

# Key ideas about decision-making support

## Decision-making support for people with cognitive disability

Information sheet for disability support workers

Everyone has the right to make decisions about things that happen in their life. People with disability have a right to make decisions, just like everyone else. Being able to make decisions is good for health, well-being, and overall quality of life.

There are many laws and policies in Australia and internationally that talk about the right to make decisions. These laws apply to everyone, including people with disability. These laws mean service providers in Australia have to plan and make sure people with disability have the opportunity to make decisions. Some of these laws and policies are outlined below.

### The Australian Law Reform Commission (ALRC)

The ALRC reviews Australia's laws to make sure the laws provide access to justice for all Australians. The ALRC has identified four decision-making principles that can help when working with people with cognitive disability:

- 1. Equal rights:** All adults have the equal right to make decisions that affect their lives and have these decisions respected.
- 2. Necessary support:** People who need decision-making support must be given the necessary support so they can make, communicate, and be involved in making decisions.
- 3. Will, preferences and rights:** What a person wants, doesn't want, likes, dislikes, prefers to do, and their rights must direct decisions that affect their lives.
- 4. Safeguards:** Strategies must be developed and put in place to make sure people are not influenced by others when making decisions.<sup>1</sup>

### The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

The UNCRPD is a written agreement which sets out the rights of all people with disability. The right of people with disability to make their own decisions is a big part of the UNCRPD. The agreement describes the rights of people with disability, how rights should be thought about, and how governments can make sure the rights are being upheld.

The Australian Government and other Governments around the world have agreed to the principles in the UNCRPD. This means Australia must introduce measures to support the human rights of people with disability. It also means the principles of the UNCRPD should influence how we support and work with people with cognitive disability.

### The National Disability Insurance Scheme (NDIS)

With the NDIS, it is expected that people with disability will make decisions (as equal partners) about things that affect their lives. People with disability will be in control of the services and supports they receive, and they will be able to choose the provider that delivers services to them. They will also be able to choose how the funds they receive are managed. Over time, people with disability will be expected to make more and more decisions about service provision.<sup>2</sup>

#### Remember

- There are laws and policies about decision-making.
- People with disability have a right to make decisions.
- People with disability are expected to make decisions about things that affect their lives.
- People with disability have a right to receive support to make decisions.
- What a person wants, doesn't want, likes, dislikes, prefers to do, must drive decisions.

<sup>1</sup> Advokit by Dana. (2013). *Decision making: Supported decision making*. Retrieved October 12, 2015, from <http://www.advokit.org.au/decision-making/supported-decision-making/>

<sup>2</sup> Australian Government Commlaw. (2013). *National Disability Insurance Scheme Act*. Retrieved February 24, 2016, from <https://www.comlaw.gov.au/Details/C2013A00020/Html/Text>.