#

# **Information Sheet: NDIS Service decision-making and Guardianship**

**Overarching principles that underpin NDIS Service Decision-making and Guardianship**

* Adults with disabilities have the right to make their own decisions, or to participate as fully as possible in decision-making.
* Persons with disability are to be provided with support to help them make and implement decisions.
* Families, carers, significant people, advocates and helping professionals (“supporters”) have a legitimate and important role in supporting people with disabilities with decision-making.
* Substitute decision-making should only be used as a last resort, when all forms of support have been exhausted.
* Adults are assumed to have the capacity to make a decision unless it is established that the person is unable to understand, retain and weigh up information relevant to the decision, and to communicate the decision *by some means*.
* Decision-making capacity is specific to the decision at hand, and can fluctuate depending on a range of factors, including the complexity of the decision, the person’s physical and emotional health, and, importantly, the support they have to make the decision.

### **Role and expectations of Guardians**

|  |  |
| --- | --- |
| **Guardians will:** | **Guardians will not:** |
| Only make NDIS related decisions if they have relevant authority to do so. | Contact specific service providers for matters pertaining to plan implementation. |
| Advocate for supported decision making where possible.  | Sign service agreements for supported or substitute consent.  |
| Make a substitute decision if a person is unable to be supported to make a decision about the services they receive, or where the decision is complex or contentious. | Sign any other documentation that is outside of that required to effect a guardian’s decision. |
| Where a substitute decision is required, the guardian will provide written consent to confirm the decision made. The provision of written consent will not delay the implementation of a guardian’s decision that may be confirmed verbally in the first instance. | Provide a case management role or be involved in the day to day operation of a person’s supports. |
| Ensure the person is provided with the necessary support to make decisions about support coordination and provide a letter of consent to formalise this decision, so as to avoid a conflict of interest for the Support Coordinator. | Make decisions regarding the persons’ finances, including the management of NDIS Plan funds.  |
| Communicate directly with Service Providers, as and when required. |  |
| Approve *Third Party Consent* and *Consent for the NDIA to Share Information* forms and provide a copy to the NDIA. |  |
| Attend Plan Review Meetings as and when required, at the discretion of the guardian. |  |

### **Role and expectations of Support Coordinators**

|  |
| --- |
| Provide the participant with support to make their own decisions about services and service providers. Where participants can’t understand a service agreement, this shouldn’t impact on their ability to be able to choose a service provider. Some participants will be able to, and want to, sign their service agreement. Others will not.  |
| Refer support coordination service decisions to the Guardian for consideration and decision. |
| Ensure all service agreements are in line with the participants NDIS Plan and where there are no contentious issues regarding the services being received, process all service agreements. |
| Request Service Providers use Easy Read service agreements where this will meet the person’s needs. |
| Communicate as and when required with the Guardian to discuss service engagement and provide a copy of the Implementation Report and Plan Review report when provided to the NDIS.  |
| Ensure Plan Review Reports are provided to the Guardian at least three days in advance of a plan review to allow the guardian to determine whether their attendance is required. |
| Raise issues or concerns about quality of service, timeliness of service delivery or conflicts of interest with providers directly and with the guardian where necessary (e.g. when a matter cannot be resolved). |
| Share relevant information with health professionals and services, for the purpose of plan implementation and/or to carry out assessment and deliver the service(s). |
| Monitor plan expenditure, identify the need for and seek plan reviews when supports are not meeting the person’s needs. |
| Obtain consent (either from the participant or the guardian depending on the circumstances) via a *Third Party Consent Form* and *Consent for the NDIA to Share Information*, to provide and receive plan information, as well as to facilitate outcomes such as a plan review. |
| Seek clarification from the guardian if unsure about whether a particular issue requires a substitute decision on the person’s behalf. |

### **Role and expectations of Service Providers**

|  |
| --- |
| Work with the Support Coordinator and participant to progress quality service provision and timely service delivery. |
| Refer all service agreements to the Support Coordinator to ensure all service agreements are in line with the participants NDIS Plan |
| Provide participants with Easy Read documentation to ensure they can understand and participate to the best of their ability in the service/s provided.  |
| Where a participant is unable to make supported decisions, refer service decisions to the Guardian, via the Support Coordinator for substitute consent.  |