

Submitting a proposal

Information for family and friends

When the Public Guardian is the guardian, we make decisions on behalf of the person we represent. A proposal is your recommendation for the decision that needs to be made.

The Public Guardian may request a proposal from you when we are considering what is the best decision for a person we represent. You might also submit a proposal if you feel a new decision needs to be made.

You should talk to the guardian if you would like to submit a proposal to the Public Guardian. The guardian can talk to you about the decision being considered, if a proposal is needed, what you should include in a proposal and how a decision will be made.

How can I make a proposal?

1

Talk to the guardian.

It's best to talk to the guardian first before you spend time preparing a proposal. Some decisions may not require a formal proposal and can be supported through informal arrangements between family and friends. Some decisions may not be within the Public Guardian's authority to make. The guardian can provide specific advice for your situation.

2

Submit your proposal in writing.

If the guardian asks you to submit a proposal, you should provide it in writing. You can ask the guardian for a standard form to use, or you can provide your written proposal another way. If you can't put your proposal in writing, contact the guardian and they will work with you on another way to provide the proposal.

3

Hear the guardian's decision.

The guardian will review your proposal and let you know if any other information is needed. When the guardian has made the decision, they will inform you and any other people who are affected, if relevant. The time it takes to make a decision depends on the complexity of the decision and the amount of information that needs to be gathered to make the decision. You can always ask the guardian for an update.

A proposal should focus on the needs, will and preference of the person it is about. The guardian may talk to the person about the proposal to see what they think. The guardian may also talk to the person's family, friends, health professionals and support providers.

What should a proposal include?

A proposal needs to include information to help the guardian understand how it will meet the person's needs. The guardian will rely on the information you provide, so it's important to provide a full picture and consider all the person's needs, what is important to the person and how it will benefit them.

On this page are some important points to consider for a proposal. Each person and decision is unique and there may be some additional information the guardian will request depending on the person's circumstances. If you are unsure about any of these points, contact the guardian. The guardian may also need to seek assessments and reports from health professionals.

General information to include

- How is the proposal in the interests of the person? What benefit will it provide for them?
- Have you discussed the proposal with the person? What are their views?
- What are the views of other people in the person's life, including their family and friends, their support services (like a Support Coordinator or case manager), their doctor, specialists, and other health professionals?
- How will the proposal meet or compliment the person's current and ongoing care and support needs?
- If the proposal is agreed to, how will it be implemented?
- Are there any financial implications of the proposal? If there are, has the proposal been discussed with the person or their financial manager, if they have one? This may be a power of attorney, a private financial manager or NSW Trustee & Guardian).
- If the person has funding, such as through the National Disability Insurance Scheme (NDIS), will the proposal be covered by their funding and plan?

- Are there any assessments or reports supporting the proposal? This can include, but is not limited to, a general practitioner's (GP) report, an occupational therapy assessment, an Aged Care Assessment Team report, a risk assessment and a health professional review (psychiatrist, geriatrician, psychologist, behaviour clinician).
- What alternative options have been considered and why are these not used?

Making a decision

The Public Guardian must consider the principles of the *Guardianship Act 1987* (NSW) when making decisions. The Public Guardian will also consider:

- ✓ the views of the person we represent
- ✓ the views and proposals of those who will be affected by the decision including close family members, carers or service providers who provide regular services to the person
- ✓ reports from health and medical professionals
- ✓ how the decision will be implemented.

We may not always agree to a proposal. This may be because the proposal is not in the person's interests, there is no need for a decision to be made, or the Public Guardian does not have authority to make the decision. The Public Guardian will assess the need for a decision over time.

Example: submitting an accommodation proposal

A common type of decision the Public Guardian needs to make is where a person should live. This is known as an “accommodation decision”. To make an accommodation decision, the Public Guardian needs:

- details about the proposed accommodation, including:
 - name, location and contact details
 - information about any service providers who will be providing support to the person at the accommodation
 - industry accreditation and registration information, if applicable (for example, for an aged care facility, are they accredited? For a disability service provider, are they a registered NDIS provider?)
 - information such as who the person will be living with, if relevant, and if they will have their own room and access to an outdoor area.
- information about the person’s current and ongoing care and support needs, and how these will be met by the proposed accommodation and service provider
- information about how the accommodation will support the person to maintain social connections and participate in the community, including:
 - how the proposed accommodation will support contact, where relevant, with family and friends
 - how the proposed accommodation will support the person’s language, cultural or spiritual needs
 - how the proposed accommodation will support the person, where relevant, to go on community outings and access activities they enjoy
 - how the person will access transport, where relevant.
- information about how the accommodation will be paid for, such as NDIS funding and plan implications, where relevant, and discussions with the person’s financial manager or power of attorney, if they have one.

Requesting a review of a decision

If the Public Guardian makes a guardianship decision that you disagree with, the decision can be reviewed internally by the Public Guardian and externally by the NSW Civil and Administrative Tribunal. For information about how to request a review of a decision, contact the Public Guardian’s Information & Support team on 02 8688 6070.

Contact us



If the Public Guardian is the guardian for your family member, contact us on 02 8688 2650 or 1800 451 510 if outside the metropolitan area.



Email us or visit our website:
informationsupport@opg.nsw.gov.au
www.tag.nsw.gov.au/guardianship



If you need an interpreter, contact us through the Translating and Interpreting Service on 131 450.



You can contact us through the National Relay Service on 1800 882 889.