

LEGAL ORDERS & RIGHTS



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SPECTRUM FOUNDATION GROUP

SPECTRUM CARE

- 30 years old – Came out of the closure of Mangere and Tokanui hospitals.
- Support approx: 1480 people along with their family/whanau
- Auckland, Wellington, Whangarei, Waiheke, Hamilton, Tauranga
- Respite, Supported accommodation, holiday programmes, Home support, Aspirations

HOMES OF CHOICE

- Manage a total of around 180+ properties nationwide. (70 of these are rentals)
- 115 properties in Auckland, 3 properties in Whangarei, 9 properties in Hamilton, 2 properties in Tauranga,
- 15 properties in Wellington plus 27 independent living units/apartments



LACK OF UNDERSTANDING OF PPPR ACT 88

- Staff
- Families
- Government entities
- Banks
- Service Providers
- Appointees



WHERE ORDERS ARE IN PLACE

- Appointees not adhering to the law
- The property threshold now means PM instead of PA
- No external oversight
- Orders too general
- Families managing money in their own account
- Personal Orders can still be ignored
- Orders expire, but no one is notified
- Reapplying requires the same paperwork



LAW COMMISSION ENQUIRY

- Feedback 2023 (20 questions)
- Feedback 2024 (105 questions)
- Looking at creating new law
- Little consideration for the population who have an intellectual disability
- Want to assess potential appointees for suitability
- A standard capacity test
- Applications are going up 500 per year.
- Law may not change for another 5 to 10 years

MOST COMMON QUESTION ASKED BY FAMILIES

What will happen to my son or daughter when I am no longer around?



SOCIETAL SYSTEM FAILURES

- No state appointed guardians
- No training, information or support for appointees
- No place to make complaints or raise concerns
- People with complex care and/or behavioural needs needing guardians
- No access to free independent advocates
- The capacity assessment process is not working
- Not enough data collected



SPECTRUM CARE & LEGAL ORDERS

Mini Audit: In 2023 and 2024 I carried out an audit of the Welfare Guardianship and Legal Orders Assessments for people in supported accommodation in Spectrum Care. The results told us:

- 29% of people were seen as not able to Self Advocate and did not have a legal Order in place (111 people)
- 26% were seen as Self Advocates
- 58% of all Legal Orders had expired
- 42% of all people in supported accommodation had an Order recorded
- Total Orders had increase by 11% from 2023 to 2024

Policy: Looked at what policy was telling staff

Training: What currently existed to inform staff about Legal Orders



COLLECT MORE INFORMATION

- Talked with Senior managers
- Looked at the law commission review
- Talk with lawyers
- Network with other groups (PPPR services, VOYCE,)
- Look for further data
- Lobby government officials
- Made contact with the NSW Public Office of the Guardian



DECISIONS MADE:

- Legal Orders should only be a back stop
- Staff shouldn't be helping families with applications – outsource
- Create training that puts the least pressure on staff but enables us to collect accurate information/data
- Need to continue lobbying government/people in power to understand the issues facing people under Orders and those who need decision making support.
- Continuation of annual audits to ensure information being recorded accurately and to provide advice on Orders in place



GOING FORWARD – What we are doing



- Training for Spectrum Care staff & families being developed
- Updating policy
- Utilising and working with other orgs/services such as AGAST & PPR Services
- Continue making submissions to the Law Commission
- Networking with other organisations to affect change – Collaborating & sharing information
- Putting pressure on the justice system
- Collecting more data
- Promoting access to independent Advocacy
- Clearly communicating Orders as being backstops only.

GOING FORWARD – What we plan to do

We will promote and support:

- Supported decision making
- Work with the current law to ensure the rights and needs are met for people with disabilities
- Continue to support the establishment of ‘Visable’ (a Safeguarding Adults agency)
- Work with ‘Visable’ to ensure we have adequate safeguarding measures and processes in place
- Continue to support the work of the national Safeguarding Adults Alliance
- Collect data from other providers (if you can help with this let me know)



We can not waiting for a law change, or the implementation of badly needed state services to do what is ethical and right for disabled people.

QUESTIONS?

