



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

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# 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

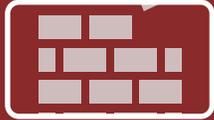
Semi- structured recorded interviews - 50 and 120 mins

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)

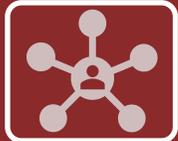
# Results - Themes



Navigating the authorising environment



Using a Helicopter Lens



Mobilising, manoeuvring and relying on networks



Paying attention to  
communication



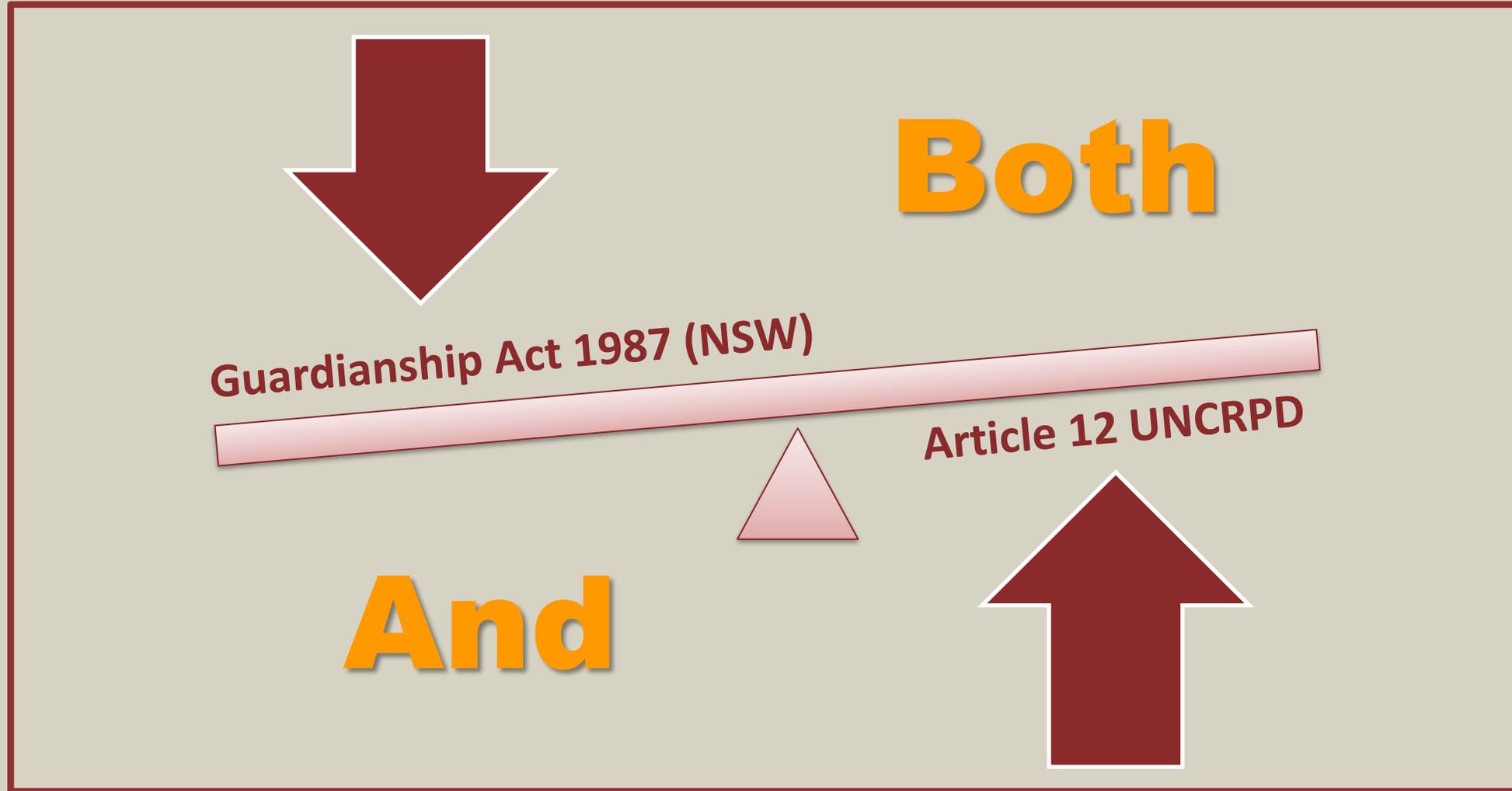
Making empowerment  
fundamental



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

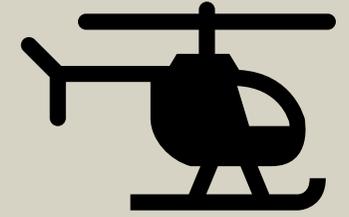
Embracing dignity of risk  
within a conservative  
protectionist framework

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

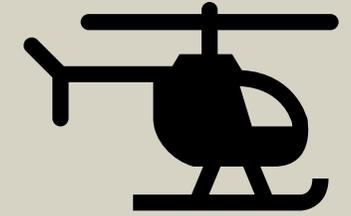
Finding an exact location

*"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

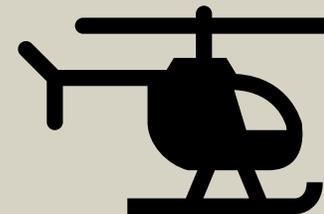
f. Networks

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

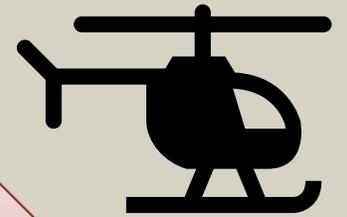
- analytically (documented)
- subconsciously 'mind-mapping'

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

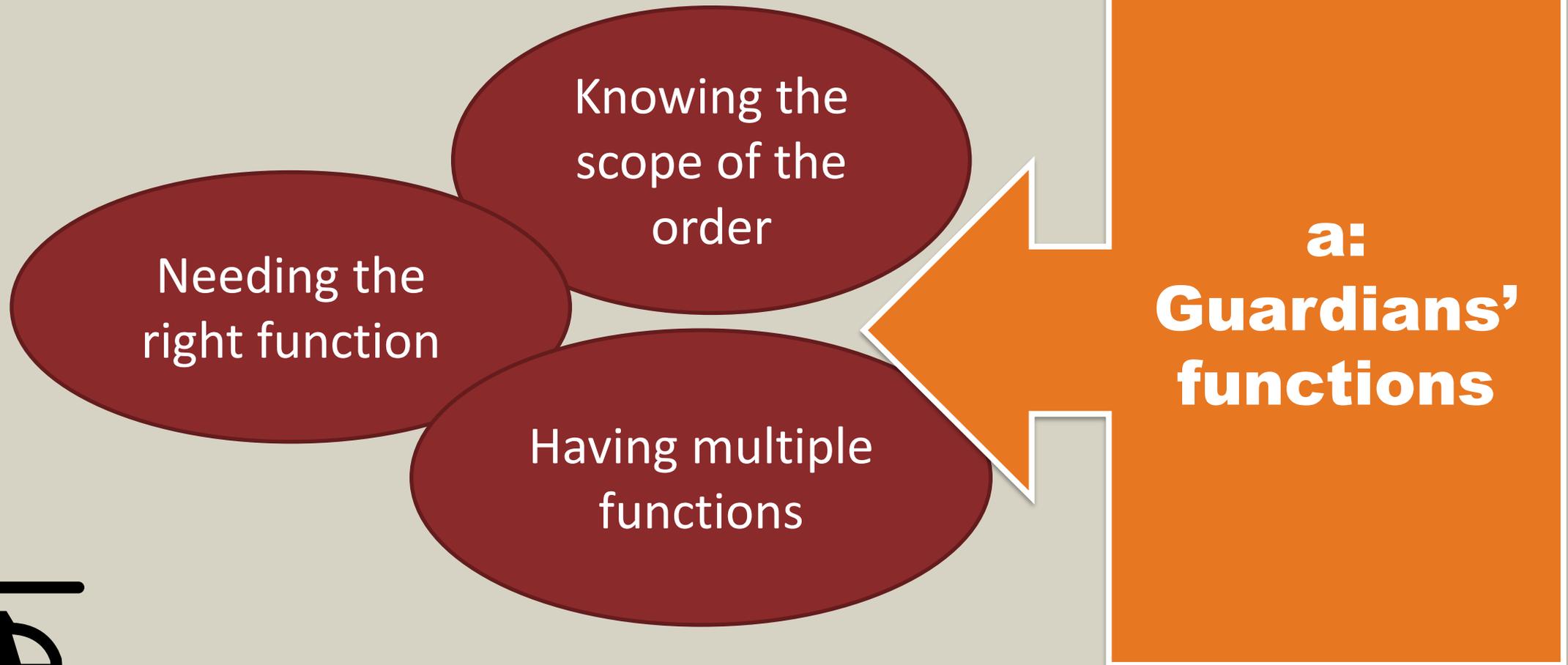


## Helicopter Lens



# 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

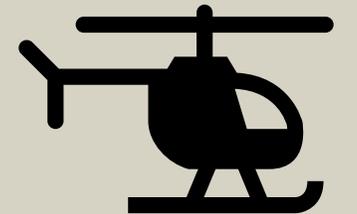
Significant decisions require navigation of complexities

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'

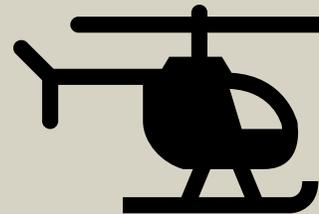
Understanding the person's vision and wishes

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

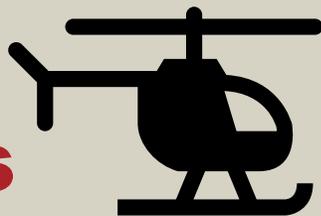
Making the right connections

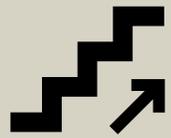
Discovering gaps

Building the knowledge base

Checking and rechecking truths

**Helicopter Lens**





# Sub-theme C - Rising above the detail

## How

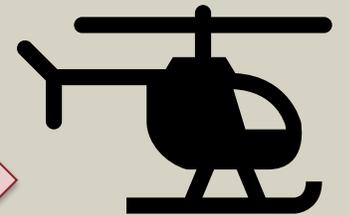
i. Having surveyed the topography in detail, guardians again rise above the coordinates

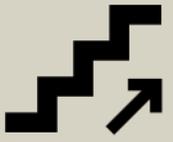
- Using the 'helicopter lens' guardians sift through, sort, and obtain objectivity from, the data

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

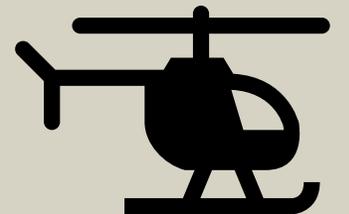
Obstacles

Critical issues

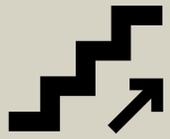
Impasses

Incidental  
issues

Morphing of  
issues

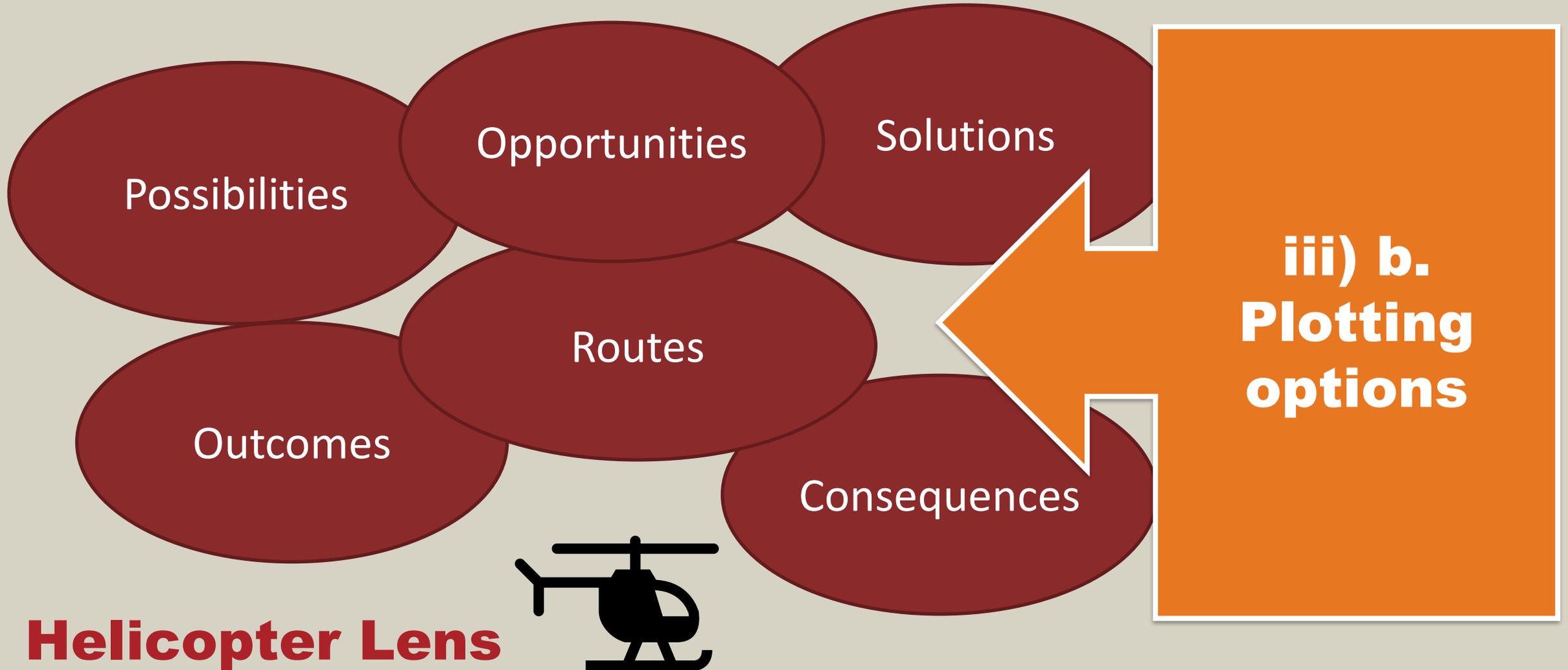


**Helicopter Lens**



# Sub-theme C – Rising above the detail

## What: legend items (cont.)

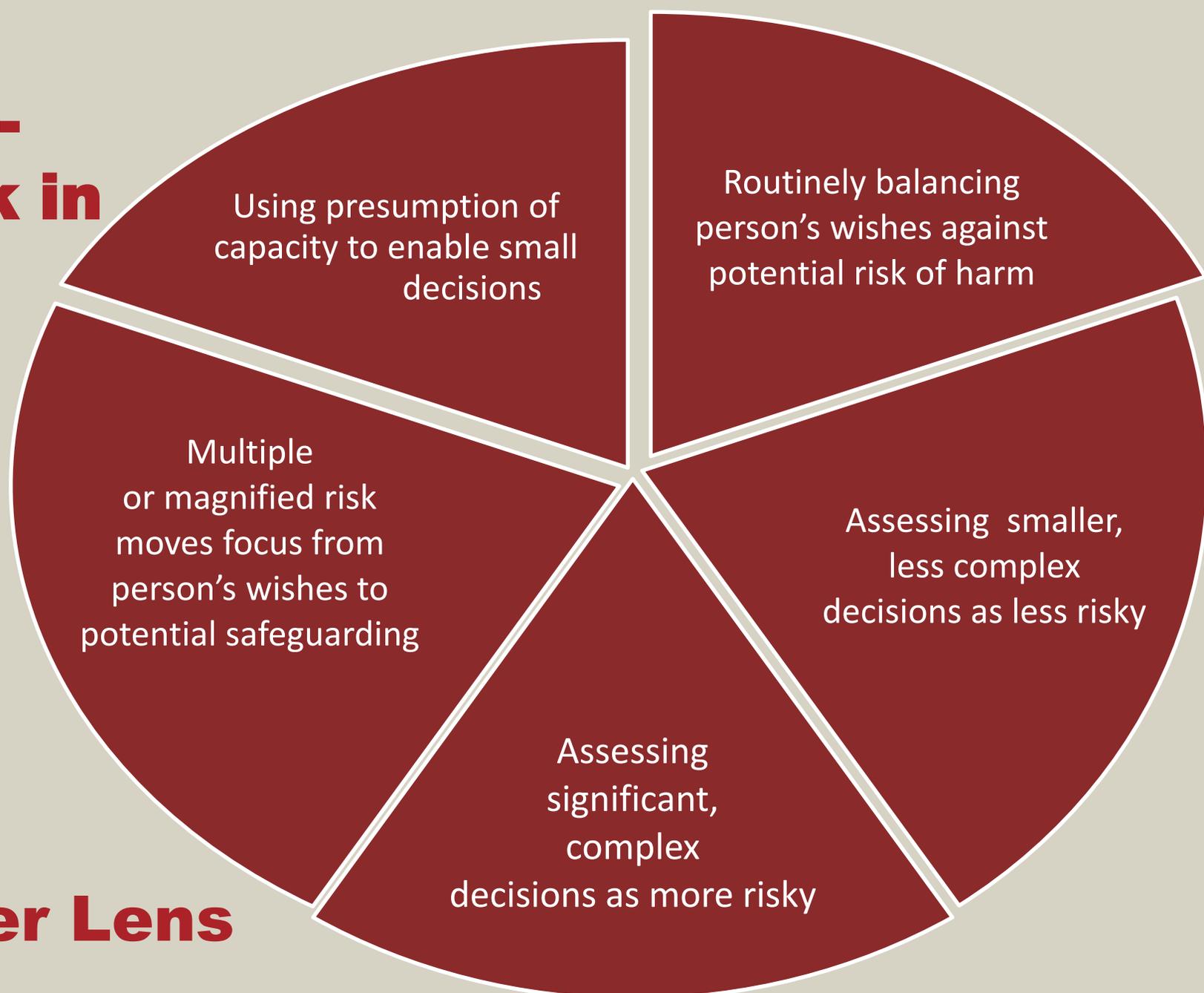




## Sub-theme D - Considering risk in context

*"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.)



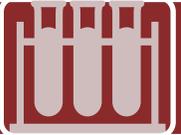
“Turning the situation on its head” - risk enablement



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**



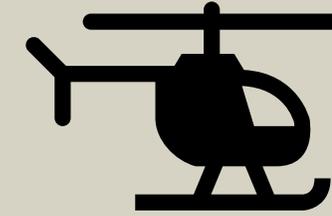
# Sub-theme D - Considering risk in context (cont.)

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

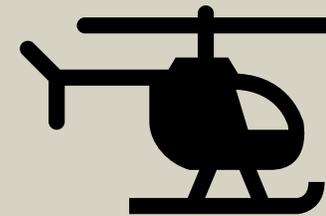
Recognising that risk aversion constrains choice

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



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Paying attention to  
communication



Making empowerment  
fundamental



Reflexively donning other  
hats

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**Aim:** to understand

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- whether practices are inclusive of people with disabilities, and
- if decision-making processes align with supported decision-making principles

Thank you

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