



Using a 'helicopter lens': An analysis of the substitute decision-making practice of New South Wales public guardians

Jenna Macnab, PhD student

Supervisors: Prof Chris Bigby and Prof Jacinta Douglas

Living with Disability Research Centre

La Trobe University

An analysis of the decision-making practices of NSW public guardians

Aim: to understand

- how substitute decisions are made for people with disability
- whether practices are inclusive of people with disabilities, and
- if decision-making processes align with the human rights approach of by the UNCRPD.

Situating the Researcher – personal perspective

Doing disability law
and policy in NSW
Government

‘Frank and fearless’
advice, advocacy for
true change

Attracted to “wicked
problems” (Moore,
1995)

Lived experience

Co-founded
‘Capacity Australia’ -
Director for many
years

Novice at qualitative
research, including
constructivist
grounded theory

Design and method

Participants – public guardians

Recruitment – via NSW Office of Public Guardian

Purposive sampling until theoretical saturation reached

Interviews – 7 one-on-one semi-structured, intensive interviews

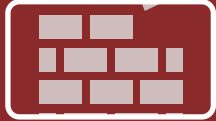
Semi- structured recorded interviews - 50 and 120 mins

Interviews – guardians' natural setting

Qualitative Method – GROUNDED THEORY



Data collection and analysis are done simultaneously



Analytic codes form the basic units of analysis



Codes and categories are constructed from the data



Constant comparison is utilised



Theory development happens throughout



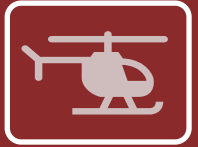
Memos are kept to aid analysis until theoretical sampling occurs

(Charmaz, 2014; Corbin & Strauss, 1990b; Glaser, 1998; Glaser & Strauss, 1967; Strauss, 1987)

Results - Themes



Navigating the authorising environment



Using a Helicopter Lens



Mobilising, manoeuvring and relying on networks



Paying attention to
communication



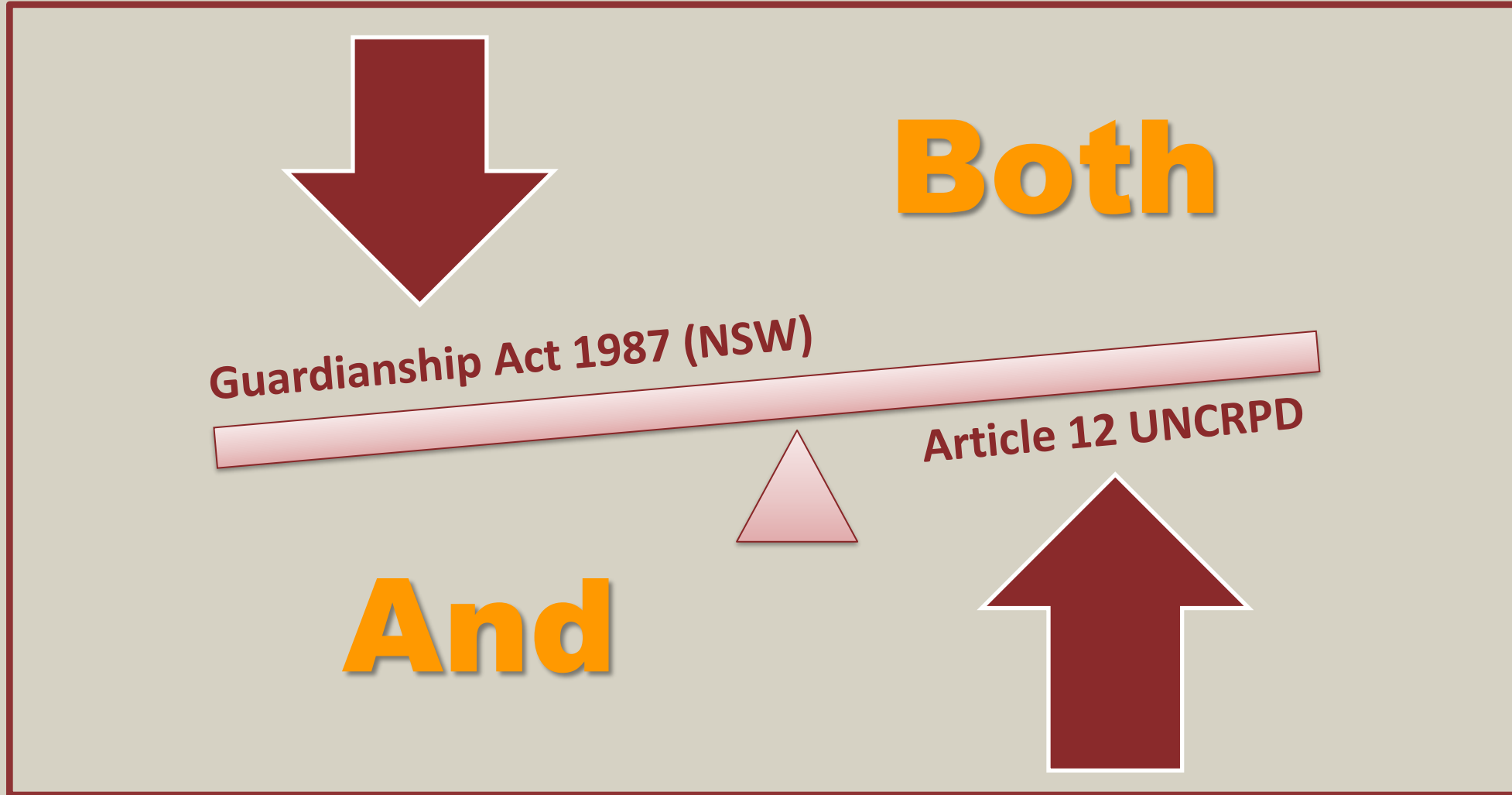
Making empowerment
fundamental



Reflexively donning other
hats



Theme 1 - Navigating the authorising environment



Theme 1 – Navigating: sub-themes



Reimagining the legal
context to correlate
with a UNCRPD
human rights
approach

A



Embracing dignity of
risk within a
conservative
protectionist
framework

B



Paying attention to
language and using
words to achieve
person centred
outcomes

C



Theme A - Navigating



Characteristics of
guardians

Background, Ethos, Values, Skills

Exploring, remaining flexible with,
and being strategic within a
conservative and protectionist
legislative, organisational
and policy environment

Exploring their role/responsibilities, defining decision ambit,
working within binary system and organisation boundaries,
redefining welfare and interests, manipulating Principles

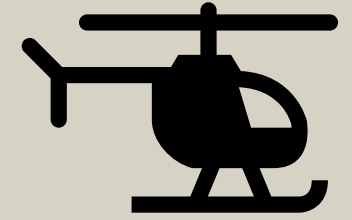
Embracing dignity of risk
within a conservative
protectionist framework

Doing person centred, acknowledging guardianship as last resort, applying a
'step up' approach, using least restrictive options with safeguards, using lapses

Paying attention to
language and using words
to achieve person centred
outcomes

Promoting autonomy, empowering the person, educating, using
'government speak' in reports

Theme 2 - Using a Helicopter Lens: process



Consistently keeping the person at the centre and knowing the person is 'business as usual'

Using a 'helicopter lens' to develop a high-level atlas

Delving into detail to populate the map

Returning to the aerial view to objectively make decisions

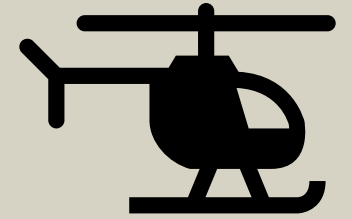
Finding an exact location

"Where's the client's voice?"

"If I can't see it, if I can't hear it, where is it?"

(Transcript 2 Page 5)

Theme 2 - Using a Helicopter Lens: Sub-themes



Developing a
high-level atlas
on which to
map the
person's life

A



Populating
the map
with
detail

B



Rising
above
the
detail

C



Considering
risk
in
context

D





Sub-theme A - Developing a high-level atlas

Creating a legend

a. Guardian's functions

b. Legislative and policy environment

c. Decision

d. Person

e. Facts

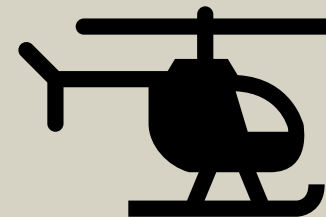
f. Networks

g. Issues

h. Options

i. Risks

j. Service Systems



Helicopter Lens



Sub-theme B - Populating the map with detail

How

i. Propelling down into the person's life to populate the legend

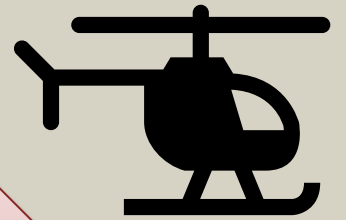
- analytically (documented)
- subconsciously 'mind-mapping'

ii. Contextualising the person's perspective

- allows Guardians to locate themselves within those environments relevant to the person and the decision

iii. Developing an individualised atlas

- allows guardians to know the person and to pivot from one decision type to another

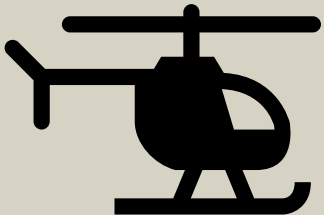
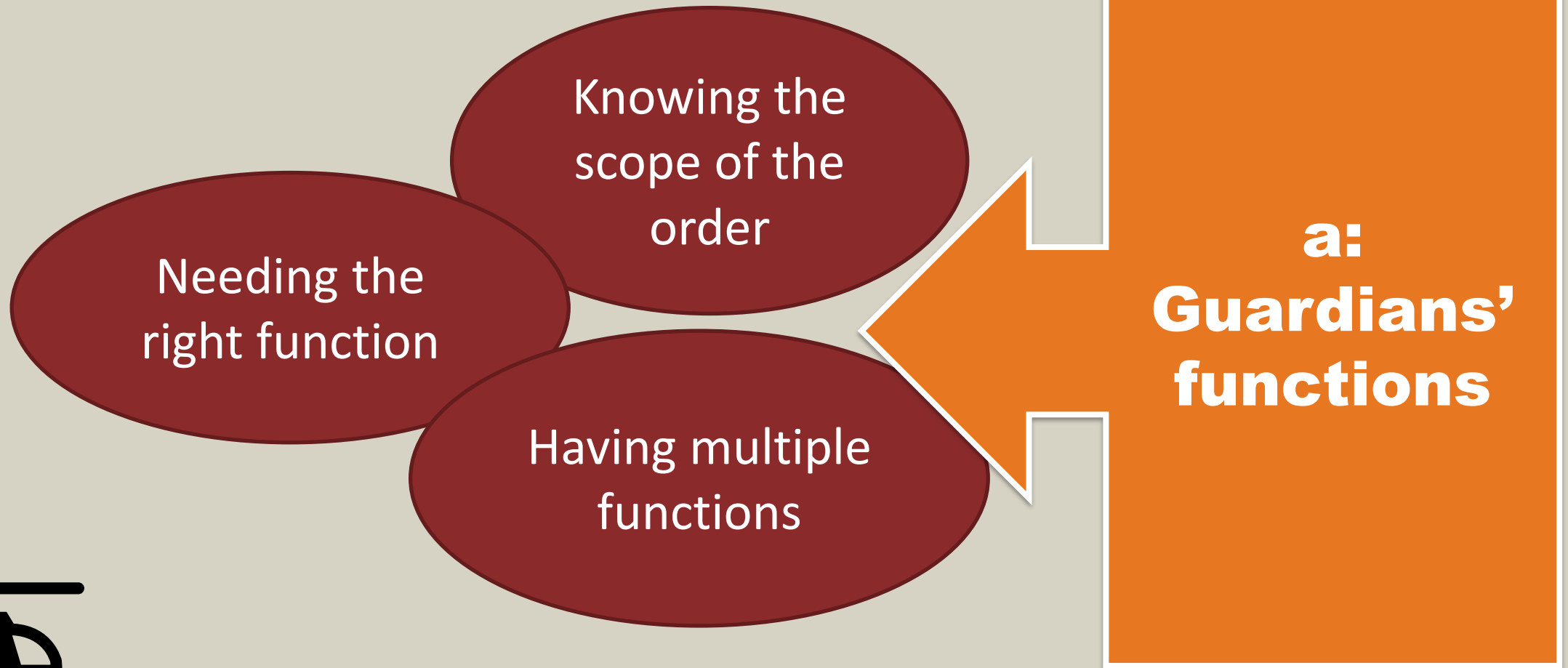


**Helicopter
Lens**



Sub-theme B - Populating the map with detail

What: legend items



Helicopter Lens



Sub-theme B - Populating the map with detail

What: legend items (cont.)

**b: defining
the
decision's
practical
ambit**

Breaking
down the
decision

Decision
purpose

Identifying
decision
significance

Providing
transparent
reasons

Going through
the decision
process

Using
evidence



**Helicopter
Lens**



Sub-theme B - Populating the map with detail

Identifying decision significance

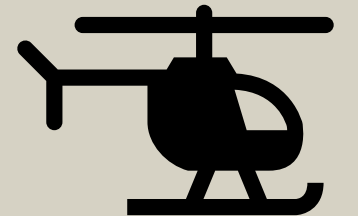
Significant decisions require navigation of complexities

The kind of decision counts

Small decisions are viewed as routine, usual practice or administrative

The decision's nature may be defined according to the person's view of it, or its impact

Small decisions are viewed as requiring much less, or no, consultation by the Guardian



Helicopter Lens



Sub-theme B - Populating the map with detail

What: legend items (cont.)

Meeting the
person where
they are

Plotting the
person's
'good life'

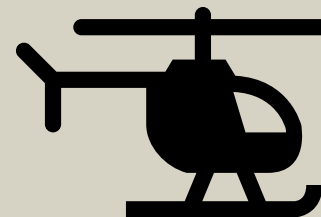
Understanding
the person's
vision and
wishes

Educating the
person and
their
networks

Prioritising
face-to-face
engagement

Testing the
person's
truth

**c: Knowing
the person**



Helicopter Lens



Sub-theme B - Populating the map with detail

What: legend items (cont.)

d: Finding the facts

Doing
'investigative
work'

Gathering
information
and opinions

Connecting
and analysing
facts

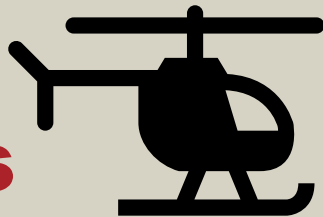
Making the
right
connections

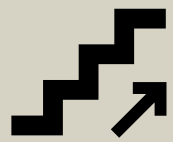
Discovering
gaps

Building the
knowledge
base

Checking and
rechecking
truths

Helicopter Lens





Sub-theme C - Rising above the detail

How

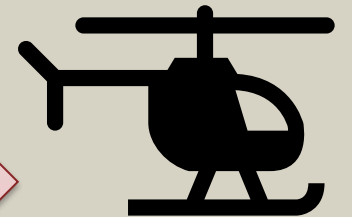
i. Having surveyed the topography in detail, guardians again rise above the coordinates

- Using the 'helicopter lens' guardians sift through, sort, and obtain objectivity from, the data

ii. Operating within layers of interconnecting complexity

- Objectivity helps guardians make sense of the complexity
"Without crisis there is no change"
(transcript 4, page 325)

Helicopter Lens





Sub-theme C – Rising above the detail

What: legend items (cont.)

**iii) a.
Analysing
issues**

Viewpoints

Conflicts

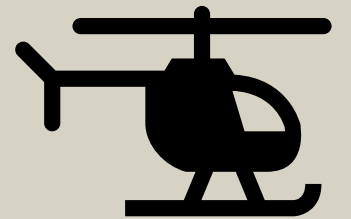
Obstacles

Critical issues

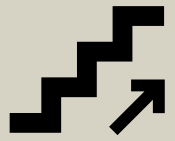
Impasses

Incidental
issues

Morphing of
issues

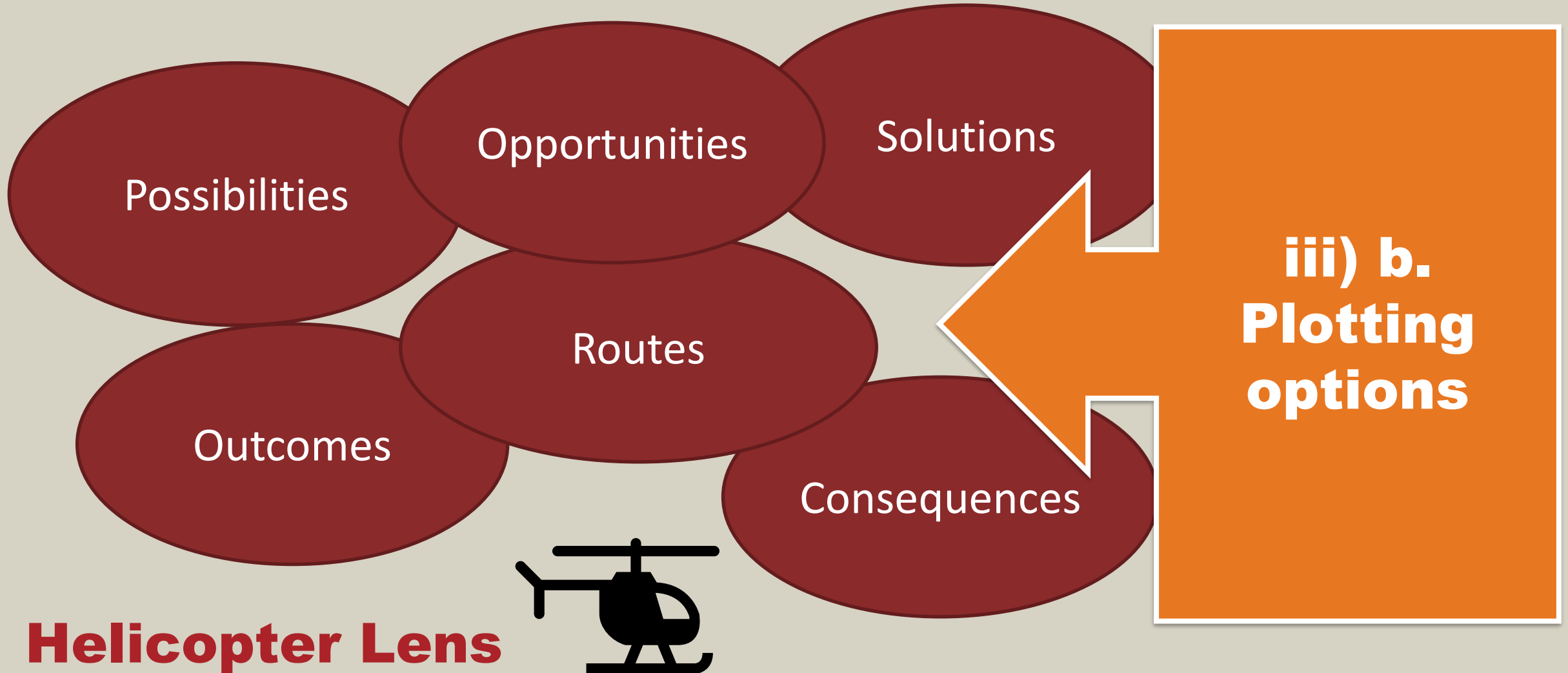


Helicopter Lens



Sub-theme C – Rising above the detail

What: legend items (cont.)

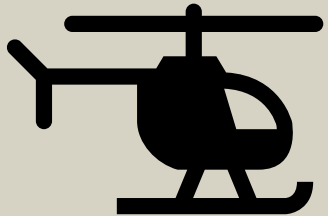
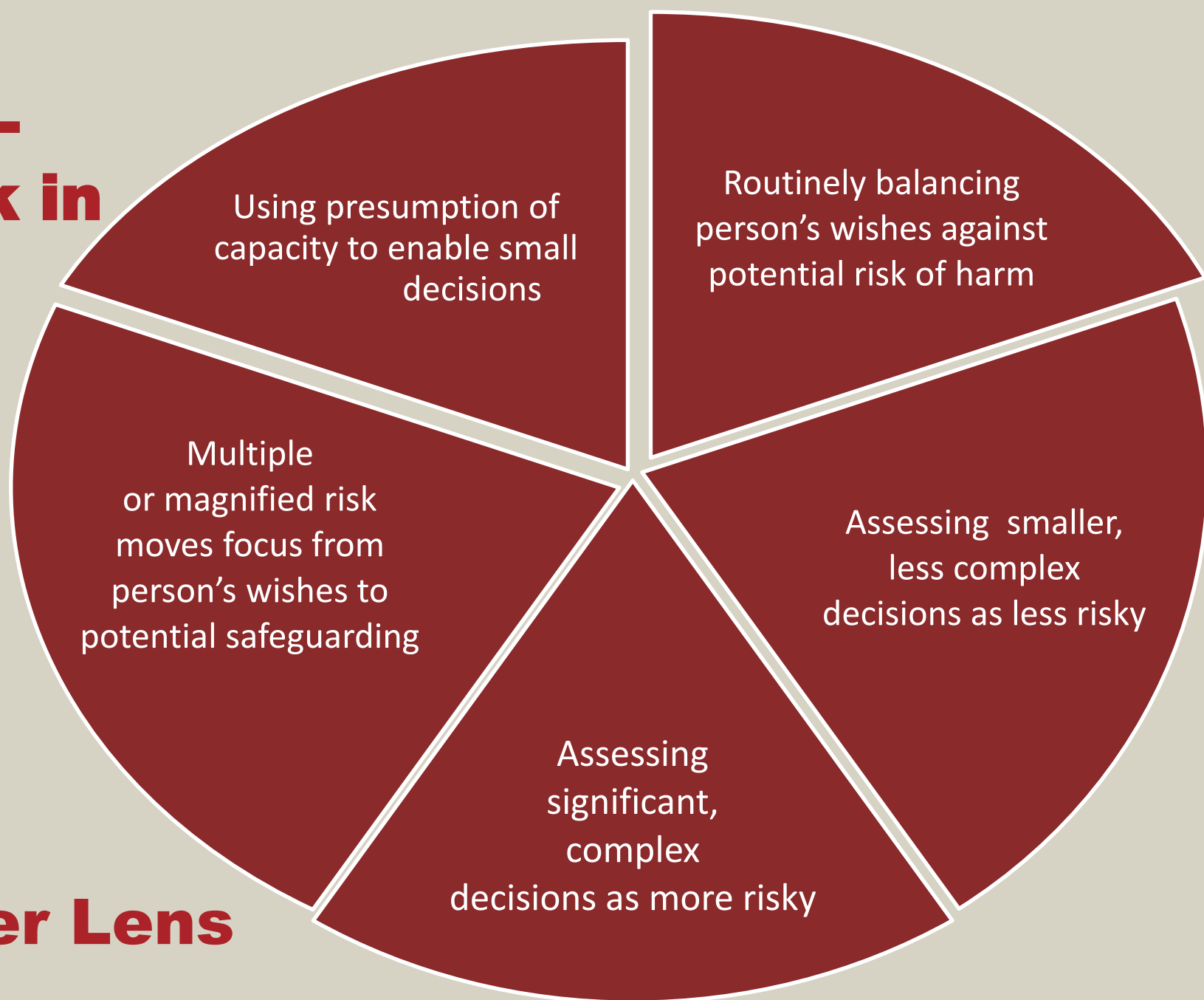




Sub-theme D - Considering risk in context

*"We're not in a nanny
state and we shouldn't be"*

(transcript 7, page 10)



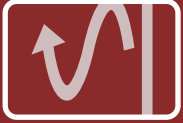
Helicopter Lens



Sub-theme D - Considering risk in context (cont.)



“Turning the situation on its head” - risk enablement



Normalising risk in a practical sense



Personalising risk



Testing the options



Challenging assumptions



Using a stepped-up approach

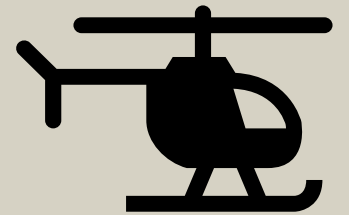


Accepting there may never be a correct answer



Supporting an unworkable order to lapse

vi.
Applying
other
practices



**Helicopter
Lens**



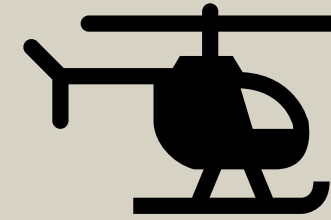
Sub-theme D - Considering risk in context (cont.)

The conservative legal framework

Legal accountability - barrier to risk empowerment

Battling risk intensity and multiplicity in least restrictive and last resort context

Looking at welfare and interests as directing harm minimisation



Helicopter Lens

Balancing immediate risk with future consequences

Steering a middle course or looking at Plan B's



Sub-theme D - Considering risk in context (cont.)

The conservative legal framework

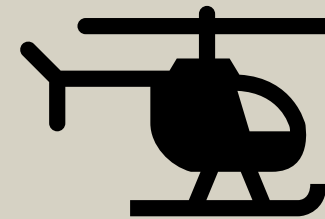
Recognising that risk aversion constrains choice

Safeguarding insightlessness

Using bargaining with the person and their networks

Using the authority of others to influence the person

Being worried about informal decisions of networks



Helicopter Lens

Summary - Themes



Navigating the authorising environment



Using a Helicopter Lens



Mobilising, manoeuvring and relying on networks



Paying attention to
communication



Making empowerment
fundamental



Reflexively donning other
hats



An analysis of the decision-making practices of NSW public guardians

Aim: to understand

- how substitute decisions are made for people with disability
- whether practices are inclusive of people with disabilities, and
- if decision-making processes align with supported decision-making principles

Thank you

Jenna Macnab

jenna.macnab@latrobe.edu.au

Mobile: 0439662720

