



## IDENTIFICATION

Department	Position Title	
Health and Social Services	Deputy Public Guardian	
Position Number	Community	Division/Region
49-17646	Yellowknife	Senior and Continuing Care Services / HQ

## PURPOSE OF THE POSITION

The Deputy Public Guardian is responsible for fulfilling statutory responsibilities delegated from the Public Guardian under the *Guardianship and Trusteeship Act* (GTA). This position provides culturally safe and respectful guardianship services for persons with disabilities who lack the capacity for decision making pursuant of court orders and performance of duties arising from legal proceedings under the *Act*. This position has a particular focus on leading guardianship intake and application activities, providing case management, collaborating with service providers and family to support decision making, and making personal and health care decisions for persons who are under public guardianship orders.

## SCOPE

Located in Yellowknife the Deputy Public Guardian (Deputy) reports to the Manager, Strategic Initiatives and Office of the Public Guardian, and is responsible for supporting the Office of the Public Guardian (OPG) in the fulfillment of statutory responsibilities under the *GTA* and pursuant of court orders. The OPG is located in Yellowknife and provides guardianship services to Northwest (NWT) residents, some of whom may be accessing supported living or other health services out of territory.

The *GTA* enables a family member, friend, or the Public Guardian to be appointed as legal guardian for adults who do not have the capacity to make personal or healthcare decisions. The Public Guardian is a statutory officer appointed by the Minister of Health and Social Services and is accountable for duties, powers and functions that are mandated within the *GTA*. The Public Guardian is able to delegate these powers and duties to the DPG in order to ensure all guardianship functions are completed in an efficient and timely manner, with a high degree of professionalism, and in a culturally safe and respectful manner.



The Deputy will be delegated accountability for guardianship referral, intake and application to the Courts, and will be responsible for developing and implementing intake procedures that ensure timely and equitable access to guardianship services for NWT's residents. The Deputy will be responsible for assessment, screening to ensure that referrals meet criteria within the *GTA*, and to ensure that least intrusive options to meet client needs have been attempted prior to guardianship referral. The Deputy is also responsible for ensuring a capacity assessment is completed and liaising with referred persons, their family members and other service providers. The Deputy will be required to liaise with legal counsel and draft legal documents in application for guardianship orders and will attend guardianship hearings in the Courts in person and provide testimony. The Deputy will perform these functions with a high degree of autonomy, with oversight provided by the Public Guardian.

The DHSS is the largest, most broadly based department in the GNWT. The HSS System is comprised of the departmental structure and three HSSA's that deliver a complex array of programs and services and oversees several contracted service providers within the NWT and in other jurisdictions, when services are not currently available in the NWT.

One significant challenge faced by governments is that mainstream organizations, like HSS cannot be separated from the legacy of colonialism and anti-Indigenous racism in Canada. In HSS settings, present day anti-Indigenous racism, or systemic racism, impacts access to services, quality of care and health outcomes for Indigenous peoples. This also results in a system that inherently privileges the ideas, needs and norms of the dominant white settler population, including the privileging of western knowledge over Indigenous approaches and ways of knowing.

The HSS system is committed to addressing anti-Indigenous racism and promoting cultural safety and anti-racism. The Public Guardian is accountable to provide leadership and ensure SCCS staff honour and promote a culturally safe and anti-racist environment at all times, and interact with clients, families, community members, partners and colleagues with a relationship-based approach. This involves being tactful, respectful, self-aware and humble in order to develop and maintain ongoing and trusting relationships.

Transformative change within Continuing Care, Rehabilitation, and OPG services has been initiated in response to a looming demographic shift in the population aged 60+ both at a national and territorial level, and growth in the number of persons with disabilities. These changes are intended to refocus services to support a philosophy of "aging in place" by becoming more responsive to the needs of seniors, individuals with chronic and palliative health conditions and disabilities and their caregivers, so individuals can be supported in their own homes and communities, with less reliance on institutional care. Individuals receiving these services often have other health and social care needs, including chronic health conditions and mental health and addictions issues, which requires coordination across HSS and GNWT programs.



This position works in a collaborative way with service providers across the Government of the Northwest Territories (GNWT) and within non-government organizations (NGOs) to ensure guardian applications are completed in an accurate and timely manner. Guardianship applications may 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. It also requires an expert knowledge of information sharing protocols in alignment with *Access to Information and Protection of Privacy Act (ATTIP)*, and the *Health Information Act (HIA)*.

Individuals under guardianship (represented persons), have varying degrees of ability to understand information and make decisions, and may have complex social and health needs. Represented persons often require supportive services for daily living and ongoing access to multiple government services such as income support, housing, health, and social programs. The Deputy will be delegated responsibility for case management and making personal and health care decisions for a caseload of represented persons who are under public guardianship. The Deputy will support represented persons to participate in decision making to the best of their ability. The Deputy will be responsible for fulfilling duties and powers stated within guardianship orders granted under the *Act*. The Deputy will provide consent and direction to medical professionals, health care providers, supported living providers and other support services. In many cases the programs and services are not readily available and the Deputy 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.

The Deputy works dynamically and collaboratively with the Public Guardian and Public Guardian Assistant to meet the various demands and functions of the Office of the Public Guardian. 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. Priorities may fluctuate day-to- day or hour-to-hour. This position requires the Deputy to work with a high degree of flexibility and adaptability.

The Deputy will be required to act in the place of the Public Guardian when the Public Guardian is on leave. There may also be additional duties delegated to the Deputy, which may include support for private guardians and administrative duties, contract management, support with financial management of the OPG budget, and other tasks as required to support the Public Guardian in meeting the OPG's mandates.

The OPG must have staff persons available on a twenty-four hour, on-call basis to provide emergency health care and personal decision making for those who are under public guardianship orders. The Deputy will be required to provide evening, weekend and holiday coverage of on-call services in rotation with the Public Guardian in addition to the regular work week.



The Deputy will be required to attend meetings in the community with clients, families and service providers on an occasional basis. The incumbent will visit clients in their homes occasionally and may experience unpleasant conditions or hazards during these visits. The incumbent may be required to travel outside of Yellowknife to small communities to meet with represented persons.

The incumbent will be required to participate in the fulfillment of 24/7 evening, weekend and holiday on-call duties, which includes carrying a cell phone and being the primary point of contact for any power granted within guardianship orders. This responsibility is shared with other positions and the DPG can expect to fulfill after-hours on-call duties during approximately 30-60% of the calendar year. This requirement creates the necessity of a level of vigilance after business hours. Additionally, in some situations, the incumbent must respond to families who are extremely emotional or distraught and will be required to deliver a calm, controlled and professional response. This position must meet tight deadlines set by legal counsel and the court, and there is a lack of control in terms of the pace of work that this position will be required to respond to.

The OPG provides front line service delivery, working with families across the NWT. Staff are expected to honor and promote a culturally safe environment at all times and to interact with clients and families, community members, partners and colleagues in a tactful, respectful manner that is inclusive, accessible and free of discrimination.

## **RESPONSIBILITIES**

- 1. Assess, coordinate and facilitate the Guardianship intake and application process to ensure NWT residents have timely access to guardianship services.**
  - Receive and respond to inquiries related to guardianship referral.
  - Assess guardianship referrals received for eligibility, compliance with criteria within GTA and options for least intrusive measures that can meet client needs.
  - Refer clients to qualified capacity assessors for capacity assessment services.
  - Contract Management for capacity assessment.
  - In accordance with the *Access to Information and Protection of Privacy Act (ATTIP)*, and *Health Information Act (HIA)*, liaise with capacity assessors, proposed represented persons, family members and inter-governmental departments and service providers to facilitate information access that will contribute to the capacity assessment process.
  - Receive capacity assessment reports and screen these for compliance with the GTA.
  - Provide assessment related to suitability of proposed private guardians to ensure criteria is met within the GTA.
  - Meet or arrange teleconference with potential represented persons, proposed Private Guardians, families and professionals to provide information about Guardianship, the intake and application process, have consents or court documents signed or serve legal documents.



- Liaise with legal counsel regarding guardianship/trusteeship applications and court related matters.
- Apply for temporary Guardianship in emergency situations.
- Draft and prepare court documents in preparation for Guardianship hearings.
- Ensure court documents are proofread, have a legal review and are delivered to the courts in time to meet rigorous court deadlines.
- Attend guardianship court hearings in person and provide testimony in court as required.
- Make recommendations to the court regarding hardship, where liability for the costs of the assessment or court hearings is at issue.
- Maintain a registry of capacity assessors who have completed capacity assessment training.
- Document and track each guardianship referral through the various stages of application process.
- Report regularly to the Public Guardian related to individual cases as well as overall caseload statistics.
- Liaise with the Public Trustee to bring mutual guardianship and trusteeship applications to the court.
- Maintain comprehensive client file that documents actions taken by OPG.

**2. Provide guardianship services and case management, including making personal and health care decisions, for persons who do not have decisional capacity and are under a public guardianship order.**

- Analyze and develop full understanding of complex and individualized court orders and the GTA in order to apply the powers and duties mandated appropriately in management of caseload.
- Assess complex client circumstances and consider multiple factors including risks, benefits, consequences and potential outcomes to make decisions for clients in complex, dynamic, and sometimes emergency, situations.
- Provide direction to medical professionals, health care providers and other service providers regarding clients' medical care and treatment, vocational training, education, housing, social opportunities and other personal and health care decisions.
- Gather information from multiple information sources, including conducting interviews and case conferences, reviewing medical records and legal documents, making home visits and selecting appropriate assessment methods to determine the best course of action for clients.
- Liaise and establish professional relationships with departmental and other government officials, health and social services professionals, family, friends and private guardians of represented persons.
- Provide education on guardianship and the role and function of the OPG to the public, healthcare practitioners and social workers as required.



- Recognize and analyze problems, collect information, establish facts, draw valid conclusions and respond with a problem solving approach.
- Provide necessary support to represented persons so that they may participate in decision making to the best of their ability and make decisions on their behalf as required.
- Liaise with the Public Trustee or private trustees for represented persons under public guardianship.
- Identify necessities for persons under public guardianship and request the Public Trustee to make purchases.
- Lead the legal processes associated with guardianship order review and renewal, and attend associated court hearings.
- Maintain regular contact with persons under public guardianship, their support services and families.
- Maintain up to date client files including records of decisions for represented persons.

**3. Perform duties and functions as delegated by the Public Guardian.**

- Problem solving all challenges related to the administration of the OPG and related to urgent client circumstances as they arise.
- Act in the Public Guardian role and perform all delegated duties when the Public Guardian is on leave.
- Provide support to private guardians related to interpreting court orders and legislation interpretation and related to their role.
- Provide program administration and development functions when delegated.
- Participate in development and provision of public awareness activities as required.
- Provide evening, weekend and holiday on-call coverage for emergency decision making in rotation with the public guardian.
- Provide supervision and support to other OPG staff as directed by or in the absence of the Public Guardian.
- Support any priority projects or efforts when directed by the Public Guardian.

**4. Lead research, analysis and policy development to further enhance guardianship services.**

- Maintain program data and conduct analysis of the intake caseload and demographics, report such to the Public Guardian.
- Draw on professional judgment and reflect on the unique experiences of NWT clients, to develop and implement strategies to ensure timely and equitable access to capacity assessment and sustainability of capacity assessment resources within the NWT.
- Develop procedures manual for intake and capacity assessment processes to guide the work of the OPG and reflect the unique needs and context of the NWT and the legislated mandates of the OPG.
- Participate as subject matter expert in the development of regulations and amendments



- to the GTA, particularly related to intake and capacity assessment aspects of the ACT.
- Research and implement best practices in Guardianship Application processes and intake processes for the purpose of ensuring timely, efficient and equitable access to guardianship services.
- Work with the Public Guardian to monitor and report on the performance of the OPG as outlined in the DHSS OPG Performance Monitoring Framework.

## **WORKING CONDITIONS**

### **Physical Demands**

No unusual demands

### **Environmental Conditions**

No unusual conditions.

### **Sensory Demands**

No unusual demands.

### **Mental Demands**

The position will work directly with the clients in the office as well as in the community and on home visits. Due to the type of work, there will be exposure to the unpredictability and nature (mental health, addictions, cognitive challenges, and trauma) of the clientele, and there may be threats of physical confrontation with those who are high risk, highly intoxicated, or under the influence of substances, and dealing with mental health issues.

The incumbent may be exposed to information of trauma and dysfunction that may include stories of physical/ sexual abuse, homelessness, and violence.

## **KNOWLEDGE, SKILLS AND ABILITIES**

- Knowledge of, and/or the ability to acquire knowledge of the community health, welfare, social and legal support systems and other resources available to clients that reflects the diverse and complex scope of needs of NWT residents who access OPG services.
- Knowledge of physiological, cognitive and mental health conditions that impact one's ability to understand and appreciate information related to decision making.
- Knowledge of interviewing and recording techniques, including documentation of all actions, contacts and decisions made.
- Ability to interpret legislation and court orders.



- Ability to use a range of techniques and resources to gather facts, assess available information, draw a conclusion, respond appropriately and communicate and document this process effectively.
- Analytical, reasoning and problem solving skills.
- Ability to assess complex client circumstances and consider multiple factors including risks, benefits, consequences and potential outcomes to make decisions for clients in complex, dynamic, and sometimes emergency, situations.
- Ability to analyze and develop full understanding of complex and individualized court orders and the GTA in order to apply the powers and duties mandated appropriately in management of caseload.
- Interpersonal skills and ability to maintain collaborative, professional relationships with clients, families, service providers and professionals.
- Ability to develop organizational policies and procedures to enhance service delivery.
- Knowledge of human services and casework management.
- Knowledge of court proceedings and legal documentation.
- Ability to acquire and utilized specialized knowledge of GTA and Regulations.
- Knowledgeable in computer programs such as Microsoft Word and Excel.
- Ability to be meticulous in detail in terms of preparing court documents and pursing information critical to court application processes.
- Ability to be self-directed, meet deadlines, prioritize workload and manage various projects and requests simultaneously.
- Written and verbal communication skills
- Ability to commit to actively upholding and consistently practicing personal diversity, inclusion and cultural awareness, as well as safety and sensitivity approaches in the workplace.

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

A baccalaureate in Social Work, Nursing, or Human Services, and two (2) years of experience providing social services, health care services, or case management services for adults with complex needs, including persons with cognitive disabilities.

Equivalent combinations of education and experience will be considered.

**ADDITIONAL REQUIREMENTS**

Job holder must maintain a professional license to practice in a Canadian Jurisdiction.



## Position Security

- 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

## Indigenous language: Select language

- Required
- Preferred