



Supported decision-making

This information sheet provides guidance as to supported decision-making and is part of a series of information sheets that have been developed to help everyone understand the 'Authorisation of Restrictive Practices in Funded Disability Services Policy' (the Policy) that applies in Western Australia from 1 December 2020.

For further detailed information please refer to the [authorisation of restrictive practices website](#).

Supported decision-making and restrictive practices

The right to make decisions about one's own life is a fundamental right within the United Nations Convention on the Rights of Persons with Disabilities. Historically, people with disability have often been denied this right.

Even as we have moved away from institutional settings as a model of care for people with disability, substitute decision-makers have continued to hold the role of making choices for people. Contemporary disability policy, reflected in Australia in the National Disability Insurance Scheme (NDIS), is now moving away from this substitute decision-maker model to a supported decision-making model.

People with disability may need support to be able to make decisions about their lives. This might include making choices about the services they receive, their health, finances, relations and anything else related to creating the life that they want for themselves.

Supported decision-making is the practice of providing the necessary support to people, so that they can choose for themselves what is important in their own lives.

It is assumed, unless evidence proves otherwise, that the person has the capacity to make their own decisions in the context of making a specific decision at a specific time. Where the person does require support, this is provided in a way that fits the person's needs to help them to make the decision. This process is intended to safeguard the person's human rights and allows them to retain autonomy in their own life.

Regulated restrictive practices inherently impact on the freedom of the person with disability to whom they are applied. In the context of effective regulation, it is recognised that in some cases, restrictive practices can be a tool that enhances safety and therefore access to the community and quality of life for the person.



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Supported decision-making enables the person to weigh these options for themselves and have a say about what is done to safeguard them and others in the context of challenging behaviour.

It is the responsibility of Implementing Providers to consult with the person using a supported decision-making process to ensure that their needs and preferences are kept at the centre of planning processes (including behaviour support).

NDIS Behaviour Support Practitioners need to engage with the person and people around them throughout the behaviour support process and in developing the person's behaviour support plan (BSP). They also need to support the person, family, carers, guardian and any other relevant people in the person's life to understand any restrictive practice(s) that may be included in a person's BSP.

Principles of supported decision-making

The principles that guide supported decision-making practice in Australia, as set by the Australian Law Reform Commission (2014) are:

1. All adults have an equal right to make decisions that affect their lives and to have those decisions respected.
2. People who may require support in decision-making must be provided with the support necessary for them to make, communicate and participate in decisions that affect their lives.
3. The will, preferences and rights of people who may require decision-making support must direct decisions that affect their lives.
4. Decisions, arrangements and interventions for people who may require decision-making support must respect their human rights.

In practice, many of the principles of positive behaviour support are relevant to the way we support people to make decisions about restrictive practices (see the 'Positive behaviour support' information sheet, listed on the [restrictive practices resources](#) page under 'Providers and Behaviour Support Practitioners' for further guidance). Some of these include:

- **Working in partnership:** When we treat the person as an equal and do not put ourselves in the position of expert, we make room for them to contribute and guide the process themselves. Genuine collaboration also means paying attention to the quality of the relationship we (and important others) have with the person and making sure they feel safe and valued.
- **Non-judgmental approach:** In supporting someone to make decisions, it is important to be aware of our own biases and ensure that we present all options without trying to influence or change the person's mind.



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- **Strengths focus:** In supported decision-making, we recognise the person's strengths and abilities, and build on these strengths to bridge a gap in decision-making capacity for the person.
- **Focus on needs:** Using genuine curiosity and openness, we can help the person to understand their needs and the choices that may be the best fit for them.

How can I support people with disability in a decision-making process?

Each person will need their decision-making supports to be tailored to their specific needs. Understanding the person well is essential for this to be done effectively. Some guidelines that may be helpful:

- Make sure the individual has a trusted, close person who understands them well and can provide the right support (or make sure the individual has other supports in place) to help them make their decision.
- Assist the person to access important information about their situation and present all available options to be considered.
- Support the person in their preferred way to understand relevant information including any risks and benefits of the options.
- Support the person to communicate their concerns, questions or decisions.
- Allow as much time as is needed for the person to process information and decide.
- Continually revisit the process to ensure the decision is current or the person has opportunities to express concerns or change their mind.

Contact information

For enquiries about the Policy, please contact the Department of Communities – authorisation of restrictive practices team:

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References

- [Australian Law Reform Commission National Decision-Making Principles](#) (2014)
- [United Nations Convention on the Rights of Persons with Disability](#) (2006).

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