NDIS Supported Decision Making Implementation Plan

April 2023

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1. Policy purpose

The purpose of the Supported Decision Making Policy (the Policy) is to improve the way people with disability are supported to make decisions in the NDIS.

The Policy looks at how we support people with disability to make decisions. The Policy is the first step in addressing challenges faced by people with disabilities and their supporters to improve our approach to supported decision making.

2. Implementation plan

We are committed to working together to implement the policy with the people it effects.

We understand that for the implementation of the Policy to be successful we must have strategies for both participants and their decision supporters.

The Supported Decision Making Implementation Plan has the actions we need to take to achieve the policy purpose. These actions reflect the feedback from stakeholders during national consultation and the co-design of this policy.

We will continue to involve participants who benefit most from supported decision making in overseeing the delivery of the Implementation Plan.

Future work

We are working towards a NDIS that is simpler and easier to use. This increases opportunity for participants and people with disability to make decisions about the NDIS.

Providing supports to meet complex communication needs is closely linked to increasing the opportunity for participants to make decisions. In co-design, participants said that they want the NDIS to communicate with them directly on the decisions that matter. We heard:

- It can feel like people (including NDIA staff and partners) only want to communicate with their family, carer, support coordinator or nominee
- There are barriers to using our systems, such as for people using voice to text.

To successfully implement the Policy, further work will be needed on supports for participants with complex communication needs.

We also need a clear position on consent, and on conflict of interest and the independence required when interacting with participants. Conflict of interest will be considered in the Review of the NDIS.

Table 1 – Implementation plan actions

Increase opportunity for participants to make decisions

Action	Outputs

Increase the opportunity for participants to:
 	
- **Make decisions about their life**
 	
- **Have real choice and control**
	1. Develop and promote resources about supported decision making in the NDIS. This includes:
	  a. Materials that describe supported decision making
	  b. Identify, explain and promote the decision making points in key NDIS processes
	  c. Consent forms with decision support needs and complex communication needs in mind (including Easy Read, pictures, or with difficult concepts broken down)
	  d. Our Guideline on supported decision making
	  e. Guidance on conflicts of interest and undue influence
	  f. Guidance and resources for Support Coordinators in working with participants to support their decision making
	  g. Guidance and resources for Plan Managers in working with participants to support their decision making
	2. Improve processes to promote supported decision making where a participant is approaching the transition from childhood to adulthood
	  a. Strengthen decision making approach in the transition period where a participant is approaching 18 and will no longer have a child representative
	  b. Develop supported decision making guidance and materials to discuss options and decision supports at this transition
	3. Work with community, sector, and government to promote the use of supported decision making
	  a. Share what we have heard in co-design
	  b. Identify opportunities aligned with Information Linkages and Capacity grants

Action	Outputs
	c. Strengthen requirements on Support Coordinators in relation to support for decision making. This includes clarifying that support coordinators are not representatives and do not make decisions on behalf of participants
	4. Empower participants with funding for Supported Independent Living at home to access independent supported decision making resources

Support participants to make decisions

Action	Outputs

Support people with disability to build their skills and knowledge to explore and make decisions
 	
• **understand and identify decision support needs;**
 	
• **support participants to develop decision making skills; and**
 	
• **connect participants to decision supports**
	5. Develop a process to understand each participant's need for supported decision making and connect participants with the support they need. This includes:
	
	a. Identify and document decision support needs in plans
	
	b. Identify and record in the participant's plan their support networks, relationships and any decision supporter
	
	c. Develop an inventory of supports which include peer support networks and other supports funded through ILC, state and territory governments or mainstream service systems
	
	d. Identify participants who have limited informal supports or single service providers and connect participants with best available supports
	
	e. Promote the current and future NDIS Guides for Understanding Supports, including:
	
	    ○ Employment supports
	    ○ Children who are deaf or hard of hearing
	    ○ Checklist for understanding supports

Action	Outputs
	f. Identify participants with funding for Supported Independent Living at home who may benefit from additional decision making support in their NDIS plan
	g. Identify and promote practical worked examples of supported decision making

Build skills and knowledge of decision supporters

Action	Outputs
Build the skills and knowledge of decision supporters to recognise and enable the will and preference of participants in decision making	**6.** Develop and promote practical resources for decision supporters to use. We will:
	a. Connect families, carers and decision supporters to supported decision making training and resources that are relevant to them and developed by people who have lived experience. This includes partners making referrals to local community organisations
	b. Publish or promote guidance and resources on working with people to support their decision making
	c. Clarify the roles and responsibilities of nominees
	d. Develop an operational framework for Consent and Informed Decision Making
	e. Identify and promote best-practice supported decision making procedures
	f. Identify and promote practical worked examples of supported decision making

Build skills and knowledge of Agency staff and partners

Action	Outputs
Build the skills and knowledge of Agency staff and partners to recognise and enable the will and preference of participants in decision making	7. Develop and promote resources for NDIS staff and partners, including: a. Assess staff training needs and gaps in understanding, explore opportunities to address these gaps (including existing resources/products/tools), and deliver NDIS specific training b. Improve staff understanding and knowledge around the types of nominee appointments and their role c. Develop clear practice guidance for planners around the use of the short-term funded decision support line item 'Assistance with decision-making, daily planning and budgeting'. This will cover when and how it should be applied in a participant's plan d. Training on how to obtain and evaluate evidence of support needed to make decisions 8. Implement supported decision making principles and models into NDIA service and system design, including: a. Use data to predict when supported decision making may be needed, with a focus on life stage transitions (such as moving out of the family home for the first time) b. Recognise the role of supporters in supporting participants to make decisions c. Develop processes to ensure NDIS partners are well connected with capacity building supports in their area d. Identify and promote practical worked examples of supported decision making

Appointment, operation and review of nominees

Action	Outputs
Strengthen support for decision making approach in the appointment, operation and review of nominees	9. Review and improve the approach to appoint and review nominees, including: a. Review the current operational steps in the consideration of a nominee b. Develop a risk assessment process for potential nominees prior to appointment c. Record, define and display in business systems instruments of appointment and letters of appointment, including if the appointment of a nominee was participant-initiated or CEO-initiated d. Provide options to limit the actions and duties of the nominee, and review these options with the participant at check-ins e. Develop clearer process for when there is no one willing, able or suitable to appoint as a person's nominee (noting that the position of a nominee is voluntary, not remunerated and requires the nominee's consent) f. Establish processes to review existing nominee appointments, review points, cancellations and suspensions g. Implement formal identity confirmation processes and thresholds for authentication for all decision supporters h. Update the nominee Instrument of Appointment. i. Identify and promote practical worked examples of supported decision making.