

Ref No.	TITLE
S 1.8	NSW TRUSTEE & GUARDIAN POLICY

Target group/Applies to: This policy applies to The Housing Connection for adults with disabilities. All THC workers are required to uphold this policy.	Version 5.0 Review Cycle: 3 years
--	--

1. POLICY

The Housing Connection shall at all times comply with all the requirements of the Guardianship legislation in ensuring that the rights of the client are upheld at and in any decision making process that affects them. The Housing Connection will at all times adhere to principles and procedures enshrined in that legislation when considering the need to apply for the appointment of a guardian or financial manager, or for medical or dental consent for a client.

2. PROCEDURES

The Guardianship division of NCAT

These procedures set out the nature and purpose of a Guardianship order, and guidelines for the service, staff, clients and their families that would be impacted if The Housing Connection wanted to apply for an order.

Any application to seek a Guardianship order must be taken only after close consideration and consultation, particularly with the individual concerned, their family and/or advocate.

If a Guardianship order is sought the designated procedures must be followed at all stages. In addition, the need for such an application must be demonstrated to the satisfaction of the Manager: Client Services who must approve every application.

The Guardianship division of NCAT appoints guardians and financial managers for people 16 years and over who are by virtue of a disability are not able to make important decisions in relation to their lifestyle and/or financial decisions; have decisions that need to be made and have no suitable informal arrangements in place. A person with a guardian may not need a financial manager and a person with a financial manager may not need a guardian. Evidence of the person's disability and impaired decision making as well as the need for the appointment of a Guardian will be required.

The Guardianship division of NCAT can also consent to specific medical and dental treatments for people 16 years and over who are incapable of consenting to their own treatment. The applications for these orders are the responsibility of the relevant medical practitioner.

A guardian is a legally appointed substitute decision-maker, not a care giver or case manager, who can make decisions on behalf of a person with a disability.

Guardians are appointed with specific areas of decision making. A guardian cannot make any and all decisions for an individual, and are appointed for a time limited duration. Usually the Guardianship order will be reviewed at the end of its duration.

A financial Manager can be appointed to make decisions about the persons financial matters if the person has limited capacity to manage their own finances or if it can be demonstrated that it is in the person's best interest to have a financial manager. If a private person is appointed financial manager he/she supervised by the Protective Commissioner.

A guardian may be:

- A family member or friend;
- A Public Guardian who is a statutory official.

The most common functions of the Guardian are:

- Accommodation – to decide where the person should live;
- Health care – to decide what medical and dental treatment the person should receive;
- Consent to medical and dental treatment – to act as the person's substitute decision maker about medical and dental treatment proposed to them by others;
- Services – to authorise others to provide personal services to the person, usually to assist them to stay in their own home.

A Financial Manager may be

A family member or friend

The Protective Commissioner who is a statutory official

- Restrictive practices.

The detailed procedures of The Housing Connection must follow strictly are those laid down by NCAT and the Guardianship Act 1987. See:

www.ncat.nsw.gov.au

<https://www.legislation.nsw.gov.au/#!/view/act/1987/257/full>

NSW Trustee and Guardian Chatswood Branch details:

7th Floor, 13 Spring Street,

Chatswood NSW 2067

Phone: (02) 9411 4355

Fax: (02) 9413 4565

Email: tagchatswood@tag.nsw.gov.au

OTHER SERVICES AND AGENCIES

Public Guardian Information and Support branch

Phone: 02 8688 6070

Toll free: 1800 451 510

Fax: 02 8688 9797

Postal address: Locked Bag 5116 Parramatta 2124

Website: www.lawlink.nsw.gov.au/opg

Guardianship Division, NSW Civil & Administrative Tribunal

Phone: 02 9556 7600

TTY: 02 9556 7634

Toll free: 1800 463 928

Postal address: Locked Bag 9, Balmain 2041

Website: www.ncat.nsw.gov.au

3. DOCUMENTATION

Documents related to this policy

Policy context: This policy relates to:	
Standards, Legislation or other external requirements	<ul style="list-style-type: none"> • <u>National Standards for Disability Services (2014)</u> • NDIS (Quality Indicators) 2018 • NDIS Act 2013 • <u>NSW Standards in action (ADHC, 2012)</u> • Guardianship Act 1987 • <u>Civil and Administrative Tribunal Act 2013.</u>
Related internal policies	<ul style="list-style-type: none"> • Client Rights Policies • Client Safety Policies • Community Participation and Social Inclusion Policies • Feedback and Complaints Policies • Service Access Policies • Service Management Policies
Forms, record keeping or other organisational documents	<ul style="list-style-type: none"> • Client records in ProSIMS • Client Support Plans

Reviewing and approving this policy		
Frequency	Reviewer/s	Approver/s
3 Yearly	Senior Management	THC Board Members

Policy review and version tracking			
Review	Date Approved	Approved by	Next Review Due
1. April 2011	27/6/11	THC Board	April 2014
2. Jan 2015	30/5/15	THC Board	Jan 2018
3. Jan 2018	10/4/2018	THC Board- Part Board	Jan 2021
4.Oct 20212	21/10/2021	THC Board- Part Board	Oct 2024