



Local Coordination Operational Policy - Supported Decision-making

Purpose

This Policy outlines the principles for supported decision making for children, and for adults with reduced capacity for decision-making, within Local Coordination as outlined in the Disability Services Act (1993).

Scope

This Policy applies to people with disability accessing Local Coordination support.

Definitions

Term	Definition
Child	A person under 18 years of age.
Adult with reduced decision-making capacity	A person 18 years of age and over, who may not always be able to make appropriate decisions in their own interests, or who may require support to do so.

Principles

The principles that underpin this policy are:

- People with disability have the same right as other members of society to participate in, direct and implement the decisions that affect their lives.
- Assumption of capacity – The starting assumption is that all people have capacity to make decisions and exercise choice, regardless of their disability, unless proven otherwise for a specific decision. Capacity is decision-specific. People who require

support to make decisions and exercise choice should have access to the support they need.

- Decision making, choice and control are key principles of Local Coordination.
- The best interests of the person with disability accessing Local Coordination support is paramount.
- All people with disability accessing Local Coordination support will have input into their individual plan and decisions that impact on their lives and future.

Implementation

People with disability accessing Local Coordination may require appropriate support to ensure that their views are taken into account and that they are involved in decisions that impact upon their life. As part of the planning process, safeguards for the person with disability are assessed and included in their individual plan, if required.

Occasionally, a person may be unable to make decisions, or may require assistance to make decisions that are in their own best interest. Children, and adults with reduced decision-making capacity, may require assistance to have their views and best interests considered when decisions are made on their behalf, as well as needing to be protected from exploitation, so that best outcomes are achieved.

Adults with reduced decision-making capacity

In most situations, the family of the person with disability will assume the decision-making role. Informal care and supports (including support from an advocate), are often preferred for a person with reduced decision-making capacity.

Occasionally, for a variety reasons, there may not be anyone available or willing to appropriately assume the informal decision-making role for adults with reduced decision-making capacity. For example, in some situations there may be an unresolved conflict between family members and/or primary carers about the best interests of the person. In these cases, the person with disability may require an alternative decision maker. When no informal supports are available the appointment of a formal guardian and/or administrator may be considered, in accordance with the WA Guardianship and Administration Act 1990.

The appointment of a guardian and/or administrator is made by the State Administrative Tribunal (SAT), which may decide upon an individual within the person's existing support network. If there is no one in the person's life who is suitable or willing to take on this responsibility, the SAT can appoint the Public Advocate to manage the affairs of the person with disability and act as their guardian to make certain decisions. The SAT may also appoint the Public Trustee as administrator to make decisions about the person's financial matters.

A request for a formal appointment of a guardian and/or administrator may come from the person, their family or carer, the Local Coordinator and/or other interested parties.

The Department of Communities has a duty of care, legal obligations and responsibilities to people accessing its provided and funded services. Department of Communities can make an application for the appointment of a guardian and/or administrator on behalf of a person with disability.

Children

Parents, or people with parental responsibility, make decisions for children accessing Local Coordination.

Although those with parental responsibility have the decision-making responsibility, children should be encouraged to participate fully in planning and decisions that impact on their lives and future.

Department of Communities has agreements with several State Government agencies, including the Department of Education to support children and parents with disability. These agreements describe joint responsibilities, principles, information sharing and dispute resolution processes. In some cases a child may be in the care of the Department of Communities who has parental responsibility for the child, including decision making in Local Coordination. The Local Coordinator will work collaboratively to promote the best outcomes for children with disability in care.

People at risk

Department of Communities acknowledges that people with disability may be more vulnerable to abuse, neglect and exploitation than other members of the community. If a Local Coordinator becomes aware of allegations or is concerned that any person accessing Local Coordination is at risk of abuse, neglect or harm, they will respond promptly by following the People at Risk Policy and Guidelines.

Other related documents

Disability Services Act 1993

Guardianship and Administration Act 1990

People at Risk Policy, Procedure and Operational Guidelines

Local Coordination Operational Policy – Safeguarding

Document control

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