

Medical Centre Guardianship and Patient Support Policy

1. Purpose

To ensure that the rights, wellbeing, dignity, and safety of patients with special and specific needs are upheld in accordance with New Zealand legislation, ethical standards, Te Tiriti o Waitangi obligations, and best clinical practice. This policy affirms the essential role of guardians and support persons in healthcare decision-making.

2. Legislative and Regulatory Framework

This policy is guided by:

- Protection of Personal and Property Rights Act 1988 (PPPR Act)
- Code of Health and Disability Services Consumers' Rights 1996
- Health Information Privacy Code 2020
- New Zealand Medical Council and relevant professional standards

3. Scope

This policy applies to all medical practitioners, nurses, allied health professionals, administrative staff, contractors, and students working within the medical centre. It applies to all patients who have impaired, partial, fluctuating, or absent decision-making capacity, and any patient for whom a Welfare Guardian or EPA is appointed.

4. Definitions

Patient with Special or Specific Needs: A patient who requires additional support to understand, communicate, or participate in healthcare decisions.

Welfare Guardian: A person appointed by the Family Court under the PPPR Act to make personal care and welfare decisions for an individual who lacks capacity.

Enduring Power of Attorney (EPA) – Personal Care and Welfare: A legal authority enabling an appointed person to make care decisions once capacity is lost.

Capacity: The ability to understand, retain, weigh information, and communicate a decision.

5. Principles

- Presumption of competence unless assessed otherwise
- Least restrictive intervention
- Respect for mana, dignity, and autonomy
- Partnership and participation
- Best-interest and wellbeing-focused care

6. Capacity Assessment and Consent

Clinicians must assess and document a patient's decision-making capacity where relevant. Capacity may be decision-specific and time-specific. Capacity assessment determines who is responsible for providing informed consent.

When a patient lacks capacity:

- A legally appointed Welfare Guardian or EPA should be identified.
- Consent must be obtained within the scope of their authority.
- The patient must still be involved to the maximum extent possible.
- The patient's whānau and support persons should be identified with the patient's consent if a Welfare Guardian or EPA does not exist.

Where there is uncertainty about a patient's capacity, clinicians should take reasonable steps to seek further input, which may include consultation with colleagues, specialists, or the patient's Welfare Guardian.

An assessment of capacity does not remove the obligation to notify or involve a legally appointed Welfare Guardian in accordance with this policy.

7. Notification and Role of Guardians and Support Persons

7.1. Identification of Guardians

The existence of a Welfare Guardian or EPA must be clearly recorded in the patient record and be readily visible to all clinical and administrative staff, including in consultations, reception workflows, and clinical documentation. Systems must be in place to ensure this information is consistently identified, actively maintained and regularly reviewed.

7.2. Notification of Guardians

Where a Welfare Guardian or EPA is appointed, they must be promptly informed of any significant health event, change, or concern, regardless of the patient's assessed decision-making capacity at the time, unless clinically inappropriate to do so. Notification should occur as soon as reasonably practicable.

Notification must occur in situations including, but not limited to:

- Acute illness or deterioration
- Significant behavioural or functional change
- Diagnosis or suspected diagnosis
- Prescribing or changes to medication
- Referral to specialist or hospital services
- Emergency presentations or hospital admissions

This requirement recognises the guardian's role in safeguarding the patient's wellbeing, supporting informed oversight, and ensuring continuity of care, particularly where the patient has complex or poorly understood health needs.

Any decision not to notify a Welfare Guardian or EPA must be clearly documented, including the clinical rationale.

7.3. Role of Guardians

A Welfare Guardian must be included in significant health discussions and care planning, in accordance with the notification requirements of this policy. Guardians must also be involved in all consent processes and decisions related to the patient's health where the patient lacks decision-making capacity.

Clinicians must:

- Provide clear, accessible, and timely information.
- Respect the guardian's legal authority.
- Support collaborative decision-making involving the patient and guardian where appropriate.
- Document all guardian notification, involvement, and decisions.

7.4. Support Persons and Whānau

Where appropriate, and with the patient's consent where required, clinicians should involve support persons, whānau and wider support networks, alongside any guardians, to support the wellbeing and care of patients with special or specific health needs.

8. Cultural Safety and Te Tiriti o Waitangi

The medical centre acknowledges its obligations under Te Tiriti o Waitangi.

Care must be culturally safe, recognising whānau involvement, Māori health models, and the patient's cultural identity.

Where appropriate, whānau and support networks should be engaged alongside guardians.

9. Dispute Resolution and Escalation

If disagreements arise between clinicians, patients, and guardians, the Welfare Guardian or EPA must be recognised as part of the decision-making process within the scope of their legal authority. In disagreement situations, the following steps should be taken:

- Seek resolution through discussion and clarification.
- Escalate to senior clinical leadership.
- Seek ethics, legal advice, or Family Court guidance where required.

10. Staff Training and Responsibilities

All staff must:

- Familiarise themselves with this policy
- Understand guardianship law and consent obligations.
- Undertake training on capacity, consent, and supported decision-making.

Training must include:

- Recognition of Welfare Guardian and EPA orders and where to locate this information in patient records
- Obligations regarding notification and documentation under this policy

11. Staff Undertaking

All medical professionals are required to sign an acknowledgement confirming:

- They have read and understood this policy
- They will actively include guardians in all relevant decisions
- They will familiarise themselves with each patient's specific needs

12. Review

This policy will be reviewed every three years, or sooner if legislative or regulatory changes occur.

Staff Acknowledgement and Undertaking

I acknowledge that I have read and understood the Medical Centre Guardianship and Patient Support Policy. I commit to familiarising myself with the specific needs of patients under guardianship and to including their legally appointed guardian in accordance with this policy, particularly in relation to notification, involvement and consent processes.

Signature: _____

Name: _____

Role: _____

Date: _____