

# Determining whether to consent to a proposal to move a person from domestic style accommodation

Sometimes consent is sought from the Public Guardian for the proposed transfer of a person under guardianship from their own home or other community based domestic style accommodation to a congregate care setting on a permanent basis. Domestic style accommodation is defined as housing that would be accepted by the general community as a family home. A congregate care setting is a facility that accommodates and provides services to several unrelated people in one or more buildings and includes nursing homes, hostels, large residential centres and psychiatric hospitals.

This policy does not apply to private for profit accommodation boarding houses either licensed or unlicensed.

## RELEVANT LEGISLATION:

- **NSW Disability Services Act 1993**
- **Nursing Home Act 1988**
- **Guardianship Act 1987**

## POSITION STATEMENT

The Public Guardian believes that, wherever possible, a person with a disability should live in community based domestic style accommodation. The Public Guardian will only consent to non-domestic style accommodation if all other options for providing appropriate support to the person, with adequate safety and security, have been exhausted or cannot be secured through negotiation or advocacy with relevant service providers or funding agencies. It is recognised that the lack of appropriate community based options may make placement in non-domestic style accommodation a necessity for some people. Non-domestic style accommodation will only be considered by the Public Guardian after a comprehensive assessment of the person's support needs has been made and it has been determined the person's needs can be met in the proposed congregate care setting.

## FACTORS CONSIDERED BY THE PUBLIC GUARDIAN BEFORE MAKING A DECISION

### Views available:

- What is the view of the person under guardianship regarding the proposed change of accommodation?
- What are the person's lifestyle choices and preferences?
- Has the person made any statements in the past regarding placement in a congregate care setting?
- What are the views of family and others important in the person's life?

### Information about the proposed accommodation:

- Has the person visited the proposed accommodation?
- Can the person's cultural needs be met by the proposed facility?
- Has a comprehensive assessment of the person's functional skill, psychological and medical issues and the person's support needs been made?
- Does the proposed accommodation can meet the person's needs identified through this assessment?

**Information from service providers concerning whether:**

- the provision of services at the person's home (e.g. Home Care, Meals on Wheels, 24 hour nursing or other appropriate service) will enable the person to continue living in domestic style accommodation;
- assessment and recommendation from the local Aged Care Assessment Team is appropriate.

**Other relevant issues**

- Has a financial manager been appointed - either a private manager or the Protective Commissioner?
- What are the views of the financial manager?
- Can the person's estate support the purchase of necessary services over an extended period of time?
- Does the person have the funds required to buy into or pay the fees of the facility?
- Is there any quality assurance documentation that reports independently on the quality of the service provided by the facility?

**OTHER RELATED OPG POSITION STATEMENTS**

Responding to proposals concerning a person living an 'at risk' lifestyle