



DIVISION 1 - RIGHTS AND RESPONSIBILITIES

DECISION MAKING AND CHOICE POLICY AND PROCEDURE

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The intent of this policy and procedure is to describe Calming Waves Support Services Australia Pty Ltd's method of empowering and facilitating participants to make informed choices regarding their state of risk. Which covers all Calming Waves Support Services Australia Pty Ltd's employees or visitors and applies to all future and existing participants, members of their families, carers, and other stakeholders of the organisation.

The policy and procedure comply with appropriate laws, regulations, and standards.

Definitions

Advocate – a person who assists a participant in expressing their needs or speaking on their behalf. Advocates can be family members, friends, or an Independent Advocate. They are not substitute decision-makers who are there to ensure the participant's needs and wants are listened to.

Independent advocate - means a person who is independent of the NDIA, the NDIS Commission and any NDIS providers providing support or services to the person; the person offers independent advocacy to assist them in exercising choice and control and having their voice heard in matters that affect them.

Child's representative – a person responsible for undertaking acts and making decisions about the NDIS Act 2013 on behalf of a child. A child's representative is usually a person with parental responsibility. However, it may sometimes be a legal guardian, a state or territory government agency, or a person appointed by the NDIA.

Court-appointed decision-maker – a person who, under the law of the Commonwealth or a State or Territory, has guardianship of a participant or is appointed by a court, tribunal, board, or panel to make decisions for the participant.

Decision-making capacity is a person's ability to make decisions about things that affect their daily life. This usually means they can understand the situation and the decision required, understand what the choices are, weigh up the consequences of the options, understand how the consequences affect them, and communicate their decision.

Decision making and choice

DECISION MAKING AND CHOICE POLICY AND PROCEDURE

Calming Waves Support Services Australia Pty Ltd



Dignity of risk - the right of an individual to choose to take some risk in engaging in life experiences.

Nominee – a person appointed in writing, at the request of a participant or their guardian, or on the initiative of the NDIA, to act on behalf of or make decisions on behalf of a participant. Under the NDIS, there are two types of nominees: a plan nominee and a correspondence nominee. One person can be appointed as both and either type can be set indefinitely or for a specified term.

Participant-appointed decision-maker – someone who can decide on the participant's behalf under a formal arrangement between that person and the participant (e.g., a power of attorney, an advance health directive or an enduring guardian under State or Territory law).

Policy

Participants have the right to make their own decisions.

Participants have the right to maintain their attributes and preferences and the right to dignity.

Calming Waves Support Services Australia Pty Ltd will allow participants to make informed decisions and choices daily according to their needs.

Calming Waves Support Services Australia Pty Ltd will encourage participants to make informed decisions and choices regarding themselves and the services they receive.

If the participant cannot make decisions because of disability or impairment, an authorised representative or administrator can be legally appointed to make decisions on their behalf.

Procedures

- Calming Waves Support Services Australia Pty Ltd will provide the participant or their representatives with access to information to enable them to participate in the decision-making process affecting the participant's needs.
- Information provided to a participant is in clear and concise language, and if necessary, interpreting and translation services can be used.

Decision making and choice

DECISION MAKING AND CHOICE POLICY AND PROCEDURE

Calming Waves Support Services Australia Pty Ltd



- Calming Waves Support Services Australia Pty Ltd will provide information in its participants' Handbook about independent bodies and agencies that can assist the participant.
- Calming Waves Support Services Australia Pty Ltd will respect and act upon the outcomes of a participant and/or their representative's input into decision-making on the participant's needs.
- Calming Waves Support Services Australia Pty Ltd will respond to participants' changing needs, goals, aspirations and choices and facilitate and support their informed decision-making and choice.
- If a participant can make decisions, risks and consequences must be communicated to the participant and all relevant stakeholders.
- The participant's safety is essential to Calming Waves Support Services Australia Pty Ltd.
- If a decision does not place anyone at risk of harm, staff must comply with the participant's decision.

Informal substitute decision-making

Informal decision-making is when a person decides on behalf of another person and has not been legally appointed. People who can make everyday decisions include the person's family, friends, carer or nominated support.

Most decisions can be made informally, including who a person wishes to see, their work, leisure, recreation, holidays or accessing services.

Staff must ensure that all informal decision-making arrangements are recorded in the participant's file and communicated to other relevant staff. Decisions can then be pursued through the agreed casual arrangements.

Formal substitute decision-making

Formal decision-making arrangements must be implemented within Calming Waves Support Services Australia Pty Ltd when informal decision-making is insufficient, such as when there is conflict over decisions being made about the person, where specific legislative requirements exist (e.g., consent to medical treatment), or where the person has a guardian or appointed nominee or decision maker.

DECISION MAKING AND CHOICE POLICY AND PROCEDURE

Calming Waves Support Services Australia Pty Ltd

Formal arrangements should take a rights-based approach and consider the participant's wishes as much as possible, regardless of their impaired decision-making capacity.

Staff must record and maintain information about formal decision-making arrangements on participant files. Any amendments to a person's decision-making arrangements must be documented and communicated to relevant staff as soon as practicable.

Staff must refer any issues relating to formal decision-making to the Case Manager or Operations Manager.

Staff will undergo training and continuous professional development in responding to the needs of participants, maintaining and promoting participant's independence and decision-making.

Monitoring and Review

Calming Waves Support Services Australia Pty Ltd's Management team will review this policy and procedure annually. This process will include reviewing and evaluating current practices, Calming Waves Support Services Australia Pty Ltd's service delivery, and the Incident Register. Staff, participants, and other stakeholders' feedback will be incorporated. Feedback from service users, suggestions from staff and best practice developments will be used to update this policy.

Calming Waves Support Services Australia Pty Ltd's Continuous Improvement Plan will record and monitor the progress of any improvements identified and where relevant, feed into Calming Waves Support Services Australia Pty Ltd's service planning and delivery processes.