



Disability Services

Supporting decision making

A quick reference guide for disability support workers

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Department of Human Services

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Introduction

This Supporting Decision Making **quick reference guide** is for staff who work with people with a disability who are making decisions.

Legislation and policy strongly supports people to exercise choice and control over their disability supports. For this to be effective, people need to be supported, where needed, to make decisions about the things that are important to them.

The guide is about giving staff information to:

- think about how they can best support each person to make decisions. This might be by giving them information or understanding how the person communicates
- think about how they can create an environment in which each person can make decisions

More detailed explanation can be found in the Supporting Decision Making booklet.

Staff can read the guide by:

- viewing a copy in their workplace
- downloading a copy from: www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/supporting-decision-making-guide

What decisions are we talking about?

The are many types of decisions, including:

Day to day

- what to wear
- when and what to eat
- when to get up or go to bed

Lifestyle and recreation

- who to be friends with
- having sex with someone
- going to cultural or religious events
- keeping fit
- shopping
- smoking or drinking
- going to the pub / club / cinema
- holidays

Education and employment

- choosing a school, university or other education place
- choosing what type of job

Living arrangements

- who to live with and where
- decorating a home or room

Access to services

- choosing supports
- choosing service providers and support staff

What decisions are we talking about?

Healthcare

- choosing doctor, dentist, therapist or specialist

Financial

- buying everyday items
- paying bills
- banking

Legal

- signing contracts
- providing consent
- giving power of attorney
- getting married or divorced
- making a will

Where it fits in the decision making spectrum

Person makes
the decision

Autonomous decision making

- talking to family, friends, other participants, experts etc
- researching via brochure, media, internet etc.
- trying things out and experimenting

Supporting decision making

- tailored information/formats
- communication assistance
- additional time and discussion of options
- use of technology

Supported decision making

- formally organised (eg representatives / circles of support)
- family/friends make some decisions based on best
- interests or known preferences
- person(s) responsible for health related decisions

Best interests
decision made on
behalf of person

Substitute decision making

- one-off decisions approved by VCAT*
- VCAT appointed guardian or administrator (limited or full responsibility)

* VCAT = Victorian Civil and Administrative Tribunal

It is based on seven decision making principles

1 Everyone has the right to make decisions about the things that affect them

7 People have the right to make decisions others might not agree with

2 Capacity to make decisions must be assumed

6 People have the right to change their minds

3 Every effort should be made to support people to make their decisions

5 People have the right to learn from experience

4 Capacity is decision specific



1. Everyone has the right to make decisions about the things that affect them

Things to consider

- people with a disability have the right to make decisions about things that have an impact on their life, as far as they are able to.
- choice is not unlimited
- assistance should be provided where required

What you should do:

- remind the people you work with that they have a right to make decisions
- remind co-workers that the people you work with have a right to make decisions
- help people to get information they need to help them make their decisions
- allow time for people to think about what they want to do
- understand that it's difficult to make decisions about some issues, and that it's okay not to have an answer straight away
- don't assume you know what the person wants
- help the person if you think they are not being allowed to make decisions when they are able to

2. Capacity to make decisions must be assumed

Things to consider

- get to know what decision making capacity is
- get to know why we should assume capacity
- decisions are rarely made in isolation
- capacity can change
- capacity can be lost or regained depending upon a number of factors
- legal capacity is a different issue
- when a person would be considered not to have capacity

What you should do:

- assume a person has capacity to make decisions in the first instance
- consider the factors which might affect a person's decision making ability before making further assumptions about their capacity
- take action to appropriately support the person to make their decision
- explain to the person and (if they want you to) their family or friends if you think the person needs someone else, such as an administrator, to make decisions on their behalf
- tell your manager if you think substitute decision making is needed before making any arrangements

3. Every effort should be made to support people to make decisions

Things to consider

- many factors can affect decision making capacity:
 - the type of decision
 - timing of the decision
 - the complexity of the decision
 - the urgency of the decision
 - the currency of the decision
 - the availability of information
 - the physical environment
 - the sensitivity of the decision
 - personal issues faced by the person
- the type and amount of support people need will vary
- communication styles vary
- getting to know the person and key people in their life is important

What you should do:

- take the time to get to know the person and other important people in their life
- find out how the person likes to communicate
- find out what supports (such as advocacy services) might be available and suitable for the person
- assist the person to receive information in relevant formats to help with their decisions
- accept that some people might need more time to make their decisions

4. Capacity is decision specific

Things to consider

- understand the context of the decision
- capacity can change
- changed circumstances can result in a different decision
- understand people's strengths and weaknesses

What you should do:

- find out information about the person and the decision, particularly so assistance can be arranged if needed. This can include asking things like:
 - has the person made this type of decision before?
 - what are the person's strengths and weaknesses?
 - has anything changed for the person or their circumstances that you are aware of?
- work with people to document their experiences as they happen — it might be useful for them if they have similar experiences in the future

5. People have the right to learn from experience

Things to consider

- it is okay for people to try things out
- people may need help in identifying things to do
- trying new things can expand social networks
- potential risks in doing something need to be assessed in a fair and balanced way for each person's situation

What you should do:

- help people to try new things, even if they aren't clear what they want to try
- offer people information about a range of options, including any potential risk and what might be done about the risk
- work at creating an environment in which the response to risk is tailored to each person
- help people to understand if what they want to do might put others at risk
- allow people time to explore and/or try new activities

6. People have the right to change their minds

Things to consider

- there are no right or wrong decisions
- people change their minds for different reasons
- people may need assistance to fully understand the consequences
- it's never too late to change your mind

What you should do:

- accept that it is okay for people to change their mind
- create opportunities for people to explore their thoughts and feelings before, during and after decisions
- help people to get information that will explain any consequences of changing a decision, including any financial or legal obligations

7. People have the right to make decisions others might not agree with

Things to consider

- family members, friends and staff may have different values and attitudes, but the person's decision is important
- staff need to take reasonable action to minimise the risk of harm to the person or others
- balancing a person's right to make their decisions against occupational *health and safety issues* can be tricky

What you should do:

- work at understanding and respecting each person's values and attitudes think about why you
- think a person should not make a decision about something — are you applying your own values and attitudes to the decision rather than accepting theirs?
- respectfully consider concerns raised by a person's family and/or friends
- assess and manage potential risks in a fair and balanced way for each person
- talk the person if you think their decision will impact on you or other people
- talk to your manager if you are concerned about any decisions you disagree with

Substitute decision making

If you think it is in a person's best interest to get help from a substitute decision maker you should:

- explain to them why you think someone needs to make a decision for them
- ask the Victorian Civil & Administrative Tribunal to look at the situation and decide whether or not to appoint a guardian or administrator.

For more information about guardians, contact the Office for the Public Advocate:

Phone: 1300 309 337

Web: www.publicadvocate.vic.gov.au

For more information about administrators, contact State Trustees:

Phone: 9667 6466

1300 138 672 (Toll free – country callers only)

Web: www.statetrustees.com.au

For more information about appointing guardians or administrators, contact Victorian Civil and Administrative Tribunal

Phone: 9628 9911

1800 133 055 (Toll free – country callers only)

Web: www.vcat.vic.gov.au

For more information

Disability Act 2006

<http://www.dhs.vic.gov.au/for-individuals/disability/your-rights/disability-act-2006>

Department of Human Services Client Charter

<http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/client-services-charter>

Principles in action

- Lucy's decisions
- Ash's decisions

<http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/supporting-decision-making-guide>