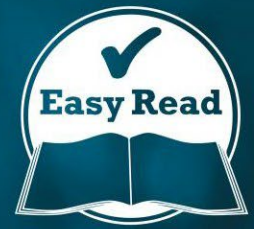


Consent and decision making



Why we have this policy



We want you to have choice and control when making important decisions that will affect your life.

[cover of document]



There is more information about this in our Person Centred Practice Policy.

There is an Easy Read version of this document.

We believe everyone has the right to make their own choices.



There are times when you might not be able to make decisions on your own.

This means you don't have the **capacity** to decide on your own.

If this happens, we will offer you **supported decision making**.



This is when we give you the information, tools and support you need to make an informed decision.

This policy provides guidelines for:



- deciding if you have the capacity to make your own decisions



- supporting you during the decision making process



- asking you if the decisions are ok – this is called seeking consent.
Sometimes, we get consent from the person you have chosen to make decisions on your behalf.



- making a decision that is best for you.

Our rules for decision making and choice



We assist you to make your own decisions to the best of your ability.



We believe that everyone has the capacity to make their own choices.



We make sure you understand the risks involved when you are making an important decision.



Your views are always considered, even if you do not have the ability to make your own decisions.



We encourage you to find support groups outside of New Horizons that can help you develop your decision-making skills.



A decision is usually made for a single event or service.

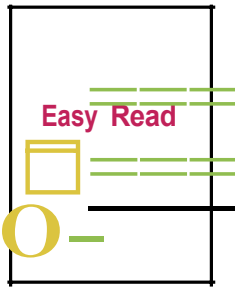
You may have to make more than 1 decision about the services you receive.



We always encourage you to make decisions that agree with your cultural practices and beliefs.



This includes Aboriginal and Torres Strait Islander peoples.



Information is given to you in a way that is easiest for you, your carers and family to understand.

What is consent?



Consent is when you say it is ok to do something. It is also known as giving permission.



Giving consent usually happens when an important decision has to be made that will affect your life.

We will make sure your consent is:



- Voluntary – given freely, without anyone forcing you to make a decision.



- Informed –you have been given information about what you are giving consent to.



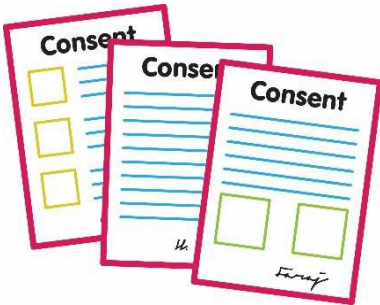
- Specific – the consent might be for a single event.



- Current – the consent is for something that will happen very soon.



You are allowed to change your mind and take back your consent if you wish.



We have a consent form for the services we offer.

Deciding if you have the capacity to give consent



If you are an adult, you can give consent.



If you understand the risks of a decision you are making, you can give consent.



Your ability to consent may depend on the type of decision you have to make.

If we think that you might not be able to give consent we will organise **formal** and **informal** supported decision making.



Formal support is support you get from community or disability services, doctors and other health care professionals.



Informal support is support from your friends and family.



We can also go to the Guardianship Tribunal.
This is a legal process of asking for someone to support you with decision making.



We will seek your consent in many ways if you are unable to tell us.

This can be through signing, pictographs or other options.

When you have capacity to make decisions



Staff will support you to make decisions on your own.

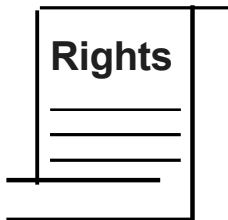


If you are able to make your own decisions but would still like the help of friends or family, it is ok.

Staff will also support this.



Sometimes we might not agree with a decision you have made.



You still have the right to make that decision.



We have a duty of care.

This means that if a decision you make is harmful to you, we will let you know the risks involved.

When you don't have the capacity to make decisions



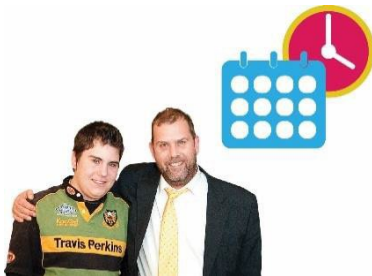
We will help you express your views and concerns.



Your friends, family or carers can help you make decisions.

Formal support is when a **substitute decision maker** is chosen to make the decision for you.

These people could be a:



- **Guardian** – someone who can make personal and lifestyle choices for you. This person is legally appointed and follows a Guardianship Order.



- **Enduring guardian** – this is similar to a guardian but there is no time limit. This is usually organised early in case you lose your ability to give consent.



- **Financial manager** – This is someone chosen by the Supreme Court or Guardianship Tribunal to manage your money.



- **Power of attorney** – this person acts on your behalf and makes decisions for you about your legal and financial affairs if you are not able to.



- **Person responsible** – someone who can give consent on your behalf for medical and dental treatment.



If you need a substitute decision maker your wishes are still considered as much as possible.

There is a flow chart on page 28 that shows who makes decisions for you if you are unable to.

Decision making for children and young people



Parents and guardians have the right to make decisions for the children in their care.

This is the law.



This law is called the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*



Children and young people still have a right to express their views and concerns about decisions that are made for them.



At New Horizons, if you are a child or young person, we encourage you to be involved in the decision making process.

We do this by:



- Recognising that you might need preparation and support to make decisions.



- Making sure information is available to you in a way you can understand.



- Offering other forms of support that you can use if you are an Aboriginal and Torres Strait Islander or from other cultural backgrounds.



- Giving you the chance to express your views and concerns comfortably and freely.



- Explaining to you why a decision has been made for you.



The safety and wellbeing of children and young people is very important to us.



Sometimes this means it may be necessary to share your personal information without consent from your parent or guardian.



Parents and guardians must be aware that this information can be shared with other organisations who are involved with providing safety and welfare services to their child or young person.

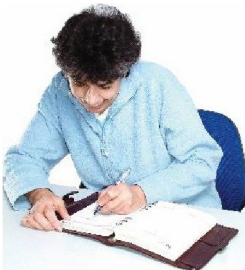
Your best interests



You can decide to refuse a service.



We will give you all the information you need before you make a decision.



If the staff believe that your best interests are not being met because you have refused a service, they will have to produce proof that they tried to help you.



If there is a disagreement about what is best for you and you are unable to make a decision, we might have to appoint a guardian if you do not already have one.

This is only in extreme cases.



If staff believe you are in danger of abuse or mistreatment, they will inform your supervisor or manager.



If you are a child or young person, and you start to have different needs to your parents or guardian, the most important thing is your safety and wellbeing.



If you are at risk of significant harm, we will contact the Child Protection Hotline.

Important decisions that need consent

1. Restrictive practices



A restrictive practice is when we do something to stop you from hurting yourself or others.



These practices keep you and others safe.



Sometimes restrictive practices are part of a support plan.

Examples of these practices are:



- physically holding you down



- moving you to another room away from others



- not allowing you to participate in certain activities.



Sometimes we might have to give you medicine. This can only be used if your doctor says it's ok.

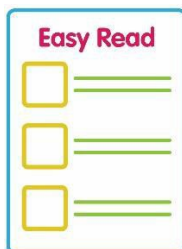


Restrictive practices can only be used if it is cleared by the Restrictive Practice Authorisation Panel and we have consent from your guardian.

Restrictive practices are only used if they are absolutely necessary.

You can read our restrictive practice policy. It is available on our website at

www.newhorizons.net.au



There is also an Easy Read version of the document.

2. Using restraints in Aged Care

Restraint is a practice, action or device that staff might use to stop you from moving freely.



The use of restraint can only happen if you or your guardian has given consent.



If you need help to understand the situation, we can provide support for that.



Sometimes you, or your family member, might ask for certain restraints to feel safe.

For example, bed rails.



This decision will be an informed decision where you are given all the information you need.



Family members and guardians cannot request the use of restraint on you.

This decision is for New Horizons staff to make.

3. Medical or dental treatment



Doctors and dentists will need consent from you or your guardian before they can offer you treatment.



If you do not have a guardian and you need major treatment, New Horizons will seek consent from the Guardianship Tribunal.

This will only happen if you do not have the capacity to give consent.



We do not need your consent to provide medical or dental treatment if there is an emergency or we need to apply First Aid.

4. Assisting with criminal investigations



If a crime has occurred and you are involved, the police will need information from you.

They might use **forensic procedures** to obtain this information.

This means they might:



- take pictures of parts of your body



- take samples of your blood, hair or tissue



- take finger prints.



You or your guardian can choose to give consent to these procedures if you are the **victim** of a crime.

This means someone has committed a crime against you. For example, if you were attacked or robbed.



If you are a **suspect** in a crime and do not have the capacity to give consent, only a Magistrate can provide consent.

A suspect is someone that police believe committed a crime.



A Magistrate is someone who deals with minor court cases. They are not police officers.



Staff cannot give consent on your behalf for these procedures.

5. Sexual relationships in accommodation services



You can give consent to a sexual relationship if both you and your partner are of the legal age.



The legal age is 16 for both males and females.

6. Marriage and de facto relationships in accommodation services



18↑

You can give consent to marry if both you and your partner are aged 18 or over.



This also applies to couples who are in a **de facto** relationship.

A de facto relationship is where a couple live together but are not married.

7. Informing family if you are abused



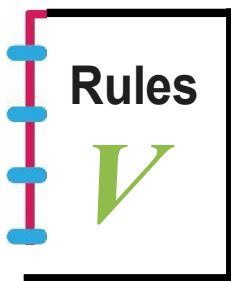
We will let your family know if you have been abused.



You can ask us if you do not want us to tell your family about abuse.



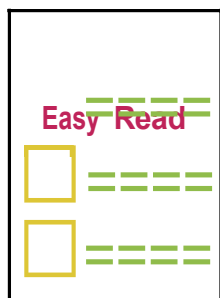
Your guardian can also refuse to give consent to let us tell your family if you have been abused.



If you refuse to give consent, New Horizons staff will still follow the rules about reporting abuse to the police.

[cover of document)

There is more information about these rules in the document called 'Safeguarding customers against abuse'.



There is an Easy Read version of the document.

8. Rules about consent for children and young people in VOOHC

The VOOHC is the Voluntary Out-Of-Home Care program.



This program is for children to receive overnight care in a group home run by New Horizons.



This can be for a long time, or a short time, depending on the needs of the child and their family.



When a child receives 180 days or more of care in a 12 month period, a Case Plan is put together for the child and their family.



Parents are included during planning and must give their consent to the plan.



Services from this plan will meet the needs of both the child and their family.



The best interests of the child are most important.



Most times a child and their parents will agree on the best type of plan.



If there is a major disagreement and we are concerned for the safety of the child, we will contact the Child Protect Helpline.



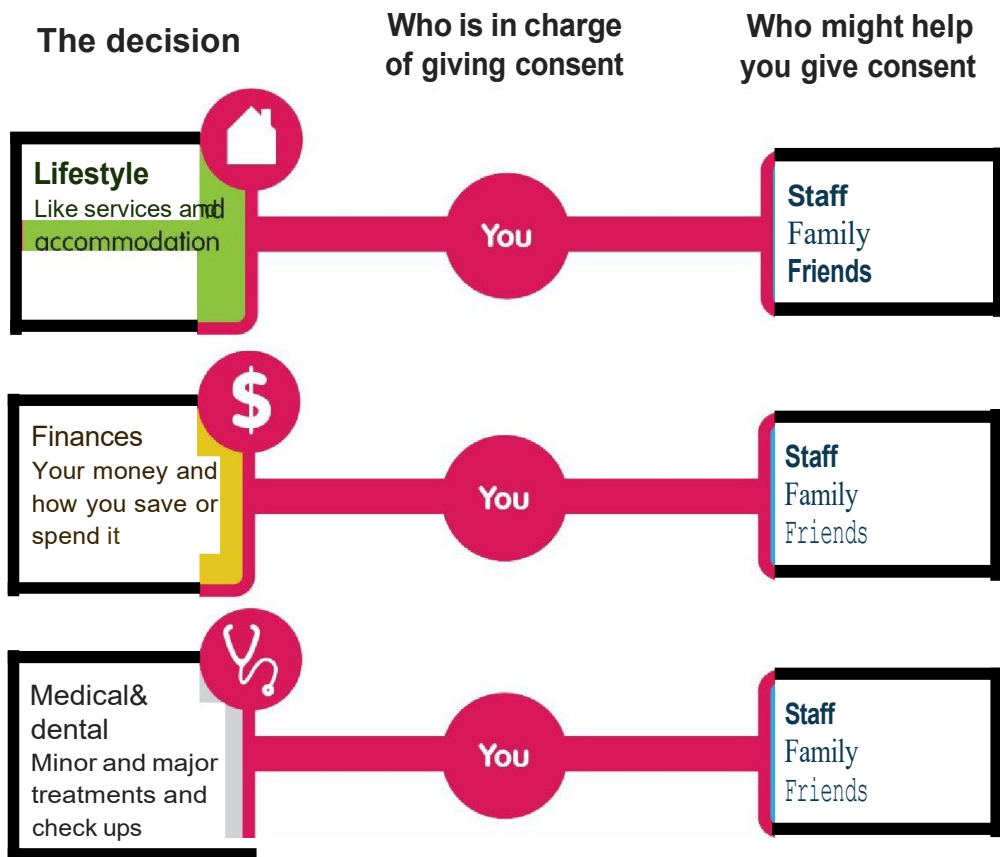
We encourage children to take part in planning their Case Plan.

Their views and concerns are important.

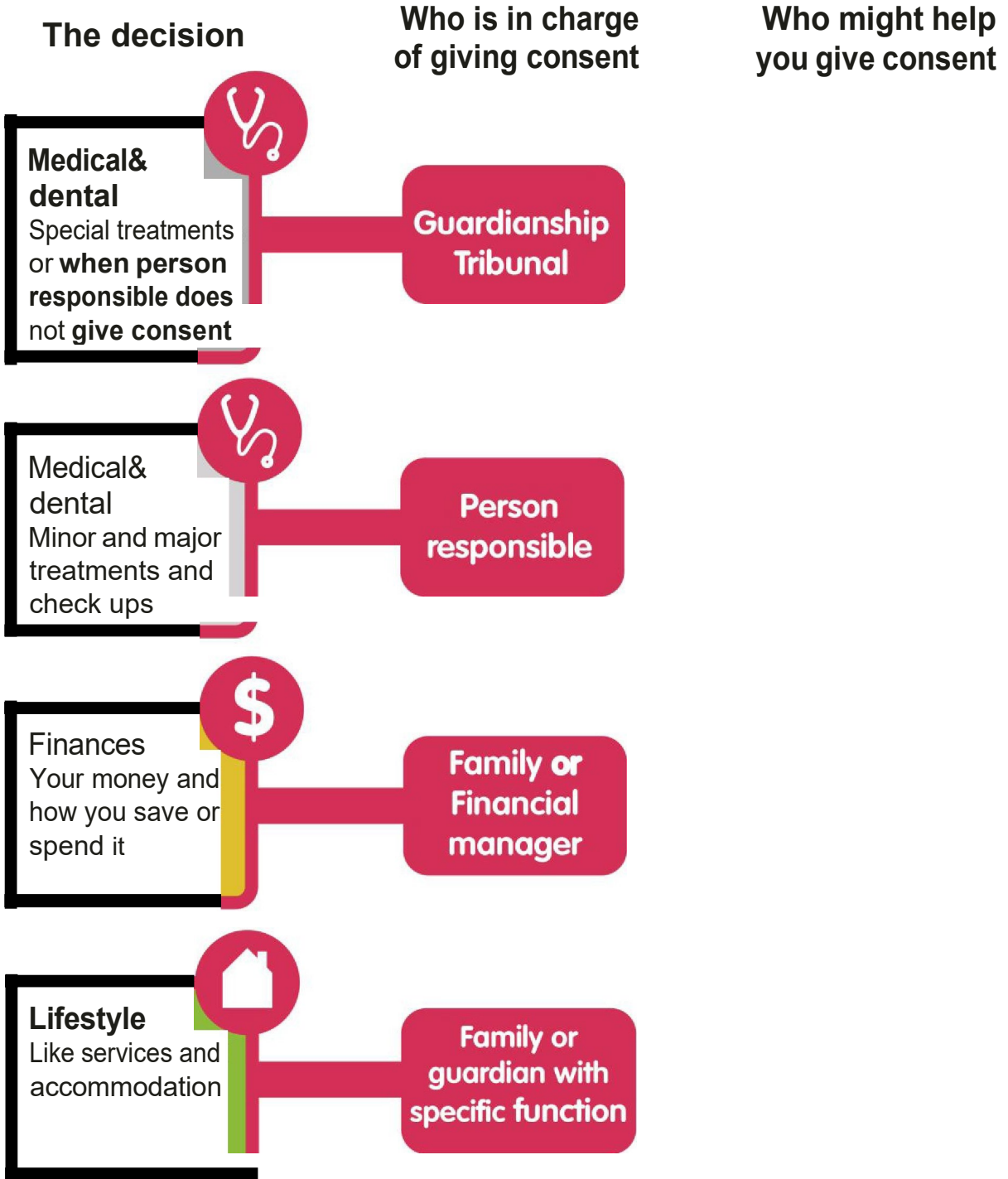
When no legal consent is needed



When legal consent is needed and you **have** capacity



When legal consent is needed and you **do not have** capacity



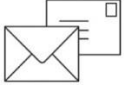
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