

4.2 Supporting decision making and choice

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The right to make decisions and choices

Residents have a right to make decisions and choices in all areas of their life and about the things which affect them. They have a right to:

- make decisions for themselves without interference
- make lifestyle choices
- contribute to organisational, community and government decision making processes.

The life areas where children and young people will be able to make decisions and choices may vary between individuals based on age, capacity and the Child Care Agreement. *see RSPM 1.1.1.*

Resident inclusion in decision-making and choice

Residents should be supported as much as possible to make choices and decisions. For those with limited control over major life areas, making choices about basic daily activities such as what to wear and eat becomes very important. Supporting and respecting a resident's decisions and choices can impact on their quality-of-life by increasing and improving their:

- self-confidence
- ability to try new activities
- communication and interactions with others
- mental health and wellbeing.

The right to support and advocacy

Residents who cannot make decisions independently should be supported to make decisions and develop decision making skills. Staff can assist by providing access to advocacy services, including legal services, which support disability rights. Disability advocacy plays a critical role in ensuring resident's rights and interests are respected and realised. Disability advocacy aims to ensure:

- the rights of people with a disability, as members of the community, are upheld
- people with a disability make their own decisions, particularly when the outcome affects their lives.

What if a person cannot make decisions?

If a resident is unable to make basic day-to-day decisions, then family, friends and support staff will usually make these general decisions on their behalf. However, most medical, financial, legal and important lifestyle decisions can only be made by a decision maker with legal authority. The Office of the Public Advocate can assist in clarifying when a decision must be made by a person with 'legal authority'. *see RSPM 4.2.1, 4.2.2, 5.5.* For children and young people, the parents generally retain all guardianship rights. *see RSPM 1.1.1.*

Role of staff

Staff must:

- enable residents to live the life they want to lead by supporting them to make choices about the things which affect them
- encourage residents to make decisions and choices about daily and life activities
- provide opportunities for residents to make decisions and choices
- ensure day-to-day routines offer residents maximum choice and control
- ensure residents understand options including risks, or adverse consequences
- encourage residents to have a say about how group, or organisational decisions are made (via meetings or voting processes)
- encourage residents to develop skills to participate meaningfully in meetings and other forums
- use relevant communication strategies
- ensure individual support information includes resident preferences and choices
- document processes used to support residents to make decisions
- assist residents to access advocacy and legal services
- follow requirements as stated in a Child Care Agreement.

Role of disability service provider

Disability service providers must:

- consider a range of ways to involve residents in decision making opportunities, for example, staff and resident meetings
- not make changes to services without consulting residents.

Resources

- Office of the Public Advocate (OPA) - protects and promotes the rights of people with a disability. Available at: <http://www.publicadvocate.vic.gov.au>
- The Victorian Charter of Human Rights - a law which protects the rights of all people who live in Victoria. Available on the Victorian Legislation website at: <http://www.legislation.vic.gov.au>