

Supported Decision-Making Demonstration Project

Final Report



Supported by:



Collaborative Supported Decision Making: A Post-Project Review of Multicap's Initiative with the Office of the Public Advocate and Office of the Public Guardian

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Abstract

This paper examines the outcomes of a Supported Decision-Making (SDM) Demonstration Project, a collaboration between Multicap, the Office of the Public Advocate (OPA), and the Office of the Public Guardian (OPG). The project engaged nominated guardianship clients in a structured program of decision-making support modules to showcase a replicable model of SDM.

The initiative aimed to empower clients by enhancing participation in decision-making, fostering confidence, providing evidence-based tools, and leveraging natural support networks. Additionally, it sought to compile decision-making portfolios to support applications for revocation of guardianship orders through QCAT.

This review evaluates the project's design, implementation, and outcomes, including the viability of its SDM toolkit. It also explores opportunities for embedding similar initiatives within the National Disability Insurance Scheme (NDIS) framework. The conclusions underscore the critical importance of individualised, time-intensive supports within formal decision-making structures to ensure sustainable outcomes.

1. Introduction

The shift from substitute decision-making to supported decision-making for individuals with impaired decision-making abilities is gaining momentum globally, driven by principles outlined in Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD). In Australia, recent amendments to the Guardianship and Administration Act 2000 in Queensland reflect this shift, emphasising the importance of individuals participating in decisions that affect their lives. However, the practical implementation of these principles remains challenging, particularly within structured decision-making frameworks provided for in the legislation and administered by guardians including the Office of the Public Guardian (OPG).

This paper outlines the SDM project led by Multicap, designed to address these challenges by developing and delivering a practical, evidence-based SDM toolkit and educational modules. The project sought to demonstrate how individualised support, embedded within a robust framework, can empower individuals with disabilities to make decisions aligned with their preferences and values.

2. Background and Context

2.1 Legislative Framework

The landscape of decision-making support for individuals with disabilities is undergoing significant transformation, guided by the principles of the CRPD. Article 12 of the CRPD emphasises the shift from substitute decision-making (where a third party makes decisions on behalf of an individual) to supported decision-making, which empowers individuals to make their own decisions with appropriate support. This paradigm shift aligns with broader legislative reforms, including the Australian Law Reform Commission's (ALRC) report on Equality, Capacity, and Disability in Commonwealth Laws, which advocate for the recognition of legal capacity and the provision of supports that facilitate independent decision-making.

In Queensland, amendments to the Guardianship and Administration Act 2000, effective from November 30, 2020, reflect this progressive stance by incorporating human rights principles and enhancing the focus on adult participation in decision-making. These amendments mandate that all entities involved in guardianship must adhere to general and health care principles consistent with the CRPD, in conjunction with the use of a structured decision-making framework to make decisions on behalf of an individual with impaired decision-making capacity .

2.2 Current Practices and Need for SDM

The practical implementation of Supported Decision-Making (SDM) has remained somewhat limited, potentially driven by a lack of awareness, understanding and education as to what it is and what it looks like. However, the growing demand for guardianship services, driven by systemic reforms like the National Disability Insurance Scheme (NDIS) and changing societal demographics, highlights the urgent need for a stronger emphasis to be placed on building supported decision-making capacity amongst individuals.

The Public Advocate's 2016 systemic advocacy report, *"Decision-making support and Queensland's guardianship system,"* underscored this need for change, offering 26 recommendations aimed at improving information resources, education, and legislative support for the guardianship system. In response, Multicap, with funding provided by the Office of the Public Advocate (OPA) was selected (via a competitive procurement process) to lead a demonstration project focused on SDM. This project aimed to operationalise SDM principles by providing intensive decision-making support for a small cohort of guardianship clients. Multicap, OPA and OPG worked as project partners, with OPG specifically facilitating participant selection for the project.

3. Project Overview

3.1 Objectives

The objectives of the project were to, in partnership with OPG and OPA:

1. Engage Guardianship Clients: Involve nominated guardianship clients in a time-limited program of intensive decision-making support modules.
2. Enhance Participation: Demonstrate enhanced participation of clients in everyday decision-making processes, including the effective use of an evidence-based toolkit and leveraging natural support networks.



3. Develop Decision-Making Portfolios: Collate a decision-making portfolio to showcase individual progress throughout the project.
4. Demonstrate SDM Model Viability: Show that the SDM model is viable and repeatable, promoting greater autonomy and potentially reducing reliance on formal substitute decision-making.

3.2 Scope

In Scope:

- Guardianship clients, their support networks, and nominated guardians.
- Development and delivery of evidence-based SDM modules.
- Preparation of QCAT applications.

Out of Scope:

- Post-project support for participants.
- QCAT outcomes beyond guardianship revocation.

3.3 Assumptions

- SDM is based on theories and principles of normalisation.
- SDM models are preferred and viable alternatives to guardianship wherever possible.
- Decision-making capacity is decision-specific; some decisions may still require substitute decision-making.
- Informed choices require understanding issues, alternatives, consequences, and framing final decisions.
- No substantial cost savings on guardianship are expected, though project success should not be unduly weighted to this outcome alone.

3.4 Constraints

- The project was time-limited, with extensions to timeline as per the original project plan to be agreed between OPA and Multicap beyond 31st March 2024. Project Funding from OPA totaled \$20,000 with any further resourcing or costs to be met by Multicap.



4. Methodology

4.1 Project Management

A hybrid methodology combining principles from PMBoK and Disciplined Agile Delivery (DAD) ensured structured yet adaptive project delivery. Key components included:

- **Iterative Analysis:** Regular feedback loops informed module development.
- **Cross-Functional Teams:** Enabled collaboration across disciplines.
- **Time-Boxed Iterations:** Ensured timely completion of milestones.

4.2 Governance

Governance structures included:

- **Project Steering Committee:** Oversaw progress and performance.
- **Internal Reference Group:** Ensured alignment with organizational governance.

4.3 Selection Criteria

The selection of participants for the Supported Decision-Making (SDM) project was guided by specific criteria to ensure that the program could be both meaningful and effective. These criteria included:

- **Cognitive Capacity:** Participants needed to have sufficient cognitive capacity to engage with and understand the SDM modules. This ensured they could actively participate in decision-making processes and benefit from the support provided.
- **Absence of Significant Sensory Disabilities:** Participants were required to have no significant sensory disabilities that would impede their ability to engage with the program's content. Future iterations of the program may consider including accessible resources, such as braille versions of the modules, to accommodate individuals with sensory impairments.
- **Willingness to Participate:** Participants had to consent to take part in the project and demonstrate a consistent and reliable method of remaining in contact with the project team. This was critical to ensure ongoing communication and support throughout the project.

Six individuals met these criteria, and five of them submitted responses to the project questionnaire, contributing valuable qualitative data. The Office of the Public Guardian (OPG) played an integral role in the selection process, supporting Multicap by identifying eligible guardianship clients who would benefit from intensive decision-making support. The OPG's involvement extended to helping facilitate participant engagement throughout the project, ensuring that participants received tailored assistance to meet their unique needs.

This project was qualitative in nature, focusing on the lived experiences and personal journeys of the participants. Through in-depth interviews and ongoing interactions, the project gathered rich, narrative data to better understand the impact of SDM and its potential to shift participants away from guardianship systems towards greater self-determination and autonomy.



5. Project Delivery and Implementation

5.1 SDM Modules

The Supported Decision-Making (SDM) program was structured around seven key modules, each designed to progressively build participants' skills and confidence in making their own decisions. The modules provided a comprehensive framework for empowering individuals to take ownership of their decision-making process, with a focus on practical activities, reflection, and support. Below is an extended breakdown of each module:

1. Introduction Session:

- **Purpose:** This session introduced participants to the SDM framework and set the foundation for the program by assessing participants' existing decision-making processes. The session aimed to establish an understanding of what SDM is and how it could be applied to their personal circumstances.
- **Activity:** Participants completed an initial survey that assessed their current decision-making practices. This helped identify their decision-making styles, strengths, and areas where they needed additional support. The survey results were also used to tailor the program to meet the specific needs of each participant.

2. Module One: Explore the Decision:

- **Focus:** This module focused on helping individuals identify their preferences, likes, dislikes, and personal communication styles, which are essential for making informed decisions. It also aimed to build an awareness of how personal values and preferences influence the decision-making process.
- **Activity:** Participants were encouraged to focus on one decision at a time, helping them build confidence in their ability to make decisions without feeling overwhelmed. This module introduced basic decision-making strategies, and participants practiced by making simple decisions, such as choosing activities they enjoyed or deciding on small everyday purchases.

3. Module Two: Involve the Right People:

- **Focus:** The importance of involving the right people in decision-making was emphasised in this module. Participants learned to identify a support circle (key individuals who could provide assistance, advice, and guidance in the decision-making process.)
- **Discussion:** A key discussion in this module revolved around potential biases that support persons may have, and how these biases could impact decision-making. The aim was to ensure participants could select support individuals who truly supported their autonomy and respected their preferences. This module also explored the balance of input from others while still maintaining personal agency.



4. **Module Three: Think About Options & Consequences:**

- **Focus:** This module helped participants think critically about the options available to them when making decisions, weighing the benefits, risks, and possible consequences of each choice.
- **Activity:** Participants engaged in exercises where they evaluated various options for a given situation, such as planning a trip or making a financial choice. They were encouraged to think through the potential outcomes, both positive and negative and to consider strategies for mitigating any risks involved in their decisions. This module provided a framework for making well-informed choices.

5. **Module Four: Make the Decision Real:**

- **Focus:** The focus of this module was on implementing and documenting decisions. Once participants had considered options and consequences, this module aimed to turn their decisions into actionable steps.
- **Activity:** Participants were guided through the process of breaking down their decisions into smaller, manageable tasks and documenting each choice. This step was critical for ensuring that decisions were not only made but also followed through. The documentation also served as a record of the decision-making process, which could be referred to for future reflection and improvement.

6. **Module Five: Reflect on What Happened:**

- **Focus:** This module focused on self-reflection, helping participants evaluate the outcomes of their decisions and how they could learn from both successes and mistakes.
- **Activity:** Participants reflected on the decisions they had made and analysed both the positive and negative outcomes. This process of reflection aimed to enhance their decision-making skills by identifying patterns and understanding what worked well or what could be improved. Reflection exercises also helped participants develop a mindset of continuous learning, which is essential for building decision-making confidence over time.

7. **Exit Session:**

- **Purpose:** The final session was designed to consolidate the skills and knowledge gained throughout the program. Participants reflected on what they had learned, discussed the decisions they had made during the program, and planned for future decision-making.
- **Activity:** A final survey was completed to assess changes in participants' decision-making practices and overall confidence. This survey allowed the project team to evaluate the impact of the program, identify areas where participants had made the most progress, and capture insights on how the program could be improved for future cohorts.

Throughout the modules, participants received tailored support and guidance from the project team. The structured approach allowed for gradual skill-building, with each module serving as a stepping stone



toward greater autonomy and confidence in decision-making. Additionally, the qualitative nature of the project ensured that the impact of the program was assessed not just through quantitative measures but by examining the personal experiences, growth, and feedback from participants.

5.2 Participant Engagement

Participants collaborated closely with Multicap's Rights and Advocacy Practice Specialist, gaining practical skills and developing decision-making portfolios to support QCAT applications.

A selected participant (K.C) remained engaged with Multicap's Rights and Advocacy Practice Specialist leading into their scheduled QCAT hearing (13th November 2024) and was supported to prepare relevant documentation. Furthermore, a letter of support was issued by Multicap on the persons behalf regarding their active participation in the Project.

5.3 Evaluation

Pre- and post-program surveys assessed changes in participants' decision-making practices, confidence, and ability to seek and leverage support.

The survey questions assessed:

1. Frequency of following a decision-making process.
2. Consideration of positive and negative outcomes.
3. Confidence in seeking a support network.
4. Confidence in asking a trusted person for help.
5. Confidence in making decisions with appropriate support.
6. Confidence in expressing personal preferences.

In additional outcomes of Participant (K. C's) QCAT hearing was monitored.

6. Results and Findings

6.1 Survey Outcomes

Table 1 shows the mean values for the pre/post surveys for the 5 participants who had completed all modules at time of writing and who agreed to fill in the questionnaires. While these numbers are too low for meaningful statistical analysis, it is possible to examine the general trends. All items were scored on a Likert scale of 1-5 where 1 was the worst possible score and 5 was the best. All items were required to be completed to be included in scoring. Guardians were also requested to fill in a survey, but no guardians filled out both the pre and post questionnaires for their participants.



Survey Question	Pre	Post
<i>How often do you follow a process currently for making a decision?</i>	2.8	2.25
<i>How often do you consider the positive and negative outcomes of a decision when making it?</i>	2.6	3.75
<i>How confident are you in seeking a support network when making a decision?</i>	4	4.25
<i>How confident are you in asking a trusted person for help when making a decision?</i>	3.8	4.5
<i>How confident are you that you can make decisions with the support of appropriate people?</i>	3.6	4.5
<i>How confident are you that you can express what is important to you?</i>	4.2	4.5

6.2 Analysis

- **Decision-Making Processes:** Participants did not significantly increase their adherence to a structured decision-making process, indicating a need for further emphasis on this aspect in future modules.
- **Consideration of Outcomes:** There was a notable improvement in participants considering the positive and negative outcomes of their decisions.
- **Support Network Confidence:** Confidence in seeking and utilising support networks showed positive growth.
- **Expression of Preferences:** Confidence in expressing personal preferences remained high post-program.

6.3 Participant Feedback:

Participants provided qualitative feedback highlighting specific decisions the modules helped them with, such as choosing a new residence or planning personal events. One participant noted, *"I did not know there is a process of decision making, so I don't consider the process when I make decisions."* Another commented, *"I tell people when I feel like something,"* demonstrating increased confidence in expressing preferences.

6.4 Decision-Making Portfolios

Each participant maintained a workbook to document their decision-making processes. These workbooks included:

- **Decision Entries:** Detailed records of each decision, support persons involved, options considered, advantages and disadvantages of selected options, and identification of risks and safeguards to inform selecting the decision.
- **Examples of Decisions:** Medical appointments, purchasing preferred items, healthy meal choices, and participating in social activities with friends.



- Reflection Entries: Self-reflection on the outcomes of decisions to enhance future decision-making.

Desktop analysis of completed workbooks identified the following trends:

- Participants were able to identify their 'circle of support' and on most occasions could pair a support person/s related to specific decisions.
- Majority of participants required a support person to scribe on their behalf to complete a decision-making record with a participant verbal report that *"writing and spelling is difficult"*.
- All participants on most decision-making records were able to select one (1) option choice (with some record outliers) of their preference informed by reasons why they should and shouldn't choose listed options.
- Participants ability to clearly define what the decision to be made was often documented with ambiguity and as statements rather than in the format of a question to be explored and answered.
- Participants were able to identify possible risks and propose risk mitigation safeguards to support their decision choice.
- When completing reflections, participants advised that they would make the same choice selection in most instances.

6.5 QCAT Hearing Outcome – K.C

At the completion of the project, one participant, K.C., had a scheduled hearing for a review of their order appointing the Public Guardian and Public Trustee as their guardian and administrator. With the support of Multicap's Rights and Advocacy Practice Specialist, K.C. was able to demonstrate the progress they had made throughout the SDM demonstration project. This was effectively articulated during the QCAT hearing.

To support their case, K.C. compiled personal speaking notes and supporting documentation, which included a comprehensive Decision Portfolio developed throughout the project. Additionally, K.C. presented a Supported Decision-Making Project Participation Letter of Support from Multicap, further reinforcing their active engagement in the program and their progress toward greater autonomy.

As a result of the hearing, QCAT approved the revocation of K.C.'s third-party guardianship and Public Trustee arrangements, marking a significant milestone in K.C.'s journey towards greater independence and self-determination.

6.6 Strengths and Limitations

Strengths:

- Structured Framework: The SDM toolkit provided a clear and structured approach to decision-making.
- Participant Engagement: High levels of engagement and active participation were observed.



- **Practical Tools:** The modules offered practical tools that participants could apply in various contexts.
- **Collaborative Approach:** Effective collaboration with support networks enhanced the overall effectiveness of the program.

Limitations:

- **Small Sample Size:** The project involved only six participants, limiting the generalisability of the findings.
- **Short Duration:** The time-limited nature of the project may have restricted the depth of skill development.
- **Sustainability Challenges:** Maintaining contact and support post-project closure remains a challenge.
- **Guardian Engagement:** inconsistent levels of engagement throughout (often expressed as limits to capacity) as well as poor response rates from guardians on pre/post surveys indicated a need for better engagement strategies.

6.6 Difficulties Encountered

- **Maintaining Contact:** Challenges in maintaining consistent contact with participants and their support networks.
- **Participant Selection:** Issues with participant selection suggested the need for broader trials to capture diverse experiences.
- **Delegated Decision Maker Engagement and Feedback:** Engagement from individual guardians was inconsistent and, at times, minimal, reflecting challenges related to their capacity and understanding of the demonstration project. Feedback suggested that their involvement was further constrained by the scope of guardianship legislation, as the project explored matters beyond those for which the Office of the Public Guardian (OPG) was appointed.

7. Discussion

7.1 Impact on Guardianship Systems

The project highlighted that with appropriate supports, individuals with impaired decision-making abilities can actively participate in decisions affecting their lives. This shift from substitute decision-making to supported decision-making has the potential to reduce reliance on formal guardianship systems, fostering greater autonomy and aligning with legislative reforms.



Notably, K.C.'s participation in the project demonstrated the value of supported decision-making, with their consistent engagement in thoughtful and informed decision-making processes viewed favourably by QCAT. This contributed to the revocation of K.C.'s formal guardianship arrangements.

The project also identified areas for improvement to bridge the gap between the broad objectives and principles of legislation and the development of policies and procedures to support the application of supported decision-making practices. Alignment with CRPD

The project reinforced the principles of the CRPD by empowering individuals to exercise their legal capacity and make informed decisions. By providing practical tools and support, the project facilitated the realisation of the rights outlined in Article 12 of the CRPD.

7.2 Challenges and Learnings

Significant constraints for the application of SDM within existing decision-making structures were highlighted. The time-intensive nature of effective SDM requires capacity building funding for the design and implementation of individual programs which may not be conducive to time-critical decisions and hence a substitute decision-maker may be required for a period of time. Additionally, sustaining support networks post capacity building for supported decision-making remains a critical challenge. Lessons learned from this project include the importance of ongoing engagement with support networks and the need for scalable models that can be funded by, and integrated into, existing systems.

7.3 Scalability and Future Opportunities

The project demonstrated the potential for scaling SDM initiatives, particularly within the NDIS framework. Service providers can play a pivotal role in facilitating ongoing SDM supports by integrating SDM practices into broader capacity-building programs. This integration ensures that individuals receive the continuous support needed to exercise their legal capacity effectively.



8. Conclusion

The findings from this project underscore the critical importance of providing individualised, time-intensive support to individuals with impaired decision-making abilities. While existing formal decision-making frameworks are essential, they often lack the capacity to provide the level of support needed to truly empower individuals in their decision-making processes. The SDM Demonstration Project successfully demonstrated that with the right tools and support, individuals can enhance their decision-making skills and achieve greater autonomy. There is a clear opportunity for service providers, particularly those operating under the NDIS, to adopt and scale SDM practices, ensuring sustainable outcomes and alignment with legislative reforms.

8.1 Recommendations

1. Integration of SDM into NDIS Programs
 - Service providers should explore opportunities to incorporate SDM tools and principles into existing capacity-building programs within the NDIS framework. It is also recognised that the OPG carries a role in advocating for funded service categories to enable the purchase of these supports by participants.
2. Extended Support Networks
 - Efforts should be made to sustain and expand support networks beyond the life of specific projects, ensuring individuals continue to benefit from SDM practices over the long term.
3. Training for Formal Decision-Makers/ natural support networks
 - Develop targeted training programs for formal decision-makers within organisations like the OPG, focusing on the practical implementation of SDM principles.
4. Policy Advocacy
 - Continued advocacy is required to ensure legislative and policy frameworks evolve to support the widespread adoption of SDM practices, reducing reliance on substitute decision-making. Improving enablers that allow viable implementation of the OPG Structured Decision-Making Framework, and the NDIS Supported Decision Making Policy within organisations like the OPG and NDIS services will see improved SDM practices and outcomes for people with disability.
5. Broader Trials and Research:
 - Conduct larger-scale trials to validate the SDM model's effectiveness across diverse populations and settings, enhancing the generalisation of the findings.
6. Enhanced Guardian Engagement:
 - Demonstration projects of this nature do require the support, engagement and feedback of guardians to fully realise the supported decision-making goals and objectives of participants. Additional resourcing may be required to facilitate this involvement at an agency level.



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