



ACT
Government

**Canberra Health
Services**

HEALTHCARE RIGHTS IN GUARDIANSHIP MATTERS:

Participation and Timeliness

Patrice Higgins, Marie Prieto, Cate Parry & Fiona Holihan
Canberra Health Services

Thanks to

- Marie Prieto – amazing Administration Support, Rehabilitation, Aged and Community Services, Canberra Health Services
- Cate Parry & Fiona Holihan – Acute Support Social Work, Canberra Health Services
- Geoff McCarthy and team at the Tribunal
- Dr Anil Paramadhathil and team, Dept. of Geriatric Medicine
- Rehabilitation, Aged and Community Services Administration & Executive

Guardianship Hearings at Canberra Hospital

Sometimes patients in hospital need a substitute decision maker appointed.

Prior to October 2017 Guardianship matters were heard at the tribunal's premises.

Staff perception:

1. Limited opportunity for patients to attend and participate in their hearing.
2. It took several weeks for hearings to be listed.

Roundtable Discussion Themes

- Medical/health professional reports did not always provide the appropriate information.
- Hospital staff did not have a good understanding of the *Guardianship and Management of Property Act 1991*.
- Patients were often unable to meaningfully participate in decision making about themselves.
- It often took many weeks for a hearing to be heard.
- How do we balance patient's human rights (the right to make your own decisions) and issues of safety, risk and vulnerability (risk to themselves and to others).

Aims

- Increase patient participation in a meaningful way.
- Reduce length of time it takes for a guardianship matter to be heard.

What did we do?

- Scheduled hearings at the hospital
- Education
- Improved documentation

Baseline Data

Retrospective file audit of 20 patients to measure:

- How many patients attended?
- How many days did it take from application to the hearing?

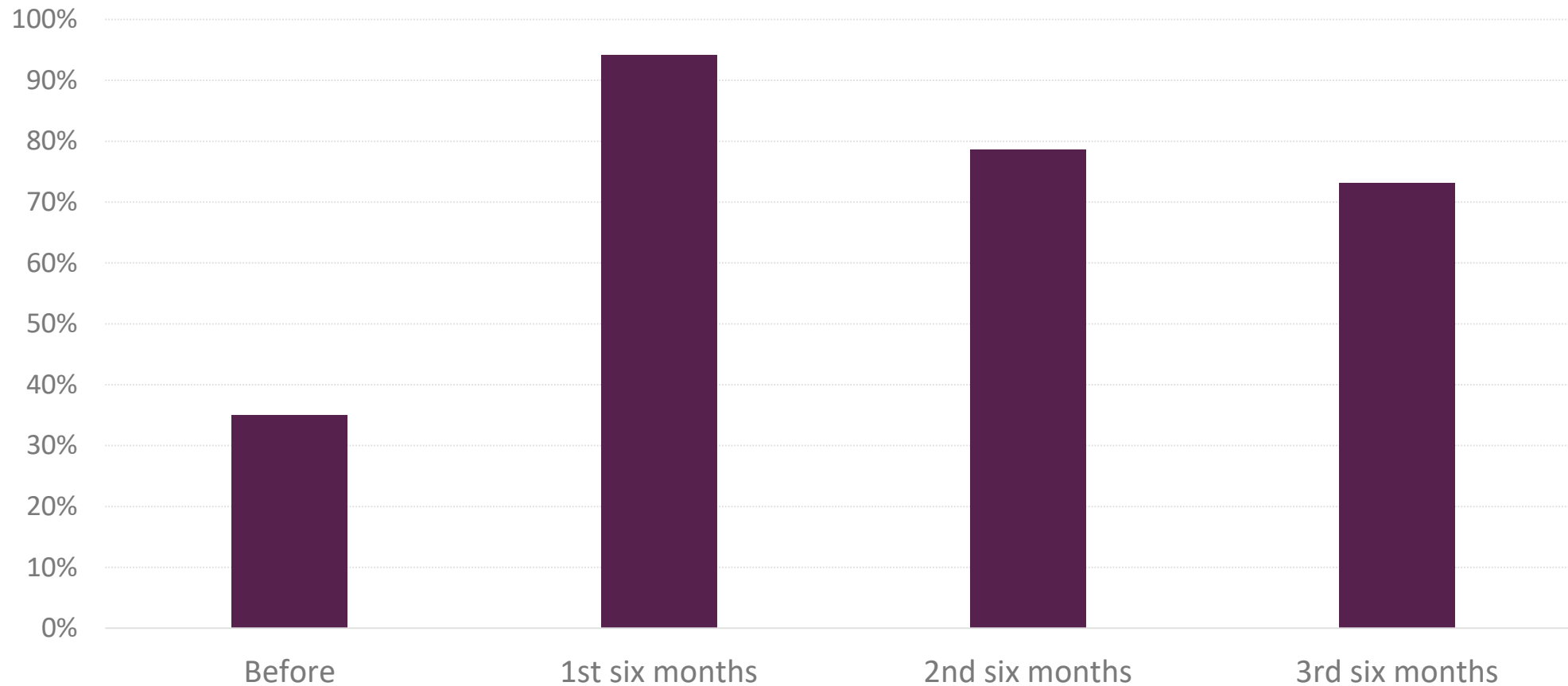
Problems:

- No easy way to identify patients who had had a guardianship hearing.
- Reliant on social workers.

On average:

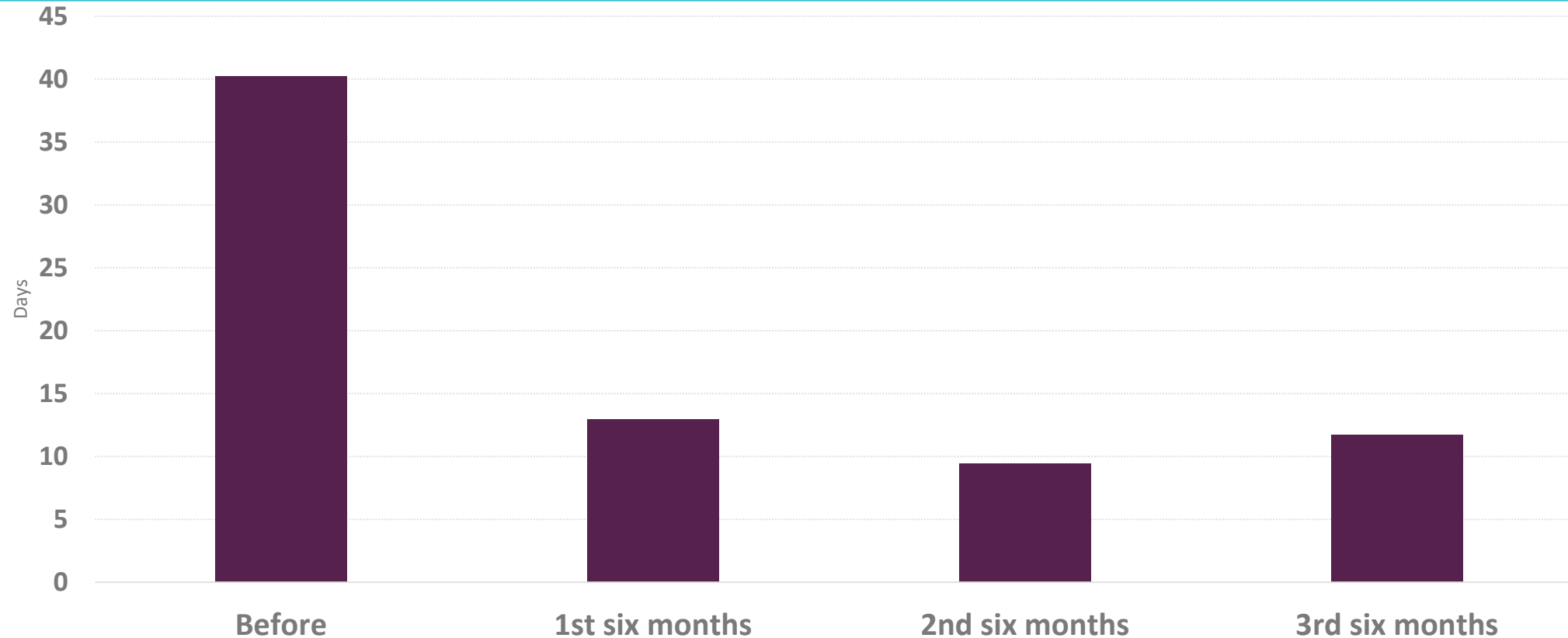
- 35% of patients attended their hearing
- 40.2 days for a hearing to be heard

Proportion of patients attending their hearing



*Over 18 months an average 81% of patients attended their hearing

Average number of days to hearing



*Average number of days to hearing over 18 months – 11.5 days

*National Hospital Cost Data Collection, Public Hospitals Cost Report, Round 20, (Financial year 2015-16).

Average cost per day for maintenance separations for ACT – \$1258

Key Learnings

- Culture
- Timing of Application
 - Is the person still recovering?
 - Are there other ways we can communicate?
 - Is the application in the patient's interest or ours or the hospitals?
 - Are we upholding patient's rights?
- Positive relationship
- Resources

Meaningful patient participation!