



IDENTIFICATION

Department	Position Title	
Health and Social Services	Public Guardian	
Position Number	Community	Division/Region
49-4910	Yellowknife	Seniors and Continuing Care Services / HQ

PURPOSE OF THE POSITION

In accordance with the provisions of the *Guardianship and Trusteeship Act*, the Minister of Health and Social Services appoints the Public Guardian to: ensure the fulfillment of 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*.

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

Located in Yellowknife, the Public Guardian reports to the Manager of Strategic Initiatives and Office of the Public Guardian (Manager), and is responsible for administration and management of the guardianship program, including 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.

The Public Guardian works closely with the Northwest Territories (NWT) Health and Social Services Authorities (HSSAs) and their teams across the HSS System. The Public Guardian also works closely with Management teams across Government of the Northwest Territories (GNWT) Departments to advance planning, integration, and communication related to office of the public guardian (OPG) programs, services and policies. The Public Guardian works with the Manager on the OPG finances and is responsible to work with the Office of the Public



Trustee, which is part of the same *Act*, administered by the Public Trustee under the Department of Justice. 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.

The Public Guardian provides expert, strategic advice and recommendations to the Manager and other members of HSS and GNWT Senior and Management Teams on program, policy, legislative and communication matters related to areas of accountability, including options for addressing issues.

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.



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 have direct and lasting impacts on the quality of life of persons under the care of the Public Guardian. Decisions can range from routine personal care to medical and physical treatments to decisions concerning continuance of life.

This position is accountable for ensuring that persons under the care of the Public Guardian 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 NWT, and for identifying gaps in the availability of programs and services. Determining appropriate programs and services for each person under 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.

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 HSSAs to ensure guardian applications are accurate and timely.

The Public Guardian is 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 and humble manor that is free of racism and discrimination.

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.

Due to the statutory appointment of the position and responsibilities listed in the legislation and regulations under the *GTA*, the Public Guardian provides clinical oversight to 2 core OPG staff – Deputy Public Guardian and the Public Guardian Assistant – and 5 other, as needed, Deputy Public Guardians who hold other positions within the SCCS division.

This position has oversight to a budget approximating \$445K.

The incumbent will be required to travel periodically which often involves small aircraft.



RESPONSIBILITIES

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

- Reviews 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.
- Delegates responsibilities under the *GTA* to other OPG staff and is responsible for overseeing the completion of guardianship applications.
- 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.
- Responsible for contract management in the hiring of capacity assessors.

2. 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.

- Works with the Manager to establish 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.



- Interprets the legislation and/or provides information to other guardians, families, community members and professionals.

3. As clinical lead for the Public Guardian's Office, leads in the development of policies, guidelines and procedures to ensure smooth uninterrupted services are delivered by the Guardianship Program.

- Leads and provides clinical oversight to the OPG staff to ensure all delegated activities comply with the legislation, policies, guidelines and procedures of the Guardianship Program.
- Identifies short and long term service forecasts and associated resource requirements and reports these to the Manager.
- Formulates operating budgets and works with the Manager to ensure alignment with government financial objectives.
- Selects, trains and consults with persons with assigned authority to act on behalf of the Public Guardian, including Deputy Public Guardians and Public Guardian Assistants.
- Develops policies to guide the work in the office, in accordance with legislative requirements, and departmental standards and policies.
- Develops procedures and standards for the efficient and effective administration of the guardianship program.
- Ensures all client interactions are documented in a timely manner and saved in the electronic information system per Program and Department requirements.
- Ensures Program and Administrative records are filed per Program and Department requirements.
- Conducts regular client file audits and compiles the associated report to ensure compliance with program policies, procedures, standards and 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.
- Responds to departmental and broader government initiatives that might affect represented persons.
- Appoints all of the key statutory functions required in order to provide support and effect proper decision making for vulnerable adults under the *GTA* and ensures the appropriate training and support of all system roles and that all appointed staff are meeting the requirements of legislation, standards and policy under the *GTA*.



4. Manages and communicates information distribution to provide effective public education and information to those seeking guardianship, caregivers, key stakeholders and the HSSAs on the guardianship program.

- 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 *GTA* and to respond to concerns about cultural issues.
- Work with DHSS communications in providing responses and opportunities to explain and answer questions about guardianship.
- Collaborates with key stakeholders to identify the outputs, outcomes, and performance indicators necessary to demonstrate whether or not the system is meeting its objectives, and the principles upon which the *GTA* of the NWT have been based.
- Ensures appropriate consultation and collaboration with all key stakeholders and provides opportunity for feedback and enhancement of the OPG program.

5. 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.

- Seeks information on developments in guardianship law and practice in Canada 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.
- Participates in the research and development of related new legislation (i.e., legislation concerning Personal Directives or Power of Attorney).
- Collaborates with other HSS divisions to ensure OPG best practice is in alignment with government mandate and national and international best practices.

WORKING CONDITIONS

Physical Demands

No unusual demands.

Environmental Conditions

No unusual conditions.

Sensory Demands

No unusual demands.



Mental Demands

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, and carries a cell phone to facilitate contact in emergency situations.

This position requires the incumbent to manage emergency casework issues relating to a matter of life or death in cases of excessive abuse that require immediate decisions by the Public Guardian.

The incumbent may be exposed to distraught family members, who may be highly emotionally charged, regarding the decision made on behalf of the represented person.

KNOWLEDGE, SKILLS AND ABILITIES

- Knowledge of and/or the ability to acquire and apply knowledge of the *Guardianship and Trusteeship Act* and *Regulations*.
- Knowledge of and/or the ability to acquire and apply knowledge of guardianship programs and services within the NWT as well as in other jurisdictions.
- Knowledge of and ability to analyze and interpret relevant GNWT legislation, policies and procedures.
- Knowledge of human services and case work management.
- Knowledge of medical terminology and medical procedures, knowledge of analytical and cognitive testing models.
- Knowledge of and/or the ability to acquire and apply knowledge of court proceedings.
- Conflict management/resolution skills.
- Computer literacy, including the ability to use Microsoft Office-Word, Excel and PowerPoint programs as well as, E-mail and Internet.
- Analytical and decision making skills including the ability to make informed decisions concerning the continuance of medical treatment and life support.
- Leadership skills including change management, communication, and engagement of others.
- Writing skills for the preparation of court applications and reviews.
- Organizational and time management skills.
- Skills relating to business planning and financial reporting processes, budgeting, forecasting, allocation.
- Ability to prepare materials for the information and education of various public and professional groups or organizations.
- Ability to monitor team activities to ensure consistency with organizational values/ethics.



- Ability to diligently represent the needs and interests of all persons under the care of the Public Guardian.
- Ability to communicate openly with represented persons family members, care givers and regional public guardian representatives.
- Ability to adhere to due process with an overriding concern for order when processing guardianship applications.
- Ability to commit to actively upholding and consistently practicing person diversity, inclusion, and cultural awareness as well as safety and sensitivity approaches in the workplace.

Typically, the above qualifications would be attained by:

A Bachelor's degree in Social Work, Health Profession (Nursing or Allied Health) or Human Services and three (3) years of experience working with vulnerable populations, within the legal and court system, or within the health care field, and also includes one (1) year working with medical terminology and case work management.

Equivalent combinations of education and experience will be considered.

ADDITIONAL REQUIREMENTS

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