



LAW COMMISSION OF ONTARIO
COMMISSION DU DROIT DE L'ONTARIO

Legal Capacity, Decision-making and Guardianship: Final Report

Backgrounder #7

Education and Information

1. What Does the LCO's *Capacity, Decision-making and Guardianship: Final Report* Say About Education and Information?

Effective education and information is central to the effective implementation of capacity, decision-making and guardianship laws and policies. Ignorance or misunderstanding of the law can make it difficult for individuals and families to access their rights or solve problems. For professionals and service providers, it can lead to misapplication of the law.

The LCO's *Legal Capacity, Decision-making and Guardianship: Final Report* recommends reforming and improving education and information about rights and responsibilities in the capacity, decision-making and guardianship system across Ontario. The LCO's recommendations would:

- Promote partnership and collaboration between the many organizations that provide education and information in this area of law;
- Promote a more strategic and coordinated approach to the provision of education and information;
- Improve the accessibility, accuracy and quality of the information that is available to individuals, families, professionals, and institutions; and,
- Improve the understanding and implementation of every aspect of this area of the law.

2. What Did the LCO Learn?

Education and information is key to the successful implementation of capacity, decision-making and guardianship law.

There are currently many organizations providing information and education in this area, including:

- Government bodies such as the Public Guardian and Trustee and the Seniors Secretariat;
- Tribunals such as the Consent and Capacity Board;
- Professional regulatory bodies and professional educational institutions;
- Institutions such as hospitals and Community Care Access Centres; and,
- Community-based organizations, legal clinics, and others.

The LCO learned that:

- There is no single organization with a mandate to promote, coordinate or ensure high-quality and authoritative education and information on these issues;
- Ignorance and misunderstanding of this area of the law is widespread;
- System navigation is difficult for everyone, including persons directly affected, families, professionals, institutions and other service providers;
- Families and individuals directly affected often do not know where to find information and support on rights and responsibilities about the law;
- There may not be materials that are responsive to the needs of marginalized communities;
- There is widespread support for improving education and information about this area of law.

3. The LCO's Recommendations

Chapter Ten of the LCO's *Final Report* includes recommendations that:

- The Government of Ontario assume a statutory mandate to identify strategies and priorities, coordinate and develop initiatives, and develop and distribute materials;
- This mandate be delegated to an appropriate institution to act, in part, as a central clearinghouse for authoritative information;
- The role of professional educational institutions, professional regulatory bodies, and the Ministry of Health and Long-term Care be enhanced;
- The duty of health practitioners to provide information to substitute decision-makers be clarified upon a finding of incapacity; and
- Adjudicators should have the authority to order substitute decision-makers to obtain education on specific aspects of their duties.

More information about the LCO's *Capacity, Decision-Making and Guardianship: Final Report* is available at <http://www.lco-cdo.org/>.