

Supported Decision Making

Helping people to make their own decisions
(A guide for adults and those supporting them)

Including Informal Support Checklists



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ADA Law
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**Queensland
Advocacy for
Inclusion**

Forward

John Chesterman

Supporting people to make their own decisions, rather than having someone else make them, doesn't sound that hard. But in a world where service systems are complex, and where the focus on 'consumer choice' sees people asked to make ever more decisions about the services they receive, anyone who has difficulty making decisions is at risk of having others step in and take over.

That's why this resource is so timely and important. 'Supported Decision Making' is a guide that gives people, and those who are seeking to support them, valuable information that will enable them to keep making decisions about their own lives wherever possible.

The great benefit of this guide is that it makes complex information simple to understand. And it's been designed so that you can jump in and out of it as needs be.

It has sections on a huge range of important topics, including: 'who can make NDIS decisions', 'moving into residential aged care', and 'consenting to medication'. It will assist you if you need information on how to access aged care, disability support, or our healthcare system.

I commend ADA Law and QAI for bringing this resource to life. Behind it lies the valuable advocacy experience of dedicated staff members at these impressive organisations, who see first-hand when decisions are made for, rather than by, the people concerned. 'Supported Decision Making' is a tangible, practical, and valuable expression of a commitment to ensuring that people make their own decisions wherever possible.

John Chesterman is the Queensland Public Advocate

Supported Decision Making: Helping people to make their own decisions











(A guide for adults and those supporting them)

Parts of this guide are for use by the person making decisions and parts of this guide are for use by their supporters. Supporters could include family, friends, carers, decision makers, health professionals or anyone giving support.




Acknowledgement:

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This guide has been made with assistance from:

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|  Queensland Human Rights Commission |  CLCQ |  Elder Abuse Action Australia |  LawRight |
|  Older Persons Advocacy Network |  Older Persons Advocacy Network | | |

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1.

Introduction



Introduction

Most of us take for granted the ability to live our lives autonomously, making our own decisions (good and bad) about things like; where we live, who we live with, what we spend our money on and what type of medical treatment we want.

But age, an accident, or an illness can mean that it is harder to make decisions, particularly when big changes to our lives are involved, or when we require help to assist in maintaining our health and wellbeing.

Having to have someone appointed to make decisions on behalf of a person, like a guardian, administrator or attorney, really means that someone's freedom to make decisions about certain things is taken away from them. A decision is instead made on their behalf.

For some people, having a decision maker may be unavoidable, particularly if they are without a network of friends, family and supporters to help them.

For many people though, the appointment of a guardian or administrator is not necessary. They can receive informal support from family and friends to make the decisions and receive the supports or services they need.

So how can you support someone (like your Mum, Dad, another family member, or a close friend) who needs some help making decisions about their future and the supports and services they may need?

This booklet will take you through some of the more frequent decisions that people need to make as they age or live with disability, and how you can find out about the range of services and supports they can access through government and non-government programs.

The booklet is designed for you to 'pick and choose' the areas that are relevant to decision making or finding out about the types of supports and services that are available for eligible people.

The government systems that we need to access to receive supports and services, like aged care, the National Disability Insurance Scheme (NDIS) and Centrelink can be complex. This booklet is designed to try and remove some of that complexity so that you, when helping someone to make decisions, have a better understanding of what's available and what you need to discuss. The more you know about what type of supports and services someone may be able to receive and how to access them the more likely it is that they will not require a formal decision maker. Instead, options can be discussed with the person and a decision made.

Overview

In the health and disability sectors there is a focus on the “capacity” or ability of the person to make their own decisions. If there is doubt about the person’s (your) capacity or ability a capacity assessment may be conducted. The Queensland Government has recently completed guidelines to help the general community and health professionals understand, approach and conduct these assessments, and we have reproduced the key approaches below:

Capacity is decision-specific and time-specific

Capacity is specific to the type of decision to be made and the time the decision is made. Someone might have capacity to make certain types of decisions (e.g. a personal decision about where to live) and not others (e.g. a financial decision about whether to sell their house).

Capacity can improve/fluctuate or deteriorate

An adult with a medical condition or illness may temporarily lose capacity, but then regain capacity at a later date. On the other hand, an adult with dementia or delirium, for example, might have capacity on some days (or during some parts of the day) and not others.

Capacity can change with support

An adult’s capacity can improve depending on the support available to them. For this reason, an adult should not be found to lack capacity until all practical steps have been taken to provide the support and information needed to make the decision.

A ‘bad’ decision does not mean you lack capacity

People have a right to make unpopular decisions, or decisions that other people don’t agree with. It alone does not mean you cannot make decisions.

This Guide

This guide has been designed to assist in only a few key decisions in a person's life, who may need support with their decision making. We have focused on the following types of decisions, including:

- Where to live? (accommodation)
- Who can help? (services)
- What healthcare do I need? (healthcare)

We understand that we all make many decisions in our daily life. We have noticed that over time, these are the sorts of decisions that may be more difficult and that other people may be concerned about your ability to make. These types of decisions are often the ones that get sent to a Tribunal (Court) to see whether a decision maker may need to be formally (or properly) appointed to make these decisions for you.

We have put a lot of information together that may be useful to help you get the care and services that you might need, without it being necessary to have a decision maker appointed to make the decision for you.

Decisions about where to live, helping or support services and healthcare will depend on the individual or adult concerned. If the person is younger than 65 and requires support, then the National Disability Insurance Scheme (NDIS) or mental health services may be relevant care systems that may be useful. If the person is over 65, or is a First Nations person over 50 (and doesn't already have NDIS support), then Aged Care Services (My Aged Care or MAC) may be the place to start.

All of these care systems are very large and at times hard to sort out how they may be able to help. Also, decisions about care, support and services may need to be made during a healthcare crisis, and access to information can be difficult. With this information, support and/or time, you may be able to work your way through this and be able to make your own choices.

Please only look at the parts of this guideline that might be useful to you as everyone's situation is different, and most people do not need everything. We have divided the information into chapters, each focussing one area of decision making. If you need information about an area that is not included in this guide, check page 52 for organisations to contact for help.

Types of Decisions

Examples of Supported Decision Making (SDM)

Did You Know?

These pages are intended for use by the person. These pages can be reproduced and given to the person, as a starting point for them to consider and explore their options.

It may jog their memory about plans they have already made, give them the start they need to solve their own challenge, or lead them to the next steps.

Accessing Systems

Working with systems can be overwhelming. To avoid information overload we suggest working through one chapter at a time

Informal Support Checklists

Explanatory Notes

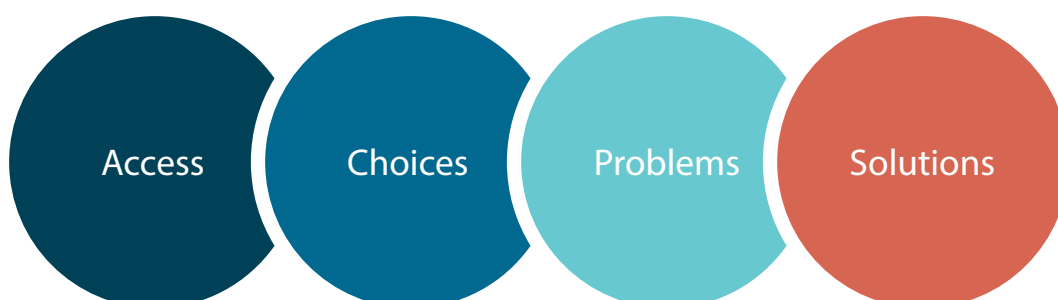
These checklists are tools to assist in:

- identifying what decisions the person has to make and can work through (including with support),
- exploring what has worked, what has been tried and didn't work, and
- what decisions the person really does need more formal help to make right now.

The checklists assist to give clarity to any concerns, and break it down into simple and complex areas.

Some topics will not be relevant and therefore it is not necessary to tick every box.

A Person's Journey



2.

Getting Help: Help at Home or Access to Aged Care

For people aged 65 or older and
First Nations people aged 50 or older



Did You Know?




My Aged Care (MAC)

MAC can help you understand how to get help in your home or how to move into residential aged care.




myagedcare


Anyone can help you apply to My Aged Care

If your needs have changed, you can contact My Aged Care for a review


An Aged Care Advocate or lawyer can help you understand your contract

If you need help choosing providers and managing your plan My Aged Care can help
If you need help finding options, an Aged Care Broker or Care Finder can help you


 Google search: Aged Care Brokers or Care Finder

Living Well - Think about working with a private Occupational Therapist or Social Worker to help you plan and implement your care needs - you can ask for one through NDIS or MAC



An Aged Care Advocate can help you access and navigate My Aged Care

If you need an ACAT Assessment or Review, My Aged Care can help

An ACAT Assessment is an assessment of your personal needs for government funded help eg shopping, cooking


If you don't know what you need, an Aged Care Advocate or Care Finder can help

If you are having trouble with My Aged Care or don't think you've had a fair go, an Aged Care Advocate (or any supporter) can help you complain

 Google search: Aged Care Advocacy


If you think it might be time to consider moving into residential aged care My Aged Care can help you



Accessing My Aged Care (MAC)

What is the decision?

- To get help with daily living, to stay well at home, or to start planning for moving into residential aged care.

How is this done?

- By contacting My Aged Care (MAC) and registering.
www.myagedcare.gov.au
 - Consider organising a MAC nominee, done by phone consent with MAC. Your nominee can help you deal with MAC.

Clues that the person may need support to get help

- The person is unable to find all the options, or choose between the options available - this may suggest that the person doesn't understand the options, has trouble using or accessing technology, or is having difficulty weighing up the advantages and disadvantages of each one.
- The person delays or refuses to make a decision - this may suggest that the person doesn't like any of the options, or doesn't understand how they will benefit from the service type.
- The person asks someone else to make the decision - this may suggest the person is inexperienced making decisions, or is concerned about making the 'wrong' decision.

What support could be provided?

Supports could include:

- Assisting the person to access My Aged Care (MAC) [phone / website] - [Consider a MAC Nominee]
- Identifying options available
- Helping arrange an ACAT assessment
- Meeting/s with providers to learn about the services and see how services are delivered
- Talking with other participants who use those services
- Accessing information about MAC, and help at home options, such as brochures, websites, DVDs
- Using tools to consider parts of the decision, such as a chart to compare options
- Talking with MAC to find out more information about the options, such as the reputation of each provider, and whether there are differences between the options

Most people will not need all of these supports to help them make an informed decision.

Who can provide the support?

Anybody can help, including:

- Trusted friends or family
- The person's MAC Nominee
- An Aged Care Advocate (helps the person access information, make complaints, get more help)
- A Care Finder may be able to assist
- Services / Healthcare Providers (including Social Workers)
- MAC - [1800 200 422](tel:1800200422) or www.myagedcare.gov.au

Complaining about an Aged Care Provider



What is the decision?

- How to raise concerns and complaints, and what response is an acceptable resolution.

How is this done?

- By contacting the service provider complaints or by contacting MAC
 - Consider organising a MAC nominee or Aged Care Advocate

Clues that the person may need support to get help

- The person's usual behaviour changes when services are being delivered, or when they get home - this may suggest they are unhappy with something that has happened, but don't know how to clarify the problem and raise their concern
- The person tells a family member / friend / advocate about their concern - this may suggest that they don't know about the provider's complaint procedures, or is afraid to raise it directly with a staff member
- The person has trouble using or accessing most technology
- The person is not happy with the way the provider says it will fix the problem - this may suggest that either the person doesn't understand what the provider can and cannot do, or that the provider is unclear or unwilling to be more flexible

What support could be provided?

Supports could include:

- Provide information to the person and their supporters about the provider's complaint handling process - in accessible formats
- Link the person with someone who can assist them to identify what they feel, and what that feeling is linked to - for people who have difficulty making sense of why they feel unhappy. Tools or Allied Health referrals may be useful to support the person for this part
- Assist the person to document their concern. This may mean that staff or another support person listens to their concern and writes it for them
- Nominate a team member/manager to keep in contact with the person, and update them on the progress of an investigation
- Link the person with an independent advocate, legal service, or other complaint handling body
- Provide explanations to the person about what options the provider has to fix the problem. Wherever possible, there should be a range of options so that participants can choose the outcome that best suits them

Most people will not need all of these supports to help them make an informed decision.

Who can provide the support?

Anybody can help, including:

- Trusted friends or family
- The person's MAC Nominee
- An Aged Care Advocate
- A Care Finder may be able to assist
- Services / Healthcare Providers (including Social Workers)
- MAC - [1800 200 422](tel:1800200422) or www.myagedcare.gov.au



Accessing Help at Home

What is the decision?

- To get help with daily living, to stay well at home.

How is this done?

- This is arranged by contacting My Aged Care (MAC) and registering for services.

Clues that the person may need support to get help

- The person is unable to find all the options, or choose between the options available - this may suggest that the person doesn't understand the options, has trouble using or accessing technology, or is having difficulty weighing up the advantages and disadvantages of each one.
- The person delays or refuses to make a decision - this may suggest that the person doesn't like any of the options, or doesn't understand how they will benefit from the service type
- The person asks someone else to make the decision - this may suggest the person is inexperienced making decisions, or is afraid of making the 'wrong' decision.

What support could be provided?

Supports could include:

- Assisting the person to access My Aged Care (MAC) [phone / website] - [Consider a MAC Nominee]
- Identifying options available
- Helping arrange an ACAT assessment
- Meeting/s with providers to learn about the services and see how services are delivered
- Talking with other participants who use those services
- Accessing information about MAC, and help at home options, such as brochures, websites, DVDs
- Using tools to consider parts of the decision, such as a chart to compare options
- Talking with MAC to find out more information about the options, such as the reputation of each provider, and whether there are differences between the options

Most people will not need all of these supports to help them make an informed decision.

Who can provide the support?

Anybody can help, including:

- Trusted friends or family
- The person's MAC Nominee
- An Aged Care Advocate see www.opan.org.au or [1800 700 600](tel:1800700600)
- A Care Finder may be able to assist
- Services / Healthcare Providers (including Social Workers)
- MAC - [1800 200 422](tel:1800200422) or www.myagedcare.gov.au

Help at Home - My Aged Care (MAC)



My Aged Care Service

Who Can Make MAC Decisions?

| Service | The Person (Participant) | My Aged Care (MAC) Nominee | Family member, Carer (non-paid) or Friend | Advocate | Attorney (for Personal Matters) | Guardian (for Services/Accommodation) |
|--|--------------------------|----------------------------|---|----------|---------------------------------|---------------------------------------|
| Accessing My Aged Care (MAC) | | | | | | |
| Identifying Needs and Preferences | | | | | | |
| Arranging Aged Care Assessment Team (ACAT) Assessments | | | | | | |
| Selecting and changing service providers / Accommodation | | | | | | |

Home Care Services (Aged Care)

Who Can Make MAC Decisions?

Signing Service Agreements



The Person (Participant)



My Aged Care (MAC) Nominee



Family member, Carer (non-paid) or Friend



Attorney (for Personal Matters)



Guardian (for Services/ Accommodation)

A Service Agreement is a legal contract between the provider and participant.

If an attorney or guardian is appointed, they must have authority to make decisions about Services.

If the Public Guardian is appointed to make decisions about Services, they will endorse a service and make a decision about services but will not sign a service provider's service agreement. NB> the Public Guardian will email confirmation of their decision, which is sufficient for MAC requirements.

If the provision of Services is agreed, but no-one is willing or able to sign the Service Agreement, the provider should keep records of the verbal agreement, and its efforts to obtain a signature. However, the provider has no legal protections with an unsigned Service Agreement.

Making a complaint / Requesting a Review



The Person (Participant)



My Aged Care (MAC) Nominee (plan or correspondence)



Family member, Carer (non-paid) or Friend



An Aged Care Advocate



Attorney (for Personal Matters - if the concern is re services)



Attorney (for Finances - if the concern is re finances)



Guardian (for Services)

A review could be for an ACAT review.


Making Payments to providers



MAC makes payments directly to Services

If co-contributions are required by the participant invoices will be provided.

Help at Home - My Aged Care (MAC) Support Checklist

 **Remember:** formal Guardianship is the MOST restrictive option available, and must only be considered as the LAST Resort. Absolutely all reasonable steps must have been taken first, and found insufficient

| | | |
|--------------------------------|--------------------------------|---|
| Home Care Services (Aged Care) | Agreeable to help from service | Able to arrange help (incl. with support) |
|--------------------------------|--------------------------------|---|

| | | |
|--|--|--|
| What informal supports/strategies are available for these decisions? [Does the person have friends / family / professionals available to help?] | | |
| What would it take for the person to make this decision? [eg Assistive Technology, Interpreter, Written/Picture Information, Professional Advice, Time ...] | | |
| Are these challenges temporary or reversible? [eg Mental illness, Illness, Sensory Impairment, Grief, Cultural, Medication Side Effects...] | | |
| Challenges / Barriers [Make note of whether these are temporary (short term) or longterm] [eg Eligibility / Cost / Risk of Undue Influence / Neglect / Family Disputes / Lack of Supporters ...] | | |
| Have these options been tried? <ul style="list-style-type: none"> • Mediation / Family Meetings • Attorney under Enduring Power of Attorney (EPOA) If not, what are the barriers? | | |

NB. seek legal advice about what options may be available and before applying for a formal decision maker, confirm and document that all the above steps have been explored and are insufficient

| | | |
|---|--|--|
| For those areas where you have concern, what informal strategies have you tried? What problems remain? | | |
| If ultimately a formal Decision Maker is considered necessary, what is the least amount of time, and power, suggested for the appointment? [eg. Only to arrange Services, short time...] | | |

Deciding Where to Live - Accommodation



What is the decision?

- Working out where is the best place to live, taking into account wellbeing, needs and preference.

How is this done?

- Weighing up the pros and cons of community versus residential care.
- Finding out what options are available.

Clues that the person may need support to get help

- The person's health team is concerned they are not eating well, or they are having too many falls in their own home, or great difficulty in accessing the community / health care
- The person believes that acknowledging they need help opens the door to being forced into aged care
- The person's family is arguing
- The person is missing rent payments
- They have had an increasing number of visits to hospital
- They are unable to find all the options available to them, or have trouble accessing or using technology

What support could be provided?

Supports could include:

- Assisting the person to clarify what is important to them
- Assistance to call My Aged Care (MAC)
- Contacting relevant Decision Makers
- Identifying options available, and those that align with what is important to them
- Visit/s to, or meeting/s with, each of the aged care and home care providers to learn about the services and see how services are delivered
- Talking with other participants who use those services
- Accessing information about each of the providers, such as brochures, websites, DVDs
- Using tools to consider parts of the decision, such as a chart to compare options
- Talking with an Aged Care Advocate or Care Finder or broker, to find out more information about the options, such as the reputation of each provider, and whether there are differences between the options

Most people will not need all of these supports to help them make an informed decision.

Who can provide the support?

Anybody can help, including:

- Trusted friends or family
- An Aged Care Advocate
- An Aged Care Broker (A broker is someone you pay to look for options for you)
- A Care Finder may be able to assist
- Services / Healthcare Providers (incl Social Workers)
- Government agencies like Rent Connect
- MAC - [1800 200 422](tel:1800200422) or www.myagedcare.gov.au

Moving into Residential Aged Care (RAC)



What is the decision?

- Whether to move into a residential aged care facility (RACF) or not, or maybe choosing one.

How is this done?

- Finding out what options are available
- Weighing up the pros and cons

Clues that the person may need support to get help

- The person is unable to find all the options, or choose between the options available - this may suggest that the person doesn't understand the options, has trouble using or accessing technology, or is having difficulty weighing up the advantages and disadvantages of each one.
- The person delays or refuses to make a decision - this may suggest that the person doesn't like any of the options, or doesn't understand how they will benefit from the service type
- The person asks someone else to make the decision - this may suggest the person is inexperienced making decisions, or is afraid of making the 'wrong' decision.

What support could be provided?

Supports could include:

- Assisting the person to access My Aged Care (MAC) [phone / website] - [Consider a MAC Nominee]
- Identifying options available
- Helping arrange an ACAT assessment
- Meeting/s with RACFs or brokers to learn about the home and see if it is suitable
- Talking with other residents who live there
- Accessing information about MAC, and brochures, websites, DVDs
- Using tools to consider parts of the decision, such as a chart to compare options
- Talking with MAC to find out more information about the options, such as the reputation of each RACF, and whether there are differences between the options

Most people will not need all of these supports to help them make an informed decision.

Who can provide the support?

Anybody can help, including:

- Trusted friends or family
- The person's MAC Nominee
- An Aged Care Advocate
- An Aged Care Broker (A broker is someone you pay to look for options for you)
- A Care Finder may be able to assist
- Services / Healthcare Providers (incl Social Workers)
- MAC - [1800 200 422](tel:1800200422) or www.myagedcare.gov.au

My Aged Care - Residential Aged Care



My Aged Care Service

Who Can Make MAC Decisions?

| Service | The Person (Participant) | My Aged Care (MAC) Nominee | Family member, Carer (non-paid) or Friend | Advocate | Attorney (for Personal Matters) | Guardian (for Services/Accommodation) |
|--|--------------------------|----------------------------|---|----------|---------------------------------|---------------------------------------|
| Accessing My Aged Care (MAC) | | | | | | |
| Identifying Needs and Preferences | | | | | | |
| Arranging Aged Care Assessment Team (ACAT) Assessments | | | | | | |
| Selecting and changing service providers / Accommodation | | | | | | |

Aged Care Who Can Make MAC Decisions?

Signing Service Agreements



The Person (Participant)



My Aged Care (MAC) Nominee



Family member, Carer (non-paid) or Friend



Attorney (for Personal Matters)



Guardian (for Accommodation)

A Service Agreement is a legal contract between the provider and participant.

If an attorney or guardian is appointed, they must have authority to make decisions about Accommodation.

If the Public Guardian is appointed to make decisions about Accommodation, they will endorse a service and make a decision about Accommodation but will not sign a service provider's service agreement. The Public Guardian will email confirmation of their decision, which is sufficient for MAC requirements.

If the provision of Accommodation is agreed, but no-one is willing or able to sign the Service Agreement, the provider should keep records of the verbal agreement, and its efforts to obtain a signature. However, the provider has no legal protections with an unsigned Service Agreement.

Making a complaint / Requesting a Review



The Person (Participant)



My Aged Care (MAC) Nominee (plan or correspondence)



Family member, Carer (non-paid) or Friend



An Aged Care Advocate



Attorney (for Personal Matters - if the concern is re services)



Attorney (for Finances - if the concern is re finances)



Guardian (for Services/ Accommodation)

A review could be for an ACAT review.

Making Payments to providers



MAC makes payments directly to Services

If co-contributions are required by the participant invoices will be provided.

Accommodation - Aged Care Support Checklist



Remember: formal Guardianship is the MOST restrictive option available, and must only be considered as the LAST Resort. Absolutely all reasonable steps must have been taken first, and found insufficient

| Accommodation | Living independently (incl. with services/ supports) | Maintaining safe conditions | Accessing community resources |
|--|--|-----------------------------|-------------------------------|
| What informal supports/strategies are available for these decisions? [Does the person have friends / family / professionals available to help?] | | | |
| What would it take for the person to make this decision? [eg Assistive Technology, Interpreter, Written/Picture Information, Professional Advice, Time ...] | | | |
| Are these challenges temporary or reversible? [eg Mental illness, Illness, Sensory Impairment, Grief, Cultural, Medication Side Effects...] | | | |
| Challenges / Barriers [Make note of whether these are temporary (short term) or longterm] [eg Eligibility / Cost / Risk of Undue Influence / Neglect / Family Disputes / Lack of Supporters ...] | | | |
| Have these options been tried? • Mediation / Family Meetings • Attorney under Enduring Power of Attorney (EPOA) If not, what are the barriers? | | | |
| <p>NB. seek legal advice about what options may be available and before applying for a formal decision maker, confirm and document that all the above steps have been explored and are insufficient</p> | | | |
| For those areas where you have concern, what informal strategies have you tried? What problems remain? | | | |
| If ultimately a formal Decision Maker is considered necessary, what is the least amount of time, and power, suggested for the appointment? [eg. Only to arrange Services, short time...] | | | |

3.

Getting Help: NDIS

For people aged under 65



Did You Know?



NDIS


Anyone can help you apply for NDIS


A Disability Advocate can help you access and navigate the NDIS and get support

If you don't have a Support Coordinator, you can get help from the Local Area Coordinator (LAC). The LAC can also help you change Support Coordinators

If you need help choosing providers and managing your plan the NDIA can fund a Support Coordinator

You can nominate someone to help you sign up for the NDIS - 3RD PARTY AUTHORITY

If you have issues with a service provider, your Support Coordinator or a Disability Advocate can help you


The Assessment and Referral Team (ART) can support young people at risk between ages 7-25 to access the NDIS


If you need help paying your service providers:

1. the NDIS can fund a Plan Manager, or
2. your Plan Nominee (someone you know and trust) can 'self manage the plan on your behalf, or
3. the NDIA can manage the plan for you

If you need help with paperwork and information, you can nominate a Correspondence Nominee *NB. this person cannot make decisions*


If you are having trouble with NDIS or don't think you've had a fair go, a Disability Advocate (or any supporter) can help you complain and get support to appeal a decision


Living Well - Think about working with a private Occupational Therapist or Social Worker to help you plan and implement your care needs - you can ask for one through NDIS or MAC


Housing Options ...
If you have been assessed for:

1. Supported Independent Living (SIL); or
2. Individualised Living Options (ILO) or
3. Specialised Disability Accommodation (SDA)

your Support Coordinator can assist you to explore options

Accessing the NDIS

(The NDIS funds services for people under 65 years old, who live with disability)



What is the decision?

- To register with NDIS; and
- Get help with daily living, life skills, and gaining independence (services)

How is this done?

- By contacting NDIA and registering for services.

Clues that the person may need support to get help

- The person is unable to find all the options, or choose between the options available - this may suggest that the person doesn't understand how to access the NDIS, has trouble using or accessing technology, or is having difficulty weighing up the advantages and disadvantages of each one.
- The person delays or refuses to make a decision - this may suggest that the person doesn't like any of the options, or doesn't understand how they will benefit from the service type
- The person asks someone else to make the decision - this may suggest the person is inexperienced making decisions, or is afraid of making the 'wrong' decision.

What support could be provided?

Supports could include:

- Accessing information about the NDIS, such as brochures, websites, DVDs
- Assisting the person to access the NDIS, including help to complete paperwork, obtain necessary medical reports and disability assessments and Access Referral Forms (ARFs)
- Identifying options available
- Visit/s to, or meeting/s with, each of the providers to learn about the services and see how services are delivered
- Talking with other participants who use those services
- Using tools to consider parts of the decision, such as a chart to compare options
- Talking with a Support Coordinator (if funded), or the Local Area Coordinator (LAC), to find out more information about the options, such as the reputation of each provider, and whether there are differences between the options

Most people with a disability will not need all of these supports to help them make an informed decision.

Who can provide the support?

Anybody can help, including:

- Trusted friends or family
- A Disability Advocate
- Services / Healthcare Providers (incl Social Workers)
- The NDIS Plan Nominee / Plan Manager
- An Attorney for personal matters
- Support Coordinator / Local Area Coordinators (LACs)
- The Assessment and Referral Team (ART) for young people at risk 7-25yrs

Selecting an NDIS Service Provider



What is the decision?

- Selecting a provider to deliver a specific type of support.

How is this done?

- By accessing the NDIS Portal and finding a provider

Clues that the person may need support to get help

- The person is unable to find all the options, or choose between the options available - this may suggest that the person doesn't understand the options, has trouble using or accessing technology, or is having difficulty weighing up the advantages and disadvantages of each one.
- The person delays or refuses to make a decision - this may suggest that the person doesn't like any of the options, or doesn't understand how they will benefit from the service type
- The person asks someone else to make the decision - this may suggest the person is inexperienced making decisions, or is afraid of making the 'wrong' decision.

What support could be provided?

Supports could include:

- Assisting the person to clarify what outcomes they want from the service, so they can compare what each option is offering
- Identifying options available
- Visit/s to, or meeting/s with, each of the providers to learn about the services and see how services are delivered
- Talking with other participants who use those services
- Accessing information about each of the providers, such as brochures, websites, DVDs
- Using tools to consider parts of the decision, such as a chart to compare options
- Talking with a Support Coordinator (if funded), or the Local Area Coordinator (LAC), to find out more information about the options, such as the reputation of each provider, and whether there are differences between the options

Most people with a disability will not need all of these supports to help them make an informed decision.

Who can provide the support?

Anybody can help, including:

- Trusted friends or family
- A NDIS Plan Nominee / Plan Manager
- A Disability Advocate
- An Attorney for personal matters
- Services / Healthcare Providers (incl Social Workers)
- Support Coordinator / Local Area Coordinators (LACs)

Complaining about an NDIS Provider



What is the decision?

- Raising concerns and complaint, and having an acceptable resolution.

How is this done?

- By contacting the service provider, Support Coordinator or NDIA

Clues that the person may need support to get help

- The person's usual behaviour changes when services are being delivered, or when they get home - this may suggest they are unhappy with something that has happened, but don't know how to clarify the problem and raise their concern
- The person tells a family member / friend / advocate about their concern - this may suggest that they don't know about the provider's complaint procedures, or is afraid to raise it directly with a staff member
- The person has trouble using or accessing technology
- The person is not happy with the way the provider says it will fix the problem - this may suggest that either the person doesn't understand what the provider can and cannot do, or that the provider is unclear or unwilling to be more flexible

What support could be provided?

Supports could include:

- Provide information to the person and their supporters about the provider's complaint handling process - in accessible formats
- Link the person with someone who can assist them to identify what they feel, and what that feeling is linked to - for people who have difficulty making sense of why they feel unhappy. Tools may be useful to support the person for this part
- Assist the person to document their concern. This may mean that staff or another support person listens to their concern and writes it for them
- Nominate a worker to keep in contact with the person, and update them on the progress of an investigation
- Link the person with an independent advocate, legal service, or other complaint handling body
- Provide explanations to the person about what options the provider has to fix the problem. Wherever possible, there should be a range of options so that participants can choose the outcome that best suits them

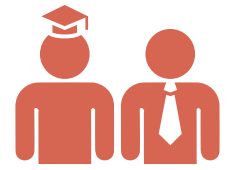
Most people will not need all of these supports to help them make an informed decision.

Who can provide the support?

Anybody can help, including:

- Trusted friends or family
- A NDIS Plan Nominee / Plan Manager
- A Disability Advocate
- An Attorney for personal matters
- Services / Healthcare Providers (incl Social Workers)
- Support Coordinator / Local Area Coordinators (LACs)

Accessing Education or Employment



What is the decision?

- Choosing education or employment.

How is this done?

- By enrolling in a course, or applying for a job vacancy.
- Or by cancelling a course or rejecting a job offer.

Clues that the person may need support to get help

- The person is unable to find all the options, or choose between the options available - this may suggest that the person doesn't understand the options, has trouble using or accessing technology, or is having difficulty weighing up the advantages and disadvantages of each one.
- The person delays or refuses to make a decision - this may suggest that the person doesn't like any of the options, or doesn't understand how they will benefit from the service type.
- The person asks someone else to make the decision - this may suggest the person is inexperienced making decisions, or is afraid of making the 'wrong' decision.

What support could be provided?

Supports could include:

- Assisting the person to clarify what outcomes they want from the service, so they can compare what each option is offering
- Identifying options available
- Visit/s to, or meeting/s with, Disability Employment Service (DES) provider to discuss options for education and employment and supports a DES might be able to provide
- Talking with other participants who use those services
- Accessing information about each of the providers, such as brochures, websites, DVDs
- Using tools to consider parts of the decision, such as a chart to compare options
- Talking with a Support Coordinator (if funded), or the Local Area Coordinator (LAC), to find out more information about the options, such as the reputation of each provider, and whether there are differences between the options

Most people with a disability will not need all of these supports to help them make an informed decision.

Who can provide the support?

Anybody can help, including:

- Trusted friends or family
- A NDIS Plan Nominee / Plan Manager
- A Disability Advocate
- An Attorney for personal matters
- Services / Healthcare Providers (incl Social Workers)
- Support Coordinator / Local Area Coordinators (LACs)



NDIS

NDIS Services

Who Can Make NDIS Decisions?

| | | | | | |
|--|---|---|--|---|--|
| Accessing the NDIS |  The Person (Participant) |  Family member, Carer (non-NDIS funded) or Friend |  Attorney (for Personal Matters) |  Guardian (for Services) | |
| Identifying Goals and Objectives |  The Person (Participant) |  Family member, Carer (non-NDIS funded) or Friend |  NDIS Plan Nominee |  Attorney (for Personal Matters) |  Guardian (for Services) |
| Developing the NDIS plan |  The Person (Participant) |  Family member, Carer (non-NDIS funded) or Friend |  NDIS Plan Nominee |  Attorney (for Personal Matters) |  Guardian (for Services) |
| Selecting and changing service providers |  The Person (Participant) |  Family member, Carer (non-NDIS funded) or Friend |  NDIS Plan Nominee |  Attorney (for Personal Matters) |  Guardian (for Services) |

NDIS Services Who Can Make NDIS Decisions?

Signing Service Agreements

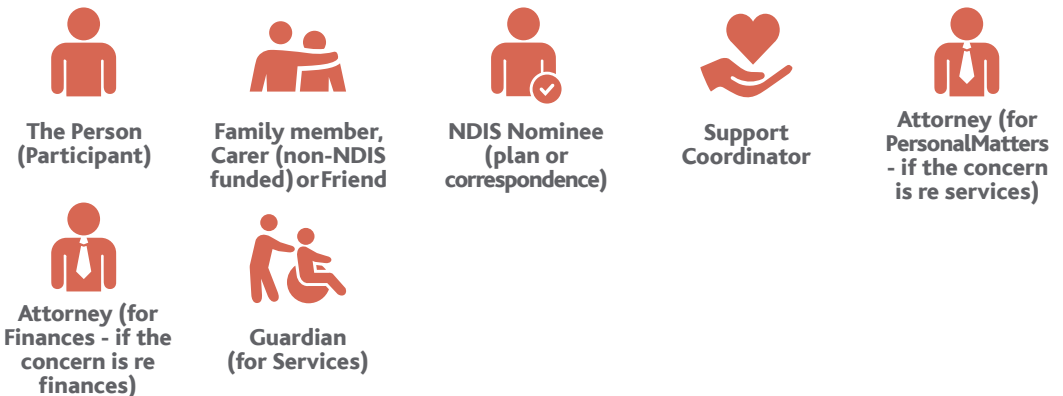


Service Agreement is a legal contract between the provider and participant. If an attorney or guardian is appointed, they must have authority to make decisions about Services.

If the Public Guardian is appointed to make decisions about Services, they will endorse a service and make a decision about services but will not sign a service provider's service agreement. Note that the Public Guardian will email confirmation of their decision, which is sufficient for NDIA requirements. Note that the Public Trustee will not sign Service Agreements.

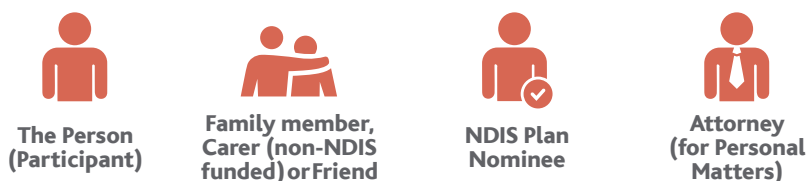
If the provision of Services is agreed, but no-one is willing or able to sign the Service Agreement, the provider should keep records of the verbal agreement, and its efforts to obtain a signature. However, the provider has no legal protections with an unsigned Service Agreement.

Making a complaint / Requesting a Review




A review could be for a plan review or 'reassessment', or a requested review of a 'reviewable decision'.

Making Payments to providers



If the Public Trust is appointed for Finances, it does not manage NDIS payments. If no-one is available, NDIS payments can be made by a Plan Manager (if allocated in the plan), or directly by NDIA.

NDIS Support Checklist

 **Remember:** formal Guardianship is the MOST restrictive option available, and must only be considered as the LAST Resort. Absolutely all reasonable steps must have been taken first, and found insufficient

| NDIS Services | Living agreeable to help from service providers | Able to arrange help (incl. with support) | Can access education/employment |
|---|---|---|---------------------------------|
| What informal supports/strategies are available for these decisions? [Does the person have friends / family / professionals available to help?] | | | |
| What would it take for the person to make this decision? [eg Assistive Technology, Interpreter, Written/Picture Information, Professional Advice, Time ...] | | | |
| Are these challenges temporary or reversible? [eg Mental illness, Illness, Sensory Impairment, Grief, Cultural, Medication Side Effects...] | | | |
| Challenges / Barriers [Make note of whether these are temporary (short term) or longterm] [eg Eligibility / Cost / Risk of Undue Influence / Neglect / Family Disputes / Lack of Supporters ...] | | | |
| Have these options been tried? • Mediation / Family Meetings • Attorney under Enduring Power of Attorney (EPOA) • Nominee with NDIA If not, what are the barriers? | | | |
| NB. seek legal advice about what options may be available and before applying for a formal decision maker, confirm and document that all the above steps have been explored and are insufficient | | | |
| For those areas where you have concern, what informal strategies have you tried? What problems remain? | | | |
| If ultimately a formal Decision Maker is considered necessary, what is the least amount of time, and power, suggested for the appointment? [eg. Only to arrange Services, short time...] | | | |

4.

Getting Help: Healthcare



Did You Know?



Statutory Health Attorney (SHA)

We don't all have close relationships with our relatives, or sometimes they're not available, so the law in Queensland lets other people act for you with health decisions, when necessary. They are called a Statutory Health Attorney (SHA)



In Queensland, if you need help making a health decision, your supporters can help



If you don't have anyone in your life who could help with Health Decisions, the Public Guardian can be your SHA.



Your SHA could be your Spouse or Partner, your unpaid carer, your family or friend.





For some people their close friends know them best.



You don't need to complete any paperwork to appoint a Statutory Health Attorney



-  **Queensland law does not have a Next of Kin (NOK)**
-  **Instead, we use a Statutory Health Attorney (SHA)**

Did You Know?



Advance Health Directive (AHD)

An Advance Health Directive (AHD) is a legal document. The powers and responsibilities granted are legally binding

The person making an AHD is called the Principal



Discuss your needs with your usual Doctor



A lawyer or Justice of the Peace can witness an AHD in Qld



You may wish to complete an Advance Health Directive to explain your health views and wishes



A principal always has the right to complain (including about their attorney/s)



A principal always has the right to information about them, including health options and information and EPOAs, even if an attorney is making decisions.



A principal always has the right to independent advocacy or legal advice, or complain, even if they have impaired decision-making capacity



Consenting to Healthcare

What is the decision?

- Who to see for a health problem
- Whether to consent or not to a proposed treatment option.

How is this done?

- By making an appointment with a doctor
- By weighing up the pros and cons of the options available

Clues that the person may need support to get help

- The person believes that they must do what the doctor says - this belief suggests that the person doesn't understand that there is a decision (choice) that needs to be made
- The person accepts the recommended option without questions - this may suggest that the person is being compliant to a person in authority, or does not understand what the procedure is for, or its risks
- The person does not appear to understand the risk of not treating their illness (eg. doing nothing)

What support could be provided?

Some treatments have significant effects on a person, such as operations and cancer treatments. Therefore, giving informed consent means the person will need to learn some complex information, as outlined below. Support options could include:

- talking with your usual GP
- meeting/s with the specialist health professional to hear an explanation about the condition that needs treating, what the treatment will do (and whether they will feel a difference in themselves after it), whether the recovery and rehabilitation is for a short time or ongoing, if there are any side-effects or long-term risks, the risks of not taking the recommended treatment, and if there are alternative treatments
- Discussion/s with carers about how they can provide support, such as increasing support at home, attending appointments with the person
- Access to factsheets, diagrams or videos about the condition and recommended treatment
- Discussion with someone else who has a similar situation
- For simpler procedures, the information may be easier to learn and the person may need less support
- Look at ADA Law Health Decision Making Flowcharts and Resources <https://adalaw.com.au/healthcare-decision-making/>

Who can provide the support?

Anybody can help, including:

- Trusted friends or family
- Someone you trust and may be considered to be your Statutory Health Attorney (SHA)
- An Advocate
- Services / Healthcare Providers (incl Social Workers)
- The person's usual health care provider (GP) / a specialist

Consenting to Medication

What is the decision?

- When a health professional prescribes a specific medication, the decision for an adult is whether or not to consent to taking it.

How is this done?

- By weighing up the pros and cons of the options available

Clues that the person may need support to get help

- The person believes that they must do what the doctor says - this belief suggests that the person doesn't understand that there is a decision (choice) that needs to be made
- The person accepts the recommended medication without questions - this may suggest that the person is being compliant to a person in authority, or does not understand what the medication is for, or its risks
- Perhaps unusually, the person does not follow reasonable medical advice given by their trusted health professional

What support could be provided?

Some medications have significant effects on a person, such as psychotropic or contraceptive medications. Therefore, giving informed consent means the person will need to learn some complex information, as outlined below. Support options could include:


- talking with your GP
- meeting/s with the prescribing health professional to hear an explanation about the condition that needs treating, what the medication will do (and whether they will feel a difference in themselves when taking it), whether it is for a short time or ongoing, if there are any side-effects or long-term risks, the risks of not taking the medication, and if there are alternative treatments
- Discussion with the person to learn why they do / do not wish to take the medication. What are the options/risks of this option. Explore what consequences they think could happen and how they formed this view
- Discussion/s with staff about how they can provide support, such as help to get the medication from the pharmacy, reminders to take the medication, and what staff can do if the person refuses the medication
- Access to factsheets, diagrams or videos about the condition and recommended medication
- Discussion with someone else who takes the medication
- For simpler medications, the information may be easier to learn and the person may need less support.

Who can provide the support?

Anybody can help, including:

- Trusted friends or family
- Someone you trust and may be considered to be your Statutory Health Attorney (SHA)
- An Advocate
- Services / Healthcare Providers (incl Social Workers)
- The person's usual health care provider (GP) / a specialist

Healthcare Support Checklist

 **Remember:** formal Guardianship is the MOST restrictive option available, and must only be considered as the LAST Resort. Absolutely all reasonable steps must have been taken first, and found insufficient


| Healthcare | Taking medications as needed | Managing personal cares | Making Decisions about medical treatment/ choosing health provider |
|--|------------------------------|-------------------------|--|
| <p>What informal supports/strategies are available for these decisions? [Does the person have friends / family / professionals available to help?]</p> | | | |
| <p>What would it take for the person to make this decision? [eg Assistive Technology, Interpreter, Written/Picture Information, Professional Advice, Time ...]</p> | | | |
| <p>Are these challenges temporary or reversible? [eg Mental illness, Illness, Sensory Impairment, Grief, Cultural, Medication Side Effects...]</p> | | | |
| <p>Challenges / Barriers [Make note of whether these are temporary (short term) or longterm] [eg Eligibility / Cost / Risk of Undue Influence / Neglect / Family Disputes / Lack of Supporters ...]</p> | | | |
| <p>Have these options been tried?</p> <ul style="list-style-type: none"> • Advance Health Directive (AHD) • Statutory Health Attorney • Mediation / Family Meetings • Attorney under AHD • Attorney under Enduring Power of Attorney (EPOA) <p>If not, what are the barriers?</p> | | | |
| <p>NB. seek legal advice about what options may be available and before applying for a formal decision maker, confirm and document that all the above steps have been explored and are insufficient</p> | | | |
| <p>For those areas where you have concern, what informal strategies have you tried? What problems remain?</p> | | | |
| <p>If ultimately a formal Decision Maker is considered necessary, what is the least amount of time, and power, suggested for the appointment? [eg. Only to arrange Services, short time...]</p> | | | |

5.

Getting Help: Personal Wellbeing



Personal Choice and Safety Support Checklist

 **Remember:** formal Guardianship is the MOST restrictive option available, and must only be considered as the LAST Resort. Absolutely all reasonable steps must have been taken first, and found insufficient

| Relationships and personal safety | Having access to relationships that matter to the person | Recognising and avoiding abuse |
|---|--|--------------------------------|
| <p>What informal supports/strategies are available for these decisions? [Does the person have friends / family / professionals available to help?]</p> | | |
| <p>What would it take for the person to make this decision? [eg Assistive Technology, Interpreter, Written/Picture Information, Professional Advice, Time ...]</p> | | |
| <p>Are these challenges temporary or reversible? [eg Mental illness, Illness, Sensory Impairment, Grief, Cultural, Medication Side Effects...]</p> | | |
| <p>Challenges / Barriers [Make note of whether these are temporary (short term) or longterm] [eg Eligibility / Cost / Risk of Undue Influence / Neglect / Family Disputes / Lack of Supporters ...]</p> | | |
| <p>Have these options been tried? <ul style="list-style-type: none"> • Mediation / Family Meetings • Attorney under Enduring Power of Attorney (EPOA) • Nominee with NDIA If not, what are the barriers? </p> | | |
| <p>NB. seek legal advice about what options may be available and before applying for a formal decision maker, confirm and document that all the above steps have been explored and are insufficient</p> | | |
| <p>For those areas where you have concern, what informal strategies have you tried? What problems remain?</p> | | |
| <p>If ultimately a formal Decision Maker is considered necessary, what is the least amount of time, and power, suggested for the appointment? [eg. Only to arrange Services, short time...]</p> | | |

6.

Getting Help: Finances

including Centrelink



Did You Know?



Financial Advice and Planning

Banking

You can nominate someone you trust to help you with banking
- Talk to your bank about appointing a SIGNATORY



Speak to a Financial Advisor for advice and information about strategies for your future finances

Your Accountant, bank or Superannuation Fund may be able to help you with Financial planning and information



Getting by without a Financial Administrator
You may not need a formally appointed Financial Administrator. Speak with your trusted advisors about Financial Counselling



Enduring Powers of Attorney
You can appoint people you know and trust to help you manage your finances - Speak to your lawyer




Your Options, Your family

Your Family Solicitor may be able to help you make decisions about your future and help with planning eg EPOAs / AHDs

Did You Know?

Financial Advice and Education



Look at MoneySmart.gov.au for free info, ideas and tools

Financial Capability Worker
Do you want to learn how to manage your own finances? Ask to speak with a Financial Capability Worker



Enrol in free courses: learn how to budget, avoid scams and traps and be moneywise and independent

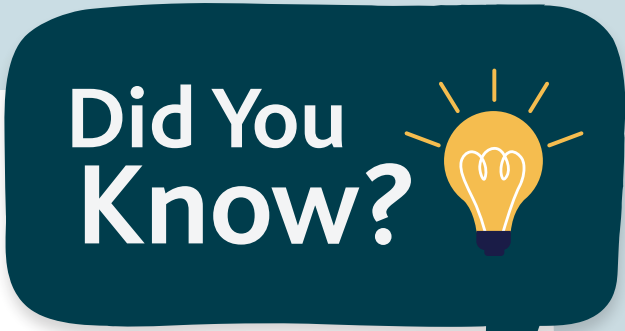
MoneyMinded



SCAMWATCH

Financial Counsellor
A Financial Counsellor may be able to help you organise your finances, avoiding the need for a financial Administrator





Centrelink

**Centrelink's
Centrepay
service can
manage your
bills for you**



**You can appoint a trusted supporter to be
your Centrelink NOMINEE**




**Centrelink have Financial
Information Service (FIS) Officers
who can give you information
about your options**



Helpers and what they can do to help you at Centrelink:

| Your authorised person or organisations can: | Person permitted to enquire | Person permitted to update | Correspondence nominee | Payment nominee |
|--|-----------------------------|----------------------------|------------------------|-----------------|
| Ask us questions about your payments or services | ✓ | ✓ | ✓ | ✓ |
| Tell us about changes to your circumstances | ✗ | ✓ | ✓ | ✗ |
| Respond to requests for information | ✗ | ✓ | ✓ | ✗ |
| Come to appointments with you or, if appropriate, on your behalf | ✗ | ✗ | ✓ | ✗ |
| Complete and sign forms and statements | ✗ | ✗ | ✓ | ✗ |
| Get copies of your letters | ✗ | ✗ | ✓ | ✗ |
| Get your Centrelink payments, and use them only for your benefit | ✗ | ✗ | ✗ | ✓ |
| View and update your information online | ✗ | ✗ | ✓ | ✓ |
| Claim payments and services for you | ✗ | ✗ | ✓ | ✗ |

Money Management Checklist

 **Remember:** formal Guardianship is the MOST restrictive option available, and must only be considered as the LAST Resort. Absolutely all reasonable steps must have been taken first, and found insufficient

| | | | |
|-------------------------|---|--|--|
| <p>Money Management</p> | <p>Managing accounts, assets, income, pensions, etc</p> | <p>Recognising exploitation or abuse</p> | <p>Dealing with major assets - e.g. house, investments</p> |
|-------------------------|---|--|--|

| | | | |
|--|--|--|--|
| <p>What informal supports/strategies are available for these decisions? [Does the person have friends / family / professionals available to help with this?]</p> | | | |
| <p>What would it take for the person to make this decision? [eg Assistive Technology, Interpreter, Written/Picture Information, Professional Advice, Time ...]</p> | | | |
| <p>Has the person completed courses such as MoneyMinded or met a Financial Counsellor? Details: _____</p> | | | |
| <p>Are these challenges temporary or reversible? [eg Mental illness, Illness, Sensory Impairment, Grief, Cultural, Medication Side Effects, negative influences...]</p> | | | |
| <p>Challenges / Barriers [Make note of whether these are temporary (short term) or longterm] [eg Eligibility / Cost / Risk of Undue Influence / Neglect / Family Disputes / Lack of Supporters ...]</p> | | | |
| <p>Have these options been tried? <ul style="list-style-type: none"> • Signatory on bank account • Nominee at Centrelink • Mediation / Family Meetings • Authorised Agent (for RACF, Telstra, etc) • Attorney under EPOA If not, what are the barriers? </p> | | | |

NB. seek legal advice about what options may be available and before applying for a formal decision maker, confirm and document that all the above steps have been explored and are insufficient

| | | | |
|--|--|--|--|
| <p>For those areas where you have concern, what informal strategies have you tried? What problems remain?</p> | | | |
| <p>If ultimately a formal Decision Maker is considered necessary, what is the least amount of time, and power, suggested for the appointment? [eg. Only for selling home, 6 months...]</p> | | | |

7.


Getting Help: Legal Matters




Did You Know?





Enduring Powers of Attorney (EPOA)

 An Enduring Power of Attorney (EPOA) is a legal document. The powers and responsibilities granted are legally binding


 The person making an EPOA is called the Principal


 A lawyer or Justice of the Peace can witness an EPOA in Qld


 A principal always has the right to information about them, including financial records and EPOAs, even if an attorney is making decisions

 A principal always has the right to complain (including about their attorney/s)


 A principal always has the right to independent advocacy or legal advice, or complain, even if they have impaired decision-making capacity

 An Attorney is a person who has been given decision-making responsibility in an Enduring Power of Attorney

 An Attorney/s must produce a copy of the EPOA if acting as someone's decision maker.


 A principal may appoint several attorneys.

 Speak with a lawyer to get advice about EPOAs and AHDs

 An Attorney/s must listen to the Principal, and make decisions in line with the principal's views, wishes and interests.

An attorney is a Fiduciary. This means only the Principal's interests matter.

Formal / Legal (Financial) Decision Making Checklist

 **Remember:** formal Guardianship is the MOST restrictive option available, and must only be considered as the LAST Resort. Absolutely all reasonable steps must have been taken first, and found insufficient


| Decision Making | Understanding legal documents (e.g. contracts, lease, EPOA) | Communicating wishes | Completing financial transactions (e.g. house sales) |
|-----------------|---|----------------------|--|
|-----------------|---|----------------------|--|

| | | | |
|--|--|--|--|
| <p>What informal supports/strategies are available for these decisions? [Does the person have friends / family / professionals available to help with this?]</p> | | | |
| <p>What would it take for the person to make this decision? [eg Assistive Technology, Interpreter, Written/Diagram Information, Professional Advice, Time, Training Videos...]</p> | | | |
| <p>Are these challenges temporary or reversible? [eg Mental illness, Illness, Sensory Impairment, Grief, Cultural, Medication Side Effects...]</p> | | | |
| <p>Challenges / Barriers [Make note of whether these are temporary (short term) or longterm] [eg Eligibility / Cost / Risk of Undue Influence / Neglect / Family Disputes / Lack of Supporters ...]</p> | | | |
| <p>Have these options been tried? <ul style="list-style-type: none"> • Mediation / Family Meetings • Financial Attorney under Enduring Power of Attorney (EPOA) If not, what are the barriers? </p> | | | |

NB. seek legal advice about what options may be available and before applying for a formal decision maker, confirm and document that all the above steps have been explored and are insufficient

| | | | |
|--|--|--|--|
| <p>For those areas where you have concern, what informal strategies have you tried? What problems remain?</p> | | | |
| <p>If ultimately a formal Decision Maker is considered necessary, what is the least amount of time, and power, suggested for the appointment? [eg. Only for selling home, 6 months...]</p> | | | |

Formal / Legal (Non-Financial) Decision Making Checklist

 **Remember:** formal Guardianship is the MOST restrictive option available, and must only be considered as the LAST Resort. Absolutely all reasonable steps must have been taken first, and found insufficient

| Decision Making | Understanding legal documents (e.g. Criminal, Child Safety, Family Law - not financial) | Communicating views and wishes | Completing legal proceedings & consequences (e.g. entering a plea) |
|-----------------|---|--------------------------------|--|
|-----------------|---|--------------------------------|--|

| | | | |
|---|--|--|--|
| What informal supports/strategies are available for these decisions? <small>[Does the person have friends / family / professionals available to help with this?]</small> | | | |
| What would it take for the person to make this decision? <small>[eg Assistive Technology, Interpreter, Written/Diagram Information, Professional Advice, Time, Training Videos...]</small> | | | |
| Are these challenges temporary or reversible? <small>[eg Mental illness, Illness, Sensory Impairment, Grief, Cultural, Medication Side Effects...]</small> | | | |
| Challenges / Barriers [Make note of whether these are temporary (short term) or longterm] <small>[eg Eligibility / Cost / Risk of Undue Influence / Neglect / Family Disputes / Lack of Supporters ...]</small> | | | |
| Have these options been tried? <ul style="list-style-type: none"> • Mediation / Family Meetings • Personal Attorney under Enduring Power of Attorney (EPOA) If not, what are the barriers? | | | |
| NB. seek legal advice about what options may be available and before applying for a formal decision maker, confirm and document that all the above steps have been explored and are insufficient | | | |
| For those areas where you have concern, what informal strategies have you tried? What problems remain? | | | |
| If ultimately a formal Decision Maker is considered necessary, what is the least amount of time, and power, suggested for the appointment? <small>[eg. Only for Legal proceeding, 1 year...]</small> | | | |

Dictionary

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| Advance Health Directive (AHD) | a legal document completed by a person to instruct health professionals, and to appoint health decision makers for the future, in case the person is unable to make some or all of their own health decisions |
| Advocate | an independent party to help a person raise an issue, access more information, know their rights, eg Aged Care Advocate, Disability Advocate |
| Aged Care Assessment Team (ACAT) | a government agency which provides an assessment of a person if they, or someone who knows them, thinks they may need help with services or moving into aged care |
| Aged Care Quality and Safety Commission (ACQSC) | the national regulator of aged care services, responsible for accreditation, assessment and monitoring of aged care services in Australia |
| Attorney | a person legally appointed by a person to make decisions for the person (Personal and / or Financial) during periods when they are unable to make their own decisions. NB. financial attorneys may be authorised to make decisions even when the person is able |
| Care Finders | Care finders is a free service which supports vulnerable people (those who have no one else to support them) to learn about, apply for and set up support services |
| Centrelink | a free bill paying service offered by Centrelink |
| Elder Abuse Prevention and Support Service | Relationships Australia provides a free case management service providing assistance to those at risk or experiencing elder abuse through individual support and referral |
| Enduring Power of Attorney (EPOA) | a legal document completed by a person to appoint decision makers for the future, in case the person is unable to make some or all of their own decisions |
| Financial Administrator | a decision maker appointed by QCAT to make financial decisions such as selling a home, paying bills, settling an estate |
| Financial Information Service (FIS) Officer | a specialist Centrelink employee who can give information about Centrelink options |
| Guardian | a decision maker appointed by QCAT to make personal decisions such as where a person will live, arranging a lawyer, consenting to services, etc |

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| Local Area Coordinator (LAC) | an organisation assigned to help local residents with accessing the NDIS |
| My Aged Care (MAC) | the government service which assists older people to access help at home or accommodation in residential aged care |
| National Disability Insurance Scheme (NDIS): | the government scheme which provides funded services to people with disability, to assist them with daily living |
| Nominee | someone chosen by a person to help them deal with Centrelink/MAC |
| Participant | the NDIA/NDIS/MAC uses this term to describe the person who receives the services and support |
| Plan Manager | someone chosen by a person to manage the service provider fees |
| Plan Nominee | someone chosen by a person to help them deal with NDIS |
| Power | for formal decision making - a decision maker can only act in the scope or power for which they have been appointed |
| Restrictive | formal powers should be for minimal scope and for shortest period |
| Seniors Legal and Support Service (SLASS) | SLASS provides free legal and social work support to people (aged 60 + or 50+ for First Nations people) who are experiencing elder abuse, mistreatment or financial exploitation. |
| Services | help at home to keep a person independent and well as long as possible, eg lawn mowing, keeping their home clean, getting to appointments, shopping and help with medication |
| Statutory Health Attorney (SHA) | a person who can make healthcare decisions for a person while they are unable to. Eg spouse, carer, friend, family, Public Guardian |
| Support Coordinator | someone funded by NDIS to help a person access services and manage the workers |
| Queensland Civil and Administrative Tribunal (QCAT) | the tribunal responsible for appointing and removing Guardians and Financial Administrators, and reviewing Attorneys' actions |

Contact Details

Government Agencies

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| My Aged Care (MAC) | https://www.myagedcare.gov.au |
| National Disability Insurance Scheme (NDIS) | https://www.ndis.gov.au |
| The Public Trustee of Queensland | https://www.pt.qld.gov.au |
| Office of the Public Guardian | https://www.publicguardian.qld.gov.au |
| Queensland Civil and Administrative Tribunal QCAT | https://www.qcat.qld.gov.au |
| Office of Public Advocate | https://www.justice.qld.gov.au/public-advocate |

Advocacy and Other Help

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| ADA Australia | https://www.adaaustralia.com.au |
| Elder Abuse Prevention Unit (EAPU) Helpline (1300 651 192) | https://eapu.com.au/elder-abuse-helpline/ |
| Queensland Advocacy for Inclusion | https://www.qai.org.au |
| Queensland Law Society | https://www.qls.com.au |
| Older Persons Advocacy Network (OPAN) | https://www.opan.org.au |

Local Area Coordinators

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| Carers QLD Australia | https://www.carersqld.com.au |
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Resources

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| ADA Law - Healthcare Decision Making | https://adalaw.com.au/healthcare-decision-making/ |
| Queensland Government Publications - Capacity Assessment Guidelines | https://www.publications.qld.gov.au/dataset/capacity-assessment-guidelines/ |