

10. Independence and Informed Choice Decision-Making Policy and Procedure

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Purpose

Australian Quality Care policy is underpinned by international, national and state obligations, in relation to 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, stating that persons with disabilities have the right to recognition everywhere as persons before the law.

We wish to support all participants to make informed choices, exercise control and maximise their independence relating to the supports provided.

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

Scope

This policy applies to all Australian Quality Care Staff and participants accessing our services.

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 the determination of capacity and consent, supporting and facilitating decision-making, and deciding on behalf of the participant, where required.

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

Australian Quality Care puts choice and control squarely in the hands of people with disabilities, their families and carers.

Australian Quality Care will provide information in an Easy Read format for participants who require this communication style.

Definition

Terms	Definition
Decision-making	The action or process of making important decisions Process of identifying and choosing alternatives based on the values, preferences, and beliefs of the decision-maker
Informed choice	A person chooses services based on knowledge of diagnostic tests or treatments, knowing the details, benefits, risks and expected outcomes of their choice
Dignity of Risk	The right to take risks when engaging in life experiences and the right to fail in taking these
Advocate	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 any moral content

Procedure

Advocate

Australian Quality Care will inform all participants 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 Australian Quality Care.

Decision-making and choice

During the development of the Service Agreement and all ongoing interactions with each participant, Australian Quality Care Staff must:

- 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, to plan and provide proper support and design appropriate strategies with the participant, their family and advocate
- Undertake review meetings where the participant, family and advocates have input
- Plan with the participant, their family and advocate when the participant decides to exit services of Australian Quality Care.

Australian Quality Care recognises that participants have the right to dignity of risk in their decision-making. Participants will be advised of the:

- Various relevant options that may support their needs, before any decisions are made
- Benefits of each relevant option
- Risks, 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. If the participant wishes to undertake an activity that has been deemed by Australian Quality Care as a risk to the health and safety of the participant, then our team will:

- Inform the participant that if they wish to continue that it is their choice
- Develop a risk management plan to identify and reduce the possible risks
- Keep notes in the participant's file recording the participant was informed that the activity had identified risks and could be dangerous.

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).

Time

Australian Quality Care 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 at any stage during the support provision and decision-making process.

Related documents

- Access to Supports Policy and Procedure
- Easy Read Rights Document
- Participant file notes
- Responsive Support Provision and Support Management Policy and Procedure
- Risk Assessment
- Service Agreement
- Support Care Plan
- Support Planning and Service Agreement Collaboration Policy and Procedure
- Transition or Exit Policy and Procedure

References

- [NDIS Practice Standards and Quality Indicators January 2020 – Version 3](#)
- [United Nations Convention on the Rights of Persons with Disabilities](#)