

# How we make accommodation decisions

The Public Guardian is appointed by the Queensland Civil and Administrative Tribunal (QCAT) to make personal and health care decisions on behalf of adults with impaired decision-making capacity where there is no other appropriate person in the adult's life to take on this role. On a day to day basis, decisions are made by guardians employed by the Office of the Public Guardian (OPG).

The Public Guardian may be appointed to make decisions about matters such as accommodation, contact, health, restrictive practices, service provision and/or legal matters (not related to finance or property). Note we can only make decisions on matters that are specifically referred to in the QCAT order. This factsheet is going to focus on how OPG guardians make accommodation decisions, including decisions about residential aged care facilities.

## **OPG's overarching decision making principles**

OPG guardians make all decisions in accordance with our [Structured Decision Making Framework](#), and the [General Principles](#) contained in the *Guardianship and Administration Act 2000*. These documents are based on a human rights framework, and the assumption that an adult has the right to make their own decisions, or be provided with decision making support that respects their will, preferences and rights.

## **What to provide when requesting an accommodation decision**

A guardian must consider all the available options when making an accommodation decision for an adult. This means they can't just take the first recommendation presented to them. For this reason, if you are asking OPG to make an accommodation decision for an adult you should provide a range of options for the guardian to consider. If you have evidence as to why some of these options wouldn't be suitable you should also provide this, as this may help reduce the time taken to make a decision.

The *Guardianship and Administration Act 2000* states that a guardian is entitled to the same information as the adult would if they were making the decision themselves. This means if a guardian asks for information you will be required to provide this to assist in making the decision.

Information about an accommodation decision could include:

- an ACAT assessment
- medical history, including any functional, OT or specialist assessments
- approval for home care package or other in home supports
- eligibility for funded disability supports.

Again, getting the relevant information to the guardian as soon as possible will help the efficiency of the decision making process.

## **What we consider**

Firstly, wherever possible, we take the views and wishes of the adult into consideration. If the adult expressed they would much rather live in an apartment because it's easier to maintain, we would take this into consideration when making a decision about where they live. If the adult isn't able to communicate their wishes to us, we will still try to understand what they would want from opinions they previously expressed to us or to friends and family, or by considering the adult's earlier actions or lifestyle. We will also consider the adult's family and friends' personal views on where the adult should live as they are an important part of the adult's life.

Other factors we consider are:

#### Appropriateness for adult's needs

First and foremost, we need to confirm that any accommodation chosen for an adult can meet any medical or support needs they may have, such as mobility issues. However, we also need to consider linguistic and cultural needs. For example, if an elderly adult who only speaks Mandarin is planning to live in an aged care facility, we would assess whether the proposed accommodation would be suitable for a non-English speaking adult and their ability to participate in day-to-day life. Similarly, for an Aboriginal or Torres Strait Islander adult we would consider whether a proposed accommodation option would ensure continued connection to culture and country.

#### Location

The location of the accommodation is an important factor to consider as it's normally best for the adult to live near family and community supports. For example, if the adult has a family member providing day-to-day support, such as helping with food shopping and paying bills, we would consider the proximity to this support network.

#### Finance

Before we make an accommodation decision for an adult, we need to ensure that the adult has the ability to pay for their new accommodation. This generally means we will need to liaise with the adult's administrator to see if the proposed accommodation is financially viable.

If the proposed accommodation isn't suitable for any reason, a guardian will need to review other options to find accommodation that best suits the adult's needs.

#### Timeframes

We're frequently asked how long it takes to make a decision, but the simple answer is that it can greatly vary from situation to situation, and there are no standard timeframes. We will of course always strive to be as efficient as possible in our decision making, but our primary concerns must be that we are considering what is best for an adult, and that frequently means considering a number of options and consulting a number of people, which will take time. And of course if the adult has specific or complex needs it may take longer to find suitable accommodation.

Family conflict is another factor that can impact on timeframes, especially if a family member is opposed to a decision we are making. This can be compounded if that family member is also acting as the adult's administrator and doesn't authorise payment to be released for the accommodation.

It's also important to understand that a guardian will need to prioritise decision making for adults that are in an unsafe situation, for example are homeless, over decision making for adults that are currently in a safe environment where their immediate needs are being met. However guardians will still ensure that the rights and interests of all adults under their care will be protected, regardless of any priority decision making requirements.

#### Enforcement of decisions

Guardians are decision makers only – we cannot enforce a decision. So for example if an adult doesn't want to move to a residential aged care facility we cannot force them. It is the role of family and service providers to facilitate the move. We also don't get involved with the moving process – this is the role of the adult's family and support network.

#### More information

To find out more about our decision making policies and frameworks and factsheets on how we make decisions, go to [publicguardian.qld.gov.au](http://publicguardian.qld.gov.au)

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