

1.0 POLICY PURPOSE AND SCOPE

aspiring futures SA 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 supports provided. We recognise that people with a disability are individuals with their own needs, wishes, culture, lifestyle preferences and beliefs. They are partners in the services that they receive and must be consulted regarding the decisions that affect them. Decision-making and choice can range from making small decisions about what to have for lunch or what to wear for the day through to where to live or their choice of service provider.

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 the wellbeing and productivity of our staff.

This policy applies to all *aspiring futures SA* part-time, full-time and casual employees, volunteers and participants and their families accessing our services.

2.0 DEFINITIONS

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| <i>aspiring futures SA</i> | the trading name of Embry Care Services Pty Ltd ABN: 79 646 526 310 |
| <i>Decision-making</i> | process of identifying and choosing alternatives based on the values, preferences and beliefs of the decision-maker |
| <i>Informed Choice</i> | a person chooses services based on diagnostic tests or treatments, knowing the details, benefits, risks and expected outcomes of their choice |
| <i>Capacity</i> | capacity is decision specific – it depends on the particular decision being made. Everyone has the right to make their own decisions or if needed 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 |
| <i>Dignity of Risk</i> | is the right to take risks when engaging in life experiences and the right to fail in taking these. Duty of Care and Dignity of Risk require careful consideration when working with people with a disability. This is balancing the person's safety with the need to respect their right to freedom and to take risks. |
| <i>Advocate</i> | is a person who puts a case on someone else's behalf |
| <i>Autonomy</i> | the capacity to decide for oneself and pursue a course of action in one's life, often regardless of moral content |
| <i>Person Centred Planning</i> | ...a process of continual listening and learning, focused on what is important to someone now, and for the future, and acting upon this in alliance with their family and friends. helensandersonassociates.co.uk |

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, where required.

aspiring futures SA puts choice and control squarely in the hands of people with disabilities, their families and carers. Our organisation will collaborate with the participant, family, guardians, carers and advocates to determine the participant's capacity.

Staff to determine a participant's capacity through:

- Always assuming the participant has the capacity
- Never basing capacity assessment on appearances
- Identifying the decision to be made
- 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 is thought to be unwise, reckless or wrong
- Using a substitute decision-maker as a last resort
- Documenting the process and reasons, as required

aspiring futures SA will provide information in an Easy Read format for participants who require this communication style.

4.0 PROCEDURE

4.1 Advocate

aspiring futures SA will inform all participants from their first contact with *aspiring futures SA* 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 a meeting with *aspiring futures SA*.

4.2 Decision-making and Choice

During the development of the Service Agreement and all ongoing interactions with each participant, *aspiring futures SA* staff must:

- Always assume that the participant has the capacity to undertake decisions
- Inform the participants, and their advocate, of their options regarding their supports
- Advise the participants, guardians 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 where available.

- Assess the participant's service requirements, against their NDIS plan, to plan and provide proper support and design appropriate strategies with the participant, family and guardian.
- Undertake review meetings where the participant, family, guardians and advocates have input

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. *aspiring futures SA* will:

- Accept all decisions made unless there is a risk to the health and safety of the participant, in these cases, then Director 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, guardian 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 in consultation with stakeholders.
 - Record details of discussion and outcome
- Identify any lifestyle risk factors as per 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 where appropriate.
- 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

aspiring futures SA 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.

4.3 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. Including allowing the participant their right to intimacy and sexual expression (in the context of lawful behaviour).

4.4 Time

aspiring futures SA 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.

4.5 Documentation

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

5.0 POLICY REVIEW AND FEEDBACK

This policy and procedure will be reviewed at least every two (2) years by the Director (or their delegate) or in response to legislative triggers. Reviews will incorporate staff, participants, and other stakeholder feedback where relevant.

6.0 RELATED DOCUMENTS

CM3.1_1 Access to Supports Policy and Procedure
Easy Read Rights Document
Participant Notes (Care Diary)
CM3.4_1 Responsive Support Provision and Support Management Policy and Procedure
Risk Management Plan
Service Agreement
Support Plan
CM3.2_1 Support Planning and Service Agreement Collaboration Policy and Procedure
CM3.5_1 Transition or Exit Policy and Procedure
Consent to Collect and Use Information

7.0 REFERENCES

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

8.0 RESPONSIBILITIES

The Director is responsible for:

- ensuring that this policy is made available for all employees to access and is reviewed every 2 years.

Leadership Team are responsible for:

- In training employees in the procedures and policy
- Ensuring all staff are working with the people they support with a client centred approach

Service Coordinators are responsible for:

- Communicate the Policy to support workers and ensure it is followed.
- Supporting direct support workers around understanding decision making capacity.

Employees are responsible for:

- awareness of this policy and for following it.
- Supporting their clients to make their own decisions and choices, to enhance and develop their lives around what is important to them, including their needs, wishes, culture, lifestyle preferences and beliefs.

- Understanding Duty of Care and Dignity of Risk and applying those principles to the approach of client centred support.
- Report any duty of care concerns to their supervisor.

| Version Control | | | | |
|-----------------|---|---------------|-------------|-------------|
| Version No. | Summary of Changes | Date Approved | Approved By | Review Date |
| V0.1 | Draft | Mar 2022 | | |
| V1.0 | Initial Release | Apr 2022 | Director | Apr 2024 |
| V2.0 | Changes based on ProviderPlus release V2.12, logo and format update | Dec 2022 | Director | Dec 2024 |
| V2.1 | Comprehensive Review and Added Responsibilities Section | Nov 2024 | Director | Nov 2026 |