

## A.4.2. CHOICE AND CONTROL POLICY

### 1.0. OVERVIEW

ELS ensures that the rights of Member with disability to make decisions and choices in all aspects of their lives is respected. Member with disability are and will be given every opportunity to develop and maintain their rights to have control over the decisions which affect their lives. Member with disability are supported to make decisions about their own support services. These include the activities they wish to participate in and the lifestyle they wish to follow. ELS recognises that the support and development of decision-making skills and attainment of independence may involve elements of risk taking. ELS supports the person in making these choices through education and training. ELS recognises that legally appointed guardians of Member with disability may have certain rights regarding the Member with disability decision making processes. ELS supports Member with disability using the service to express themselves and supports their input into service provision. ELS provides support to families and legal guardians to achieve the best possible outcome for the Member with disability. ELS endorses the rights of Member with disability accessing the services to actively participate in the management, evaluation and development of the services they access.

### 2.0 Definitions

**Autonomous choice** - One which occurs when people act (1) intentionally, (2) with understanding, and (3) without controlling influences that determine their actions

Dignity of risk – autonomy and self-determination used by a person when making decisions, including the choice to take some risks in life.

**Informed consent** – voluntary agreement and willing acceptance of a proposition and following action where the person making the decision has appropriate information and capacity to make the decision free of fear or influence.

**Informed choice** - One that is informed, consistent with the decision maker's values, and behaviourally implemented

**Informed Decision** – one where a reasoned choice made by a reasonable individual using the relevant information about the advantages and disadvantages of all the possible courses of action, in accord with the individual's beliefs

### 3.0 DECISION MAKING AND CHOICE

1. ELS processes promote opportunities and provide support for Member with disability to develop individual competence in decision-making.
2. Each Member with disability is given the opportunity to access the necessary information, training and support required in order to make as many decisions and choices as possible. This information is presented in a manner which supports the individual, is meaningful and follows a person centred approach.
3. ELS develops and implements programs which provide support to Member with disability, and maximises their potential to achieve self-determined goals, including providing

information about the range of choices available to them and the use of accessible and appropriate modes of communication.

4. Employees provide information and support to Member with disability about the risk and consequences of their choices and to take responsibility for their individual choices.
5. Member with disability will be given all opportunities to make decisions on their own behalf. Any decisions made concerning day to day issues will be supported by the House Coordinator who in turn will support family, close friends, advocates and employees as required.
6. Where it is unclear if any Member with disability is making an informed choice, the employee will seek additional support and guidance from the Homes Coordinator.
7. Where a Member with disability is unable to make a choice or provide consent in one area, this will not affect all other areas of decision making and choice.
8. Where required, members with a disability are encouraged to involve their support people and/or advocates in assisting them to make decisions about their lives to ensure that the best outcome is achieved.
9. Employees ensure that members with a disability using the service are present, encouraged and provided with support to participate in the planning and implementation of their individual plan.
10. Informed decisions made by members with a disability using the service are respected and supported by the service.
11. members with a disability using the service are supported where they make informed decisions that involve a degree of risk. Decisions made that involve 'reasonable risks' are supported through information sharing, education and risk reduction practices all of which are documented as a component of the Member with disability individual plan.
12. Where critical decisions require Member with disability's consent, and the Member with disability cannot provide it, a decision may be made informally by a family member or other support person, in the best interest of the Member with disability
13. In the case of any disagreement about what constitutes the best interest of the Member with disability or particularly critical decisions, this will be attempted to be resolved informally. If the disagreement cannot be resolved informally, a legally appointed guardian with the specific decision making function may be required to give or withhold consent through the Guardianship Tribunal.
14. Member with disability who are unable to make decisions with or without support, and who have a legally appointed guardian with a specific function or financial manager, are to be represented by that person whenever this is required.
15. When a Member with disability has a legally appointed guardian, decisions are to be made only about the issue or issues on which the Member with disability is unable to decide.
16. A legally appointed guardian with a specific function may only decide for a Member with disability on the function defined by the Guardianship order.
17. When a decision has been made by a Member with disability or legally appointed guardian about a specific matter e.g. to receive a service or intervention, the decision is specific to that matter.

18. Where a Member with disability's risk-taking behaviour involves physical or emotional harm to another person, the Service Manager /General Manager will intervene to protect the well-being of all concerned.
19. Member with disability using the service may request or refuse assistance of a service at any time. When this occurs the potential outcome of their decision will be explained to assist with their further decision making.
20. Employees actively encourage Member with disability they support to be involved in the evaluation of the quality of that support.
21. Member with disability are encouraged to access any independent support or advocacy to assist them in decision-making and choice.
22. Member with disability receiving a service are to be actively supported and encouraged to:
  - Appraise and evaluate the employees who provide them with support by giving feedback to the Service Manager when they want to or when asked to.
  - Be involved in the induction and training of new employees, by discussing their support needs, their likes and dislikes, their goals and aspirations and how they like to make choices. If the Member with disability is unable to communicate the above, other employees may assist new employees in learning all about the Member with disability.
  - Make decisions about the service in Member with disability subcommittee/meetings
  - Be active members of the Member with disability committees/meetings.
  - Develop and review relevant Member with disability policies.
23. Parents and Guardians of Member with disability under 16 years of age have the right to make decisions for them.
24. All Member with disability are encouraged and supported to make decisions in the context of their culture, beliefs and heritage.
25. People from a CALD/ Aboriginal background who require support to make decisions receive it from services that are in line with and reflect their culture and beliefs.
26. Information is provided in a language or communication format that Member with disability, families, Carers, advocates and guardians can understand or have interpreters engaged to support the supply and communication of information.

#### **4.0 Related Policies**

- Remembering, Celebrating, Dreaming
- Advocacy
- Authority to act as an advocate
- Choice and control
- Decision making and choice and control
- Formal decision making and choice
- External advocacy services list
- Participation and inclusion
- Skills development and Training

#### **Relevant legislation**

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Carers Recognition Act 2004 (WA)  
Disability Discrimination Act 1992  
Disability Services Act 1993 (WA)  
Equal Opportunity Act 1984 (WA)  
Occupational Health and Safety Act 1984 (WA)  
Universal Declaration of Human Rights  
United Nations Convention on The Rights of Persons with Disabilities  
National Standards for Disability Services  
National Disability Insurance Scheme 2013: Principles  
National Disability Insurance Scheme Quality and Safeguarding Framework