

Supported Decision Making Policy and Procedure

Document name	Supported Decision Making	CEO approved	
Category	People We Support		
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Purpose

For each participant to be supported by Identitywa to make informed choices, exercise control and maximise their independence relating to the supports provided.

Who is this policy and procedure for?

For all Identitywa's workers, participants and/or their extended support network – including appointed decision makers, families, guardians or advocates and other informal supports and decision-supporters.

Policy statement

Identitywa is committed to ensuring that participants exercise choice and control over their own lives by having primary involvement in, and influence over, decisions affecting them. Participants will be supported to exercise their right to participate in, direct and implement these decisions and choices. Participants will be made aware of all available options for assistance (such as an advocate), if this should be requested or required in order to exercise their rights in the decision making process.

Identitywa will ensure workers, participants and key support network are aware of the principles and are familiar with the [treatment decision-maker's hierarchy](#) and the role of a guardian and an administrator.

Principles

In line with the *NDIS Practice Standard: Rights and Responsibilities* (independence and informed choice) and the *NDIS Supported Decision Making Policy 2023*; and reflecting our values of collaboration and partnership, Identitywa will ensure each participant has:

- the right to autonomy and equal rights to make informed decisions, including the right to the dignity of risk, and right to intimacy and sexual expression.
- the support needed to practice active decision-making and individual choice, including the timely provision of information using the language, mode of communication and terms that the participant is most likely to understand.
- the right to access decision-supporters to help communicate and engage in decision-making, including an advocate of their choosing.
- protections against violence, abuse, neglect, coercion and exploitation – including appropriate and effective safeguards included in all decision-making policies and practice.

In support of these principles, Identitywa will hold the understanding that:

- all participants have the capacity to make their own decisions
- that capacity is decision specific - it may vary in different circumstances
- decisions are made in the context of a person's identity and relationships with others.

Procedure

Supported Decision-Making Approach

Participants will be supported in a manner which maximises their decision-making autonomy, as decisions are based on their current, or previously expressed, will and preferences. All Identitywa workers will be aware of what supported decision-making means and looks like in practice and trained to recognise and provide what individual participant's need to make informed decisions in exercising their autonomy.

Identitywa will not:

- Take over a participant's life or their issue/s
- Make decisions for participants
- Reinforce feelings of helplessness or dependence
- Provide mediation or counseling, or act as an independent advocate

Levels of Support

Identitywa recognises that what is needed for supported decision-making will be unique to each participant, and that these needs may vary from decision to decision.

In supported decision-making situations where a participant may **need little to no support or guidance** from their support network to make decisions, participants:

- Will be offered programs and services that are flexible and responsive to their needs
- will be given sufficient time to consider and review their options and seek advice if required, at any stage of support provision, including assessment, planning, provision, review and exit.
- are actively involved in making decisions about their lives – from smaller daily acts of living such as meal choice, to larger life goals
- are encouraged and supported towards self-advocacy. This may include supporting a participant to develop their personal skills and self-confidence to enable them to advocate on their own behalf.
- Will be given information in a timely manner and encouraged and supported to access information appropriate to their ability and cultural background, and to understand this information.
- will be made aware of likely consequences and/or foreseeable risks without restricting the right to self-determination.
- Will be supported to connect with their community
- liaise with key members of a participant's support network where appropriate
- will lead the development of Participant Plans, along with their chosen support network, and collaborate with Identitywa on annual reassessments in most instances; sooner if needed when there is a significant change in circumstances.

Where it is determined during collaboration that a participant **needs some support or guidance from decision-supporters** to help them make a decision, Identitywa will ensure all previously stated points in our supported decision-making approach remain, and will also:

- be aware of and work collaboratively with participants and their chosen decision-supporters to identify and manage, conflicts of interest, including when pressure or undue influence may be causing a participant to make decisions that they do not want.
- ensure information and communication is provided in a timely manner, in a format and manner best suited to their ability and cultural background - just as for participants

Where it is determined during collaboration that a participant is **unable to adequately communicate their will and preferences**, the decision-supporters must decide based on their interpretation of what best meets the participant's desires. In these instances, Identitywa recognises that:

- Substitute decision-making is not an alternative to supported decision-making - engaging a substitute decision-maker should only occur when all alternative options to support the participant to make their own decisions have been explored.
- Substitute decision-making is a last resort option and should be subject to safeguards
- A substituted decision will only be made by a Representative if the decision involves a risk of serious or imminent physical or financial harm with lasting consequences, and this risk is not understood by the client

For Substituted Decisions (where a decision is made for a participant), the decision-making process and outcome will be documented and will be stored in the participant's file. This will include the name, contact details and relationship to the participant of any substitute decision-maker. Identitywa encourages supported decision-making; as such, there will be a review of these documents to ensure that the substituted decision was applied only after all alternative supported decision-making options were exhausted.

If a Guardianship or Administration Order is granted, a copy of the Order will be held securely on the participant's file.

Designating the role of Decision-Supporters and Representatives

Identitywa will help participants to remain in control of their own decisions and take all practical steps to assist them in retaining this control, even if they have requested support with making decisions.

Identitywa recognises two types of roles which can help participants to make decisions:

- Decision supporters (which may include advocates) assist participants with making decisions, but will not make decisions for participants
- Representatives (which may include appointed guardians, administrators, plan nominees, or sometimes advocates if appointed to do so) may make decisions for participants based on their will, preferences and best interest.

Both decision supporters and representatives should be chosen by, or with the consent of the participant, and their roles will be formalised into a written supported decision-making agreement – including adopting the approach contained in this *Supported Decision Making Policy and Procedure*.

Appointing an Advocate

An advocate will represent a person if they need support to help them make a decision or are unable to make a reasoned decision on their own. To determine the substitute decision maker for a participant, Identitywa uses the [WA Government's Office of the Public Advocate](#) hierarchy of treatment decision makers.

Appointing a guardian and/or an administrator

There will be occasions when a person identified to act as an advocate may be unsuitable, unavailable or unwilling to do so. In such instances a formal application can be made to appoint a guardian and/or an administrator. [The Guardianship and Administration Act 1990](#) recognises that adults who are not capable of making reasoned decisions for themselves may require additional support and assistance, not only to ensure their quality of life is maintained, but also to minimise risk of neglect, exploitation and abuse.

These roles are appointed by the [State Administrative Tribunal \(SAT\)](#). The SAT is an independent, statutory tribunal responsible for determining whether the appointment of a guardian or administrator is in the best interests of the participant who is unable to make decisions for themselves.

How do we know we are getting it right?

This Policy and Procedure is reviewed at least every three (3) years as part of our Continuous Improvement Framework, ensuring ongoing compliance with the NDIS Practice Standards and other regulatory requirements. Participants we support and their support network, Identitywa partner community organisations and government agencies are invited to contribute to our continuous improvement process.

The quality, accuracy and usefulness of this policy and procedure is further ensured by the following:

- Staff are trained to recognise and respond to individual decision-making needs, including cultural and communication considerations.
- Feedback from participants and their support networks is used to improve decision-making practices and process. This includes engagement from Identitywa's Participant Reference Group.

Definitions

Administrator

An administrator is someone appointed by the SAT to make financial and property decisions for a participant who is unable to make decisions for themselves. The Public Trustee is appointed by the SAT if an advocate is not available. The Public Trustee is a statutory body that operates under the authority of the Parliament of Western Australia.

Advocate

An advocate is a person who speaks on behalf of another person to ensure their rights are upheld and that decisions affecting them are in their best interests. An advocate can be either informally or formally appointed by the participant and/or their family or guardian.

See - [Australian Government - Advocacy finder](#).

Decision supporter

A decision supporter is anyone chosen by the participant or person with disability to support them to make a decision. They can ask any person they would like to be their decision supporter, and there might be more than one person. They can include family, friends, carers, peer/support networks, advocates, or support providers.

Guardian

A guardian is someone appointed by the SAT to make personal decisions for a participant who is unable to make decisions for themselves.

These decisions could be about:

- Where a participant should live
- What services they should receive
- What medical, surgical and dental treatment the participant might need.

The Public Advocate is appointed by the SAT as guardian if an advocate is not available. The Public Advocate is an independent statutory officer appointed to protect and promote the human rights of adults with decision-making disabilities and to reduce their risk of exploitation and abuse.

Informal Supports

Informal supports are individuals in a participant's support network - including family, carers, friends, neighbours, and members of the community – who provide care and assistance without being paid for it

Participant

A person supported by Identitywa, such as a client, resident or other recipient of services.

Representative

A person who may make decisions on behalf of participants when necessary but still guided by the participant's will, preferences and best interests.

Substitute decision making

This is when a decision is made for the person who needs decision making support. It can take choice and control away from them. We encourage supported decision making, rather than substitute decision making, whenever possible within Identitywa.

Support Network

Anyone in a participant's life that provides support, including formal and informal support.

Worker

A person who carries out work in any capacity for a person conducting a business, including work as:

- An employee
- A contractor or sub-contractor/sole trader
- An employee of a contractor or sub-contractor or sole traders
- A student, trainee, apprentice or volunteer

The legal and regulatory requirements we have to follow

[Freedom of Information Act 1992](#)

[Guardianship and Administration Act 1990](#)

[National Disability Insurance Scheme \(NDIS\) Act 2013](#)

[NDIS Code of Conduct](#)

[NDIS Practice Standards and Quality Indicators](#)

[NDIS \(Provider Registration and Practice Standards\) Rules 2018](#)

[NDIS Supported Decision Making Policy 2023](#)

[NDIS \(Quality Indicators\) Guidelines 2018](#)

[Privacy Act 1988](#)

[State Administrative Tribunal Act 2004 \(SAT\)](#)

Other related documents

Conflict of Interest – Workers Policy and Procedure

Conflict of Interest in Service Delivery Policy and Procedure

Conflict of Interest - Workers (Easy Read)

Conflict of Interest in Service Delivery (Easy Read)

Consent Form

Consent Policy and Procedure

Dignity of Risk Policy & Procedure

Duty of Care Policy

Hierarchy of Treatment Decision Makers Chart Refer:

[https://www.publicadvocate.wa.gov.au/ images/hierarchy.jpg](https://www.publicadvocate.wa.gov.au/images/hierarchy.jpg)

Identitywa Code of Conduct
Participation in Service Improvement Policy and Procedure
Privacy Policy and Procedure
Professional Boundaries Policy and Procedure
Rights Policy

Do you need to know more?

If you have any questions regarding policies, procedures and reviews or if you would like to be involved in our policy development program, please contact the Quality and Compliance Team on (08) 9474 3303.