

**APPOINTMENT OF ENDURING GUARDIAN**

*Residential Aged Care*





This information sheet is being provided to you because you are required to make an Appointment of Enduring Guardian.

## Admission Requirements for NSW

When entering residential aged care, planning ahead and preparing for future health and lifestyle decision-making is important. If in the future, you are unable to continue to make decisions for yourself, we will need to know who has the authority to act on your behalf. That's why, if a resident has a restrictive practice identified during admission, then we request the resident prepares their paperwork to appoint an Enduring Guardian with a Restrictive Practice Function. If you are transitioning from respite to permanent care, this needs to be provided before a resident's admission can progress.

## Appointment of Enduring Guardian

An Enduring Guardian is a trusted person you appoint to make lifestyle and health decisions on your behalf, if you don't have the decision-making capacity in the future.

Residents who have decision making capacity at the time of admission are required to **Appoint an Enduring Guardian**, if restricted practices have been identified.

We request that this document include the following functions:

- Where you live and the services you might receive;
- Healthcare, medical and dental treatment you receive; and
- A Restrictive Practices function

You may also choose to add additional functions.

To learn more, please visit [Service NSW, Appoint an Enduring Guardian](#).

This is an important legal document, and we recommend that you **provide a copy of this document to your lawyer and draw their attention to the instructions on the last page.**

## What is a Restrictive Practice?

A Restrictive Practice is any practice or intervention that has the effect of restricting the rights or freedom of movement of the person. Restrictive practices aim to address behaviour issues and minimise harm; they do not aim to treat a medical condition. For that reason, they are not considered a form of medical treatment under the Guardianship Act 1987 (NSW).

If a resident requires restrictive practices, Catholic Healthcare will only use them as a last resort. Restraints will be used in accordance with a Behaviour Support Plan, and alternative strategies will be sought and used alongside the restrictive practice. The Home will continue to work towards reducing and eliminating the use of restrictive practices wherever possible.

For further information, please read [Overview of Restrictive Practices](#) on the Aged Care Quality and Safety Commission website.

## Why do I need to include a Restrictive Practice Function in my Appointment of Enduring Guardian form?

The Enduring Guardian form needs to specifically refer to Restrictive Practice as a function as it is not considered a medical treatment under the Guardianship Act 1987 (NSW).

You can give your nominated guardian a Restrictive Practice Function in your Enduring Guardian form to save your guardian from needing to apply to NCAT for such a power if you lose capacity.

Please read [Restrictive Practices and Guardianship Fact Sheet](#), from NCAT, for more information.

Enduring Guardian/s can only make health and lifestyle decisions. You should make an Enduring Power of Attorney if you want someone to make financial decisions on your behalf.

Select what functions you wish your Enduring Guardian/s to have should you lose capacity to make decisions yourself.

You may place limits on these functions. If you wish to place a limit on the function provide details in the space below each function.

**Note:**  
Your Enduring Guardian/s can only exercise these functions if you have lost the capacity to make decisions yourself.

You may add any additional functions you wish your Enduring Guardian/s to exercise on your behalf.

For example other functions could include:

- access (making decisions about who you should have contact with).
- restrictive practices (deciding whether to consent to the use of physical and/or chemical restraint for a limited period to protect you from self harm).

**4. Functions and limits of my Enduring Guardian/s**

Should I become incapable of making my own personal decisions I authorise my Enduring Guardian/s to exercise the following functions:  
*(Tick any one or more boxes below)*

to decide where I live  
Limits on authority of Enduring Guardian: \_\_\_\_\_

to decide what health care I receive  
Limits on authority of Enduring Guardian: \_\_\_\_\_

to decide what other kinds of personal services I receive  
Limits on authority of Enduring Guardian: \_\_\_\_\_

to consent to the carrying out of medical or dental treatment on me  
*(in accordance with Part 5 of the Guardianship Act 1987)*  
Limits on authority of Enduring Guardian: \_\_\_\_\_

to decide:  
Consent to the use of restrictive practice including but not limited to chemical, mechanical and environmental restrictive practice in accordance with advice from medical practitioners or allied health professionals.  
Limits on authority of Enduring Guardian: \_\_\_\_\_

Example of an [Appointment of Enduring Guardian form](#), page 5, completed with required functions.

We're here to help.  
Call us today on **1800 225 474**  
[catholichealthcare.com.au](http://catholichealthcare.com.au)