decision making, practitioners must provide relevant and comprehensive information regarding the proposed treatment to the client that is appropriate in terms of the patient's language and communication needs, health literacy, and culture.
- 3.2 Members must ensure that information provided to clients covers material risks in a way that the patient can understand, and that other treatment options (including having no treatment) are discussed as relevant.
- 3.3 Members must provide the client the opportunity to ask questions and be heard and afforded the time and support to understand the information presented.
- 3.4 Members must ensure that clients provide consent voluntarily and, in a language, and manner they understand without any coercion, undue influence or manipulation by the practitioner, or the client's friends or family.

### 4 Assessing Capacity

- 4.1 Adults are generally assumed to have the capacity to provide informed consent, except where it is demonstrated that they lack capacity. For example, the member should ensure the client is not affected by therapeutic or other drugs or alcohol that may affect their ability to make decisions about the specific issue at the specific time.
- 4.2 Practitioners should conduct a capacity assessment if there are concerns about the client's ability to make informed decisions.
- 4.3 Practitioners should check for any existing enduring power of attorney or guardianships that may impact the client's decision-making capacity.

### 5 Documenting Informed Consent

- 5.1 Members should ensure a client's consent is documented. One way to do this is through a standardised consent form, clearly outlining proposed treatment details, and signed by the client. Where a consent form is unavailable or deemed impractical by Member, the information must be documented in the client's file (i.e., noting the discussion had with the client about treatment, and that their verbal consent was given either in the treatment plan or treatment notes). A form, where used, should include the following details (at a minimum):
- 5.2 A form, where used, should include the following details (at a minimum):
  - 5.2.1 **Client Information:**
    - 5.2.1.1 Full name of the client
    - 5.2.1.2 Date of birth
    - 5.2.1.3 Contact information (phone, email, address)



**5.2.2 Description of the Proposed Treatment:**

- 5.2.2.1 Clear and detailed description of the treatment or types of treatment/remedies/techniques being used, including where relevant, their purpose and objectives;
- 5.2.2.2 Alternative treatments, if applicable, and their risks and benefits

**5.2.3 Explanation of Risks and Benefits:**

- 5.2.3.1 Potential risks or side effects of the treatment; and
- 5.2.3.2 Potential benefits or positive outcomes that may result from the treatment.

**5.2.4 Privacy and Confidentiality:**

- 5.2.4.1 Assurance of client privacy and confidentiality regarding their health information

**5.2.5 Client Consent and Agreement:**

- 5.2.5.1 A statement confirming that the client has been informed about the treatment, risks, benefits, and alternatives.
- 5.2.5.2 Client's explicit consent to undergo or receive the proposed treatment(s) based on the provided information.
- 5.2.5.3 Signature of the client and date of consent.

**5.2.6 Right to Withdraw Consent:**

- 5.2.6.1 A statement informing the client of their right to withdraw consent at any time during the treatment (or practitioner can explain this and have this noted in the client file).

**5.2.7 Practitioner Information and Signature:**

- 5.2.7.1 Practitioner's full name and credentials
- 5.2.7.2 Signature of the practitioner and date the consent form was reviewed and signed.

**5.2.8 Witness Signature (optional, if applicable):**

- 5.2.8.1 Signature of a witness, if required or deemed necessary.

5.3 Where implied consent has been given, Member should record the actions or behaviours indicating the client's understanding and agreement with the proposed treatment, in the client file (i.e., in the treatment plan or treatment notes).

5.4 Documenting consent does not make the consent valid, however it is essential evidence of the communications relevant to consent.

5.5 Members must document any changes or withdrawals of consent made by the client, along with relevant details and dates.

**6 Consent for Different Client Groups**

6.1 For clients under the age of 18, consent should ideally be obtained from a parent or legal guardian.

6.2 In situations where a parent or legal guardian is unavailable or obtaining their consent is not in the best interest of the child, the practitioner should act in the child's best interest when considering consent and treatment decisions.

6.3 A 'mature minor' is a minor who possesses the ability to understand the proposed treatment, risks, benefits, and alternatives, enabling them to make informed decisions about their healthcare. The following should be considered by Member when assessing whether a minor is a 'mature minor':

- 6.3.1 *Assessment of Maturity:* Practitioners should assess the minor's maturity level, considering their age, understanding, and ability to make informed choices.
- 6.3.2 *Involving Parents:* While considering the 'mature minor,' involving parents or legal guardians in the decision-making process is encouraged unless it is not in the best interest of the minor.
- 6.3.3 *Guiding the Decision:* Practitioners should guide the minor in their decision-making process, ensuring that the decision aligns with the minor's best interest and well-being.



## 7 Managing Changes in Treatment and Re-consent

- 7.1 If the treatment, remedy, or technique changes significantly during the therapeutic relationship, members must clearly communicate the changes to the client and obtain (and document) their consent for the modified treatment, or treatments. To this end, Members should remember that obtaining informed consent is an *ongoing* requirement. Depending on the modality or treatment used, a Member may need to receive ongoing consent from the client i.e., before and during an appointment, and potentially several times throughout the therapeutic relationship if treatment changes.

## 8 Role of Practitioners

- 8.1 It is the practitioner's responsibility to obtain informed consent, respecting the client's autonomy, and ensuring a safe and collaborative therapeutic relationship.
- 8.2 The practitioner must also maintain awareness of legal requirements and regularly update their knowledge and skills related to obtaining informed consent.

The Informed Consent Policy will be reviewed on or before **1 December 2026**. Please check for updates to the ATMS Code of Conduct, ATMS Member Privacy Guidelines and the Informed Consent Policy. Any breach of the ATMS Code of Conduct, ATMS Member Privacy Guidelines and the Informed Consent Policy may render an ATMS member liable for removal from the Register of Members.

### Further Information

#### Related Policies:

ATMS Code of Conduct

ATMS Member Privacy Guidelines

