

POLICY NUMBER: NDIS SER DEL 5

INTENT

Real Living Options Association Inc. recognises it has a legal and ethical responsibility to provide a standard of care that protects Participants from harm and ensures services are delivered safely, respectfully, and in line with the NDIS Practice Standards and the NDIS Code of Conduct. The Service will endeavour to ensure each person using the Service will have the opportunity to participate as fully as possible in decision making, choice of activities and events in daily life in relation to services they receive while remaining safe from harm. This policy is underpinned by international, national and state obligations in relation to the human rights of people with a disability.

This policy respects the right of participants to take informed risks (Dignity of Risk). The Service must balance duty of care with the Participant's right to autonomy, ensuring risks are clearly explained and documented, and that Participants are supported to make informed choices.

DEFINITION

Independence: *Not subject to control by others.*

Informed Choice: *The act or instance of choosing something knowing the details, benefits, risks and expected outcomes of their choice.*

Duty of Care: *A legal obligation to take reasonable steps to protect a person from foreseeable risk of harm.*

Reasonable Care: *The degree of caution and concern an ordinarily prudent and rational person would use in similar circumstances.*

Dignity of Risk: *The right to take risks when engaging in life experiences and the right to fail in taking these.*

POLICY STATEMENTS

- Real Living Options Association Inc. has been set up to enable as far as is practicable the people using the Service to live a life with choice and control.
- Real Living Options Association Inc. believes that every individual should have the right to participate as fully as possible in making choices and decisions which affect them.
- Real Living Options Association Inc. also recognises its legal and ethical responsibility to provide a standard of care that protects Participants from harm and ensures services are delivered safely, respectfully, and in line with the NDIS Practice Standards and the NDIS Code of Conduct.
- This policy assumes that each Participant has decision-making capacity, unless proven otherwise, and acknowledges that each Participant's capacity varies for each decision and situation. All Participants have the dignity of risk to make their own choices and decisions.
- Real Living Options Association Inc. puts choice and control in the hands of each Participant and/or their families/advocates as far as is reasonably practicable.
- Real Living Options Association Inc. will:

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Independence, Informed Choice and Duty of Care

- Provide opportunities for Participants to make informed decisions and choices on a daily basis according to their individual needs.
- Develop and support plans which document a responsive, safe approach to a Participant's needs
- Negotiate flexible service delivery options, which reflect the ever-changing needs and choices of Participants.
- Endeavour to provide an appropriate method of communicating with Participants by providing information through a number of methods which may include using their Representative/Nominee.
- Work with each Participant and/or their Representative/Nominee to determine and/or develop the most appropriate way to communicate with them and provide appropriate staff training as required.
- Negotiate with a Participant and/or their Representative/Nominee to reach agreement on the least restrictive options if a choice or decision being made is in conflict with the duty of care of the Service. Should there be a risk to the Participant a risk assessment will be carried out.
- Facilitate information and support to access an independent support person where required by Participants to adequately represent their needs, views, interests, choices and rights.
- Ensure that names of persons and their roles in the Participants support network are available in the Participant files.
- Provide Participants and/or their Representative/Nominee the opportunity to choose their own Lifestyle Assistant from applicants who are:
 - A) employed by the Service.
 - B) not currently employed by the Service, providing they meet all of the employment requirements of the Service.
- Real Living Options Association Inc. will ensure that Participants and/or their Representative/Nominee are given the opportunity to be involved in decisions about the policies, procedures and operation of the Service as it relates to them.

PROCEDURES

- During the initial intake process the Participant intending to use the Service will be informed of their right to make decisions and exercise free choice. The Service will also explain their role in assisting Participants with their choices while ensuring the safety of the Participant and the employee.
- The Service will inform each Participant of their right to access an advocate of their choosing.
- The Service will encourage each Participant to make as many of their own decisions as possible. The Service will ensure that Representative/Nominees are involved in, or consulted, about any personal decision making that affects them where this is appropriate.
- If a person's disability is such that assistance is required in decision making the resources and knowledge of their network (Family Member/Representative, Nominee/Advocate) will be utilised.

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- The Service will endeavour to ascertain the decision-making process for each person by the person's capabilities and experience of life and/or using the knowledge and experience of their Representative/Nominee where applicable.
- Participants are to be assisted to make informed choices and decisions by researching options and weighing the consequences of the choice or decision.
- The Service recognises that participants have the right to dignity of risk in their decision-making and will advise Participants of the:
 - Various relevant options that may support their needs, before any decisions being made
 - Benefits of each relevant option
 - Risks, if any, linked to each relevant option
- Participants will be provided with time to absorb information and make the appropriate decision based on the risks involved. If the Participant wishes to undertake an activity that the Service deems a risk to the health and safety of the Participant (or themselves), the Lifestyle Assistant must inform the Participant of the perceived risk and contact their supervisor for further instruction.

All employees have a duty to:

- Act in the best interests of Participants at all times.
- Take reasonable steps to prevent foreseeable harm.
- Respond appropriately to incidents, complaints, or concerns about safety.
- Work within their scope of practice and competencies.
- The Participant will be informed that they may request changes to their chosen routine and that their request will be attended to promptly subject to the alteration of support being able to be met within the allocated hours and funding.
- To maintain their duty of care, employees must:
 - Assist Participants in a manner that maintains their dignity and respects their choices while ensuring safety.
 - Refuse to engage in unsafe manual handling tasks and report any lack of appropriate equipment.
 - Act when a Participant discloses abuse, by following safeguarding and reporting procedures.
 - Not provide services outside their level of qualification or training.

DELEGATIONS

Management Committee

Ensure as far as practicable that this policy is being adhered to by the employees of Real Living Options Association Inc. as reported through the General Manager.

General Manager

Ensure as far as practicable that:

- The Participant and/or their Representative/Nominee is involved in decision making
- Participants and/or their Representative/Nominee have the opportunity to be involved in their choice of Lifestyle Assistant

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- Participants are informed that Real Living Options Association Inc. is the legal employer therefore a Participant does not have the right to dismiss a Lifestyle Assistant, however they do have the right to end a support session subject to further negotiation of the issue with the Support Team
- A culture of safety and accountability is promoted across the Service.
- Staff are trained in risk management, incident reporting, and duty of care obligations.
- Work practices and service delivery are monitored and reviewed on a regular basis.
- Incidents and concerns are responded to promptly and transparently.

Support Manager

Ensure as far as practicable that:

- The Participant and/or Representative/Nominee is involved in decision making
- The Participant and/or Representative/Nominee is involved in their choice of Lifestyle Assistant
- Changes to routine or support are made in accordance with the wishes of Participant and/or their Representative/Nominee
- A culture of safety and accountability is promoted across the Service.
- Staff have been trained in risk management, incident reporting, and duty of care obligations.
- Work practices and service delivery are monitored and reviewed on a regular basis.
- Incidents and concerns are responded to promptly and transparently.

Lifestyle Assistants

Ensure as far as practicable that:

- The Participant and/or Representative/Nominee is involved in decision making
- Changes to routine or support are made in accordance with the wishes of Participant and/or their Representative/Nominee
- Services are delivered in a safe and professional manner.
- Foreseeable risks to Participants are identified and mitigated
- Clear, timely, and accurate documentation is recorded.
- Safety concerns are escalated and incidents or breaches of duty are reported to the Support Team.

RELATED DOCUMENTS

Personal Plan

Code of Conduct Policy

Code of Conduct document

REFERENCES

National Disability Insurance Scheme ACT 2013

Disability Service Act 2006

NDIS Practice Standards and Quality Indicators

NDIS Code of Conduct

United Nations Convention on the Rights of Persons with Disabilities

AMENDMENTS/REVIEWS

Amended 2007, Amended 12.07.12, Amended 04.08.16, Amended 23.09.2, Amended 02.05.24, Amended 03.10.24, Amended 04.09.25,

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