

Decision Making and Choice Policy

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Decision Making and Choice Policy

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Policy Intention

The purpose of this policy on decision making and choice is to promote individual rights to freedom of expression, self-determination, decision-making and the achievement of positive outcomes for individuals living with Disability and related conditions and their families.

This policy emphasises the importance of:

- Respect and dignity, including the dignity of risk (the right to choose to take some risk in life)
- Freedom of expression
- Self-determination
- Choice and control
- The role of families, friends, carers and advocates in the safeguarding of rights
- Systems to prevent or promptly respond to any breaches of the person's rights

Policy Scope

This Policy applies to all employees of Hand in Hand Home and Community Care (VIC).

This Policy is framed around the Disability Services Act (1993) and the National Standards for Disability Services (2013) Standard 1: Rights. Other associated legislation includes the Equal Opportunity Act (1984), the Disability Discrimination Act (1992) and the United Nations Convention on the Rights of Persons with Disabilities.

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Hand in Hand Home and Community Care (VIC) are committed to providing services which recognises the rights of each person and their family or advocate to participate in decisions that affect their supports and services.

Guidelines

Decision making is a human right and this policy is based on the following human rights principles:

- Respect for the inherent dignity, independence and individual autonomy, including the freedom to make one's own choices.
- Non-discrimination.
- Full and effective participation and inclusion in society.
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity.
- Equality of opportunity.
- Accessibility.
- Equality between men and women.
- Respect for the evolving capacities of children with disability, and respect for the right of children with disability to preserve their identities.
- Active partnerships between services and people with disability, and where appropriate their families, friends, carers and/or advocates.
- Everyone has the right to make decisions about the things that affect them.
- Capacity to make decisions must be assumed.
- Capacity is decision specific.
- Every effort should be made to support people to make their decisions. Decisions made on behalf of someone must be in their best interest.
- Best interest decisions must be the least restrictive of the person's rights and freedoms.
- Everyone has the right to learn from experience.
- Everyone has the right to change their minds.
- Everyone has the right to make decisions that others might not agree with.

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Procedures

- All individuals receiving services from Hand in Hand Home and Community Care (VIC) will be actively involved in the development, implementation and review of their individual plans.
- In consultation with the individual and their family, advocates and carers are involved in the development and review of individual plans where appropriate.
- Individual plans will be developed and implemented with due consideration to the availability of resources and issues of duty of care.
- Support individuals to communicate their choices through their preferred means of communication.
- Where an individual has been assessed as lacking capacity to direct services on their own behalf, decisions will be based on the principle of the person's best interest undertaken with the person's family or legal guardian. All decisions must aim to enhance the person's well-being, enjoyment of life and safety; and operate on the principle of the least restrictive of their rights and freedoms.
- In the absence of a family member or primary independent advocate (i.e. independent of Hand in Hand Home and Community Care (VIC)), and where an individual is regarded as not having the capacity to direct their services, Hand in Hand Home and Community Care (VIC) will seek the appointment of a legal guardian to safeguard best-interest-decisions on behalf of the person.
- Staff must respect the opinions, values and choices of the person they support, and not unduly impose their own values or attitudes on the person, including respecting their right to change their minds and make decisions that others may not agree with.
- All service users and potential service users will be informed of the range of services available through publications, the website, and regular communication and contact with staff.
- Service users are to be provided with information on the services they will receive, making a complaint, rights and privacy.
- All individuals receiving services are informed of the range of mechanisms for them to provide feedback or express their concerns or opinions about the supports and services they receive.

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Responsibilities

Staff

- All staff must treat individuals with respect and promote the dignity of each individual.
- All staff must actively promote, support and advocate for the person to participate in decisions that affect their supports and services, along with their family, friends, carers and advocates.
- All staff are responsible for delivering services in accordance with individual service plans.

Managers

- Each manager is responsible for ensuring that all staff have been trained and provided with a copy of Hand in Hand Home and Community Care (VIC)'s policy on decision making and choice.
 - Each manager is responsible for ensuring that adequate safeguards are in place to maintain and advance the human rights, well-being and interests of people with Disabilities and their family.
 - Managers are responsible for ensuring staff have adequate training and skills to support individuals with decision making.
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Review

This Policy will be reviewed on a three-yearly basis. However, if at any time where change is identified as being needed through legislative changes or service requirements, the Policy will be amended accordingly.

This Policy will remain in force after its review period if not reviewed, or until changed or withdrawn.

Relevant Legislation

- The Disability Discrimination Act 1992 (Cth)
- The Racial Discrimination Act 1975 (Cth)
- The Racial Hatred Act 1995 (Cth)
- The Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- The National Employment Standards
- The Fair Work Act 2009

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