

Independence and Informed Choice Decision-Making Policy and Procedure

1.0 Purpose

The purpose of this policy is to ensure that all participants of SilaCa Tasmania Pty Ltd are supported to make their own decisions, exercise choice and control, and build their independence in a way that is meaningful to them.

This includes making informed decisions about the services and supports they access, how they are delivered, and who delivers them. The policy promotes respect for individual autonomy, freedom of expression, and the dignity of risk.

It also guides staff on how to support decision-making in a way that builds confidence, encourages self-determination, and ensures participants are never excluded from decisions about their lives.

2.0 Scope

The policy applies to all staff involved in supporting participants at SilaCa Tasmania Pty Ltd.

3.0 Policy

SilaCa Tasmania Pty Ltd is committed to upholding the rights of participants to make decisions about their lives. This includes decisions about their daily activities, personal goals, support needs, and lifestyle choices.

In accordance with the NDIS Practice Standards, NDIS Code of Conduct, and Article 12 of the United Nations Convention on the Rights of Persons with Disabilities, we will support participants to make decisions independently, and ensure their will and preferences are respected.

All participants are presumed to have decision-making capacity unless there is clear evidence to the contrary. Decision-making capacity will not be judged based on appearance, communication style, or any decision that might be considered unwise.

Staff will support participants through person-centred, culturally safe, and trauma-informed decision-making processes that may include:

- Providing accessible information, including Easy Read, verbal explanations, or visual aids
- Supporting the participant to explore options and understand consequences
- Allowing adequate time for decision-making
- Respecting the participant's values, beliefs, and cultural identity
- Encouraging family or advocate involvement where appropriate

- Referring to independent advocacy or decision-making support services if needed

Where a participant may be at risk or appears to lack decision-making capacity in a specific situation, SilaCa Tasmania Pty Ltd staff must:

- Apply a supported decision-making approach as the first step
- Ensure substitute decision-making is used only as a last resort, and only in line with applicable legal frameworks
- Involve the participant as much as possible in the process
- Document all decisions, assessments, and actions taken clearly and sensitively
- Consult with the participant's family, carers, or appointed guardian where appropriate

Participants will never be excluded from decisions relating to their lives without appropriate safeguards and legal authority. Informed consent will be obtained before any support is delivered, and participants may withdraw or change their decisions at any time.

The Manager is responsible for assigning appropriately trained staff to support participants in assessing capacity and facilitating decision-making where required.

SilaCa Tasmania Pty Ltd will always uphold participants' dignity of risk and will only intervene to prevent significant harm in accordance with our safeguarding, incident management, and risk management policies.

4.0 Definitions

Term	Definition
Decision-making	Process of identifying and choosing alternatives based on the decision-maker's values, preferences, and beliefs.
Supported Decision-Making	Process of providing support to a person to enable them to make their own decisions, rather than having others decide on their behalf.
Informed choice	A person chooses services based on diagnostic tests or treatments, knowing the details, benefits, risks and expected outcomes.
Informed Consent	When a person agrees to something after having received all relevant information in a way they understand, including risks, benefits, and alternatives, and without any coercion
Capacity	Capacity is decision specific – it depends on the particular decision being made.

Term	Definition
	Everyone has the right to make their own decisions or have 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.
Dignity of Risk	The dignity of risk is the right to take risks when engaging in life experiences and the right to fail in taking these.
Advocate	An Advocate is a person who puts a case on someone else's behalf.
Autonomy	The capacity to decide for oneself and pursue a course of action in one's life, often regardless of moral content.

5.0 Procedure

5.1 Advocate

SilaCa Tasmania Pty Ltd will inform all participants from their first contact with SilaCa Tasmania Pty Ltd 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 whenever they contact SilaCa Tasmania Pty Ltd.

Participants will be informed of their right to access independent advocacy services, including referral to the National Disability Advocacy Program (NDAP) or Disability Advocacy Finder.

5.2 Decision-making and choice

During the development of the service agreement and all ongoing interactions with each participant, SilaCa Tasmania Pty Ltd staff must:

- always assume that the participant can undertake decisions
- inform the participants, and their advocate, of their options regarding their supports
- advise the participants, 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

- assess the participant's service requirements against their NDIS plan, plan and provide proper support and design appropriate strategies with the participant, family and advocate
- undertake review meetings where the participant, family and advocates have input
- plan with the participant, family and advocates when the participant decides to exit from SilaCa Tasmania Pty Ltd

The support plan development incorporates input from participants and their relevant networks. Each supported service requires the participant to be part of the decision-making process. SilaCa Tasmania Pty Ltd will:

- accept all decisions made unless there is a risk to the health and safety of the participant. In these cases, then Manager 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 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
 - record details of discussion and outcome in the support plan
- identify any lifestyle risk factors as per the 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
- 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

SilaCa Tasmania Pty Ltd 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.

Where a participant chooses an option that involves risk, staff must:

- Respect the participant's right to take risks and make their own decisions (dignity of risk).
- Conduct a risk assessment in collaboration with the participant and their support network.
- Support the participant to understand risks and strategies to mitigate harm.
- Refer to safeguarding policies if the decision may lead to serious harm, abuse, or neglect.

All decision-making support will be provided using culturally appropriate and trauma-informed practices, respecting the participant's background, identity, and communication needs.

5.3 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 choose who they are and what they want to do. Front-line workers must allow the participant their right to intimacy and sexual expression (in the context of lawful behaviour).

Staff will respect and uphold participants' rights to autonomy and personal relationships, as per the NDIS Practice Standards (Rights and Responsibilities) and NDIS Code of Conduct.

5.4 Time

SilaCa Tasmania Pty Ltd 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 during the support provision and decision-making process. Staff must ensure that participants are not rushed when making important decisions, including during assessments, service reviews, and goal planning. Staff must use plain language or Easy Read information and offer support to understand complex information.

5.5 Documentation

SilaCa Tasmania Pty Ltd requires staff to record all information and options provided to each participant. Decisions will be recorded in the participant's file. Staff must obtain participant consent regarding how their decisions are documented and who may access that information. Staff should respect participants' preferences for privacy and sensitivity.

6.0 Related documents

- Access to Supports Policy and Procedure
- Easy Read - Your Rights
- Responsive Support Provision and Support Management Policy and Procedure
- Risk Management Plan Register
- Service Agreement
- Support Plan
- Support Planning and Service Agreement Collaboration Policy and Procedure
- Transition or Exit Policy and Procedure
- Participant Information Consent Form
- Reportable Incident, Accident and Emergency Policy and Procedure
- Participant Safeguarding Policy
- Consent Policy and Procedure
- Information Management Policy and Procedure

7.0 References

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