

Decision Making and Consent Policy

Introduction Your Way Disability SA (YWDSA) is committed to upholding the rights of individuals to make informed decisions about their lives. Decision-making and consent are fundamental to autonomy, dignity, and self-determination. This policy ensures that all decisions affecting a participant's life are made with appropriate consent, recognising individual capacity, legal frameworks, and support mechanisms.

What is Decision Making and Consent?

Within the scope of YWDSA's services, decision-making and consent refer to the process by which an individual, or their substitute decision-maker, provides permission for actions or interventions that impact their life. Consent requires a clear understanding of the decision at hand, free from coercion.

A person with decision-making capacity must be able to:

- Understand the nature and consequences of the decision.
- Weigh up the potential benefits and risks.
- Communicate their decision in their own way.

Some individuals may require support to make decisions. This can include:

- Assistance from family members, carers, or advocates.
- Use of alternative communication methods.
- Information provided in an accessible format to support understanding.

When is Consent Required?

Consent is required in situations including:

- Service agreements and participation in support plans.
- Collection, use, and sharing of personal information.
- Behavioural support interventions.
- Financial and legal decisions, where applicable.
- Participation in medical treatments (where relevant laws apply).

When is Consent Not Required?

Consent may not be required in situations such as:

- Emergencies where immediate action is necessary to prevent serious harm.
- Legal obligations where disclosure is mandated (e.g., child protection concerns).
- When a legally appointed substitute decision-maker is responsible.

Who This Applies To:

This policy applies to:

- Participants receiving services from YWDSA.
- Employees, contractors, and volunteers providing support.
- Substitute decision-makers, guardians, and medical practitioners.

Consent for Medical Treatment Medical consent is the responsibility of the treating medical practitioner, who must ensure the person providing consent:

- Understands the nature of the treatment and its risks.
- Has the legal authority to provide consent (if acting as a substitute decision-maker).
- Is not under duress or coercion.

Autonomous and Supported Decision-Making:

- Autonomous Decision-Making: When an individual independently makes decisions about their life, without the need for external support.
- Supported Decision-Making: When an individual requires assistance from a trusted person or support network to understand and express their decision.

Impaired and Formal Decision-Making

- Impaired Decision-Making: When an individual may have cognitive, intellectual, or mental health conditions that impact their ability to make informed decisions.
- Formal Decision-Making: When a legally appointed decision-maker is required to make choices on behalf of an individual due to impaired capacity.

Substitute Decision-Makers A substitute decision-maker is legally appointed to act on behalf of an individual who lacks decision-making capacity.**Their role includes:**

- Acting in the best interests of the individual.
- Ensuring decisions align with the individual's wishes and preferences.
- Making decisions regarding financial, medical, or legal matters.

Examples of substitute decision-makers:

- Guardian (appointed by a tribunal or court).
- Power of Attorney (for financial or legal matters).
- Medical treatment decision-maker (for health-related decisions).

Consent Rights for Participants All participants have the right to:

- Be supported in making their own decisions where possible.
- Have information provided in an accessible way.
- Appoint a substitute decision-maker if required.
- Refuse consent for non-essential decisions.

Our Consent Responsibilities YWDSA is responsible for ensuring:

- Participants are supported to make informed decisions.
- Staff understand and respect consent principles.
- Legal and ethical standards are upheld in all decision-making processes.

How We Obtain Consent:**Consent may be obtained through:**

- Verbal agreement where appropriate.
- Written consent forms for formal decisions.
- Alternative communication methods for those requiring support.

When Consent is Refused If a participant refuses consent:

- Their decision will be respected, except where legal obligations require action.
- Alternative supports will be explored to ensure understanding.
- Documentation of refusal will be maintained in service records.

When Consent is Not Possible:**If an individual is unable to provide consent due to impaired decision-making capacity, the following steps will be taken:**

- A formal capacity assessment may be requested.
- A substitute decision-maker will be consulted.
- Decisions will be made in the individual's best interests, prioritising their known wishes.

Monitoring and Compliance:

- Annual training for staff on consent and decision-making.
- Regular audits to ensure compliance with legal and ethical standards.
- Participant feedback mechanisms to ensure rights are upheld.