

Disability Services Commission

# Western Australian National Disability Insurance Scheme (WA NDIS) Operational Policy

## Safeguarding

### 1. Keywords

Safeguard, plan, assessment, human rights, decision making, choice, control, safety, wellbeing, quality of life, vulnerable, dignity, risk.

### 2. Policy statement

This operational policy outlines the principles that promote, enhance and protect an individual and safeguarding supports and mechanisms that may be integrated into a person's WA NDIS plan.

### 3. Principles

The principles that underpin this policy and guide the practice of safeguarding are:

- developmental – Each individual's plan should include supports and strategies that increase their skill and capacity in order to minimise vulnerability and risk.
- self-determination – Maximise an individual's full involvement in the consideration and determination of their own safeguards, to the extent of their capacity.
- individualised – The consideration and determination of safeguards is relevant to an individual's circumstances and proportionate to their level of vulnerability and risk.
- responsive – Safeguards should be responsive to the circumstances of an individual at a particular time, and may need to change over time as an individual's circumstances change.
- assume capacity – The starting assumption is that all individuals have capacity to make decisions and exercise choice, regardless of their disability, unless proven otherwise for a specific decision. Capacity is decision-specific. Individuals who require support to make decisions and exercise choice should have access to the support they need.
- minimum restriction – Safeguarding enhances an individual's and other community members' safety and wellbeing, while imposing the least possible restriction on an individual and their choices.

## 4. Introduction

As part of the WA NDIS planning process, safeguards for the person with disability are assessed and included in the plan, if required.

Safeguards refer to supports and mechanisms that promote, enhance and protect an individual in the following domains:

- Human rights;
- Decision-making, choice and control;
- Safety and wellbeing; and/or
- Citizenship and quality of life.

When individuals are vulnerable and at risk of experiencing compromised human rights or individual outcomes as above, safeguards can provide preventative and proactive responses which maximise the person's skills and capacity, and/or address the environment and supports to minimise their vulnerability and risk.

Safeguards should include a range of informal and formal supports, and mechanisms operating at the level of the individual, the community, their disability services and overarching government systems and legislation.

## 5. Implementation

This operational policy will be implemented in WA NDIS trial sites.

The Disability Services Commission (Commission) has developed a Position Paper for Individual Safeguarding which promotes understanding and best practice in safeguarding of individuals with a disability with Commission funded and/or provided disability services.

The consideration and determination of individual safeguards may be required in either of two contexts; the everyday life of an individual or in a particular decision, choice or situation.

Consideration should be given to the person's identified strengths, vulnerabilities and potential risks, when developing the plan and incorporate safeguards, capacity and skill building into the plan strategies. A balance needs to be achieved between meeting duty of care responsibilities and the person's freedom to make decisions. All people have the freedom to make decisions and choices that expose their own self to a level of risk. All people also have freedom to make mistakes, and learn and grow from trial and error. This is referred to as dignity of risk.

People supporting the person with disability in the consideration and determination of safeguards should, as far as possible, be free from conflict of interest and objectively focus on the individual's interests in these considerations.

The Planning and Assessment Tool includes an assessment of vulnerability and risk for the person with disability and assesses the person's decision-making ability. This informs the planning with regard to the safeguards that are currently in place and those that are recommended to be included.

When there are situations where the person with disability is unable to assess and identify risks, the family, carers and/or advocates should also be involved in the consideration and determination of an individual's safeguards.

Carer refers to a person, such as a family member or friend who provides ongoing support and assistance to an individual in an unpaid capacity (apart from a pension or allowance). Refer to the WA NDIS Operational Policy - Supported Decision-making for further information.

## **6. Related documentation**

Disability Services Commission Position Paper, Individual Safeguarding, May 2014  
National Disability Insurance Scheme (Planning and Assessment – Risks and Safeguards) Rules 2013, 16 January 2014  
WA NDIS Operational Policy - Supported Decision-making  
Disability Services Commission, Adult Planning and Assessment Tool and Child Planning and Assessment Tool  
Family and Domestic Violence policy 2011, Disability Services Commission  
Policy and Procedures for Managing Allegations of Ill Treatment or Neglect, December 2015, Disability Services Commission  
People at Risk Policy 2009, Disability Services Commission  
People at Risk Operational Guidelines 2011, Disability Services Commission  
People at Risk procedures  
Serious Incident Reporting Guidelines  
Serious Incident Reporting Process Factsheet  
Code of Practice for the Elimination of Restrictive Practice

## **7. Evaluation and review date**

30 June 2017 or before if required.

## **For further information contact**

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