



1.4 INDEPENDENCE AND INFORMED-CHOICE DECISION-MAKING POLICY AND PROCEDURE

1.0 Purpose

To ensure that each participant is supported by the provider to make informed choices, exercise control, and maximise their independence relating to the supports provided.

2.0 Scope

The policy applies to:

- ESG Inclusive Homes employees, whether permanent or casual, contractors, volunteers, and stakeholders
- All participants, their families, carers and/or advocates.

3.0 Definition

Terms	Definition
Advocate	An individual who is independent of the agency, the NDIS commission and any NDIS providers providing support or services to the person with disability.
Legal Advocacy	A professional advocate with legal experience that can assist a person with legal related concerns and to understand legal rights.
Self-Advocacy	The act of speaking up for oneself and one's interests or as a group.
Autonomy	The capacity to decide and act for oneself.
Consent	To seek permission prior to acting.
Decision-Making	The action or process of making important choices.
Informed-Choice	A person chooses services based on knowledge of diagnostic tests or treatments, knowing the details benefits, risks and expected outcomes of their choice.

4.0 Policy

ESG Inclusive Homes is committed to supporting each participant to make informed choices, exercise control and maximise their independence relating to the supports provided. To achieve this, ESG Inclusive Homes will:

- Ensure each participant is supported to be play an active role in all decision-making and individual choice processes
- Ensure each participant is provided with information using the language, mode of communication and terms that the participant is most likely to understand
- Ensure each participant's right to the dignity of risk in decision-making is supported
- Ensure each participant is supported to make informed choices about the benefits and risks of the options under consideration
- Ensure each participant's autonomy is respected including their right to intimacy and sexual expression

- Ensure each participant has sufficient time to consider and review their options and seek advice if required, at any stage of support provision, including assessment, planning, provision, review, and exit
- Ensure each participant's right to access an advocate (including an independent advocate) of their choosing is supported, as is their right to have the advocate present; and
- Ensure all ESG Inclusive Homes employees undertake mandatory induction and annual refresher privacy and dignity training.

5.0 Procedure

5.1 Independent Decision-Making

ESG Inclusive Homes employees will assist a participant in identifying their capability and potential of making decisions themselves. ESG Inclusive Homes employees should consider their obligations and duties of care they are responsible for when assisting a participant in making decisions which includes but is not limited to:

- If the outcome of the decision is likely to benefit a participant
- If the decision is appropriate and suitable for the individual's capabilities and skills
- If the decision made by a participant will negatively affect a participant
- If the decision made by a participant will negatively affect other persons; and
- If a participant is a child, their parent or guardian should make choices and decisions on their behalf.

ESG Inclusive Homes acknowledges that some individuals may be unable to make decisions for themselves either for a short period of time or permanently. To provide support to these individual ESG Inclusive Homes employees are to inform a participant of the process involved to access an independent support advocate if the need should arise.

In the instance that a participant is not capable of decision making, there are several individuals that would be able to be nominated to make decisions on behalf of a participant including but not limited to:

- A nominee
- Appointed advocate
- Family members
- Court-appointed decision makers; and/or
- For children - a parent or guardian.

5.2 Advocacy

A participant has the right to use an advocate of their choice to represent their interests and speak on their behalf regarding any aspect of the support or services that they receive. ESG Inclusive Homes encourage the use of an advocate and expect employees to:

- Inform a participant of their right to access an advocate of their choosing any time they are in contact with ESG Inclusive Homes
- Work cooperatively with any nominated advocate chosen by a participant and show the same respect to the advocate, as is shown to a participant
- Respect a participant's right to choose their own advocates, change their advocates or withdraw their advocates authority
- Ensure that if a participant does not have an individual to accept their advocacy, ESG Inclusive Homes will assist a participant in this process
- Provide printed material at each ESG Inclusive Homes location on advocacy and advocacy services
- Maintain local advocacy resource/contact lists; and
- Ensure that all employees receive training specific to advocacy and the role of advocates.

5.3 Decision-Making and Informed Choice

ESG Inclusive Homes encourages a participant to exercise control over decision-making processes relating to care and services provided. During the development of the *Service Agreement* and during all ongoing interactions with each participant ESG Inclusive Homes employees must:

- Ensure that a participant is informed of their right to access an advocate of their choosing and their right to have the selected advocate present throughout decision-making processes
- Consult and collaborate with a participant, their family, carer and/or advocate by providing relevant information to allow for informed decision-making
- Ensure that a participant is supported to make informed choices by identifying, informing, and discussing potential risks and if required develop a risk management strategy to assist in reducing associated risk
- Respect a participant's autonomy, including their right to intimacy and sexual expression
- Ensure that a participant has sufficient time to consider and review their options and seek advice if required, at any stage of support provision, including assessment, planning, provision, review, and exit
- Record all information and options given to a participant throughout a decision-making process in a participant's file
- Ensure that a participant is supported to make informed choices by providing information using the language, mode of communication and terms that a participant is most likely to understand and seek out third party services such as an interpreter if the need should arise
- Undertake review meetings with a participant, their family, carer and/or advocate respectively to ensure that the services provided by ESG Inclusive Homes align with the needs and preferences of a participant; and
- Ensure that consent is obtained prior to the disclosure of any personal information to other parties. In the instance that information disclosed to ESG Inclusive Homes may place a participant or another individual at risk of harm or injury, it is required that ESG Inclusive Homes employees report this to the Director and/or appointed delegate and relevant authorities.

5.4 Initial Assessment (Participant Without an Advocate)

ESG Inclusive Homes employees are to:

- Discuss a participant's right to appoint an advocate at any time and to have an advocate present to speak on their behalf
- Provide a participant with advocacy information
- Explain to a participant their rights regarding advocacy as per the ESG Inclusive Homes *Service Agreement and Charter of Rights*
- Provide information to a participant surrounding advocacy services and if requested assist a participant in accessing these services
- Provide the *Authority to Act as an Advocate Form* to a participant which must be completed, signed, and returned in a timely manner to ESG Inclusive Homes and kept in a participants file; and
- Inform a participant that they can withdraw approval for an advocate to act on their behalf at any time.

5.5 Initial Assessment (Participants with Advocates/ Representatives)

5.5.1 Prior To Initial Assessment

At initial contact, ESG Inclusive Homes employees are to:

- Ensure that a participant is informed of their right to an advocate
- Advise a participant of the need to complete the *Authority to Act as an Advocate Form* and provide this form to a participant
- Contact the advocate to ensure they are aware that they have been nominated as an advocate and agree to do so

- Ensure the completed *Authority to Act as An Advocate Form* is to be kept in a participant's file
- Ensure the potential participant is aware of their advocacy rights, including the right to have an advocate present for all assessments, meetings, and communication between a participant and ESG Inclusive Homes; and
- Schedule a participant's initial assessment at a time and date that will enable the advocate to be present.

5.5.2 At Initial Assessment

ESG Inclusive Homes employees are to:

- Request the completion of the *Authority to Act as an Advocate Form*, if not already received, and explain that this must be completed for ESG Inclusive Homes to formally recognise the nominated person as a participant's advocate
- Gather information about the advocate, such as contact details and methodology; and
- Explain that a participant has the right to change their advocate at any time. Changes should be documented with written confirmation from a participant using the *Authority to Act as An Advocate Form*.

5.5.3 Working with Advocates

ESG Inclusive Homes employees are to:

- Clearly identify the existence of a completed *Authority to Act as An Advocate Form* in a participant file
- Discuss and document any specific communication issues or protocols to be used between ESG Inclusive Homes and the advocate
- Provide the advocate with ongoing information regarding the health and well-being of a participant as agreed
- Communicate with a participant's advocate and involve them in the process of goal setting, planning service responses, and/ or referrals for additional or alternative services
- Ensure all ESG Inclusive Homes employees are aware of a participant's advocate
- Remind a participant of their right to have (or change) a nominated advocate by providing them written and verbal information during reassessments, visits, or meetings; and
- Remind a participant of their right to have (or change) an advocate during each annual review of services or via written communication.

5.6 Advocacy Information

- Australian Centre for Disability Law - www.disabilitylaw.org.au
- Autism Asperger's Advocacy Australia (A4) - www.a4.org.au
- The Autistic Self Advocacy Network of Australia and New Zealand - www.asan-au.org
- Blind Citizens Australia - www.bca.org.au
- Brain Injury Australia - www.braininjuryaustralia.org.au
- Children with Disability Australia - www.cda.org.au
- Deaf Australia - www.deafau.org.au
- Deafness Forum of Australia - www.deafnessforum.org.au
- Disability Advocacy Network Australia (DANA) - www.dana.org.au
- First Peoples Disability Network (FPDN) - www.fpdn.org.au
- Human Rights Council of Australia - www.hrca.org.au
- Intellectual Disability Rights Service (IDRS) - www.idrs.org.au
- Mental Health Australia - www.mhaustralia.org
- National Council on Intellectual Disability (NCID) - www.ncid.org.au
- National Ethnic Disability Alliance (NEDA) - www.neda.org.au
- Physical Disability Australia (PDA) - www.pda.org.au
- People with disabilities Australia - www.pwd.org.au
- Short Statured People of Australia - www.sspa.org.au

- Women with Disabilities Australia (WWDA) - www.wwda.org.au

6.0 Related Documents, Legislation, Regulations and Standards

- *Service Agreement*
- *Participant Intake Assessment Form*
- *Authority to Act as an Advocate Form*
- *Feedback, Compliments and Complaints Form*
- *Support Plan*
- *Participant Consent Form*
- *Internal Audit Schedule*
- *External Audit Schedule*
- *Participant Welcome Pack*
- *Participant Handbook*
- *Privacy and Confidentiality Agreement*
- *Quality and Continuous Improvement Register*
- [National Disability Insurance Scheme Quality Indicators 2021](#)
- [National Disability Insurance Scheme Act 2013](#)
- [National Disability Strategy 2010-2020](#)
- [NDIS Developing Your First NDIS Plan](#)
- [National Disability Insurance Scheme Terms of Business for Registered Providers](#)
- [Freedom of Information Act 1982](#)
- [Privacy and Data Protection Act 2014](#)
- [Health Records Act 2001](#)
- [Privacy Act 1988](#)

7.0 Policy Review

This *Independence and Informed-Choice Policy and Procedure* will be reviewed on an annual basis to ensure that ESG Inclusive Homes operates in accordance with legal, regulatory and company standards. This process will include a review and evaluation of current practices and service delivery types and locations, relevant policies and procedures, forms and registers and will incorporate all ESG Inclusive Homes employee, participant, and other stakeholder feedback.

ESG Inclusive Homes *Quality and Continuous Improvement Register* will be used to record and monitor progress of any improvements identified and where relevant feed into service planning and delivery processes.

ESG Inclusive Homes may make changes to this *Independence and Informed-Choice Policy and Procedure* at any time to allow for continual improvement, evaluation, and implementation of best practices to improve the effectiveness of its operation.