

Policy	Structured Decision Making Framework		
Approved by:	Public Guardian	Name: Natalie Siegel-Brown	
Date Effective	November 2019	Version 2	
Application	All guardianship staff		
Related	Human Rights Framework Practice Direction – Working with nonverbal clients Policy – Record Keeping (DJAG)		

A. Relevant Legislation

- A1. Public Guardian Act 2014
- A2. Guardianship and Administration Act 2000
- A3. Powers of Attorney Act 1998
- A4. Human Rights Act 2019

B. Purpose

B1. This policy clarifies the position of the Public Guardian, when making decisions as guardian or attorney for adults with impaired capacity. OPG prioritises and promotes a least restrictive decision making model within guardianship.

C. Roles and Responsibilities

- C1. The Public Guardian's role in relation to adults who have impaired capacity for a matter is to protect their rights and interests.
- C2. It is a function of the Public Guardian to act:
 - i. as attorney for a personal matter under an enduring power of attorney; or
 - ii. as guardian if appointed by the Queensland Civil and Administrative Tribunal.
 - iii. as statutory health attorney of last resort.
- C3. The Public Guardian will advocate for the right of guardianship and attorney clients to:
 - i. Make or participate in making decisions as a fundamental element of their inherent dignity;
 - ii. Make decisions even when others may not agree;
 - iii. Make decisions that are restricted, and interfered with, to the least possible extent; and
 - iv. Have adequate and appropriate support for decision-making.
- C4. The Public Guardian must take into consideration the General Principles contained in the *Guardianship and Administration Act 2000,* when making decisions in relation to adults with impaired capacity.
- C5. All of the Public Guardian's decision making will take place within a human rights framework and must comply with the *Human Rights Act 2019*.
- C6. The General Principles and the Public Guardian's human rights obligations mean that all decision making by the Public Guardian must take place under the rubric of *supported decision making*, as far as practicable. Supporteddecision making is defined below.

D. Key Principles and context underpinning this Practice Direction.

D1. Article 12 of the Convention provides a basis for supported decision making, by asserting that States Parties shall recognise that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. Further, States Parties shall take appropriate

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measures to provide access by persons with disabilities to the support they require in exercising their legal capacity.

D2. Australia signed and ratified the Convention, and it entered into force for Australia on 16 August 2008. Australia has also made a declaration in respect to Article 12:

"Australia declares its understanding that the Convention allows for fully supported or substituted decision-making arrangements, which provide for decisions to be made on behalf of a person, only where such arrangements are necessary, as a last resort and subject to safeguards."¹

- D3. The Australian National Standards of Public Guardianship (2016) set 10 standards for guardianship decision-making. The standards are provided in **Attachment 1**, however the following standards are fundamental to this practice direction:
 - 1) **Support decision-making capacity** Staff providing a guardianship service will ensure that: all reasonable efforts are made to support represented persons to exercise their own decision-making capacity to the greatest extent possible under relevant legislation.
 - 2) Ascertain will and preferences Staff making legal decisions, will endeavor to:
 - 1. Make decisions that accord with the represented person's will and preferences wherever possible.
 - 2. Override the person's will and preferences only where necessary to protect the person from significant risk to their personal or social wellbeing.
 - 3. If the represented person objects to the proposed decisions, make reasonable attempts to ascertain the reasons for their objection and consider possible ways to meet their wishes or resolve any disputes.
- D4. The relevant Queensland legislation is the *Guardianship and Administration Act 2000* and the *Powers of Attorney Act 1998*. Both of which require the application of a decision making model to support a person to exercise their right to make their own decisions, in a way that promotes and safeguards the adult's rights, interests and opportunities²:
 - 1) In applying general principle 9, a person or other entity in performing a function or exercising a power under this Act in relation to an adult, or under an enduring document for an adult, must adopt the approach set out in subsections (2) to (5).
 - 2) First, the person or other entity must
 - a. Recognise and preserve, to the greatest extent practicable, the adult's right to make the adult's own decision; and
 - b. If possible, support the adult to make a decision.
 - 3) Second, the person or other entity must recognise and take into account any views, wishes and preferences expressed or demonstrated by the adult.
 - 4) Third, if the adult's views, wishes and preferences cannot be determined, the person or other entity must use the principle of substituted judgement so that if, from the adult's views, wishes and preferences, expressed or demonstrated when the adult had capacity, it is reasonably practicable to work out what the adult's views, wishes and preferences would be, the person or other entity must recognise and take into account what the person or other entity considers the adult's views, wishes and preferences would be.

¹ Convention on the Rights of Persons with Disabilities: Declarations and Reservations (Australia)

² S 11B (3) 10, *Guardianship and Administration Act 2000* and s 6C 10, *Powers of Attorney Act 1998*

5) Fourth, one the person or other entity has recognised and taken into account the matters mentioned in subsections (2) to (4), the person or other entity may perform the function or exercise the power.

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- D5. The strict definition of supported decision making refers to a process to enable the adult to be the decision-maker, build their capacity and support them to exercise their legal capacity.
- D6. Guardianship limits the extent to which supported decision making can be utilised, and instead may require decisions to be made which are inconsistent with the adult's views, wishes and preferences, in circumstances where necessary to promote and safeguard the adult's rights, interests and opportunities.³
- D7. Attachment 2 provides excerpts from a supported decision-making guide, developed by the Victoria Department of Human Services. This includes a decision-making spectrum representing the levels of supports required by people to make decisions, and decision making principles from which to consider the range of decisions and circumstances of each person with a disability.
- D8. The OPG has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights⁴. A person's rights can only be limited in certain circumstances, when reasonable and demonstrably justifiable.
- D9. This policy provides a framework for delegate guardians to ensure decisions are least restrictive of a person's rights, taking into account the circumstances of the individual, while meeting supported decision making obligations under the Convention to the greatest extent possible and complying with the Human Rights Act 2019.

E. Decision Making Process

- E1. There are six broad steps in the decision making process:
 - 1) Identify the need for a decision the delegate guardian may be notified by the client, or interested parties, of the need for a decision. The delegate guardian may also identify the need for a decision, through the course of regular enquiries around the adult's health or well-being.
 - 2) Ascertain the will and preferences of the adult the delegate guardian must first attempt to gain the views from the adult directly, acknowledging that nonverbal techniques can also be valid forms of communication (e.g. body language and behaviour. See "Working with nonverbal clients" Practice Direction for further information). The adult should be provided with any information or support necessary to make an informed decision. Where the adult cannot provide their own views, consideration should be given to whether it is reasonably practicable to determine the adult's likely will and preferences from their previous actions.
 - 3) Gain views of other interested parties in accordance with principles of natural justice and procedural fairness, any parties who may be impacted by the proposed decision, should be consulted for their views on the decision. Further, delegate guardians may also contact other interested parties or professionals who may be able to provide further details to help inform the decision making process. Interested parties will differ according the decision being made. Generally, an interested party is someone who has an ongoing relationship with the adult, and has an interest in, or will be impacted by, the decision being made. In circumstances where an individual is not to be consulted, reasons should be documented clearly.

³ S 11B (3) 9, *Guardianship and Administration Act 2000* and s 6C 9, *Powers of Attorney Act 1998*

⁴ S 58, Human Rights Act 2019

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- 4) Assess risks and benefits of proposed decision the delegate guardian must determine the likely outcome of proposed decisions. In particular, whether allowing the adult's preference to be implemented would place their personal or social wellbeing at significant risk (for example, significant physical or emotional harm, or risk of incarceration). In some cases it may be necessary for the delegate guardian to override the adult's preference, to safeguard their rights, interests and opportunities. This must be balanced with the adult's 'dignity of risk'⁵, meaning adults should be allowed to make decisions where they can exert their self-determination and an element of risk is present, and that they should be allowed to make decisions that others do not agree with. Delegate guardians must acknowledge that the right to make decisions is fundamental to the adult's inherent dignity⁶ and allowing the adult to make their own decisions can be a benefit in itself. This step will determine which form of decision making will be followed (support the adult's decision or override their decision in their best interests). Section F provides further guidance in assessing risk.
- 5) **Consider whether the decision is compatible with human rights** to comply with the *Human Rights Act 2019*, where the proposed decision limits a person's rights, it must be reasonable and justifiable in a free and democratic society based on human dignity, equality and freedom⁷. Refer to OPG's Human Rights Decision Making framework for further guidance on Human Rights.

There are 23 human rights protected under the *Human Rights Act 2019*, and a single decision may impact on multiple rights.

Any guardianship decision which does not align with the adult's own choice, limits their human right to recognition and equality before the law⁸.

Depending on the type of decision made, other human rights may be engaged, and subsequently limited or restricted. For example, an accommodation decision for the adult to reside somewhere which they oppose, would limit their right to freedom of movement⁹.

It's also important to consider when the rights of others (not the adult) are limited as a result of the guardianship decision. For example, supporting the client to submit an application for a protection order against a family member, may be considered to limit the family member's right to protection of families and children¹⁰.

Record keeping for the guardianship decision must clearly state which rights have been limited and justify why it was reasonable to do so.

6) **Implement the decision** – the delegate guardian will prioritise advising the client and interested parties of the decision and where requested, will provide reasons for the decisions. Depending on the specific decision, implementation of the decision may be undertaken by the delegate guardian, client, service provider, health professional or other interested party. The decision must be documented clearly, providing details of the whole decision making process and reasons for the decision.



⁵ 'The concept of the dignity of risk acknowledges that accompanying every endeavour is the element of risk and that every opportunity for growth carries with it the potential for failure. All people learn through ... taking risks and trying new things ... The dignity of risk paces an emphasis on consumer choice and selfdetermination, which are both central to the concept of recovery': Parsons, C "The Dignity of Risk: Challenges in Moving On" in *Australian Nursing Journal*, April 2008, Volume 15, Number 9, p28.

⁶ s 5 (a), *Guardianship and Administration Act 2000*

⁷ s13, Human Rights Act 2019

⁸ S15, Human Rights Act 2019

⁹ S19, Human Rights Act 2019

¹⁰ S26, Human Rights Act 2019

F. Assessing Risk in Guardianship Decision Making

- F1. Risk in guardianship decision making refers to risk to the adult's personal and social wellbeing¹¹. This broad definition includes:
 - 1) The adult's human rights (as defined in the United Nations Declaration of Human Rights and Convention on the Rights of Persons with Disabilities, and the *Human Rights Act 2019*)

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- 2) The adult's interests and opportunities,
- 3) Physical or emotional harm to the adult,
- 4) Access to the community,
- 5) Access to services, and
- 6) Involvement in the criminal justice system.
- F2. The threshold for unreasonable risk is when the likely outcome would not promote and safeguard the adult's rights, interests and opportunities.
- F3. Before determining the risk of possible outcomes of a decision, delegate guardians must consider the adult's right to recognition and equality before the law¹². Making a decision which does not align with the adult's own will and preferences, may negatively impact their self-worth and dignity.
- F4. Where the adult's preference is considered to carry a reasonable risk to themselves or others, the delegate guardian should support the adult's own decision, despite the risks present. In these cases, the delegate guardian should clearly document the possible risks, and explain that the benefit of supporting the adult's right for self-determination, outweighs the risks. Delegate guardians should also recognise that the importance of self-determination may differ between individuals and may differ depending on the specific decision.
- F5. For example, a person may find it more intrusive to have a decision made for them which relates to who they have contact with, but may comfortable with a delegate Guardian making a decision about which service provider to engage with.
- F6. Each decision must be considered individually, and depending on the type of decision being proposed, different aspects must be considered.

Procedure:

- F7. The delegate guardian should first assess the risk of each possible outcome of all decision options. There may be minimal decision options (e.g. to implement a decision, or to maintain a current arrangement), or multiple options (e.g. more than two locations for the adult to reside).
- F8. <u>Table 1</u> provides a risk matrix this is a tool for guidance only, to assist in determining risk. Due to the complex nature of guardianship and differing needs of individuals, the tool will not necessarily function for every decision a delegate guardian may make.
- F9. By considering the likelihood of an incident occurring, cross referencing the consequence if the incident occurs, a risk rating is provided as low, medium, high or extreme.
- F10. The delegate guardian should then balance the resulting risk rating against the benefits of allowing the adult to make their own decision.



¹¹ AGAC National Standards of Public Guardianship, 2016

¹² S15, Human Rights Act 2019



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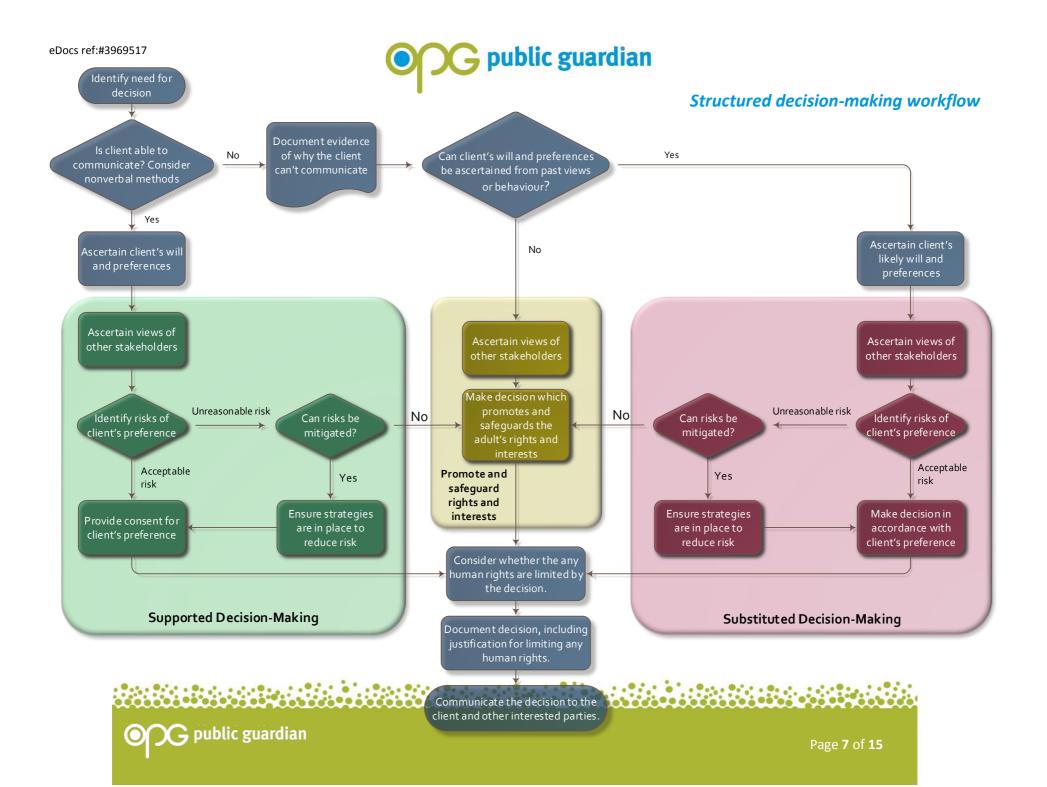
Likelihood of	Consequence					
occurrence	Insignificant	Minor	Moderate	Major	Catastrophic	
Almost Certain	Medium	Medium	High	Extreme	Extreme	
Likely	Low	Medium	Medium/High	High	Extreme	
Possible	Low	Low	Medium	Medium/High	High	
Unlikely	Low	Low	Low	Medium	Medium	
Rare	Low	Low	Low	Low	Medium	

Table 1 – Risk Matrix

G. Least Restrictive Approach

- G1. There are three discrete forms of decision-making which a delegate Guardian can apply when working with a client. The least restrictive forms are: supporting the adult's own decision (see section G4) and applying substituted judgement (see section G5). These should be the default, where there are no significant risks identified.
- G2. The most restrictive form aims to safeguard the adult, but may also require the adult's preferences to be overridden (see section G6). This approach can only be justified when:
 - 1) Allowing a decision in accordance with the adult's will and preferences would place their rights, interests or opportunities at significant risk, or
 - 2) The adult's will and preferences relating to the proposed decision, cannot be ascertained.
- G3. The flowchart on the following page outlines the priorities to ensure decisions are made in a least restrictive approach.







G4. Supporting the adult's own decision

- G4.1 Allowing the adult to make their own decision, recognises their dignity and can increase independence and confidence.
- G4.2 Although the adult effectively makes their own decision, the delegate guardian still has a number of functions and responsibilities including:
 - 1) Ensuring the adult has access to all necessary information to make an informed decision, and
 - 2) Ensuring the adult is not subject to undue influence.
- G4.3 The delegate guardian's role may also include formalising the decision by the adult. Depending on the services or agencies involved, others may request notification of the decision by the Public Guardian.
- G4.4 The delegate guardian should ensure the adult is provided with any necessary information, in a manner which suits their abilities and needs. In some cases, this may be undertaken by the delegate guardian; however, it is acknowledged that in some cases, other parties may be better suited to provide the information. For example, an appointed administrator would be the most appropriate party to advise the adult of any information around their finances.
- G4.5 The adult may indicate their will and preference through nonverbal communication methods. These nonverbal means are considered valid and meaningful. Delegate guardians should ensure that the adult has access to any necessary tools or support to communicate effectively (refer to OPG's policy "Working with nonverbal clients" for further guidance).
- G4.6 In addition to ascertaining the will and preferences of the adult, the delegate guardian may consult with other interested parties to obtain their views on the proposed decision of the adult, where appropriate. If new relevant information is obtained during this process, the delegate guardian may need to again consult with the adult to ensure they have all necessary information.
- G4.7 Based on all relevant information received, the delegate guardian will consider the risks and benefits of allowing the decision to proceed, in accordance with the adult's preference.
- G4.8 If identified risks to the adult's personal and social wellbeing are of reasonable likelihood and severity, and the proposed outcome promotes and safeguards the adult's rights, interests and opportunities, the delegate guardian can proceed with the decision making process, allowing the client to make their own decision. In some circumstances, the delegate guardian may need to provide formal consent to other parties to allow for the decision to be implemented.
- G4.9 If identified risks are determined to be unreasonable, or the proposed outcome is not likely to promote and safeguard the adult's rights interests and opportunities, the delegate guardian should consult with the client and other relevant interested parties to explore any additional actions which should be undertaken to mitigate the risks to reasonable level.
- G4.10 Only after full exploration of options, and if identified risks are still not likely to safeguard the adult's personal or social wellbeing, the delegate guardian can consider overriding the adult's will and preferences, to make an alternative decision (see section G6).

G5. Substituted judgement

G5.1 Where current views and wishes cannot be obtained from the adult, the delegate guardian can then consider the principle of substituted judgement¹³. This refers to

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¹³ S 11B (3) 10 (4), Guardianship and Administration Act 2000 and s 6C 10 (4), Powers of Attorney Act 1998

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ascertaining the likely will and preferences of the adult, by considering their previous decisions, views or actions.

- G5.2 Substituted judgement should only occur when all communication strategies have been exhausted. Views and wishes expressed through non-verbal means are considered valid and meaningful. (refer to OPG's policy "Working with nonverbal clients" for further guidance)
- G5.3 Substituted judgement might be necessary when the adult is unconscious, or if their condition is so severe that meaningful views cannot be expressed by the adult (including through nonverbal means).
- G5.4 If through substituted judgement, the likely will and preferences of the adult are obtained, the delegate guardian should then consult with any other interested parties and the risks and benefits should be assessed for the proposed decision.
- G5.5 If the risks identified are reasonable, the delegate guardian can formalise the decision and provide consent where necessary.
- G5.6 If the identified risks are unreasonable or do not promote or safeguard the adult's interests and opportunities, the delegate guardian, adult (where possible) and other interested parties should discuss the matter further to explore any additional actions which should be undertaken to mitigate the risks to reasonable level.

G6. Promote and safeguard adult's rights and interests

- G6.1 At times, delegate guardians may need to make a decision to promote or safeguard the adult's interests and opportunities, which is not consistent with the adult's own preferences. Overriding the adult's preferences is the most restrictive form of decision making and should only be considered when all other less restrictive options have been exhausted. This also limits the adult's rights, which must be considered under the *Human Rights Act 2019*, and OPG's Human Rights Decision Making Framework.
- G6.2 In situations where the adult's will and preferences are not able to be ascertained, the delegate guardian should also make the decision in the context of promoting and safeguarding the adult's rights and interests.

Version #	Approved By and Role	Date	Changes from Last Version	E-docs #
2	Natalie Siegel-Brown	November 2019	Updated to include requirements of the Human Rights Act 2019 and Guardianship and Administration Act amendments.	#3969517
1	Natalie Siegel-Brown	06/11/2017		#3965917 version 8





Attachment 1

National Standards of Public Guardianship (2016)

The National Standards of Public Guardianship

The following ten standards set out the principles for a guardian in their role. The standards complement policies, practice standards, and procedures as well as complaint and review mechanisms for people affected by guardians' decisions, and a range of government requirements relating to areas such as appropriate professional behaviour, privacy and confidentiality, conflict of interest and ethical work practices.

The National Standards are:

- 1. Provide information
- 2. Support decision-making capacity
- 3. Ascertain will and preferences
- 4. Advocate
- Protect
- 6. Make decisions
- 7. Record information
- 8. Participate in guardianship reviews
- 9. Promote professional development
- 10. Observe privacy and confidentiality requirements

1. Provide information

Agencies with a statutory mandate to provide guardianship services will ensure that information about their vision or mission, their services and the legislative and ethical principles and policies underlying their services are accessible to all consumers, stakeholders and staff.

Staff providing a guardianship service will ensure that:

- Information is made available to the represented person (the term given to a person who is the subject of a current Order made by a Board, Tribunal or Court) and other key people in their life about:
 - > the role of the office
 - > the principles of the legislation

> the authority of the guardian in relation to the represented person

- > customer services standards
- > the use of interpreters
- > how to request reasons for a decision
- > how to make a complaint or have a decision reviewed
- > how to apply for a review of an Order
- > other complaints processes
- > freedom of information provisions.
- Information about substitute consent and the guardian's decision-making authority is provided to all relevant service providers, including medical and dental practitioners providing services to the represented person.
- Information is made available on request in appropriate formats to ensure it is accessible.

2. Support decision-making capacity

Staff providing a guardianship service will ensure that:

> All reasonable efforts are made to support represented persons to exercise their own decision-making capacity to the extent possible under relevant legislation.

Staff providing guardianship services in jurisdictions where their Office practices supported decision making as an alternative to substitute decision making will ensure that:

- Any supported decision-making arrangements assist supported persons to express their will and preferences, and to develop their own decision-making capacity.
- The role of people who provide decision-making support is acknowledged and respected – including family members, carers or any other significant people chosen to provide support.





Attachment 1 (cont.)

National Standards of Public Guardianship (2016)

3. Ascertain will and preferences

Guardianship staff making legal decisions, subject to the requirements of the legislation operating in their jurisdiction, will endeavour to:

- Meet in person or use audiovisual technology to have direct contact with the represented person at least once a year.
- Ascertain the will and preferences of the represented person.
- Ascertain what the person would likely want, where it is not possible to determine the person's current will and preferences. This should be determined through having regard to all available information, including by consulting with family members, carers and other significant people in the person's life where they are available.
- Make decisions that accord with the represented person's will and preferences wherever possible.
- Override the person's will and preferences only where necessary to protect the person from significant risk to their personal or social wellbeing.
- If the represented person objects to the proposed decision, make reasonable attempts to ascertain the reasons for their objection and consider possible ways to meet their wishes or resolve any dispute.
- Seek and consider the views of key parties involved with the represented person.
- Seek and consider the views of relevant medical and other professionals, as the proposed decision requires.
- Consider the strengths and weaknesses of advice from service providers, and if there is reason to consider the advice inadequate in some way, seek a second opinion on behalf of the represented person.

4. Advocate

Represented persons have a right to access housing, health care, support services, and to participate in the community, including through education, employment, recreation, and membership of groups.

Staff making guardianship decisions will:

- Assess whether all options for support and social service provision have been presented to the guardian by service providers, and seek to recognise when a preferable option has not been presented.
- Make all possible attempts to advocate for the best option so that a decision can be made that improves both the quality of life and opportunity for the represented person.

5. Protect

Guardianship can serve an adult protection function for represented persons who are at risk of harm by third parties. People with a decision-making disability may be vulnerable to physical, sexual, emotional and financial abuse, as well as exploitation and neglect.

Guardianship services will ensure that their staff are appropriately screened through a police check, working with children check, or working with vulnerable people check as required by the law in their jurisdiction and the policy of the employing agency.

Staff providing guardianship services will:

- In both the initial assessment and subsequent reviews, consider whether the represented person is safe, and whether they have experienced abuse, exploitation or neglect.
- Consider the need of the represented person, or those in the person's life, for education about the risk of abuse, and how to prevent abuse.
- Take action including the referral of the represented person to an appropriate authority where there is any reasonable suspicion that a represented person has experienced abuse, exploitation or neglect, taking into account the person's wishes.





Attachment 1 (cont.)

National Standards of Public Guardianship (2016)

6. Make decisions

Staff making guardianship decisions will:

- Make decisions according to relevant legislative provisions and principles and the authority of the current Order.
- Only make decisions according to the authority delegated to them.
- Make decisions following relevant office policies and procedures.
- Communicate decisions to the represented person and key parties in a meaningful manner.
- Provide written reasons for any decision at the request of the represented person or a key party.
- Review their decision making on a regular basis with their manager.

7. Record information

Staff making guardianship decisions will:

- Record guardianship decisions in a way that also notes the views of the represented person and other relevant parties, as well as timeframes, conditions and the reasons for decisions.
- Record significant information that has been obtained, including details of key contacts which have been identified.

8. Participate in guardianship reviews

Staff participating in guardianship reviews will:

- Request a review of the current Order by the Board, Tribunal or Court if at any time there is a need to extend, review or revoke the powers given under the Order, including in situations where the Order is not working in the way least restrictive of the rights of the represented person.
- Recommend continuation of the Order for the shortest time possible and only when there is evidence that the represented person needs

particular decisions to be made for them.

- Consult with the represented person as far as possible to ascertain their views.
- Consult with relevant key parties and professionals and document their comments.
- Provide a written or verbal report detailing their assessment and recommendation to the Board, Tribunal or Court regarding the continuing need for an Order.

9. Promote professional development

Offices with the statutory mandate of guardianship decision making will ensure that:

- All staff have access to individual supervision, support and guidance in the performance of their guardianship role.
- The case of each represented person is reviewed periodically through individual supervision, file reviews or in professional team meetings.
- All staff have access to training opportunities during their employment.

Staff making guardianship decisions will:

- Engage in meetings on a regular basis with their manager or colleagues to discuss decision making and professional development needs.
- Undertake continuing professional development in areas relevant to their role.





Attachment 1 (cont.)

National Standards of Public Guardianship (2016)

10. Observe privacy and confidentiality requirements

Offices with the statutory mandate of guardianship decision making will:

> Develop policies and procedures that protect the privacy and confidentiality of represented persons and the key people in their lives, and comply with relevant legislative requirements.

All staff making guardianship decisions will ensure that:

> They comply with relevant government privacy and confidentiality requirements, as well as any relevant Codes of Conduct.



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Attachment 2

Page 14 of 15

Decision making spectrum¹⁴

Person makes the decision	 Autonomous decision making talking to family, friends, other participants, experts etc researching via brochure, media, internet etc trying things out and experimenting
	 Supporting decision making tailored information/formats communication assistance additional time & discussion of options use of technology Supported decision making formally organised (eg representatives / circles of support) family/friends make some decisions based on best interests or known preferences person(s) responsible for health related decisions
Best interests decision made on behalf of person	 Substitute decision making one-off decisions approved by VCAT* VCAT appointed guardian or administrator (limited or full responsibility)

* VCAT = Victorian Civil and Administrative Tribunal

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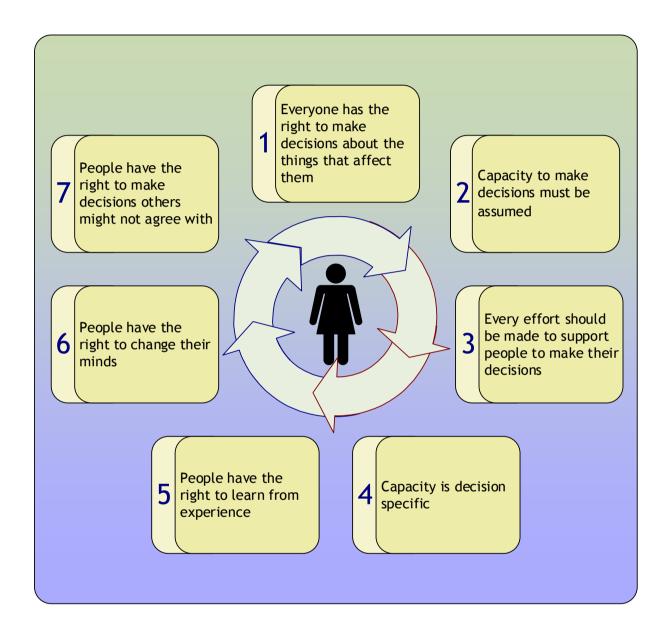
¹⁴ Victorian Government Department of Human Services, 2012, 'Supporting decision making: a guide to supporting people with a disability to make their own decisions'.



Attachment 2 (cont.)

Page 15 of 15

The seven decision making principles¹⁵



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¹⁵ Victorian Government Department of Human Services, 2012, 'Supporting decision making: a guide to supporting people with a disability to make their own decisions'.