

1.4 Independence and Informed Choice

1.4.1 Independence and Informed Choice Decision-Making Policy and Procedure

1.4.1.1 Purpose

Nepean Centre 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 well-being and productivity of our staff.

1.4.1.2 Scope

This policy applies to all Nepean Centre staff and participants accessing our services.

1.4.1.3 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.

Nepean Centre 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.

The Disability Support Manager 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.

Nepean Centre will provide information in an Easy Read format for participants who require this communication style.

1.4.1.4 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.

1.4.1.5 Procedure

1.4.1.5.1 Advocate

Nepean Centre will inform all participants from their first contact with Nepean Centre 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 whenever they contact Nepean Centre.

1.4.1.5.2 Decision-making and choice

During the development of the service agreement and all ongoing interactions with each participant, Nepean Centre 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, carer, and advocate
- undertake review meetings where the participant, family, carer and advocates have input
- plan with the participant, family, carer, and advocates when the participant decides to exit from Nepean Centre.

The support plan development incorporates input from participants and their relevant networks. Each supported service requires the participant to be part of the decision-making process. Nepean Centre will:

- accept all decisions made unless there is a risk to the health and safety of the participant. In these cases, then Disability Support Manager or their delegate will:
 - inform the participant that if they wish to continue, it is their choice
 - undertake a risk assessment for the support (e.g. Risk Assessment Form – High-Risk Activity or Event)
 - 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.

Nepean Centre 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.

1.4.1.5.3 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 choose 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).

1.4.1.5.4 Time

Nepean Centre 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.

1.4.1.5.5 Documentation

Nepean Centre requires staff to record all information and options provided to each participant. Decisions will be recorded in the participant's file.

1.4.1.6 Related documents

- Access to Supports Policy and Procedure
- Easy Read Rights Document
- Participant Notes
- Responsive Support Provision and Support Management Policy and Procedure
- Risk Management Plan Register
- Service Agreement
- Support Plan
- Support Planning and Service Agreement Collaboration Policy and Procedure
- Transition or Exit Policy and Procedure
- Participant Information Consent Form

1.4.1.7 References

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