

CHOICE AND CONTROL, POLICY AND PROCEDURE

Policy Statement

In line with the National Disability Standards and the NDIS Practice Standards, Mypower Foundations promotes and respects the legal and human right that is exercised with informed choice and control. Mypower Foundations endeavours to provide support that upholds and respects the freedom of expression, self-determination and decision-making.

This policy supports Mypower Foundations management and contractors to practice and uphold the NDIS Practice Standard 1: Rights and Responsibilities.

Inclusive of:

- Person Centred Support
- Individual Values and Belief
- Privacy and Dignity
- Independence and Informed Choice
- Freedom from Abuse, Neglect, Exploitation and Discrimination.

This policy applies to all staff including permanent and casual, contract workers, temporary agency workers, and volunteers. This policy is owned by the company director.

- Mypower Foundations respects the rights of people with disability in exercising Choice and Control about matters that affect them.
- In collaboration and consultation with people with disability (and other key stakeholders where appropriate) Mypower Foundations will promote and ensure active Choice and Control in relation to the service provided.
- All people with disability are assumed to have capacity to make decisions, exercise choice, and provide informed consent regardless of their disability.
- People are supported to develop their capacity to make independent informed decisions.
- Timely information is provided in appropriate formats to support informed decision-making including people's rights and responsibilities.
- Choice includes smaller decisions about everyday living through to more complex consultation on co-design of service.

- People with a disability have a right to the dignity of risk in decision-making. Each participant is supported to make informed choices about the benefits and risks of the options under consideration.
- Mypower Foundations supports people with disability in a way that is appropriate to their circumstances and cultural needs so as to maximize people's opportunities to make choices and have control over decisions that affect their lives.
- A participant's autonomy is respected, including their right to intimacy and sexual expression.
- Clients are 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.
- Mypower Foundations recognizes the role of family, carers and advocates in representing people's interests and promoting Choice and control in the planning and delivery of supports.

Definitions

Dignity of Risk – autonomy and self-determination used by a person when making decisions, including the choice to take some risks in life.

Informed Consent – voluntary agreement and willing acceptance of a proposition and following action where the person making the decision has appropriate information and capacity to make the decision free of fear or influence.

Procedure

In line with the NSW Disability Services Standards, Mypower Foundations promotes and respects the legal and human right that is exercised with Choice and Control. Mypower Foundations endeavours to provide support that upholds and respects the freedom of expression, self-determination and decision-making.

This procedure supports Mypower Foundations management, staff and contractors to practice and uphold the NDIS Practice Standard 1: Rights and Responsibilities.

Inclusive of:

- Person Centred Support
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This procedure explains how Mypower Foundations will implement its policy on Choice and Control.

Planning and support

Choice includes choices about what to eat, what to wear, what to do and other decisions that people make on a daily basis, this is no different for people with disability. Mypower Foundations' clients should be supported to make as many decisions and choices related to a typical life as they wish. Choice for clients of Mypower Foundations includes decision making about which service provider a person might buy services from, where and when.

Information must be provided in formats that the client understands and prefers. For example, is assistive technology required, do materials need to be translated, are there cultural needs to be considered?

Decisions and preferences of the individual will be communicated to relevant staff and contractors so they can tailor services to the individual needs and ensure consistency across each instance of support. Staff and contractors are to ensure that they refer to shift notes and communication books for any prior advice on how to best to support each person to exercise Choice and Control to the degree they wish.

Mypower Foundations staff and contractors must provide support that upholds the clients' right to self-determination and decision making which does not limit or influence outcome of the decision-making process. Individuals may require different types and levels of support to make informed choice, this can sometimes also depend on the situation. Mypower Foundations staff and contractors should seek advice from Management, the client's informal support and in some cases the Office of the Public Guardian when supported decision making is required.

Clients or their legally appointed guardian must provide formal informed consent for life decisions like medical, dental procedures, behaviour support interventions and restrictive practices. Where the decision relates to the use of restrictive practices, the support of a positive behaviour support clinician to oversee the use of restrictive practice and the rules outlined in the NDIS Quality and Safeguard Commission guidelines on the use of restrictive practices must be adhered to.

The client, their legally appointed guardian, must provide informed consent for all financial matters.

Consent is required for **each** and every decision. Consent on one occasion or about one instance does not imply or assure that consent is given for future decisions, occasions or events.

Clients will be informed that they have the right to change their mind and change or retract their consent. If a person chooses to stop using Mypower Foundations services that choice will be respected and supported.

Each individual has a service agreement and an individual plan. Individual preferences are included in all plans when it is developed and reviewed regularly.

Individuals are actively encouraged to use Mypower Foundations' feedback forms or other methods that they are most comfortable with to convey to management any changes to the service or delivery that they desire. Mypower Foundations will respond to the request by arranging a meeting between Mypower Foundations, the participant and any other interested parties. Notes of all meetings between Mypower Foundations and the participant are kept and placed or saved in their file for future reference.

Responsibility

Mypower Foundations' management and staff, including contractors and subcontractors are responsible for ensuring that clients are supported to make as many life decisions and daily choices as they wish to, and who they choose to include to help them this may include family, friends and/or advocates.

Mypower Foundations believes that all individuals have a right to sexual expression and all staff are required to maintain a professional relationship with all participants. Staff will respect the individual's autonomy and privacy relating to their sexuality and sexual expression while remaining vigilant for any form of undue influence or abuse.

Mypower Foundations acknowledges the diverse cultural backgrounds of our clients. We endeavour to be culturally responsive, respecting traditional customs, beliefs, and practices that influence choice and control.

Mypower Foundations recognizes the role of assistive technologies in supporting choice and control.

Mypower Foundations will address any concerns about a client's right to choice and control promptly and transparently. Concerns can be raised through Mypower Foundations' complaints procedure.

Mypower Foundations will ensure regular training and upskilling of staff and contractors to ensure best practices in promoting and respecting client choice and control.

The Director of Mypower Foundations is responsible for ensuring staff and contractors have sufficient skills, knowledge and ability to implement procedures.

The Director of Mypower Foundations is responsible for encouraging people with disability, family, friends, carers and advocates to support independent decision making, Choice and Control.

Relevant Legislation and Policies

- Privacy Act 1988
- Work Health and Safety Act 2011
- NSW Disability Services Standards
- National Standards for Disability Services
- Disability Discrimination Act 1992
- National Disability Insurance Scheme Act 2013
- NDIS Code of Conduct
- NDIS Quality and Safeguarding Framework
- Universal Declaration of Human Rights
- United Nations Convention on The Rights of Persons with Disabilities
- Guardianship Act 1987 (NSW)
- Mental Health Act 2007 (NSW)