

1.4 Independence and Informed Choice

Independence and Informed Choice Decision-Making Policy and Procedure

1.0 Purpose

121 Supports Hunter Pty Ltd policy is underpinned by international, national and state obligations concerning the human rights of people with disabilities; Article 12 of the *United Nations Convention on the Rights of Persons with Disabilities* is the critical driver behind supported decision-making.

We wish to support all participants in making informed choices, exercising control, and maximising their independence relating to the support provided.

Quality decision-making will underpin the long-term effectiveness of participant support and agreements. It facilitates the achievement of strategic goals, maximises participant involvement, enhances participant outcomes and encourages the wellbeing and productivity of our staff.

2.0 Scope

This policy applies to all 121 Supports Hunter Pty Ltd staff and participants accessing our services.

3.0 Policy

This policy assumes that each participant has decision-making capacity, unless proven otherwise, and acknowledges that each participant's capacity varies for each decision and situation. All participants have the dignity of risk to make their own decisions.

In instances where a participant's decision-making capacity is in doubt, this policy provides direction regarding determining capacity and consent, supporting and facilitating decision-making, and deciding on behalf of the participant.

This policy will eliminate the risk of a participant's life decisions without their involvement or against their actual or anticipated wishes. Decisions are only to be made with the consent of the participant.

121 Supports Hunter Pty Ltd puts choice and control squarely in the hands of people with disabilities, their families and carers. Our organisation will collaborate with the participant, family, carers and advocates to determine the participant's capacity.

Community Engagement Coordinator will designate the relevant staff to determine a participant's capacity through:

1. Always assuming the participant has the capacity
2. Never basing the capacity assessment on appearances
3. Identifying the decision to be made.
4. Assessing the participant's decision-making ability and not the decision being made - A participant cannot be assessed as lacking capacity simply because they make a decision that is considered unwise, reckless or wrong.
5. Using a substitute decision-maker as a last resort
6. Documenting the process and reasons, as required

121 Supports Hunter Pty Ltd will provide information in an Easy Read format for participants who require this communication style.

4.0 Definitions

Term	Definition
Decision-making	Process of identifying and choosing alternatives based on the decision-maker's values, preferences, and beliefs.
Informed choice	A person chooses services based on diagnostic tests or treatments, knowing the details, benefits, risks and expected outcomes.
Capacity	Capacity is decision specific – it depends on the particular decision being made. Everyone has the right to make their own decisions or have the right to have support to make their own decisions. In some situations, this right must be balanced against the need to protect a person who cannot make a particular decision from harm to themselves or from exploitation by others.
Dignity of Risk	The dignity of risk is the right to take risks when engaging in life experiences and the right to fail in taking these.
Advocate	An Advocate is a person who puts a case on someone else's behalf.
Autonomy	The capacity to decide for oneself and pursue a course of action in one's life, often regardless of moral content.

5.0 Procedure

5.1 Advocate

121 Supports Hunter Pty Ltd will inform all participants from their first contact with 121 Supports Hunter Pty Ltd that they have the right to access an advocate (including an independent advocate) of their choosing. They will be advised that it is their right to have the advocate present at any time that they are in contact with 121 Supports Hunter Pty Ltd.

5.2 Decision-making and choice

During the development of the service agreement and all ongoing interactions with each participant, 121 Supports Hunter Pty Ltd staff must:

- always assume that the participant can undertake decisions
- inform the participants, and their advocate, of their options regarding their supports
- advise the participants, and their advocate, of any risks to themselves or others regarding their options
- consult and collaborate with the participant, and their advocate, by providing current and relevant information to allow the participant to make decisions
- allow the participant enough time to absorb and understand all relevant information before and during the decision-making process
- provide information in an Easy Read format
- assess the participant's service requirements against their NDIS plan, plan and provide proper support and design appropriate strategies with the participant, family and advocate
- undertake review meetings where the participant, family and advocates have input
- plan with the participant, family and advocates when the participant decides to exit from 121 Supports Hunter Pty Ltd.

The development of the support plan incorporates input from participants and their relevant networks. Each support service requires the participant to be part of the decision-making process. 121 Supports Hunter Pty Ltd will:

- accept all decisions made unless there is a risk to the health and safety of the participant. In these cases, the Community Engagement Coordinator or their delegate will:
 - inform the participant that if they wish to continue, it is their choice
 - undertake a risk assessment for the support eg 121 Hazard Risk assessment Form
 - consult with the participant and their relevant networks about the potential risks
 - discuss the participant's dignity of risk
 - create a risk management plan related to their activity choice
 - record details of discussion and outcome in the support plan
- identify any lifestyle risk factors as per the Lifestyle Risk Factors Policy and Procedure

- create an emergency plan (Emergency and Disaster Management Policy and Procedure), test and adjust the plan in consultation with the participant
- train and inform staff on the support plan strategies and documentation
- allow staff access to the support plan so they can undertake strategies and inform participants when questioned.

121 Supports Hunter Pty Ltd recognises that participants have the right to dignity of risk in their decision-making. Participants will be advised of the following:

- various relevant options that may support their needs before any decisions are made
- benefits of each relevant option
- risk, if any, linked to each relevant option.

Participants will be provided time to absorb information and make the appropriate decisions based on the risks involved.

5.3 Autonomy

All participants have the right to autonomy, and all staff will respect this. Participants can make decisions for themselves and pursue the actions that they determine. Participants have the right to make choices based on who they are and what they want to do. Front-line workers must allow the participant their right to intimacy and sexual expression (in the context of lawful behaviour).

5.4 Time

121 Supports Hunter Pty Ltd recognises that the participant may require time to make some decisions so they can review the various options available to them. Participants may also need to seek advice from their networks and relevant stakeholders. Staff must not rush participants during the support provision and decision-making process.

5.5 Documentation

121 Supports Hunter Pty Ltd requires staff to record all information and options provided to each participant. Decisions will be recorded in the participant's file.

6.0 Related documents

- Access to Supports Policy and Procedure
- Easy Read Rights Document
- Participant Notes
- Responsive Support Provision and Support Management Policy and Procedure

- 121 Risk Management Plan
- 121 Service Agreement
- 121 Person Centered Support Plan
- Support Planning and Service Agreement Collaboration Policy and Procedure
- Transition or Exit Policy and Procedure
- 121 Participant Information Consent Form

7.0 References

- NDIS Practice Standards and Quality Indicators 2021
- United Nations Convention on the Rights of Persons with Disabilities