

This fact sheet should be used by NSW Health staff when making a financial management application to the Guardianship Division of the NSW Civil and Administrative Tribunal (NCAT) to appoint the NSW Trustee and Guardian (TAG) for patients in hospital.

This fact sheet provides guidance to NSW Health staff on how to work in collaboration with TAG to improve the length of stay for patients waiting in hospital for financial management decisions. This fact sheet specifically refers to patients transferring to a Residential Aged Care Facility (RACF) or similar accommodation.

This document should be used in conjunction with the NSW Health State-wide Guardianship Guideline, The Guardianship Application Process for Adult Inpatients of NSW Health Facilities GL2017\_013.

## **The role of the NSW Trustee and Guardian (TAG)**

NSW Trustee and Guardian can be appointed to provide direct financial management services for an individual; or to provide authorisation and direction to private financial managers.

### **Direct financial management**

NSW TAG provides a range of legal and technical services for clients such as:

- day-to-day income and expenditure management
- protecting assets and legal rights
- facilitating the buying/selling of a home

- organising an adequate cash flow to pay bills
- liaising with financial/legal institutions
- managing a business or investment.

The NSW Trustee has, and may exercise, in respect of the estate of a managed person, all functions necessary and incidental to its management and care.

Once TAG have been appointed as financial manager, they need to make an assessment of the patients income and assets and prepare a budget and plan. This can take time to prepare and it may not be prudent for NSW TAG to agree to financial arrangements until full details of an estate are confirmed.

### **What to do before the NCAT hearing**

Prior to the NCAT hearing, there are a number of things you can do to assist in minimising the length of time it takes for decisions **to be made post hearing**.

1. If the application is for Financial Management, you must send NSW TAG the NCAT application and Reports to [taggd@tag.nsw.gov.au](mailto:taggd@tag.nsw.gov.au) at the time you submit the application. NSW TAG is a party to proceedings for all financial management applications.
2. Make all reasonable efforts to obtain information regarding the patient's financial situation including:
  - Centrelink CRN and pension details
  - Details of any superannuation funds and balances
  - Bank details and balances
  - Asset details including property ownership, cars and investments

- Prepare all relevant information needed to complete the Centrelink Income and Assets form if available.
3. Complete the Estate Information form provided by TAG in preparation for their appointment. This form can be obtained by emailing [clientestablishment@tag.nsw.gov.au](mailto:clientestablishment@tag.nsw.gov.au) or the Guardianship Information Manager at the Ministry of Health at [wohp@doh.health.nsw.gov.au](mailto:wohp@doh.health.nsw.gov.au)

**If the patient is for RACF on discharge:**

Start the discharge plan prior to the hearing or whilst waiting for TAG to be appointed and follow these steps:

- Request an ACAT assessment where appropriate.
- Make enquiries regarding suitable RACF vacancies.
- Seek approval from the patient and/or their guardian regarding moving to a RACF initially on respite with a view to permanent.
- Locate RACF vacancies which are within the patient's financial means. If you are not sure of what they can afford it is best to look for facilities at the basic rate. A patient can then move to either another facility or a higher fee bed once it is confirmed by TAG that they can afford it.

**What to do once the hearing has taken place**

Once the hearing has taken place and the Guardian appointed agrees to transfer to a RACF (if this is the discharge plan)

- Contact TAG Client Establishment team preferably via email [clientestablishment@tag.nsw.gov.au](mailto:clientestablishment@tag.nsw.gov.au) or phone 02 8688 1214 to ensure that the management order has been received from NCAT and provide the necessary background information.

- Provide TAG with an email address for the applicant, subject, next of kin, person responsible or significant others if possible to ensure easiest means for communication.
- Seek approval from TAG that they will approve respite payments whilst they conduct their necessary enquiries but note that approval will be based on their being clear information income is available to cover respite fees. This can generally be paid to the RACF within a couple of weeks if the patient has a pension through Centrelink. TAG will approve temporary respite at the basic rate with a view to permanency once they can confirm the type of care a patient can afford.
- Advocate with RACFs regarding patient's entering as a new resident initially on respite pending TAG financial assessment and budget being established to cover essential costs such as fees.

If the matter is urgent telephone the Manager of the Client Establishment Team on 02 8688 1214.

For further information refer to [www.tag.nsw.gov.au](http://www.tag.nsw.gov.au) or [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au)

