



# Decision Making and Service Consent Policy

## Scope

This policy applies to Brook RED Community Members/NDIS Participants, Nominated Support People, board members, employees, volunteers, and students on placement.

## Purpose

To provide guidelines around how Brook RED supports individual informed decision-making and consenting to deliver services.

## Principles

Brook RED believes that informed choice and decision making is central to being an active participant in our own lives. People have the right to make decision about things that affect their lives and to take calculated risks. Brook RED adopts a 'nothing about you, without you' attitude when working with Community Members/NDIS Participants where possible. We work at all times to maximise individual decision making opportunities and capacity.

## Policy

Brook RED will seek consent from people who access our supports and services to ensure they are fully informed of their rights and our obligations with regard to service delivery and service usage. Each Community Member/NDIS Participant will have sufficient time to consider and review their options and seek advice if required, at any stage of support provision. Each Community Member/NDIS Participant has the right to withdraw or amend their consent if they wish.

We will:

- Encourage and support Community Members/NDIS Participants to make informed decisions when their consent is required
- Record consent arrangements including any legal authorisations required, in the Community Member's/NDIS Participant's file, and review and update these
- Obtain consent from the Community Member/NDIS Participant or legally appointed guardian, for life decisions such as accommodation, medical and dental treatment, forensic procedures, finance matters and behaviour support
- Obtain consent from the Community Member/NDIS Participant prior to collecting, using and storing a Community Member's/NDIS Participant's information and provide reasons why the information is needed
- Obtain consent before disclosing any of a Community Member's/NDIS Participant's personal information (such as notes, plans or assessments) to other parties
- Only disclose Community Member's/NDIS Participant's information without consent if we believe the person is at risk of harm, an unlawful act has occurred or has otherwise required by law
- Not influence or limit decision making and self-determination without interest, beliefs or values when providing decision making support

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How we obtain consent:

- Prior to provision of a service, consent from a Community Member/NDIS Participant or a substitute decision maker should always be in writing but if this is not practicable, verbal consent is acceptable providing it is later confirmed in writing

When consent is refused:

- A note of a Community Member's/NDIS Participant's refusal to consent for services must be stored in their file
- Brook RED may not be able to deliver a service where it is not consented to. Consent may later be given for services and any previous refusal of consent will not impact on future service delivery

## Types of Decision Making

### Autonomous decision making

- For Community Members/NDIS Participants with the capacity to make their own choices without support, all decisions must be referred to them
- Community Members/NDIS Participants with the capacity to make their own choices can talk to family or friends, or carry out their own research before making any decisions
- Community Members/NDIS Participants are supported to make informed choices about the benefits and risks of decision under consideration
- Community Members/NDIS Participants that need help to make decisions and give consent will be supported in ways that best suits the individual (as available), e.g. arranging an interpreter, supporter or advocate, getting information, communication tools, or arranging a certain time or place that best supports the person

### Substitute decision makers

- If there is uncertainty over who can provide consent when a Community Member/NDIS Participant with an impaired decision-making capacity requires it, the order of priority is:
  - a. a guardian (including an enduring, private or public guardian) who has been appointed with a medical and dental consent function
  - b. a spouse, de facto spouse, or partner who has a close and continuing relationship with the person
  - c. the Nominated Support Person or person who arranges care regularly and is unpaid (the carer's pension does not count as payment)
  - d. a close friend or relative
- If a person above is not capable of consenting for the Community Member/NDIS Participant, or they refuse to consent, the next person in the hierarchy can consent
- If we think it is in a Community Member's/NDIS Participant's best interest to get help from a substitute decision maker, we will:
  - Explain to the Community Member/NDIS Participant why we think someone needs to make a decision for them
  - Where appropriate we may engage QCAT to look at whether or not to appoint a guardian or administrator

# Decision Making and Service Consent Policy

## Definitions of Terms Used

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## References

Brook RED Privacy and Confidentiality Policy

Brook RED Privacy and Consent Forms

## Document Control and Record of Changes

Version	Effective Date	Approved by	Summary of Change	Date of Next Review
Version 01	September 2019	Eschleigh Balzamo	Introduction of new policy	January 2021
Version 02	June 2021	Eschleigh Balzamo	Review and Update	June 2023

The General Manager has overall responsibility for this policy. If there are any questions regarding this policy, please direct these to the Business Services Manager or General Manager.