

Purpose

Life Without Barriers (LWB) Independence and Informed Choice Procedure reflects and expands upon International, National and State guidelines that detail the human rights of all people with disability, including the people we support.

This procedure guides staff on a range of strategies to ensure the rights of people we support are upheld and their decision-making is respected and reflected in the goals they set and their plans to achieve them. This will enable staff to

- meet our obligations regarding the rights of the people we support by balancing what is important to the person with what is important for the person.
- meet our safeguarding responsibilities to ensure any foreseeable harm is addressed and mitigated in a balanced and defensible way.

We encourage the autonomy of people we support by making rights, independence, informed choice, self-identity and expression a supported learning process as we assist people to achieve greater self-determination and independence. We support people by openly sharing information using the language, mode of communication and terms that the people we support are most likely to understand.

LWB supports learning and coaching opportunities for staff to assist them to incorporate supported decision-making, positive approaches to risk, and people's self-expression into their everyday practice.

This procedure is linked to [My rights - Nothing about me, without me](#).

Who should read this document?

The people we support, employees, contractors, volunteers and carers.

Self-Expression

People we support will be offered the opportunity for self-expression. Self-expression is about the person communicating their individuality. It can help people showcase their true selves – their story, their choices, their thoughts, feelings and emotions. Self-expression can help people to reflect on their own life, actions, decisions, relationships, beliefs and thoughts. Some options that might be considered to assist with self-expression include:

- Decision-making agreements.
- Establishment of decision-making support.
- Capacity-building opportunities to strengthen skills and capabilities for independence and self-expression.
- Opportunity for the person to nominate their preferred trusted person/s to assist them with their conversations and decision-making regarding religious and spiritual expression, sexuality and intimacy.

Staff will assist people we support to access a range of [person-centred frameworks](#) that can be used to record their thoughts, ideas and actions. For example, [Create Your Own ISP Template- Essentials Checklist](#).

Understanding Each Person's Ability

Staff will recognise that each person's ability is unique to each person we support, the situation and the specific decision. Ability is not based on a disability type or a single assessment. Staff will seek to identify factors that influence a person's ability, such as:

- their health;
- medication;
- mood;
- stereotypes or cultural barriers;
- time of day;
- setting; and
- relationship with the person seeking consent

Staff will support and advocate with the person we support whenever there are questions about their ability to make decisions, particularly about those decisions which can have life-changing consequences and are perceived as areas of complex risk.

Decision-Making and Informed Choice

Staff will use a person-centred approach to enable a person's right to make informed choices and to take responsibility for those choices. Staff will work with the person to understand any related risks, and staff will provide appropriate support to help mitigate these risks. Staff will support a person to make their own decisions and be able to decide for themselves how they want to live their lives, including how their support and services are organised and delivered.

Staff practice will:

- Uphold the rights of the people we support to make/contribute to decisions that affect their lives by maximising their opportunities to make active choices and achieve the highest possible level of independence.
- Ensure support is appropriate to the person's circumstances and cultural needs.
- Ensure information is shared in a language or mode of communication that is meaningful to the person.
- Tailor decision-making supports to enable the people we support to make choices and have stronger voices.
- Recognise that decision-making skills can be learnt and strengthened.

- Accept that not every decision the person makes will be good, but they can learn from their experience and the consequences of their decision.
- Recognise and accept that the person has the right to change their mind.
- Promote the person's right to make decisions others might disagree with.
- Design safeguards that respect the person's rights, maximise choices and balance what is important to the person and what is important for them.
- Acknowledge that people can communicate their desires and preferences through various means and that these preferences can be built into sound decisions.
- Advocate with any formally appointed guardian for the person to be involved with any decision-making.

LWB seeks to apply ethical principles and best practice standards for substitute decision-making. Accordingly, no LWB staff member will act as an authorised decision-maker for anyone they support. LWB staff will support decision-making by strengthening opportunities for the person to be part of a collaborative network of relationships that influence how and what decisions will be made.

Staff will assist the people we support to build skills that will:

- Enhance opportunities to make decisions.
- Express their preferences in a way that others understand.
- Improve communication systems.
- Support them in understanding the decision-making process.
- Develop skills using decision-making life stories and decision-making games.
- Provide coaching and decision-making practice by providing opportunities to make lower-risk decisions before moving to more complex decision-making.

Staff can access a range of person-centred tools, templates, and practice tips in the [Person-Centred Toolbox](#). The Toolbox will enable staff with varying levels of person-centred practice knowledge and skills to access and use person-centred practice tools across the full scope of their work.

Informed risk-taking for a positive outcome

Staff will challenge the practice of placing limitations on people with disability that can result in them missing out on experiences and opportunities that others take for granted.

Staff will seek support from the Centre of Practice Excellence (CPE) Practice Support Leader to implement a practical risk management approach that will enable innovation and learning while reducing actual risks. This approach will:

- Focus on the rights, independence and choice of the people we support.
- Adopt a positive approach to risk-taking, which enables the people we support to develop their skills, confidence, and experiences.

- Use a balanced approach to find ways to enable people to achieve what is important to them while considering what keeps them and others safe.
- Be person-centred and involve the person and their support network in risk discussion, information gathering, and generating ideas and solutions.
- Use a defensible and transparent process that is supported by good record-keeping to record and evidence any discussions, different perspectives, issues, risk assessments and any solutions considered.

Statement of Informed Choice

Where the organisational perspective regarding risk conflicts with the person's wish to exercise their rights and choice:

- Staff will seek support from the Centre of Practice Excellence (CPE) Practice Support Leader to explore opportunities and strategies further to accommodate the person's choice.
- If accommodating the choice is not possible, the Disability Support Leader (DSL)¹ will provide information to the person as to the reason why LWB supports cannot be provided in association with a particular choice/activity.
- DSL will provide the person and /or person responsible with a copy of the [NDIS LWB 936 Statement of Informed Choice](#) to be completed, signed, and returned. The returned document will be uploaded to CIRTS.
- DSL will record all conversations with the person regarding LWB's perspective on the risk in a Progress Note.
- DSL will complete an i-Sight event.
- Risk assessments and management documentation will be uploaded in CIRTS.
- DSL will discuss outcomes with Regional Operations Manager, who will escalate to State Director for further review and determination.

Cultural identity and expression

Staff will respect the culture, language, religious beliefs and priorities of the people we support. They will acknowledge that cultural identity is an important foundation from which a person understands the world and plans for their future. Therefore, planning with a person is undertaken in a way that respects the person's choice, social customs, traditions, culture and beliefs.

¹ All references to Disability Support Leader (DSL), includes all Frontline Leadership roles, such as House Supervisor.

Staff will:

- Recognise the person's cultural norms when assessing their needs, interests, and strengths.
- Demonstrate acceptance of the person's cultural identity, expression and preferences.
- Accommodate the person's preference and privacy according to cultural requirements.
- Demonstrate cultural sensitivity in communication customs.
- Facilitate the ability of the person to include cultural norms, traditions, rituals and routines in all aspects of their life.
- Provide the people we support with relevant information and easy-to-read materials, and access support from relevant community cultural networks.
- Encourage cultural communities to build their capacity to support and welcome people we support and provide assistance to enable them to understand a person's particular support requirements.
- Facilitate the person's freedom of cultural expression and participation.

Religious and spiritual expression

Staff will ensure that religious and/or spiritual expression is recognised for the person and included in the person's Individual Support Plan if it is important to the person. In addition, staff will ensure that all people we support have the opportunity to explore and participate in spiritual or religious activities if they choose to.

Where the person wishes to explore religious and spiritual expression and or participate in spiritual activities or faith-based communities, staff will support them in doing so.

Staff will:

- Acknowledge that spirituality, religious expression, and practices are personal and individual experiences.
- Recognise spirituality and religious preference in assessing the person's needs, interests, and strengths.
- Create pathways for spirituality, spiritual growth and religious expression that respect the person's history, tradition and current preferences.
- Support the person to explore different options within the community if they express an interest in spirituality but do not already have a religious affiliation.
- Facilitate participation supports, such as providing transportation and easy-to-read versions of related documents.
- Support and assist the person in learning the rituals, routines, and expectations for members of their specific congregation so that they will understand and know what to do in different circumstances.
- Encourage faith-based communities to build their capacity to support and welcome people we support and provide assistance to enable them to understand the person's support requirements.

- Share the message that people with disability bring unique spiritual gifts and benefits to spiritual and religious communities, just as people without disabilities do.
- Work in partnership with the person's spiritual and faith-based community in supporting their inclusion.

Personal relationships, intimacy and sexuality

Staff will recognise the right of people we support to enjoy a meaningful relationships and choose to express their sexuality as they wish, along with their right to be sexual and to make and break relationships.

Staff will:

- Acknowledge that the people we support experience the same sexual thoughts, attitudes, feelings, desires, fantasies and activities as anyone else. Staff will assist the people we support to negotiate barriers to seeking intimacy or expressing their sexuality.
- Advocate for the people we support when they encounter negative attitudes or misinterpretation of laws to mean that people with disability engaging in activities of sexual intimacy or exploring their sexuality is perceived as unlawful.
- Engage the people we support in conversations about personal relationships/intimacy and their sexuality while acknowledging safeguarding issues.
- Focus their support within the human rights framework, promote the person's personal choice and recognise the meaningful benefits that positive and respectful relationships, intimacy and sexuality can contribute to the person's life.
- Support people to have positive, healthy, informed and safe personal relationships where their intimacy and sexuality needs are met and any barriers to having loving relationships and true sexual expression are addressed.

As relationships/intimacy and sexuality are very private, personal and individual experiences, clients will be offered the opportunity to nominate a trusted support person/s to assist them in working through this in a more private setting.

Staff will provide people with:

- Support with a strong emphasis on the benefits of personal relationships.
- Relevant information about rights and responsibilities and how to exercise them when expressing sexuality.
- Access to assessments to identify the specific supports, including education, necessary to enhance the person's relationships.
- Support and safeguards focussed on what personal relationships mean to the person and how they fit in with their personal choices and needs.
- Referral/access to education services and resources to learn about consent, relationships, sexually transmitted infections (STI's), contraception, pregnancy and safe sex.

- Support and education to ensure the people we support understand that some sexual behaviour is against the law. Some of these laws may apply to their behaviour and some to other people's behaviour towards them.
- Clear support and guidance to increase their confidence and competence in developing personal relationships, exploring their sexuality, and understanding how to respond in specific situations and deal with issues and concerns about personal relationships and sexuality.
- Recognition that everyone is different and will have different needs and sexual orientations. These differences will be celebrated and understood.
- Advocacy for their rights in personal relationships, sexual identity and expression.
- Rights-based principles support that assist the person in developing healthy relationships and understanding gender and sexual identity.
- An understanding of issues of consent and will advocate for the person and assist in educating the person/carers to understand that once a person turns 16+ years, in most cases, the person's parents or guardians will only have a limited say in whom the person chooses to have a relationship with.
- A partnership approach may involve specialist team members such as leaders/counsellors/services from the LGBTQI community, sexual health and family planning. For example, QLife, Touching Base, RhED/ShineSA or other state-based services that provide a range of health, safety and legal information regarding sex workers or other individuals/groups identified by the person we support.

This approach will ensure that carers/family members will be:

- Confident that good planning, support and decisions are helping to keep their loved one safe.
- Clear that LWB staff are expected to uphold the rights, aspirations, confidentiality, and privacy of the people we support in their expression of sexuality and intimate relationships of their choosing.
- Able to access information, advice and support about this policy and procedure and the rights of people with disability.
- Provided access and information about LWB Complaint Management and Resolution Policy and Procedure.

Visitor Staying Over

All people living in supported independent living environments have the right to invite a romantic visitor to stay at their home and sleep in the same bed. This is a shared living arrangement, so co-residents wishes should also be considered.

The Disability Support Leader (DSL) will address any barriers related to staff attitudes inconsistent with supporting people we support to realise this human right.

Staff will support a person to:

- Facilitate opportunities to discuss their wishes for a visitor to stay over and explore strategies with all shared household members and address any existing barriers.
- Facilitate opportunities for shared household members to meet the person's visitor before they stay over.

Staff will support shared household members to:

- Have open discussions and consider options.
- Explore how they will be informed when a person's visitor is staying over.
- Talk about using any shared facilities by the person staying over.
- Consider whether the person must contribute to food costs during their stay.
- What care or support needs the person may have.
- If any household procedures need to be reviewed.
- Develop a household agreement that will be flexible and negotiated over time as needs and wishes change.

Where a visitor who is staying over requires support from LWB during their stay the DSL will:

- Have a conversation with the person to understand their support requirement across the timeframe of their stay and identify who will deliver support, LWB or another provider.
- Gain consent from the person to engage in conversation with their family and/or support provider. Always ensure the person has the option to participate equally in these discussions.
- Work with the person, family or support provider to develop a clear support plan that addresses any medication administration, tasks of daily living, mealtime support, and any responsive behaviours.
- List emergency contacts or support provider On-call arrangements.
- Organise any training requirements for LWB staff if required.
- Share support information and requirements with staff who will support the visitor during their stay and arrange a meet and greet for the person (visitor) to be introduced to the team and other residents of the house.
- If support is to be provided by LWB, facilitate conversations with the person, family or other support providers to put a service agreement in place.

Education for children and young people with disability

For children under the age of 18 years, staff will work in partnership with parents to support a child's positive and healthy sexual development:

- Parents will be supported to access opportunities and services to learn about and discuss their child's sexuality and relationships.
- Staff will facilitate and enable this to occur where appropriate.

- Information will be shared regarding state-based specialist services and resources. For example, Family Planning NSW Parent Forums and/or other services that have a range of books for loan and/or purchase to assist parents in understanding their children's sexual development.
- Information and support will be provided to children and young people to promote their health and their understanding of the need for self-protective behaviours.