



Tukua kia tū takitahi ngā whetū o te rangi  
Let each star in the sky shine its own light

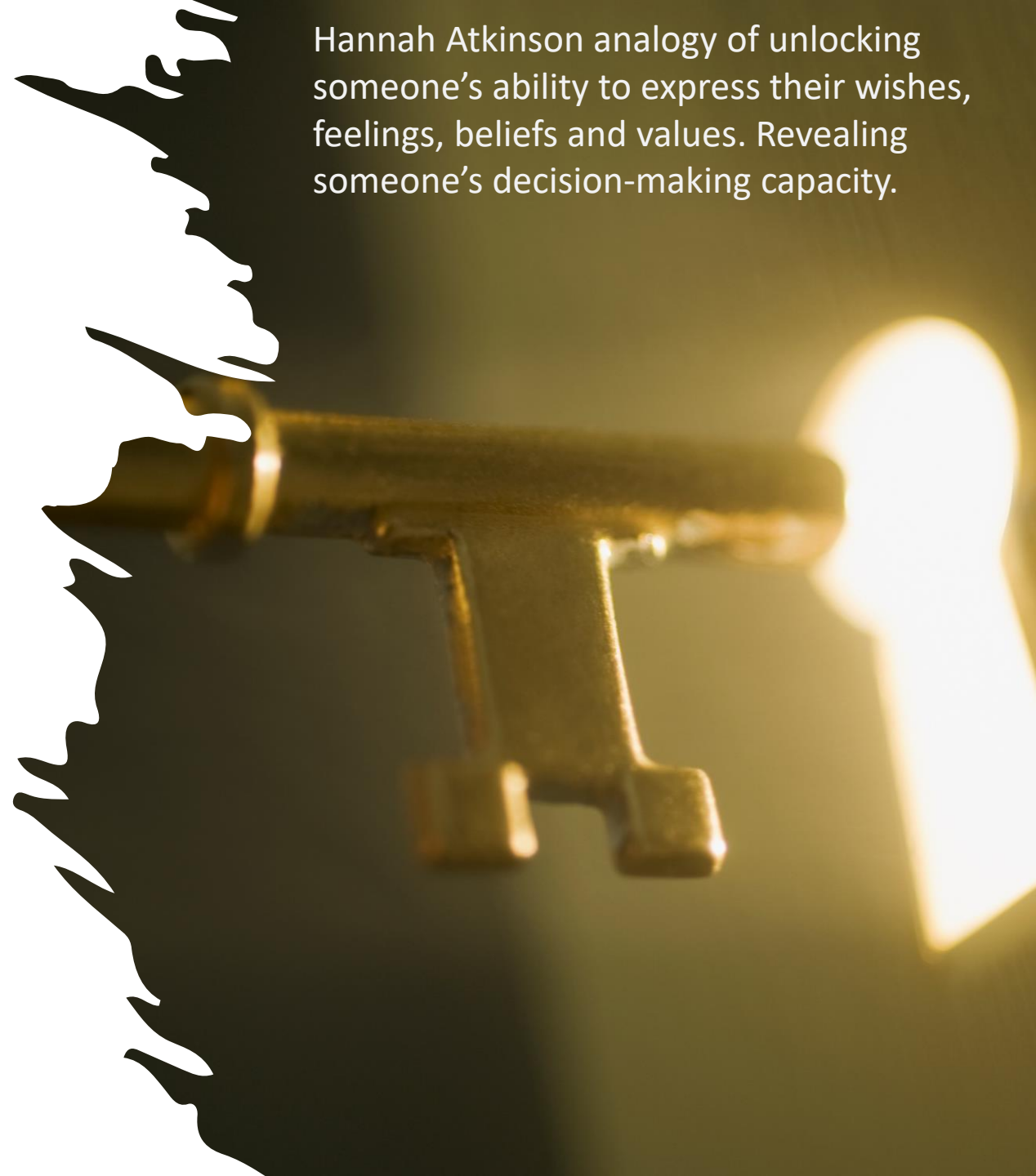


**SIG**

# **SLTs, Capacity and Supported Decision Making**

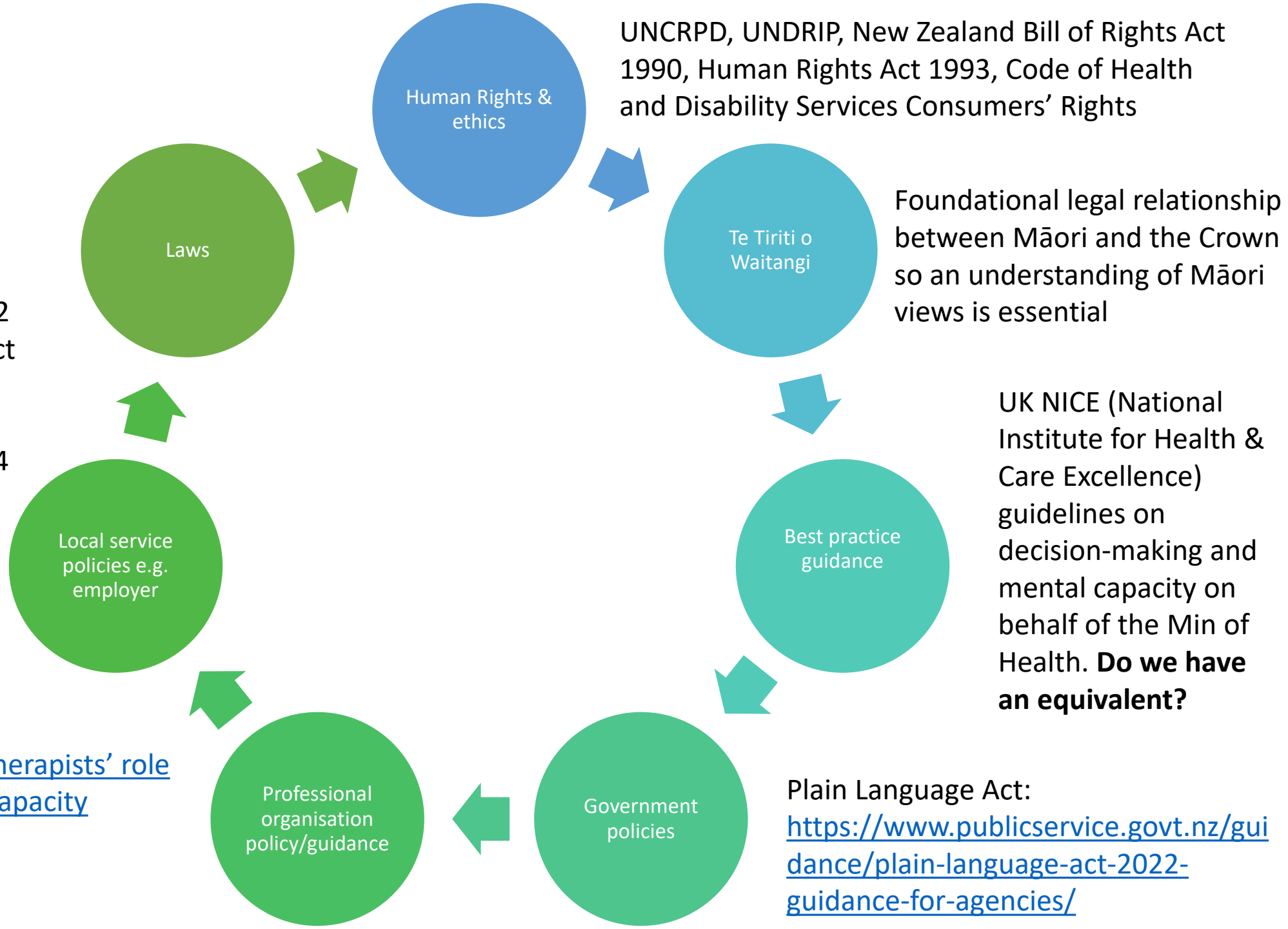
**Where does your work currently  
intersect with issues of capacity  
and supported decision making?**

Hannah Atkinson analogy of unlocking someone's ability to express their wishes, feelings, beliefs and values. Revealing someone's decision-making capacity.



# Framework:

- PPPRA 1988
- Oranga Tamariki Act 1989
- Mental Health Act 1992
- Substance Addiction Act 2017
- Health and Disability Commissioner Act 1994 and the



UNCRPD, UNDRIP, New Zealand Bill of Rights Act 1990, Human Rights Act 1993, Code of Health and Disability Services Consumers' Rights

Foundational legal relationship between Māori and the Crown so an understanding of Māori views is essential

UK NICE (National Institute for Health & Care Excellence) guidelines on decision-making and mental capacity on behalf of the Min of Health. **Do we have an equivalent?**

NZSTA [Speech-language therapists' role in assessment of mental capacity](https://www.nzsta.org.nz/role-in-assessment-of-mental-capacity) ([speechtherapy.org.nz](https://speechtherapy.org.nz))

Plain Language Act: <https://www.publicservice.govt.nz/guidance/plain-language-act-2022-guidance-for-agencies/>

# Mental Capacity Law in New Zealand – Iris Reuvecamp & John Dawson

<https://store.thomsonreuters.co.nz/mental-capacity-law-in-new-zealand-book/productdetail/126586>

Under New Zealand law, a person is generally considered to have capacity when they can:

- **Understand the information relevant to the task or decision involved**
- **Retain that information**
- **Use it or weigh it in the process of making a decision**
- **Communicate their decision**

Under PPPRA common decisions relate to:

- Where to live
- Medical treatment & support
- How income and property is managed

Individual-person approach to decision-making taken by the law does not fully reflect how we actually make decisions or how we live our lives. Major decision-making is typically shared

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## Chapter 3 by Dr Hinemoa Elder MNZM

Te Puna a Hinengaro: He Tirohanga ki a Āheinga The Wellbeing of Mind: Reflections on Capacity from a Māori perspective.

“The individual draws support and strength from the presence of kaumātua and other generations and the connections among whānau, both living and dead. The preference is for decisions to be made collectively, following discussion.”

- (1) What are the whānau’s, hapū’s and iwi’s views? How have these been taken into account in the process of assessment and in the findings and recommendations?
- (2) What are the identified relationship maintenance and strengthening factors between the person and their whānau, hapū and iwi? How can whakawhanaungatanga and mana be enhanced?
- (3) How will recommendations about the person affect the stability of whānau, hapū and iwi? How is stability formulated? How could aspects of mana and whakawhanaungatanga contribute? How might de-stabilising factors be mitigated?
- (4) In what ways will recommendations strengthen whānau, hapū and iwi? How will mana be upheld?
- (5) How can the ability of whānau, hapū and iwi be fostered to develop their own ways of dealing with the person and their circumstances? How has whakapapa been drawn upon to provide guidance?
- (6) How will recommendations support the mana of a person, within whānau, hapū and iwi?

# Auckland Disability Law

## Supported Decision Making Hui Film

<https://www.youtube.com/watch?v=78j80f1hGRc>

Everyone needs to practice making decisions... if we don't get the chance to practise making decisions for ourselves then we're going to grow up to be dependent on other people

The dignity of risk

A person who has capacity is able to make whatever health decisions they like, even decisions that may be deemed imprudent or unwise by a healthcare professional. A person is also entitled to refuse or withdraw from treatment at any time, so determining their DMC is essential prior to treatment occurring.

[Full article: Decision-making capacity assessments in New Zealand and Australia: a systematised review \(tandfonline.com\)](#)

# What can SLTs offer

<https://www.orygen.org.au/Training/Resources/General-resources/Clinical-practice-points/Shared-decision-making/Shared-decision-making>

- **Supported decision-making** – communication support within decision making generally
- **Capacity assessment**
- **Communication assessment** – to inform colleagues carrying out capacity assessment re: does the person have communication differences, how can the person be supported to make decisions
- **Direct communication support** – providing communication assistance during the capacity assessment
- **Indirect communication support** – guidance, advice and practical resources for colleagues carrying out capacity assessment
- **Education and training**

*Where does your work currently intersect with issues of capacity and supported decision making?*