



Supported decision making and restrictive practices

March 2026

The Convention on the Rights of People with Disability affirms that people with disability have equal rights before the law. This includes the right to make decisions and choices that impact on their life.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) final report observed that many people with disability do not enjoy this right. The Disability Royal Commission final report argued that supported decision-making is key to enable people with disability to exercise their will and preferences. In 2014, the Australian Law Reform Commission noted that supported decision-making could help reduce and avoid the use of restrictive practices for persons with disability.

Supported decision-making is a process of facilitating and supporting people so they can make decisions about what they want or need in their life. It starts from the basis that every person has an equal right to make decisions that affect their life and should be supported to do so.

Some people with disability might need support to make decisions about what they enjoy and value, services they access, decisions about their relationships or health needs as well as many other things. It's about making sure a person has a say in their life and their preferences are listened to and supported, to enable them to create the life they want for themselves.

Supported decision-making is important when implementing Communities' Authorisation of Restrictive Practices in Funded Disability Services Policy (Policy).

The Procedure Guidelines for the Authorisation of NDIS Funded Disability Services (Procedure Guidelines) require that implementing providers facilitate supported decision-making strategies to assist people with disability to communicate their needs and choices.

The Procedure Guidelines highlight the importance of engagement with the person, those close to them, as well as the implementing provider, when a behaviour support Practitioner (Practitioner) develops a Behaviour Support Plan (BSP) that includes restrictive practices.

Effective supported decision-making requires Implementing Providers and Practitioners to work together when engaging with the person with disability and those close to them.



Supported decision making

Using supported decision making

When supporting a person with decision-making, it is important to think about their experiences and what communication supports they may need. The following considerations can help facilitate successful supported decision-making:

- Identify how best to support a person's communication: this includes identifying what supports they might need to understand the information being provided, and what they might need to communicate their decision to you.
- Have a strengths-based focus: recognise and build upon the person's strengths and abilities to bridge any gaps in decision-making capacity for the person.
- Include the people who know the person well: they can help to understand and interpret the person's communication and preferences. This builds a shared understanding of the person for all involved.
- Take note of non-verbal cues: body language or facial expressions can communicate what the person likes, does not like, or prefers. It is important to observe, watch and listen.
- Decision-making is a skill: some people may not have had opportunities to make decisions previously, and this may impact on their decision-making ability. Providing daily opportunities and practice can help the person to become more able to make-decisions.
- Be attentive and responsive to build confidence and competence: it is important to respond to and validate the person's choice or decision straight away.

Supported decision-making can help the person and those communicating with them to develop a shared understanding of their needs, wants and what behaviour means for them. This understanding can lead to the development of more capable support systems that meet people's needs, reducing behaviours of concern and potentially avoiding or reducing the use of restrictive practices.

References

- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (2023). *Final Report - Volume 6, Enabling autonomy and access*. <https://disability.royalcommission.gov.au/publications/final-report-volume-6-enabling-autonomy-and-access>
- United Nations (2006). *Convention on the Rights of Persons with Disabilities*. <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>



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- Australian Law Reform Commission (2025). *3. National Decision-Making Principles*. <https://www.alrc.gov.au/publication/equality-capacity-and-disability-in-commonwealth-laws-dp-81/3-national-decision-making-principles/>

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