



Duties and Obligations of a Welfare Guardian

As Welfare Guardians you are bound by the requirements of legislation and guidelines that are set out in Protection of Personal Property Rights Act 1988.

A welfare guardian must be over 20 years old and must:

- Agree to be a welfare guardian;
- Be able to carry out the duties of a welfare guardian;
- Act in the best interests of the person; and
- Not have a conflict of interest with the person

There are specific decisions which you **cannot** make for the person for whom you are a welfare guardian, set out in the Act. These include:

- Decisions about getting married or divorced or adopting out their children;
- Agreeing to have ECT treatment or brain surgery, or to being part of any medical experiments or trials;
- Agreeing to surgery impacting permanently on fertility;
- Refusing recommended standard medical treatment intended to save the person's life or prevent serious damage to the person's health
- Requesting, on behalf of the person, the option of assisted dying under the End of Life Choice Act 2019

The support you are offering as a Welfare Guardian is about enhancing their life and ensuring you are advocating in the best interest for someone who has no one. Everyone benefits from the role.

Assisted Decision Making

The welfare guardian should, at all times, encourage the person to develop and exercise such capacity as that person has to understand the nature and foresee the consequences of decisions relating their personal care and welfare, and to communicate such decisions.

Review

- You can ask a Family Court Judge to review an order appointing you as welfare guardian at any time
- All orders are reviewed within three years. That is why we ask for a three-year commitment from all our volunteers appointed to this role.

Liability

The application for welfare guardianship is made under your own name which means that welfare guardian can be held personally responsible for things they do i.e. if they act in bad faith or without reasonable care.



Compensation

- The law stipulates that the welfare guardian role is not a paid role, although 'reasonable expenses can be reimbursed to cover expenses'. This should be discussed with the property manager soon after the appointment has been finalized.
- Special situations should be discussed with our Trustees and with the property manager for any other matters that may arise or should you have any concerns about any management matters of your person's property.

Financial Management

- As noted above, a meeting should be set up with the property manager for the person as soon as the appointment has been confirmed to formulate a plan
- Discussion of issues of financial management for the person should include the resthome management as well.
- Topics to be discussed with the property manager / rest home management should include:
 - Are there funds available for extras in the residential accommodation
 - How day to day expenses (purchase of personal items, clothing etc) are to be managed
 - Are there funds available for special outings / celebrations? If so, how is this to be managed?
 - Is there a will and, if so, is there any indication of wishes regarding end-of-life eg. Cremation vs. burial, desired location for burial or special location for interment or dispersal of ashes
 - Funeral arrangements – this should be discussed early on and a plan put in place as both the welfare guardianship and the property manager positions technically cease with the death of the client.

Confidentiality

- Confidentiality is an essential requirement of our volunteers to protect and support their person.
- Details required for supporting best interest and key decisions specific to 'best interest and essential and health and welfare matters' will be shared with key health and welfare professionals or care staff.
- All interactions with and decisions regarding the client should be documented in their personal file on the WGT website. Please check with Anne Clarke, our administrator on how to do this.
- When in doubt seek support and advice.

Mostly this support you are offering is about enhancing and ensuring you are advocating in the best interest for someone who has no one. Everyone benefits from the role.

Should you encounter any concerns do remember we are here to help you.