

## **Agency Service Coordination Manual**

### **1.4 Delegated Decision Making for Participants with the Public Guardian and Trustee Appointed as Substitute Decision Maker**

#### **Background**

In the CLDS Service Coordination Pilot Project there is a cohort of individuals who have the Public Guardian and Trustee (PGT) legally appointed as their Substitute Decision Maker (SDM) for decisions related to property, personal care or both.

When the PGT is the SDM for a person who meets the definition of a vulnerable person under The Vulnerable Persons Living with a Mental Disability Act, (or when the PGT is Committee for personal care and property pursuant to The Mental Health Act), certain authorities may be delegated by the PGT to Department of Families staff. A Delegation of Authority Agreement between the Office of the Public Trustee and Guardian, Department of Justice and Department of Families outlines areas of responsibility and working relationships between the two parties. Authority delegated to the department cannot be delegated further to agency staff. To fulfill this agreement, a CSW will be responsible for those designated areas of decision making for participants with the PGT appointed as SDM.

The agency designate will continue to work collaboratively with the assigned Service and Support Navigator (SSN) for these individuals as described in this manual. The agency designate will only involve the CSW for designated areas of delegated decision making, as described below. For an overview of roles and responsibilities of agency staff and department staff related to all areas of case management, please review the Roles and Responsibilities Table in this manual.

#### **Process**

##### **Delegation of Authority Agreement**

The PGT is responsible for and does not delegate the following authorities:

1. Administration of financial affairs, including the filing of income tax returns, applying for pensions and other financial benefits, and estate planning;
2. Administration of legal affairs;
3. Consent to psychiatric or medical treatment; and
4. Decisions affecting the individual's human rights.

The CSW assigned to the Agency Service Coordination Project will provide case management and coordination activities, resource referral and coordination services for the individual, in the following areas of delegated decision making:

1. Identifying and facilitating appropriate residential placement;
2. Identifying and facilitating appropriate day services;
3. Facilitating the provision of regular medical and dental care;
4. Facilitating the planning of leisure time;
5. Monitoring and/or overseeing the management of personal allowances in accordance with the CLDS Management of Personal Funds Policy;
6. Coordinating the provision of individual support services;
7. Communication with the person's support network; and
8. Applying for and enforcing an Order of Apprehension pursuant to S. 62 of The Vulnerable Persons Living with a Mental Disability Act.

## **Delegated Areas of Decision Making**

### **I. Personal Care**

For individuals who have the PGT appointed as their SDM (or Committee) for **personal care decisions**, the following information or documentation requires review, involvement and/or authorization by the CSW who may forward to the Adult Services Administrator.

- Funding requests and service proposals
- Planning regarding where a person resides
- Planning regarding a person's day activity and leisure
- All plans (CSW is invited to attend/informed of planning occurring and will be sent copy of plan for review)
- Consent forms or other occasions involving personal care that require the individual's consent or signature
- Correspondence regarding medical treatment and intervention, hospital visits and admissions
- Correspondence regarding justice involvement
- Allegations of abuse and/or neglect
- Discussion of agency discharge or closure of CLDS file

## II. **Property**

For individuals who have the PGT appointed as their SDM (or Committee) for **property decisions**, the following information or documentation requires review, involvement and/or authorization by the CSW who may forward to the Adult Services Administrator.

- Personal Financial Plan
- All matters relating to income, assets, debts or banking
- Authorization of expenditure or bank withdrawal (over \$200 CSW signs, over \$500 PGT signs)
- All person-centred plans and situation-specific plans where applicable (CSW is invited to attend/informed of planning occurring and will be sent copy of plan for review)
- Consent forms or other occasions involving property that require the individual's consent or signature
- Allegations of abuse and/or neglect
- Discussion of agency discharge or closure of CLDS file

### **PGT Participant Information Form**

The agency designate will use the PGT Participant Information Form (see 1.4a) to communicate information to the CSW. The form is used when there is a decision to be made, or when information needs to be relayed. If a decision is required, the agency designate will provide a brief description of the decision to be made, indicate the area of delegated authority the request pertains to, and supporting information that is necessary to inform the decision making. The form may also be accompanied by additional documents that require review or authorization, or are included to provide background information necessary for decision making.

A form is not required if the information has already been shared with the SSN via an incident report. The SSN will ensure that relevant information or incidents involving individuals with PGT appointment will be communicated to the CSW. The CSW may reach out to the agency designate if more information is required.

### **Flow of Communication**

As described in the Information Sharing section of the manual, the PGT Participant Information form and corresponding documentation will be emailed to the CSW at [SSNCLDS@gov.mb.ca](mailto:SSNCLDS@gov.mb.ca) using the Secure Email Transfer Service (SETS). It is critical that "PGT" is indicated in the subject line, as further described in the Information Sharing procedure.

All participant information required by the PGT should be sent to the CSW for review, who will then forward to the Adult Services Administrator as required.

### **Standards**

- All communication regarding delegated areas of decision making will be sent to the CSW using the PGT Participant Information Form via SETS. It is critical that “PGT” is indicated in the subject line.
- The assigned CSW is responsible to communicate all information regarding delegated areas of decision making to the assigned Adult Services Administrator.