



### **IDENTIFICATION**

<b>Department</b>	<b>Position Title</b>	
Health and Social Services	Public Guardian	
<b>Position Number(s)</b>	<b>Community</b>	<b>Division/Region(s)</b>
49-4910	Yellowknife	Seniors and Continuing Care Services

### **PURPOSE OF THE POSITION**

The Minister of Health and Social Services appoints the Public Guardian in accordance with the provisions of the *Guardianship and Trusteeship Act*. Reporting to the Director of Seniors and Continuing Care Services, the Public Guardian is accountable for fulfilling statutory responsibilities under the Act, the provision of guardianship services pursuant to Court Orders, and the performance of duties arising from legal proceedings under the Act. The Public Guardian is also responsible for administration and management of the guardianship program. This includes accepting and assessing referrals for guardianship, making applications for guardianship to the court, naming a family member or friend or the Public Guardian as guardian, assuming guardianship responsibilities as directed by the court and maintaining legislative and administrative functions to ensure that the rights of the represented persons are protected.

Protection of the rights of adults who cannot make decisions for themselves is the main focus of the Public Guardian's position which is enabled by the *Guardianship and Trusteeship* legislation.

### **SCOPE**

The Public Guardian is responsible for a budget of approximately \$300,000. The Public Guardian has significant latitude over the use of operations and maintenance funds, which are used in a discretionary manner to pay for supplies, materials as well as for the payment of all case related expenses such as court filing and serving fees. Located in Yellowknife, and reporting to the Director Seniors and Continuing Care, the Public Guardian is closely associated with the Public Trustee's program, which is part of the same *Act*, administered by the Public Trustee under the Department of Justice.

The Public guardian representatives in nine regions assist the Public Guardian in processing applications. Public guardian representatives can also be assigned decision-making authority on guardianship orders and must report to the Public Guardian on guardianship issues. The Public Guardian however, is directly accountable for any and all decisions made by representatives.

The Public Guardian has full latitude to act under the terms and conditions of guardianship orders granted under the *Act* and as determined by the court. Decisions may by the Public Guardian have direct and lasting impacts on the quality of life of persons under his/her care. Decisions can range from routine personal care to medical and physical treatments to decisions concerning continuance of life.

The Public Guardian is accountable for ensuring that persons under his/her care are provided with necessary programs and services. The Public Guardian has full latitude in determining appropriate programs and services. In many cases the programs and services are not readily available and the guardian is therefore accountable for approving and recommending programs and services outside of the Northwest Territories and for identifying gaps in the availability of programs and services. Determining appropriate programs and services for person under his/her guardianship has a direct and significant impact on the quality of life of persons under the Public Guardian's care.

The provision of services or identifying gaps in services or lack of services also impacts others departmental programs particularly programs and services directed at the aged and disabled residents.

The position is faced with tight deadlines set by the Court. Emergency casework issues, sometimes requiring life or death decisions, require immediate attention and are an ongoing aspect to the work. The Public Guardian must be available on a twenty-four hour, on call basis.

All guardianship applications involve the Public Trustee and many result in joint orders for guardianship and trusteeship. The nature of the work requires a close working relationship with the Department of Justice and adherence to due process and the *Rules of the Court*. The incumbent works with several stakeholders across the GNWT, and collaborates with the Health and Social Services Authorities to ensure guardian applications are accurate and timely.

## **RESPONSIBILITIES**

- 1. The Public Guardian provides guardianship services to vulnerable adults without access to suitable private guardians to ensure the rights for personal and health care needs are protected.**

### **Main Activities**

- Receives and investigates referrals of persons who might require guardianship services analyzing physical, mental and social assessments to determine a person's eligibility for guardianship;
- Reviews and approves the filing of applications to the Court, naming the Public Guardian or private individuals as guardian;
- Reviews and approves the filing of court ordered reviews on all applications;
- Makes decisions or provides consents on behalf of represented persons under public guardianship, in conformity with court orders;
- Seeks advice and direction from the court in complex situations;
- Assigns the authority of the Public Guardian to others to make decisions or provide consents in specified areas for person under public guardianship;
- Liaisons with departmental and other government officials, health and social services professionals, family and friends and private guardians of represented person, where necessary, to assist in decision making and to advance the interests of represented persons; and,
- Purchases necessities as required, for person under public guardianship.

- 2. The Public Guardian implements those provisions of the *Guardianship and Trusteeship Act* that assign statutory responsibility to the Public Guardian to provide for legal decision making and adhering to due process.**

### **Main Activities:**

- Establishes monitoring systems and procedures for processing, maintaining and reviewing records on all guardianship applicants and those granted guardianship;
- Assesses and responds to court requests for Public Guardian approval to dispense with the requirement for service on persons who are the subject of applications;
- Reviews all private guardianship applications, and notifies private counsel of any discrepancies in the application and order requested;
- Notifies private guardians of pending review and expiration dates of court orders;
- Acts as alternate guardian in the circumstances defined by the *Act*;
- Applies for and/or assumes temporary guardianship responsibilities in emergency situations;
- Initiates, receives, and processes applications for the discharge of guardians;
- Makes recommendations to the Court regarding hardship, where liability for the costs of assessments or court hearings is at issue; and,
- Interprets the legislation and/or provides information to other guardians, families, community members and professionals.

**3. The Public Guardian administers the Public Guardian's Office and provides policies, guidelines, and procedures to ensure smooth uninterrupted services are delivered by the Guardianship Program.**

Main Activities

- Generates short and long term service forecasts and associated resource requirements;
- Establishes annual and multi-year program goals and objectives;
- Formulates operating budgets;
- Prepares job descriptions;
- Selects, trains and consults with persons with assigned authority to act on behalf of the Public Guardian, including regional public guardian representatives;
- Develops policies to guide the work in the office, in accordance with legislative requirements, and departmental standards, and policies;
- Develops procedures and standards manuals for the efficient and effective administration of the guardianship program;
- Designs and implements an electronic information system for the efficient maintenance and retrieval of program and administration records;
- Designs, reviews, audits and evaluates program delivery to monitor compliance with policies, standards and programs goals;
- Participates in the development of regulations and amendments to the *Guardianship and Trusteeship Act*;
- Liaisons with the Public Trustee or private trustees for represented persons under public guardianship;
- Maintains ongoing contact with government officials whose responsibilities may include planning for, or providing service to, represented persons; and
- Responds to departmental and broader government initiatives that might affect represented persons

**4. The Public Guardian manages information distribution and media relations to provide effective public education and information to caregivers on the guardianship program.**

Main Activities:

- Prepares materials for the information and education of various public and professional groups or organizations that will be affected by the implementation of the new legislation;
- Arranges general and specific meetings and presentations at different locations in the NWT to advise of the opportunities presented by the *Guardianship and Trusteeship Act*, and to respond to concerns about cultural issues;
- Seeks the cooperation of the media in providing opportunities to explain and answer questions about guardianship.

**5. The Public Guardian conducts research into guardianship issues and fosters information exchange to identify potential amendments to the Legislation and maintain current on guardianship and related issues in other jurisdictions.**

**Main Activities:**

- Seeks information on developments in guardianship law and practice in Canadian and other jurisdictions;
- Maintains contact with Public Guardians and Public Trustees in other provinces and attends meetings to discuss new procedures, services and legislative trends;
- Participates in NWT, provincial, national and international forums; and,
- Participates in the research and development of related new legislation (i.e. legislation concerning Personal Directives or Power of Attorney)

**WORKING CONDITIONS**

**Physical Demands**

There are long periods where the incumbent is required to stay seated and use a computer which can cause, back and muscle strain.

**Environmental Conditions**

There are no unusual environmental demands placed on the incumbent.

**Sensory Demands**

Long periods using a computer, which may cause eye strain. Listening and communication skills are essential for interacting with family members and caregivers so that the needs and the best interest of the represented person can be determined.

**Mental Demands**

Stress is incurred by tight deadlines set by the Court. Emergency casework issues sometimes related to a matter of life or death in cases of excessive abuse require immediate decisions by the Public Guardian.

The incumbent must also deal with distraught family members, who may be highly emotionally charged, regarding the decision made on behalf of the represented person. The incumbent is expected to travel periodically, on small aircraft, and stay at hotel facilities where amenities are limited. The Public Guardian usually carries a personal cell phone to facilitate contact in emergency situations.

## **KNOWLEDGE, SKILLS AND ABILITIES**

- Expert knowledge of *Guardianship and Trusteeship Act and Regulations*, as well as expert knowledge of guardianship programs and services within the NWT as well as in other jurisdictions
- Knowledge of human services and case work management, generally acquired through a degree in Social Science
- Specialized knowledge of medical terminology and medical procedures, knowledge of analytical and cognitive testing models
- Knowledge of court proceedings
- Knowledge in the public guardianship information systems
- Knowledgeable in computer programs such as word processing
- Knowledge of client services, and how to access these services
- Knowledgeable in file retrieval systems, both electronically, and manual
- Knowledge of northern culture
- Decision making skills including the ability to make informed decisions concerning the continuance of medical treatment and life support
- Analytical thinking for determining decision making abilities
- Conceptual thinking abilities
- Strategic thinking
- Problem solving skills to determine the best decisions for the represented person
- Stress management
- Effective communication both verbal and listening are essential for effective casework
- Excellent writing skills are essential for preparation of court applications and reviews
- Management skills for the administration and financial aspects of the guardianship program
- Organizational skills essential to program delivery
- Knowledge of human services and case work management
- Knowledge of medical terminology and medical procedures, knowledge of analytical and cognitive testing models
- Open communication with represented persons family members, care givers and regional public guardian representatives is essential for effective casework and to ensure the best interests of the represented person
- A concern for order and the ability to adhere to due process is essential for processing guardianship applications. Ability to listen, to understand, and to respect others. Honesty and truthfulness is important and required when swearing affidavits which form part of each guardianship application

### **Typically, the above qualifications would be attained by:**

These knowledge, skills and abilities are typically acquired through a Baccalaureate degree in Social Work or Human Services along with experience in a health care field, medical terminology, and case work management.

**ADDITIONAL REQUIREMENTS**

**Position Security (check one)**

- No criminal records check required
- Position of Trust – criminal records check required
- Highly sensitive position – requires verification of identity and a criminal records check

**French language (check one if applicable)**

- French required (must identify required level below)

Level required for this Designated Position is:

ORAL EXPRESSION AND COMPREHENSION

Basic (B)  Intermediate (I)  Advanced (A)

READING COMPREHENSION:

Basic (B)  Intermediate (I)  Advanced (A)

WRITING SKILLS:

Basic (B)  Intermediate (I)  Advanced (A)

- French preferred

**Aboriginal language:** To choose a language, click here.

- Required
- Preferred