



## **Supported Decision Making: information for carers**

*Helping people with a disability or mental health condition to make decisions*

*This information is relevant to people living in South Australia*

### **What does supported decision making mean?**

Supported decision making happens when one person helps another person to make decisions and choices because they would find this difficult. The supporter must respect the right of the person with a disability to make decisions (autonomy) and to make decisions that the supporter may not agree with (dignity of risk) after considering all the risks and safeguards.

Dignity of risk means that all people with disability have the right to make decisions in order to have experiences and enjoy independence, even when this may involve taking calculated risks.

You can support a person to make an empowered and informed decision by offering support, information and resources. You can support a person to make decisions that affect their life even if they are small decisions. Decisions that may benefit from support could be decisions about health, lifestyle, accommodation, goals or services.

### **Background**

The United Nations Convention on the Rights of Persons with Disabilities talks about a person's right to exercise "freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis" and that "parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity." This means that all people who support people with a disability who have *a lesser capacity to make decisions independently* have a commitment to making sure people living with disability have their needs met and their wishes heard.

### **What is involved in supporting someone to make a decision?**

If you are supporting someone to make a decision you might:

- a. Help them understand that a decision needs to be made;
- b. Explain what the decision is about and how it affects their life;
- c. Give the person information about why a decision needs to be made;
- d. Explore possible options and outcomes (results) with the person;
- e. Weigh up the positive and negative possibilities of different decisions;
- f. Explore possible risks that may arise as a result of the decision and help the person to think about safeguarding supports or strategies; and/or
- g. Make sure the person is listened to when they're ready to communicate their decision.

**To support a person with a disability to make decisions, you need to:**

- a. Respect the rights, dignity and autonomy of the person you're supporting;
- b. Know the person you're supporting including their goals, wishes and values;
- c. Understand how the person might decide to communicate their decision and what supports they may need to communicate their decision successfully. This means you may need to think about interpreters, augmented and assistive technology and whether a decision is delivered face-to-face, by telephone, by email or in writing;
- d. Spend time with the person you're supporting to ensure they feel they understand all the relevant facts and options;
- e. Understand that you are not making the final decision - the person you're supporting is; and
- f. *Not* use your role as a support person as a way to pursue your own interests or any other person's interests other than the person you are supporting at that time.

**Supported decision making and guardianship**

Some people will have an appointed decision-maker because of *mental incapacity*. This is a legal term that means not being able to make some decisions even after the necessary information, advice and support has been given to assist. Capacity to make a particular decision will be in doubt if a person -

- does not understand the information given; or
- cannot consider the main issues and likely consequences involved in making that decision; or
- does not remember that information long enough to be able to make a decision; or
- cannot communicate the decision to others.

Even where mental incapacity has been established, a guardian or other person supporting decisions about a person's life should do what they can to ascertain the individual's wishes.

*Disclaimer – the information given here is of a general nature only and you should seek clarification of any statements made (last updated 27/09/2019)*