



Service Delivery

## **C.19 Voluntary Assisted Dying Policy**

REVIEWED: 28 November 2023

## C.19 Voluntary Assisted Dying Policy

This policy was established as Mercy Services' response to the NSW Voluntary Assisted Dying Act 2022 legislation which is in effect from 28 November 2023. It outlines how Mercy Services will provide a consistent, ethical and compassionate approach when those under its care request assistance to end their own life in accordance with this legislation. This policy and associated guidance procedures for services have been designed to provide clarity on the organisational framework for complying with Voluntary Assisted Dying requirements, as a legally available option for those under Mercy Services care in NSW.

This policy is written to uphold and honour each person from their natural beginning of life to their natural end of life, noting the moral responsibility to minimise pain and suffering and not to use means of sustaining life which are overly burdensome, futile or morally unacceptable. It acknowledges that Mercy Services staff and contractors shall neither unnecessarily prolong nor hasten death and should always ensure that, residents and clients are, as much as possible, free from pain and suffering.

Mercy Services does not support Voluntary Assisted Dying and will not provide or facilitate Voluntary Assisted Dying (this includes being present during such a process or being involved in the preparation of the pathway with a client or resident). There may be circumstances where voluntary assisted dying is required to occur within the residential facility as per the legislation – this would not be facilitated by Mercy Services nor are staff able to be present during the process.

Whilst it is illegal for a health professional or staff member to initiate discussion regarding Voluntary Assisted Dying, the issue may be raised independently by a resident, or client under the care of Mercy Services. In such cases, staff should respond in a timely and compassionate manner which is aligned with Mercy Services' identity, values and tradition of person-centred care, as outlined in supporting procedures for Residential and Home Care services.

### Record of policy development

Version	Date approved	Policy Changes
1.0	28.11.2023	Established to assist with implementing recent legislative changes in line with the organisational position.

### Responsibilities and delegations

This policy applies to	Staff, Volunteers and Contractors
Specific responsibilities	Governance Committees, Head of Services & Leadership team
Policy approval	Risk & Continuous Improvement Committee

### Policy context – this policy relates to:

Standards	Aged Care Quality & Safety Standards Catholic Health Australia. (2001) Code of Ethical Standards for Catholic Health and Aged Care Services in Australia
Legislation	NSW Voluntary Assisted Dying Act 2022

Contractual obligations	N/A
Organisation policies	A.1 Mission & Philosophy A.3 Code of Conduct E.13 Diversity & Cultural Awareness E.14 Duty of Care E.20 Clinical Deterioration E.32 Supported Decision Making and Dignity of Risk
Forms, record keeping, other documents	Voluntary Assisted Dying Procedure (Other Services) Voluntary Assisted Dying Procedure (Residential) Notification of intent to participate in voluntary assisted dying Mercy Services VAD Brochure

## Definitions

**Advance Care Planning** is the process of planning for future health and personal care. A person's values, beliefs and preferences are made known so they can guide future clinical decision making when the person cannot make or communicate decisions due to lack of capacity. Advance Care Planning includes making choices about the medical, physical, spiritual and religious care the person wishes to receive, especially as they approach end of life.

**Advance Care Directive** records your specific preferences for future health care. This includes treatments you would accept or refuse if you had a life-threatening illness or injury. An Advance Care Directive will only be used if you do not have capacity to make decisions for yourself or to communicate your preferences. It outlines your preferences for your future care along with your beliefs, values and goals. Having an advance care directive means you can also formally appoint a substitute decision-maker for when you can no longer make decisions yourself.

**Palliative Care** is an approach designed to improve the quality of life of patients, residents, clients and their families facing the problems associated with life-threatening illness, through the prevention and relief of suffering by means of early identification and thorough assessment and treatment of pain and other problems, physical, psychosocial and spiritual. Adapted from <http://www.who.int/cancer/palliative/definition/en/>.

**Voluntary Assisted Dying** is the administration of a voluntary assisted dying substance to a client or resident for that person to end their life by their own choice and includes steps related to the administration of the process in line with legislation.

## Link with Mercy Services Values

This policy aligns with the following Mercy Values in its implementation and practice:

### Care

- In articulating an open and inclusive approach to practice, this policy creates a context of compassion with actions demonstrating a kind-hearted spirit while providing for a person's health and protection as a resident or client, fostering a spirit of generosity, kindness and support.

### Respect

- This policy promotes respect for the dignity of each individual through its emphasis on openness, integrity and justice in our practice. It aims to respect the opinions and values of each person regarding voluntary assisted dying.

## Policy Principles

As a Catholic organisation, Mercy Services is guided by the healing ministry of Jesus and operates in accordance with the Code of Ethical Standards for Catholic Health and Aged Care Services in Australia. Whilst Mercy Services as an organisation does not support voluntary assisted dying, nor permit its staff to engage or promote it whilst at work, it does recognise the various opinions and positions its staff will have on this issue. As such, the following principles have been established by Mercy Services as an organisation:

1. Mercy Services will uphold the inherent dignity of every person throughout the entire continuum of life from conception to death.
2. Mercy Services will acknowledge a capable adult's moral right to cease or withdraw from medical treatment at any time and the right to formulate advance care plans. We will provide the necessary support to the individual and their family when this is a chosen course of action.
3. Mercy Services does not support Voluntary Assisted Dying.
4. All staff have the right to conscientiously object to involvement with Voluntary Assisted Dying, this includes the right not to provide information. Notwithstanding this conscientious objection, staff are ethically obliged to respond compassionately and respectfully to the person requesting Voluntary Assisted Dying and attempt to ascertain the nature of the person's expressed request.
5. Clinical staff and engaged health professionals have a moral and ethical obligation to fully explore and discuss care and all treatment options with residents and clients. They must never initiate discussions regarding Voluntary Assisted Dying (this is illegal), even when discussing palliative care options. Mercy Services staff are not permitted to initiate such discussions.
6. Mercy Services will work with residents and clients, their families and staff, to resolve potential conflict around the goals of care and services offered.
7. Mercy Services acknowledges that people have a legal right (where legislation allows) to consider Voluntary Assisted Dying. If a person chooses this pathway, Mercy Services will respect this and advise of the organisation's stance to conscientiously object to supporting or participating in such a pathway. Mercy Services' will undertake such a

discussion in a compassionate and respectful manner, consistent with its mission and values.

8. In applying this policy, Mercy Services will:
  - a. Encourage conversations with clients / residents and their representatives about death and dying and promote the use of Advance Care Planning that reflects a person's individual choices around treatment and end of life care, (noting that an Advanced Care Plan cannot contain a request or directive for Voluntary Assisted Dying).
  - b. Support and accompany families and loved ones through the death and dying process in a way that provides them with the opportunity to find meaning, healing and hope.
  - c. Provide quality palliative and end of life care including compassionate support for persons in our care and their families and ensure the most effective and timely pain and symptom management.
  - d. Provide holistic care that is attentive to a person's deep existential anguish and suffering by attending to the physical, psychological, social and spiritual needs of the person who is dying and their family.
  - e. Provide information to residents, clients, families and staff regarding Mercy Service' policy in regard to Voluntary Assisted Dying, adhering to the principle of non-abandonment and the duty to inform.
  - f. Provide appropriate ethical advice, review and support to staff regarding present and emerging issues in relation to Voluntary Assisted Dying.

## Confidentiality and Record Keeping

All information related to an individual's Voluntary Assisted Dying request and process will be kept confidential and in accordance with the relevant privacy laws. Any request will be kept within a resident or client's file, as well as updated in their advanced care planning document.

## Communication and Consultation

### Residents and clients

Residents and clients will be made aware of Mercy Services' position in responding to Voluntary Assisted Dying legislation in NSW. This policy will be made available on Mercy Services' website and on request by residents or staff. Mercy Services has also developed a brochure to be provided to a resident or client who requests information regarding voluntary assisted dying.

Authorised staff members can provide residents or clients with the brochure information related to voluntary assisted dying **only at the request or prompting by a resident or client** in relation to their advanced care planning. Authorised Mercy Services staff members will be the senior manager for each service area, who are permitted to respond to resident or client requests for information regarding Voluntary Assisted Dying.

### Staff

Mercy Services will consult with all staff members regarding the introduction of Voluntary Assisted Dying legislation, this policy and training on procedures for implementing the policy. This will include the process for staff in responding to requests in relation to Voluntary Assisted Dying, the importance of respecting an individuals' autonomy and confidentiality, and accessing appropriate support.