

Who is OPG?

The Public Guardian is the guardian for people with impaired decision making abilities who are unable to make decisions about lifestyle or medical matters. The Public Guardian is appointed as the guardian of last resort, through a guardianship order, for a limited period and with limited authority.

The Public Guardian makes decisions that are in the best interests of the person under guardianship in accordance with the principles of the *Guardianship Act 1987*.

OPG shares its experience and knowledge of guardianship with private guardians and enduring guardians through the Private Guardian Support Unit (PGSU), and with members of the community through its information service.

Public Guardian's Review of Operations

■ IMPLEMENTATION OF THE NEWLY DEVELOPED CLIENT MANAGEMENT SYSTEM

A complaint management system known as TRACC (tracking reviews, appeals, complaints and compliments) to handle complaints, requests for reviews of decisions, and external reviews conducted by the Administrative Decisions Tribunal (ADT) against decisions of the Public Guardian was introduced in June 2006. A Private Guardian database, which will be integrated into the main client information system, was also introduced.

■ DELIVERY OF ACCOUNTABLE AND EFFECTIVE DECISION MAKING

The new OPG client management system has allowed for more accountable and effective decision-making through the approval of guardianship plans and regular file audits. Every client file is now audited at least once every twelve months.

■ STAFF TRAINING IN CONFLICT RESOLUTION

In September 2005, the Community Justice Centre provided conflict resolution training for OPG staff. The training built on the expertise of OPG staff and provided an introduction to alternative dispute resolution skills and strategies.

■ INCORPORATING COMMUNITY INFORMATION AND TRAINING ON CAPACITY

As part of its provision of professional education sessions, the OPG Information and Support Branch has developed a system to record requests for information on capacity in relation to enduring guardianship. In the coming year information on capacity and capacity assessment presentations will be further developed.

■ PROMOTION OF ENDURING GUARDIANSHIP TO CULTURALLY AND LINGUISTICALLY DIVERSE COMMUNITIES (CALD)

OPG developed an education campaign which aims to promote enduring guardianship to CALD communities. This project will build on the considerable work OPG has undertaken since 2000 to disseminate enduring guardianship information throughout NSW.

The first phase of this campaign, involving consultations with peak bodies working with CALD communities, is complete. Translated fact sheets and translated forms for appointing an enduring guardian have been completed and will be ready for dissemination in December 2006.

In the coming year, OPG plans to provide training and information sessions to people working with CALD communities, including legal practitioners, bilingual workers, and the CALD community. The campaign will also be promoted in the ethnic press.

■ POSITION STATEMENTS AND PRACTICE GUIDELINES

OPG is currently updating its position statements and practice guidelines to ensure changes in law and health and welfare policy and practice are available to guardianship staff when making decisions. The OPG's policies and practice guidelines will be linked to the new client management system. This is due for completion within the next year.

■ INCREASED DISCHARGE STRATEGY

OPG has created an internal working party with the aim of streamlining reports to the

Guardianship Tribunal. A tool kit has been created to assist staff to prepare reports. The tool kit encourages greater reference to the principles of the Act and the Public Guardian as the guardian of last resort. Additionally, the working party is enhancing the current report template to enable more efficient and effective report writing by linking with the new client database.

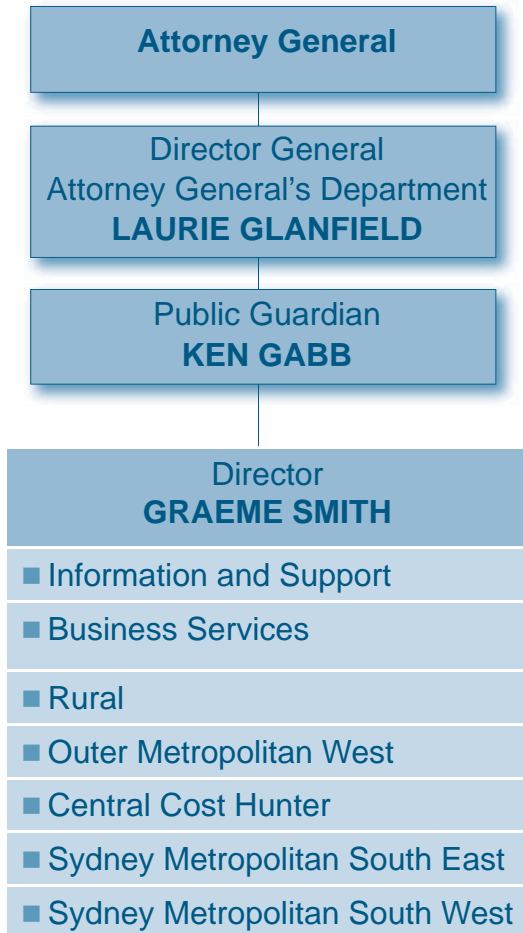
■ ACCOUNTABILITY

OPG is a business centre within the NSW Attorney General's Department. The Public Guardian reports to the Attorney General via the Director General.

Summary of Performance

Challenges	Achievements	Future directions
Managing increased demand for guardianship services within existing resources.	Study commissioned into guardianship orders and the reasons for them, to better understand OPG's client base and to assist in planning to meet, within limited resources, the needs of ever-increasing client numbers.	<p>Determine the feasibility of introducing a community guardians scheme into NSW, as in other Australian jurisdictions.</p> <p>Explore further the possibility of delivering pre-hearing information for prospective private guardians.</p> <p>Increase awareness of enduring guardianship.</p>
Increasing accountability - decisions of the OPG, reviewed by the ADT requiring increased numbers of internal reviews, preparation of more detailed reasons for decisions and increasing complexity associated with administration and record keeping.	OPG introduced a new electronic client management system in November 2005. The new system is designed to minimise the amount of time staff spend on electronic records management, and maximise time available for clients. It also enables OPG to demonstrate that its decision making processes are accessible, fair and transparent.	<p>Implementation of 2 new databases to track complaints, reviews, appeals, compliments and complaints (TRACC); and to record contact with private guardians.</p> <p>Progress electronic exchange of information with the Guardianship Tribunal.</p> <p>Explore the introduction of a new electronic document management system for OPG.</p>
Demand for information on enduring guardianship.	OPG developed a two stage information campaign to deliver enduring guardianship information to culturally and linguistically diverse communities (CALD). The first phase of the campaign is complete and involved consultations with CALD peak groups, translating materials and information seminars.	OPG plans to implement Stage 2 of the campaign next year.

Office of the Public Guardian Organisation Chart



Corporate Governance

■ CONSUMER AND CLIENT FEEDBACK

This financial year OPG received 124 formal responses from clients and stakeholders 68 of which were complaints. A formal response to complaints was provided within ten working days 87% of the time. The majority of complaints were received from family members of OPG clients, and related to the way we communicate to clients and stakeholders, quality of service and the decision-making

process. There has been little change in the number of requests for an internal review of decision since last year. However, there has been and a significant increase in the number of compliments received.

■ COMMITTEES AND BOARDS Advisory Council

OPG's Advisory Council comprises the same membership as the OPC Advisory Council (see page 9-10). The Council is therefore able to give consistent and well balanced advice and comment on policies, service delivery and strategic direction. Meetings of the Advisory Council are held quarterly.

External Committees

Significant external committees with representation from OPG during the year were:

- Australian Guardianship and Administration Committee
- Boarding House Expert Advisory Group.
- AGD Capacity Reference Group
- Department of Ageing, Disability and Homecare (DADHC) Accommodation Roundtable
- DADHC Metro Residences Quality Review Group
- Dementia Advisory Service (Western Sydney) Committee
- Ombudsman's Disability Roundtable
- State-wide AIDS Dementia & HIV Psychiatry Service Advisory Committee

■ NUMBER OF EMPLOYEES BY CATEGORY

		30 June 2006		
		Men	Women	Total Staff
Permanent	F/T	12	39	51
	P/T	5	15	20
Temporary	F/T	1	7	8
	P/T	nil	2	2
Contract	SES	1	nil	1
	non-SES	nil	nil	nil
Training		nil	nil	nil
Casual		nil	nil	nil
Total		19	63	82

Comparative figures are not available for previous years as they were amalgamated with AGD staffing figures.

■ MOVEMENT IN SALARIES AND WAGES DURING 2005-2006

A 4% Public Sector award salary increase came into effect in July 2005.

■ PERSONNEL POLICIES AND PRACTICES

OPG staff are employed under the provisions of the *Public Sector Employment and Management Act 2002* and the *Crown Employees (Public Service Conditions of Employment) Award 2006*. OPG staff are employees of the Attorney General's Department

OPG staff have online access, via an Intranet, to a comprehensive range of personnel policies provided to all administrative units of the Attorney General's Department. Staff can access a range of flexible working arrangements to accommodate disabilities or work/life balance.

The Employee Assistance Programme offers a confidential counselling and trauma debriefing service to staff.

■ INDUSTRIAL RELATIONS POLICIES AND PRACTICES

No industrial dispute resulting in work stoppage occurred during the year.

OPG management meets regularly with staff to discuss industrial matters via a Joint Consultative Committee. The committee comprises representatives of the Public Service Association, OPC and OPG Workplace Committee representatives and OPC and OPG management.

■ WOMEN

OPG had 63 female staff on 30 June 2006 and supports the Spokeswomen's Program.

OPG appointed two Spokeswomen in the reporting period. They are working in conjunction with the Spokeswomen in OPC to develop a program of activities for their term. In the interim female staff participate in activities coordinated by other Spokeswomen in AGD.

Training

■ PROFESSIONAL DEVELOPMENT – STAFF SEMINARS

As part of OPG's commitment to increasing staff access to training and development 'All Staff Day' seminars are held regularly. In December 2005, OPG staff, with a guest speaker from NSW Ombudsman, facilitated a discussion about 'Devolution and Institutionalisation', a significant issue for many OPG clients.

Upcoming seminar themes include the UN Charter of Human Rights and Disability, and what this means for people under guardianship.

■ STAFF TRAINING IN CONFLICT RESOLUTION

In September 2005, the Community Justice Centre provided conflict resolution training for OPG staff. The training built on the expertise of OPG staff, and provided an introduction to alternative dispute resolution skills and strategies.

■ STAFF TRAINING IN PREVENTION OF BULLYING AND HARASSMENT

In response to the Attorney General's staff survey it was evident that staff across AGD business centres considered there was a significant rate of workplace bullying and harassment. In response, OPG provided a series information sessions for staff that reinforced the Department's commitment to preventing bullying and harassment in the workplace, and reminded staff of the AGD grievance procedure. Additionally OPG acquired the training services of the Anti Discrimination Board (ADB) to provide training to all OPG staff and management with the aim of increasing awareness and preventing bullying and harassment in the workplace. These training sessions are nearing completion.

Our Clients

■ SERVICES TO PEOPLE UNDER GUARDIANSHIP

At the end of June 2006, OPG had 1735 clients there has been a net increase of six percent in new orders and orders renewed appointing the Public Guardian.

During 2005/06, OPG provided guardianship services to a total of 2200 people with a disability, the majority of whom required significant amounts of support to manage their day-to-day lives. The total number of people assisted provides the most accurate reflection of the work undertaken by OPG in case allocation, development

and implementation of guardianship plans, records management, and preparation for Guardianship Tribunal hearings.

Over the past 3 years the most common authorities given to the Public Guardian have been for accommodation of persons under guardianship, and consent to medical and/or dental treatment on their behalf.

Although people under guardianship live across NSW, most live in the Sydney, Greater Sydney and Newcastle areas.

The average age of people under guardianship is 55 years. The majority are single.

■ TYPES OF DISABILITY

	03/04	04/05	05/06
Brain Injury	84	107	78
Dementia	216	285	290
Developmental	587	634	503
Psychiatric	32	25	179
Other	14	13	0
Advanced Age	8	12	13
Autism	8	20	18
Alcohol/drug related	72	84	106
AIDs/HIV related	4	2	2
Deaf and Blind	5	4	4
Eating Disorder	8	5	7
Mental Illness	181	226	226
Neurological	53	84	109
No Reason Established	2	3	nil
Physical	12	12	11
Stroke related	16	28	nil
Reasons unknown	224	111	176
Miscellaneous	46	17	11
Total current	1572	1672	1733

Community Relations

■ SERVICES TO THE COMMUNITY, PRIVATE AND ENDURING GUARDIANS

OPG presented 66 free community education events, with content ranging from OPG's role and function, substitute consent to medical and dental treatment to enduring guardianship.

More than 25 per cent of attendees were from services whose clients have an intellectual disability. Staff from the health and aged care sectors, legal practitioners, and TAFE students were also significantly represented.

The Private Guardian Support Unit (PGSU) received 276 contacts from guardians requiring support and/or information, including support drafting correspondence and in dealing with other departments and agencies.

The most popular publication requested was the guide *Enduring Guardianship in New South Wales: your way to plan ahead* (26 per cent), while 10 per cent of information requests also related to enduring guardianship.

Systemic Advocacy for OPG Clients

■ ACCOMMODATION ROUNDTABLE

OPG participated in the Accommodation Roundtable discussions, hosted by the Hon. John Della Bosca, Minister for Disability Services, which led to the development of the NSW Government's *Stronger Together* commitment. *Stronger Together* is a new direction for disability services in NSW 2006-2016. The plan

follows extensive state-wide consultation and provides an additional \$1 billion funding over the first five years.

■ BOARDING HOUSE EXPERT ADVISORY GROUP

OPG is a member of the Boarding House Expert Advisory Group. This group provides advice on DADHC policies and programs that oversee licensed boarding houses and supports the residents of licensed boarding houses. It also considers any specific matter referred to the group by the Department or Minister. This year it has considered the review of the *Youth and Community Services Act 1973* and current issues in licensed residential facilities.

■ INTEGRATED SERVICES PROJECT

In March 2004 the NSW Cabinet Committee on Human Services supported the trial of a 3 year program targeting a small group of adults with challenging behaviours, for whom, due to the severity of their challenging behaviour, the local services system has been unable to successfully manage.

The aim of the project is to achieve an increase in the service systems ability to effectively support and manage the complex needs and behaviours of these clients. The project is a joint initiative of the Department of Ageing Disability and Home Care (DADHC), NSW Health and the NSW Department of Housing (DOH).

OPG played a significant role in advocating for the Integrated Services Project (ISP) to be established and funded by NSW Treasury. Of the 22 clients currently in this project, OPG is the legal guardian for 21 of these clients.

OPG is currently a member of the Interagency Reference Group. The purpose

of the group is to provide advice on how departmental resources can be accessed and interdepartmental difficulties overcome.

■ HOUSING REFORM

OPG has participated in consultations and provided written submissions to the Department of Housing about its reform initiatives.

The reforms include a move away from a public housing for life model, to a fixed tenancy model which is renewable for 2, 5 or 10 year periods.

OPG has advocated for the needs of people with disabilities by highlighting the negative impact of a limited tenure approach. OPG continues to advocate for flexible, client focused housing.

■ CRIMINAL JUSTICE SUPPORT NETWORK

The Criminal Justice Support Network (CJSN) was set up to assist people with intellectual disabilities involved in the criminal justice system both as victims and those charged with an offence.

Key elements of the CJSN are:

- Advocacy for people with intellectual disabilities encountering the criminal justice system
- Providing information and support through a volunteer programme in Courts and Police Stations in Sydney and a growing number of regional areas in NSW
- Recruiting pro bono legal assistance
- Informing and educating the Police and Judicial systems in dealing with people with an intellectual disability.
- Providing educational material in acceptable format for the consumer

group

- 24 hour support through a 1300 number.

OPG's representative feeds information from the Reference Group back to OPG networks regarding the resources developed by the project for the benefit of clients involved in the justice system and participates in quarterly meetings reviewing progress and new elements of the project.

The Reference group:

- Facilitates communication between the Intellectual Disability Rights Service and key stakeholders;
- Provides advice and guidance and input to the evaluation of the CJSN project;
- Promotes the service and
- Actively problem solves as needed.

Outlook for OPG

Some of the challenges ahead for OPG include:

1. In late 2007, OPG's Central Office and Regional Office at Blacktown will move to the new Parramatta Justice Precinct (PJP). OPG anticipates that this may result in the loss of some experienced staff members. However it is planned that OPG will maintain a presence in the Sydney CBD.
2. This year OPG commissioned a report from the Disability Studies and Research Institute (DSRI) into the increasing rate of appointment of the Public Guardian. This report showed an increased prevalence of conditions that impact on cognitive ability and functioning, such as dementia, which is being reflected in an increased demand for guardianship in general, and a steady increase in the number of people for whom the Public

Guardian is appointed as a substitute decision-maker.

This situation demands an evaluation of the capacity of current resources together with a review of work practices to ensure that we continue to make decisions in the best interests of people under guardianship, that we protect the rights of people who are unable to make certain lifestyle decisions or provide their own medical consent to treatment, to support the appointment and practice of private and enduring guardians and to adequately promote the principles of the *Guardianship Act 1987*.

3. OPG must maintain and increase its efforts to educate the community and raise awareness of the benefits of appointing an enduring guardian and about the support that family members can access through OPG's Private Guardian Support Unit when and if appointed as a private guardian.
4. OPG is currently undertaking a strategic planning process to identify the challenges identified in the DSRI report.