



Supported decision-making in aged care

Applying supported decision-making in your daily work

The Department of Health, Disability and Ageing has developed this presentation to help you understand the changes introduced by the *Aged Care Act 2024* (the Act), and how they might apply to you.

The Department of Health, Disability and Ageing reserves the right to add or change supplementary information to this presentation as needed.



Overview

This presentation is for aged care workers (including staff and volunteers) working and engaging with older people who are currently receiving or are seeking government funded aged care services. It covers three key components:



Part 1

Supported decision-making

Why is it important?

“Sometimes it’s about our physical independence ...but it’s also about **feeling independent** in making decisions.

So that’s about your wants, your wishes, your preferences being **valued by other people**.

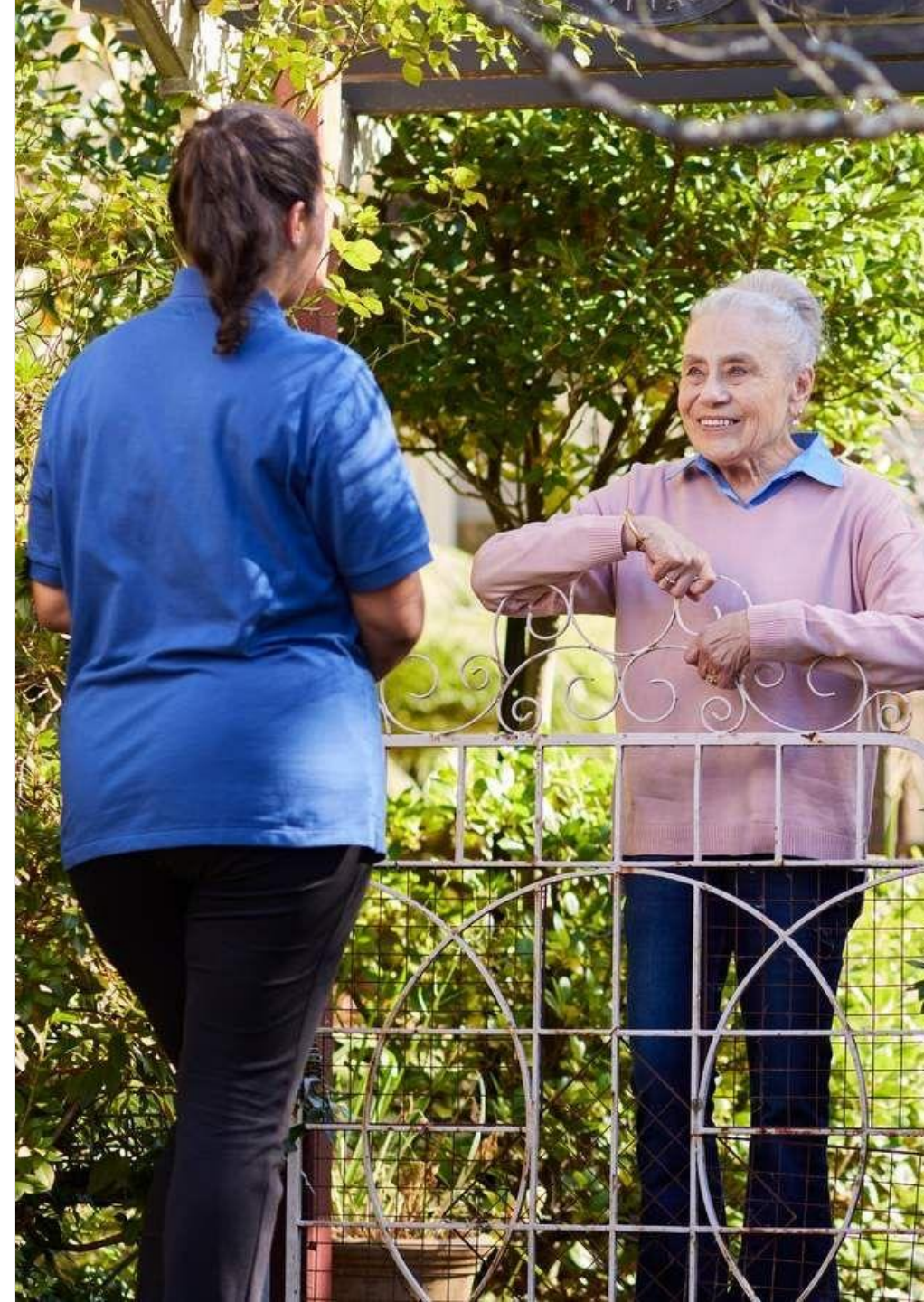
That’s sometimes really hard when you’ve got people around you, who keep saying:

‘But we care about you, we really want to do the right thing’”

– *Anne Burgess*

Chair, Aged Care Council of Elders

Chair, Aged Care Act Transition Taskforce



What is supported decision-making?

The process of providing support to help people to **make and communicate** their **own decisions**, rather than having decisions made for them. This allows older people to remain in control of their lives. This support may involve a range of persons, services, and assistive technologies.

Principles of supported decision-making under the new Act

- recognising that older people have the right make their own decisions
- presuming that older people have the ability to make their own decisions
- recognising that older people have the right to be supported, if necessary, to make and communicate their decisions
- working in partnership with older people to meet their needs, choices, and preferences.

The Disability Royal Commission recommended 10 principles for supported decision-making, which have been adapted to the registered supporter context.

Principles of supported decision-making under the new Act

1. Recognition of the equal right to make decisions
2. Presumption of decision-making ability
3. Respect for dignity and dignity of risk
4. Recognition of informal supporters and advocates
5. Access to support
6. Decisions directed by will and preferences
7. Inclusion of safeguards
8. Co-designed processes
9. Recognition of diversity
10. Cultural safety

What is not supported decision-making?

- older people being asked about their wishes, but the provider's, worker's or family's wishes, needs or preferences are given priority over the decision
- talking older people out of an idea, decision, wish, need or preference
- no room for change of mind, discussion
- a one-off or task-based arrangement.

Part 2

Registered supporters

Registered Supporters

Registered supporters must act in line with an older person's will and preferences.
When they are doing this, they can:

**Help to make and
communicate decisions**



**Help to access and
understand information**



**Request information
about aged care services**



Duties of a registered supporter

- act honestly, diligently, and in good faith
- act in a way that promotes the older person's will and preferences, and their personal, cultural and social wellbeing
- support the older person only to the extent needed for them to make their own decisions
- declare, and avoid or manage, conflicts of interest.

Appointed decision-makers

- some registered supporters also have guardianship, enduring power of attorney, or similar legal authority for an older person
- these people are called ‘appointed decision-makers’ and can make decisions on behalf of an older person under Commonwealth, state or territory legal arrangements
- simply becoming registered as a supporter **does not** give a person decision-making authority for an older person
- only appointed decision-makers can make decisions on behalf of the older person in line with their active, legal authority.

Part 3

Your role in supporting decision-making

Your role in supporting an older person's autonomy

- You play a critical role in upholding the rights of older people to make their own decisions, with support if necessary.
- You have an obligation to communicate and consult with older people to plan and review how their care and services are delivered.
- Registered supporters can assist, but their presence does not replace the need for providers and workers to actively engage with the older person.
- Older people can also be supported in any other way they want or need. They do not need to be supported by a registered supporter.

Support is directed by the older person

An older person is presumed to be able to make their own decisions, and providers and workers should only be engaging with a registered supporter (or anyone else who supports the older person) at the older person's direction or in line with the older person's **will and preferences**.



It is not a transactional process

Supported decision-making is more than interacting with a registered supporter. It must centre on empowering the older person to express their own choices, will and preferences, with support only when wanted or needed.



It is not a transactional process – an example

When planning meals for Norman, a worker needs to know about Norman's food preferences and needs to record this in his care plan .

The worker sits with Norman and kindly asks him directly:

- “What kinds of food do you enjoy most?” “Is there anything you would like to try next week?”

Norman is unsure. Norman's registered supporter asks Norman if he needs more time to think about this. Norman says he would like more time and will talk about it with the worker tomorrow. The registered supporter double checks the worker understands Norman needs more time to explore this decision. The worker respects this is what Norman needs to make his own decisions. The registered supporter brings visuals to help Norman remember what food choices are available. Norman identifies his favourite foods are fresh fruit and likes to eat with company.

The worker returns to the conversation the next day and asks Norman if he has decided on his food preferences. Norman shares what he discussed and decided with his registered supporter and the worker confirms his choices. The worker notes his preferences and organises for Norman to join group mealtimes.

The worker continues to check in regularly with Norman to see if any review of the food choices recorded in his plan needs to happen

Go-to prompts

Quick phrases to ensure focus remains on the older person

- How would you like me to help you make this decision?
- It is your choice, [name of the registered supporter] can help you, but you decide.
- Would you like [name of the registered supporter] involved in this decision? How would you like them to support you?
- [Refer to the registered supporter], I would like to hear what [older person's] decisions or wishes are.

Be alert to the risk of abuse

- be alert to the risk of registered supporters not performing their role or not upholding their duties in line with the Act
- being a registered supporter does not allow the supporter to make decisions for the older person
- only appointed decision makers can make decisions on behalf of the older person and only decisions that are in line with their active, legal authority.



Be alert to the risk of abuse

Signs that the registered supporter may not be acting in line with their role



The registered supporter speaks over or contradicts the older person



The registered supporter refuses to allow you to check-in privately with the older person



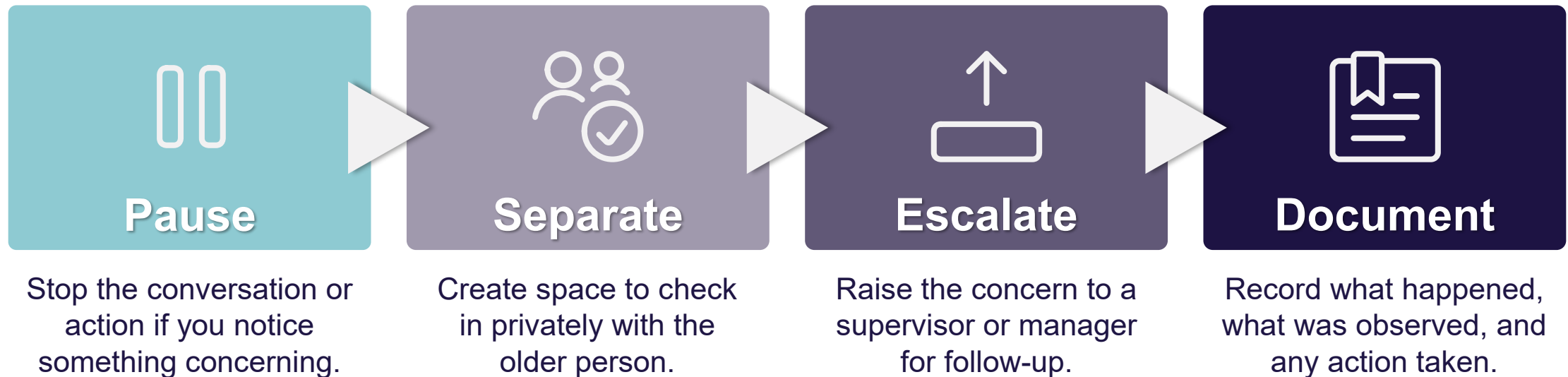
The older person changes their views or is reluctant to speak-up when their registered supporter is around



Signs of pressure or coercion from the registered supporter.

What to do if you observe signs of abuse

If you notice signs of abuse: ***Pause – Separate – Escalate – Document***



Anyone can raise a concern or a complaint about a registered supporter to the System Governor. The System Governor has powers to suspend and cancel the registration of a supporter under the Act.

Be alert to the risk of abuse – an example

Ken's registered supporter tells the worker from his home care provider that Ken no longer wants transport to his weekly shopping outing.

The worker notices Ken looks upset and quiet but does not speak up while the registered supporter is present (a sign he may be reluctant to share his views around them).

The worker pauses the conversation, acknowledging the registered supporter's comment but not finalising any changes.

Once the registered supporter departs, the worker gently checks in with Ken privately: "Ken, is that what you would like?"

Ken explains that he still enjoys his weekly shopping trips.

The worker arranges the transport, records Ken's preference, and raises the concern with their supervisor.

The worker documents what was observed (Ken's distress, registered supporter failing to act in line with Ken's will and preferences), Ken's stated preference in his own words, the actions taken, and the escalation to management.

The worker's manager raises the concern with My Aged Care.

Manage differing views respectfully

- an older person may have more than one registered supporter
- it is important to focus on the older person's decisions, even where registered supporters hold differing views.
- It is **not** the role of a registered supporter to make decisions for an older person. Registered supporters must always act in line with the older person's **will and preferences**.



Manage differing views respectfully – an example

Jenny's two registered supporters disagree about how often she should attend exercise classes.

The worker caring for Jenny knows that it is not the role of a registered supporter to decide what an older person *should* do.

The worker steps in: "Thank you for your perspectives. Let us ask Jenny...Jenny what feels right for you?"

When Jenny expresses that she would like to attend the Wednesday and Friday classes, the worker confirms "great, that is the plan we will follow."

The worker reminds the registered supporters that their role as registered supporter is to provide support only at Jenny's direction, noting Jenny's request was to help explain and complete the form not decide her preferences.

Direct communication is essential

Always seek to confirm decisions directly with the older person, even when a registered supporter is present, unless the older person has specifically asked the registered supporter to communicate their decision for them.



Direct communication is essential – an example

During Mae's care review, her registered supporter begins answering all the questions.

The worker undertaking the review notices and says warmly "Thank you, I would like to hear from Mae first. Mae, are you comfortable answering these questions and seeking your view first?".

Mae indicates that she will answer some questions and there are others that she would prefer her registered supporter to respond to.

The worker checks with Mae after asking each question if she would like to answer it or if she would prefer her registered supporter to.

Mae is kept involved in the discussion and given an opportunity to let the worker know if the registered supporter is not providing information in line with her will and preferences.

Decision-making abilities may fluctuate

- recognise that an older person's decision-making and communication abilities may vary over time (including over the course of the same day)
- ongoing engagement is important.



Know who the registered supporters are

- Be aware of who an older person's registered supporters are, if any.
- Do not share information without confirmation a person is a registered supporter
- Be aware of a registered supporter's information sharing entitlements and decision-making authority for the older person, if any.
- Registration status may change over time. Check in with the older person or review records on the My Aged Care Service and Support Portal.



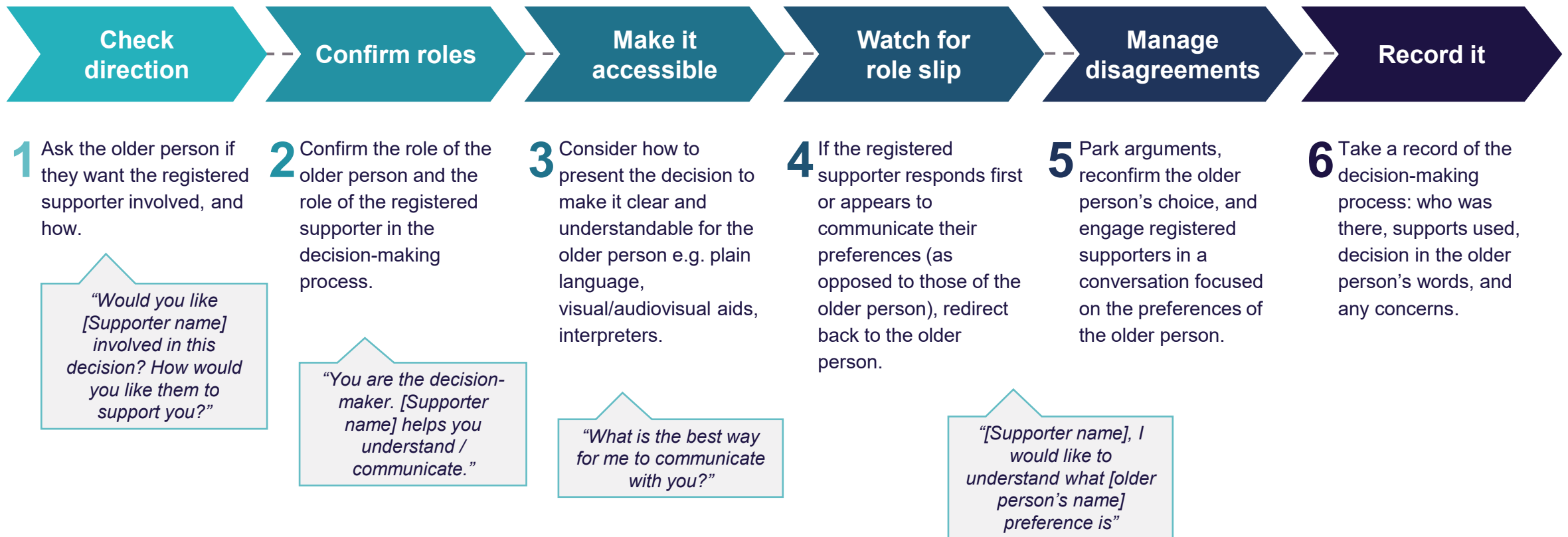
No exclusion in the absence of a registered supporter

The absence of a registered supporter, or presence of an active, appointed decision-maker, is **not** a reason to limit or exclude an older person from services or from being at the centre of decisions about their care.



Step-by-step process for engaging with registered supporters

Practical steps to make sure supported decision-making is happening the right way.





health.gov.au/aged-care-reforms



Phone **1800 200 422**
(My Aged Care's free call phone line)