# Decision-Making and Consent Policy

## Policy

*futures in sight* presumes that people with disability have capacity to make decisions. This presumption underpins all of our work alongside people disability and their families.

We are committed to support decision making for everyone, be that with the person with disability, their family or other decision making supporters.

We work together with each person we support by providing information in a timely and accessible manner.

We recognise the importance of maintaining the privacy and confidentiality of people we support and will seek consent from people with disability and/or their decision-making allies to undertake work and to share information (including images) about them.

## **Scope**

*futures in sight* partners, contractors, employees, volunteer and Advisory Panel

## Legislation

* NSW Disability Inclusion Act 2015
* Guardianship Act 1987 (NSW)
* NDIS Practice Standards and Quality Indicators 2018
* Privacy Act (1988)

## Principles

*futures in sight* requires people associated with the company to operate from the following principles:

* Every person is presumed to have capacity to make their own decisions
* A presumption of capacity applies each time a person is required to make a decision about a new issue or in a new situation
* *futures in sight* recognizes that many people we support require good support to make decisions, including accessible information and time to think about the options and choices, and that they rely on decision making supporters to assist them to develop their skills to make decisions
* *futures in sight* supports decision-making allies to have what they need to support decision-making, including high expectations, strong commitment and a toolbox of strategies ready to be tailored to each individual and to each decision
* consent will be sought before acting on behalf of, sharing personal information or images of people with disability with family, advocates, other providers and government bodies. Futures in sight will not provide any information to a person or authority without consent, unless the disclosure is a legal or mandatory requirement.

## Procedure

In accordance with *futures in sight* principles, *futures in sight* assists people to sort decisions[[1]](#footnote-1) into:

1. self-generated decisions,
2. shared decisions and
3. substitute decisions.

This differentiation provides guidance as to the nature of support required for decision making.

1. For self-generated decisions:

People are provided with information and experience that enables them to act on their own behalf taking into account consequences and constraints.

1. For shared decisions:

*futures in sight* provides information and experience that enables the person (with the assistance of their identified allies) to express their will and preference and if necessary, interpret these. *futures in sight* and allies can also assist the person by taking into account consequences and constraints.

1. For substitute decisions:

*futures in sight* provides information and experience that enables the person (with the assistance of their identified family members/allies) to express their will and preference and if necessary, interpret these. *futures in sight* and identified family members/allies also assist the person to take into account consequences and constraints. In addition, *futures in sight* and identified family members/allies may moderate a person’s will, preferences and rights if there are likely to be harmful consequences and the person does not have the ability to appreciate these.

*futures in sight* understands the dynamics and processes of supports for decision making and assists family members/allies to support their family member to contribute to and make decisions to the maximum extent possible.

In the case of disagreement about the will and preferences of the person in relation to a major lifestyle decision (where a person lives, their use of services) a legally appointed guardian with a specific decision making function may be required.

**Supporting decision-making about *futures in sight***

*futures in sight* encourages people we support and their identified family members/allies to:

* Be informed and involved in the activities of *futures in sight*
* Be involved in meetings/get togethers
* Assist in the development of *futures in sight* through various processes
* Become involved in *futures in sight*

***futures in sight* assists people we support to take part by:**

* providing information about *futures in sight* through newsletters, Facebook, website
* inviting input in the development of *futures in sight’s* strategic plan, reviews, annual feedback

**Consent**

*Futures in sight* will obtain consent to engage services and supports for people with disabilities and before sharing personal information.

*futures in sight* will inform all participants upon entry to the service, about their rights to privacy and confidentiality and of any situation where these rights are waived.

*futures in sight* will notify all participants that they have an opt-out option if their information is requested for audit purposes.

All consent will be documented in the participant’s ‘required documents’ in future hub.

Verbal refusal of consent will be acknowledged and documented.

Written consent will be obtained from the person or their representative for use of images through photography or video before the image is included in any form (Website, newsletter, Facebook) and consent will be gained for each new occasion.

**Procedure**

* the person is informed that written consent is required prior to sharing any of their personal information
* the person is advised that their consent can be withdrawn at any time
* information about the consent is communicated in a method that is relevant to the participant
* the person completes a Consent form (attached) or provides written consent in a relevant format (email, text)
* Written consent is saved in the person’s electronic file under ‘Required documents’

**Attachment:**

Consent form

**Review**

This policy will be reviewed on a two-yearly basis.

However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed immediately and amended accordingly.

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| --- | --- | --- | --- |
| Signed by all Partners |  |  |  |
| Date effective | 1 April 2022 | Version | V-5 |
| Review date | 1 April 2024 | No of pages | 4 |

Attachment:

# Consent Form

## To do our work together with you, we might have to share information about you with other people and organisations.

Before we share your information, we ask you and make sure you are ok with that.

I, (Participant Name/ Nominee) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

am ok with you sharing information about me/my family member,

with (Individual /Organisation) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

for up to 12 months from today onwards.

I agree for you to share (please tick):

* My NDIS goals
* My DOB and NDIS Number and Plan Dates
* Reports from my therapists
* Medical reports
* Other (tell us what that is): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I understand that I can change my mind about this at any time and can contact *futures in sight* to ask them to stop sharing information about me.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Bigby, C., *Support for decision making, a practice framework, 2015* [↑](#footnote-ref-1)