# Supported Decision Making Policy

**Key points I need to know:**

- Always assume people we support can make decisions with appropriate support.
- Everyone has the right to make their own decisions and have those decisions respected.
- Supported decision-making is the preferred approach.
- Substitute decision-making or guardianship is reserved for matters beyond capacity.
- Decisions must reflect the person's will and preferences.

## Policy Statement

Hōhepa Wellington is committed to supporting the rights, autonomy, and dignity of all people we support. This policy outlines our commitment to enabling individuals to make their own decisions, with appropriate support where required.

We recognise that all individuals have the right to make decisions about their lives. Supported Decision-Making (SDM) is an approach that respects autonomy while providing tailored support to help individuals understand, consider, and communicate their choices.

Hōhepa Wellington will always presume that people we support have the ability to make their own decisions, with appropriate support where required.

## Responsibility

General Manager

**Key Principles:**

- **Presumption of Capacity:** People are assumed to have the ability to make decisions that affect their lives.
- **Person-led:** People choose who supports them to communicate and participate in decision-making.
- **Will and Preferences**: Decisions must reflect the person's own will, preferences, and values.
- **Access to Support**: People are entitled to support to understand and make decisions.
- **Safeguards**: Support must be free from coercion, undue influence, and conflict of interest.
- **Dignity and Risk**: People have the right to take risks, supporting opportunities to learn, grow and have new experiences.
- **Least Restrictive Approach**: Supportive decision-making must be used before considering substitute decision-making.

## Scope

This policy applies to all people who receive support and services from Hōhepa Wellington, and to all families, significant others, supporters, employees, volunteers, contractors, and related service providers involved in supporting decision- making.

**Definitions**

**Supported Decision-Making**: A process where a person is supported to make their own decisions based on their will and preferences. This process is not limited to those who can directly express their will and preference verbally.

**Supporter**: A person chosen by the individual to assist in decision-making without taking over the decision.

**Legal Capacity**: The ability to make decisions and have those decisions recognised.

**Welfare Guardian:** A person appointed by the Family Court under the Protection of Personal and Property Rights Act 1988 to make specific personal care and welfare decisions for a person who lacks capacity for those decisions.

**Property Administrator:** A person appointed by the Court to help manage the financial affairs, such as paying bills, managing accounts and protecting assets, while acting in the person's bet interest and, where possible, following their wishes and preferences.

## Supported Decision-Making as it relates to and with Welfare Guardianship

Supported decision-making is the preferred approach and must be used wherever possible.

Where a Welfare Guardian is appointed:

- The person must be supported to express their will and preferences; where necessary this may include observations of a person's behaviour, body language and expression to assess their will and preferences.
- Those preferences must be taken into account wherever possible.
- Welfare Guardianships should not be the default position, where the person can make the decision with support.

A Welfare Guardian may make decisions where:

- It has not been possible to elicit the will and preference of the person – these decisions should be made with the "best interpretation" of the person's will and preference.
- The person lacks capacity for that specific decision. E.g complex health decisions or decisions that may lead to personal harm.
- The decision falls within the scope of the court order.

## Building Capacity

Supported decision-making furthers the empowerment and self-determination of people we support, improving emotional wellbeing through greater choice and control.

People must be encouraged and supported to develop and exercise their right to decide on all aspects of their lives, including personal care, welfare and property, based on their capacity to understand the nature and foreseeable consequence of decisions.

Supported decision making done well, builds confidence and self-advocacy increasing the likelihood of the people we support living the life they choose.

## References

United National Convention on the Rights of Persons with Disability – Article 12
The Code of Health and Disability Services Consumers' Rights
New Zealand Bill of Rights Act 1990
Human Rights Act 1993
Protection of Personal and Property Rights Act 1988 (PPPR Act)
Te Tiriti o Waitangi
Privacy Act 2020
Whaimana – Support My Decisions

## Associated Documents

Supported Decision-Making Procedure Guidelines
Informed Consent Policy
Abuse Neglect and Safeguarding Policy
Ngā Paerewa Health and Disability Sector Standards – NZS 8134.2021
Complaints Policy
Individual Development Plan Policy V 0.2
Residential Agreement V 0.2

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