

**NON-MANAGEMENT JOB DESCRIPTION
POINT RATING EVALUATION PLAN**

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| Working Title Public Guardian Representative | | Name | |
| Position Number | Reports to Position No., Class & Level | Division, Branch/Unit Community and Social Services – Office of the Public Guardian and Trustee | Ministry |
| Present Class | | Requested Class | |
| Dept ID | Program Code | Project Code (if applicable) | |

PURPOSE: Give a brief summary of the job, covering the main responsibilities, the framework within which the job has to operate and the main contribution to the organization (see Non-Management Job Description Writing Guide [Pages 7-8](#)).

As delegated by the Public Guardian, the Public Guardian Representative acts as a Court ordered guardian to assist represented adults, private guardians and the public within the mandate of the Office of the Public Guardian and related legislation (*Adult Guardianship and Trusteeship Act*, *Personal Directives Act* and acting as the Decision Maker of Last Resort under the *Mental Health Act*). The Public Guardian Representative (PGR) has delegated authority and responsibility, to provide consents, instruction and advocacy on behalf of the represented adult to a range of service and care providers. The PGR also has delegated authority to make specific one time health care consents and temporary placement decisions for adults assessed as incapable and when there is no family member available.

The Public Guardian can be named as agent in a personal directive, acting on behalf of the maker when it has been determined that the maker lacks capacity. The PGR is delegated to provide consent and direction to medical professionals, health care providers, and residential supports such as Long Term Care based on the known instructions, wishes and beliefs of the maker.

As Decision Maker of Last Resort under the *Mental Health Act*, the PGR is delegated authority to make psychiatric treatment decisions for those formal mental health patients who lack capacity.

The PGR is responsible to provide training and public education related to the continuum of personal decision making options including: Supported Decision Making; Co-Decision Making; Guardianship; Specific Decision Making and Personal Directives to health professionals; care providers; residential facilities; private guardians; family and friends of individuals who need assistance with personal decisions or have a guardianship order or personal directive; and the general public.

The PGR is also instrumental in the ongoing program development within the Office of the Public Guardian and Trustee and improvement strategies through participation on working groups and committees with internal and external stakeholders (e.g., other ministries, community organizations).

RESPONSIBILITIES AND ACTIVITIES: The purpose of the job can be broken down in different responsibilities and end results. Each end result shows what the job is accountable for, within what framework and what the added value is. Normally a job has 4-8 core end results. For each end result, approximately 3-6 activities should be described (see Writing Guide [Pages 9-10](#)).

Provides direction and consent, via Court ordered guardianship, on behalf of represented adults using a case management approach

- Referrals to the Office of the Public Guardian and Trustee are screened and assessed to determine whether it would be in the best interest of a proposed represented adult, to have the Public Guardian appointed as their guardian.
- The PGR is delegated authority to provide surrogate decision making in the areas of authority granted in the guardianship order, which may include: where to live, healthcare, with whom to consort, employment and

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education, social activities, legal matters, and other matters as specified by the Courts.

- Develops a case plan, which selects, authorizes and provides direction for the delivery and/or coordination and approval of services to represented adults.
- Manages the implementation of the case plan, including regular review and evaluation.
- Researches and develops options for represented adults where there is no existing support or service to meet the represented adults' needs.
- On a rotational basis, is available during non-operational hours, through the provincial CRISIS line to provide decisions, consents or give direction to a facility or agency, including emergency health care treatment for any represented adult who has the Public Guardian appointed as their legal guardian. The full context of these situations is often unknown at the time of the response, which requires the PGR to quickly assess the situation and develop appropriate responses to resolve the crises.

Provides conflict resolution services that impact the represented adult, using critical analysis to produce solutions that promote a restorative outcome

- Negotiates and advocates on behalf of the represented adult to resolve conflicts between represented adults, service providers, family members and/or significant others. These situations are intense and emotions running high, diverse perspectives, and multiple influencing factors.
- When requested by private guardians, uses conflict resolution skills between private guardian and service provider to assist with role clarity and to identify and understand the service requirements of the represented adult.
- When ordered by the Court, meets with disputing family members and makes recommendations regarding the appointment of private guardian and possible areas of authority.

Acts as Agent when the Public Guardian has consented to act

- Provides direction and consent to multiple medical professionals, health care providers, and residential facilities as agents on behalf of adults in Alberta.
- Works with the maker to register their personal directive.
- Meets regularly with those who have selected the Public Guardian to act as their agent, to identify any changes to the maker's wishes contained in the personal directive.

Serves as the Review Officer to provide oversight to co-decision making and guardianship

- Identifies alternatives to guardianship (such as family or friends) and makes referrals to other government or community resources that may assist the individual.
- Reviews all private applications for co-decision making, guardianship and trusteeship, prior to OPG filing in Court: includes reference checks; guardianship plan; meeting with proposed represented adults to ascertain their views; and preparation of Review Officer Report.

Investigates written complaints under the *Personal Directives Act* and the *Adult Guardianship and Trusteeship Act*

- Investigates complaints – this includes assessing the presenting situation and risks to the safety and well being of the assisted adult, the represented adult or maker, and determining the appropriate response.
- Assistance and information is provided to the co-decision maker, guardian and/or agent in their role as decision maker. This is from a restorative approach, recognizing that the family may be in conflict, grief and stress surrounding the circumstances of a loved one.

Makes specific decisions regarding healthcare/temporary placement under the AGTA and p0sychiatric treatment under the *Mental Health Act*

- Under the *Mental Health Act*, accepts referrals and assesses who else may be acting as the decision maker on behalf of the adult and engages family members in the crisis management process.
- Reviews recommended treatment/placement options and follows up with the psychiatrist/physician and develops formal report for consent to act.

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- Provides in-service training for hospital and facility staff in relation to specific decision making and the role of a Decision Maker of Last Resort.
- Is available to provide health care consent through the provincial CRISIS line to health care providers for an adult Albertan who requires a health care decision and no family is available.

Court related responsibilities

- Provides formal reports and submissions as ordered by the Court, following investigations and assessments on behalf of the Public Guardian.
- Prepares affidavits on represented adult specific issues.
- Accompanies represented adults to Court hearings and acts as a witness when required on behalf of the Public Guardian.
- As required, accesses and instructs legal counsel on behalf of represented adults.
- Provides instructions for legal counsel on behalf of the Public Guardian for contentious private guardianship applications and reviews.

Educates and trains multiple groups including: medical professionals, care providers, residential facilities

- Develops and delivers education to the public to increase awareness of substitute decision making options including: supported decision making agreements; co-decision making orders; specific decisions; guardianship and personal directives.
- Provides in-service training or consultation to medical professionals, care providers, residential facilities on issues related to personal directives and surrogate decision making options.
- Assists private guardians with the Court application and review process.
- Orients and trains private guardians (e.g., workshops, personal interviews and on-line sessions, consultations) to enhance their knowledge of the role of a legal guardian and of the various service providers/service delivery options.
- Provides policy interpretation on the AGTA/PDA legislation and provides guidance as required.

Provides leadership

- Actively participates in the program development of OPGT and assists in training new staff.
- Contributes to a continuous learning environment by sharing expertise.
- Participates in ongoing developmental work, including but not limited to mandate and legislative reviews, long-term visioning, development of outcome measurements, quality assurance, policy and process development, and business planning.
- Builds partnership models with community agencies and participates in a variety of community initiatives to provide input on policies that may impact represented adults.
- Collaborates with other departments and ministries to identify solutions to systemic issues impacting the rights of incapable adult Albertans.

SCOPE: List specific information that illustrates the challenges, problem solving and creativity requirements and decision making capacity of the position. Also identify the internal or external areas the job impacts (see Writing Guide [Pages 11-12](#)).

The Public Guardian Representative (PGR) has the delegated authority and responsibility to make life impacting decisions on behalf of persons who are unable to represent themselves. This includes represented adults, makers of personal directives who have named the Public Guardian as their agent, and adult Albertans who require a health care decision or decision regarding temporary admission or discharge to a residential facility and there is no family available. These individuals frequently have complex needs and face a variety of social and medical issues. This position is challenged to find appropriate services, care, and/or facilities where gaps in service exist or services are already at a maximum capacity. Strong negotiation skills and relationship building skills are required to develop and broker individualized services on behalf of the represented adult.

SCOPE: List specific information that illustrates the challenges, problem solving and creativity requirements and decision making capacity of the position. Also identify the internal or external areas the job impacts (see Writing Guide [Pages 11-12](#)).

The PGR works to resolve conflicts, which typically involve: multiple opinions and options (where ‘right’ and ‘wrong’ might not be intuitive); high emotions; personally sensitive information; multiple stakeholders (e.g., family, medical professionals, caregivers, legal entities) in a manner that sustains the best interests of the represented adult and leads to a restorative outcome. This requires pulling together different programs/resources to provide coordinated service/care for the represented adult. The PGR must be both a strategic planner/thinker to lead the effective presentation of adults under guardianship or personal directive, and a skilled tactician to execute and manage the detailed care plans for represented adults.

This role is instrumental in training and educating health professionals, care providers, residential facilities, guardians, family members/support networks, and the general public to the AGTA and the PDA legislation.

Decisions made by the PGR impact:

- The represented adult under guardianship.
- Private guardians.
- Personal directive makers, their named agents and others involved.
- Adult Albertans who may require a health care or placement decision and have no family available.
- Community resources/service providers.
- Health professional (e.g., treatment options, care providers).
- Legal system (e.g., Court decisions).
- General public in Alberta (the Ministry’s goal is for every Albertan over 18 to have a personal directive).
- Other ministries and GOA programs (Persons with Developmental Disabilities, Justice, Alberta Health Services).
- Policies and processes and operations of the OPGT.

KNOWLEDGE, SKILLS & ABILITIES: Include information on required diplomas and degrees along with identifying the most important knowledge factors, including knowledge about practical procedures, administrative, technical or professional techniques, technical, scientific or program related processes, etc. Detail specific training if there is an occupational certification/registration requirement for the position. Specify the type of experience required for the position (see Writing Guide [Pages 12-14](#)).

Knowledge required for the position:

- In-depth knowledge of disabilities, medical conditions and illnesses, which result in cognitive impairment.
- In-depth knowledge of medical, psychiatric, psychological, rehabilitative and pharmaceutical treatment options.
- Expert knowledge of relevant legislation (e.g., *Adult Guardianship and Trusteeship Act* and Regulations; *Dependent Adults Act* and Regulations; *Personal Directives Act* and Regulations, *Mental Health Act* and Regulations; *Freedom of Information and Protection and Privacy Act*, *Health Information Act*).
- Extensive knowledge of assessment procedures and interview techniques used to evaluate the ability of available treatment and program resources to meet the needs of the represented adult.
- Extensive knowledge of group and family dynamics.
- Understanding of systems (protocols, appeal processes, benefits and supports) in other jurisdictions (both provincial and federal).
- Extensive knowledge of benefit and service delivery systems and their interactions.
- Extensive knowledge of Court rules and procedures.
- Extensive knowledge of community based health, social service and seniors programs, agencies and authorities.
- Knowledge of adult education principles to develop and deliver training for multiple audiences
- Understanding of different cultural value systems.

Skills and abilities required for the position:

- Ability to lead, influence and motivate change in different audiences building accountability in the service delivered to represented adults.
- Advanced judgment, analytical and decision making skills to manage a diverse portfolio including: represented

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- adults; makers of a personal directive; private guardians (for assessment, monitoring, investigations, and provision of advice); and individuals under the *Mental Health Act*.
- Strong mediation/problem solving skills to resolve challenges/barriers and conflicts within or between family, caregivers and other professionals.
- Ability to deal with volatile situations and resolve conflicts and crisis situations.
- Advanced interpersonal and relationship building skills to consult with many different professionals (e.g., physicians, psychiatrists, psychologists, pharmacists, lawyers, care facilities, etc.).
- Ability to conduct research using a variety of resources (e.g., library, Internet, etc.).
- Ability to analyze information from multiple sources and evaluate various options, often in tight timelines.
- Ability to interpret legislation and communicate legislation, legal requirements and processes in a manner that others will understand.
- Excellent written and oral communication skills in a variety of purposes (e.g., investigative reports, public education/training, Action Requests or briefings, care plans).
- Excellent time management, organizational skills and the ability to prioritize multiple, competing demands.
- Project management skills.
- Computer literacy in a variety of software programs.

CONTACTS: Identify the main contacts the position communicates with and the purpose of the communication (See Writing Guide [Pages 14-15](#)).

- Represented adults, their families and service providers: to consult, develop plans, make decisions on their behalf and resolve conflicts.
- Adults who have designated the Public Guardian as agent: to consult, develop plans, make decisions on their behalf and resolve potential conflicts.
- Private guardians: to assist with the guardianship plan, the Court application and review processes.
- Adults who have no family able to make health care or temporary residential placement decisions or consents.
- Health professionals and service providers: to obtain/withdraw consent for treatment/intervention, consultation and to request professional reports on which to base decisions/recommendations for treatment and service.
- Government departments and agencies: (e.g., Office of the Public Guardian and Trustee, Indian and Northern Affairs Canada) to consult, gather information, assess, analyze, plan, review and resolve issues information.
- Court system: as Review Officer provides information for the Courts' consideration on the appointment of private guardians and co-decision makers.
- Court system: to provide information that results from assessments and investigations.
- General public: to provide education and information on decision making options under the AGTA and PDA.
- Ministry program staff: to share information related to programs (PDD, AISH, ASB).
- Funding agencies: to arrange for support services/housing for represented adults (e.g., PDD, Health, Mental Health).

SUPERVISION EXERCISED: List position numbers, class titles, and working titles of positions directly supervised (see Writing Guide [Page 15](#))

The Public Guardian Representative does not formally supervise staff; however the PGR does give direction, provides consents and monitors a wide variety of professionals, supports and organizations, which deliver services to represented adults and makers of a personal directive.

CHANGES SINCE LAST CLASSIFICATION REVIEW: Identify significant changes, that have impacted the responsibilities assigned to your position since the last review (see Writing Guide [Pages 15-16](#)).

Significant changes to this position since the last review include:

- Legislated authority under the *Personal Directives Act* to make decisions, when the Public Guardian has consented to act as agent.
- Legislated authority under the *Personal Directives Act* to investigate the actions of an agent.

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| CHANGES SINCE LAST CLASSIFICATION REVIEW: Identify significant changes, that have impacted the responsibilities assigned to your position since the last review (see Writing Guide Pages 15-16). | | |
| <ul style="list-style-type: none"> Legislated authority under the <i>Adult Guardianship and Trusteeship Act</i>, as specific decision maker in the area of health care and temporary admission to a residential facility when family is unavailable or unable. As the designated Review Officer under the <i>Adult Guardianship and Trusteeship Act</i>, the PGR has the responsibility to review <i>all</i> guardianship and trustee applications, all Co-Decision Making applications, and to meet with each proposed represented and assisted adult to gain an understanding of their wishes, beliefs, knowledge of the Court proceeding and the applicant; and to prepare a Review Officer Report for presentation to the Court of Queen's Bench. On a rotational basis, be available to provide consent and direction through the provincial after hours CRISIS line to service providers and health care services for anyone of the approximately 2020 represented adults across Alberta or for an adult Albertan who requires a health care decision and no family is available. Greater responsibility to create and build plans for represented adults; this responsibility has grown more complex in recent years as services are often at maximum capacity or services may not exist to meet the unique needs of represented adults. Significant expansion of the role of education, training and consultation/advisory services to facilitate the transition to the revised PDA and new AGTA, and to integrate knowledge about personal directives and decision making options for multiple stakeholder groups. Increased role in mediation, conflict resolution and crisis management; the PGR is expected to find solutions that maintain the best interests of the represented adult – these situations are complex and a solution might not be found in the existing system and must be created. An expectation of 'expertise' in the role; thus influencing the expected level of skill, knowledge and competence required. Increased role of consultation with multiple stakeholders, being recognized for the diverse expertise and knowledge in supporting the rights of vulnerable Albertans. | | |
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This information is being collected under the authority of Section 10 of the Public Service Act and will be used to allocate positions within a classification plan and to manage the Alberta government human resources program. If you have any questions about the collection of this information, contact the Job Evaluation Unit, 6th Floor, Peace Hills Trust Tower, 10011 - 109 Street, Edmonton, Alberta, T5J 3S8, phone 780/408-8400 or contact your Ministry Human Resource Office.

Signatures

The signatures below indicate that the incumbent, manager and division director/ADM have read, discussed and agreed that the information accurately reflects the work assigned (see Writing Guide [Page 16](#))

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Incumbent

| | | |
|-------|-----------|-------------------|
| _____ | _____ | _____ |
| Name | Signature | Date (yyyy/mm/dd) |

Supervisor

| | | |
|-------|-----------|-------------------|
| _____ | _____ | _____ |
| Name | Signature | Date (yyyy/mm/dd) |

Division Director/ADM

| | | |
|-------|-----------|-------------------|
| _____ | _____ | _____ |
| Name | Signature | Date (yyyy/mm/dd) |