

## DECISION MAKING AND CHOICE POLICY AND PROCEDURE

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

The policies and procedures comply with appropriate laws, regulations, legislation, and standards.

### Definitions

**Advocate** – a person who assists a participant to express their needs, or who speaks on behalf of a participant. Advocates can be a family member, friend, or an Independent Advocate. They are not substitute decision makers but are there to ensure the participant's needs and wants are listened to.

**Independent advocate**, in relation to a person with disability, means a person who is independent of the NDIA, the NDIS Commission and any NDIS providers providing supports or services to the person; provides independent advocacy to assist them to exercise choice and control and have their voice heard in matters that affect them.

**Child's representative** – a person responsible for undertaking acts and making decisions in relation to the NDIS Act 2013 on behalf of a child. A child's representative is usually a person with parental responsibility. However, in some cases it may 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 a law of the Commonwealth, or a State or Territory, has guardianship of a participant or who is appointed by a court, tribunal, board or panel to make decisions for the participant.

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

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

**Nominee** – a person who is 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 2 types of nominee, a plan nominee and correspondence nominee. One person can be appointed as both and either type can be appointed either indefinitely or for a specified term.

**Participant-appointed decision-maker** – a person who is able to make a decision 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 rights to make their own decisions.

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

Clover Care Pty Ltd will provide opportunities for service users to make informed decisions and choices on a day-to-day basis according to their individual needs.

Participants make informed decisions and choices with regard to themselves and the services they receive or;

If participant is unable to make decisions because of disability or impairment, an authorised representative identified, or administrator can be legally appointed to make decisions on their behalf.

## PROCEDURE

- Clover Care Pty Ltd will provide participant or their representatives with access to information to enables them to participate in the decisions making process affecting participant's needs.

- Information provided to a participant is in clear and concise language and if necessary, interpreting and translation services can be used.
- Clover Care Pty Ltd will provide information in its participants' information package about independent bodies and agencies that can assist participant.
- Clover Care Pty Ltd will respect and act upon the outcomes of a participant and/or their representative's input into decision-making on participant's needs.
- Clover Care Pty Ltd will respond to the changing needs, goals, aspirations and choices of participants and will facilitate and support their informed decision-making and choice.
- If a participant has the capacity for decision making, risks and possible consequences must be communicated to participant and all relevant stakeholders.
- The safety of the participant is important at all times to Clover Care Pty Ltd.
- If a decision doesn't place anyone at risk of harm, staff are to comply with the participant's decision.

### **Informal substitute decision-making**

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

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

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

### **Formal substitute decision-making**

Formal decision-making arrangements must be implemented 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.

Formal arrangements should take a rights-based approach and consider the participant's individual 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 clearly recorded 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 on responding to the needs of participants, maintaining and promoting participant's independence and decision making.

### **Monitoring and Review**

Clover Care Pty Ltd Management Team will review this policy and procedure at least annually. This process will include a review and evaluation of current practices and service delivery types, contemporary policy and practice in this clinical area, the Incident Register and will incorporate staff, participant and another stakeholder feedback. Feedback from service users, suggestions from staff and best practice developments will be used to update this policy.

Clover Care Pty Ltd Continuous Improvement Plan will be used to record and monitor progress of any improvements identified and where relevant feed into Clover Care Pty Ltd service planning and delivery processes.