

# **PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA**

## **SERVICE DELIVERY PLAN**

**April 1, 2012 – March 31, 2015**



**PUBLIC GUARDIAN  
AND TRUSTEE OF  
BRITISH COLUMBIA**

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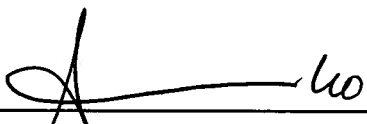
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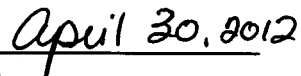
**Transmittal and Approval Letters**

To: The Honourable Shirley Bond  
Minister of Justice and Attorney General

I have the honour of delivering this updated Service Delivery Plan for the Public Guardian and Trustee of British Columbia, in accordance with the provisions of s. 22 (4) of the *Public Guardian and Trustee Act*.

This plan covers the period April 1, 2012 to March 31, 2015. This plan has been prepared under my direction and all material fiscal assumptions and policy decisions as of February 21, 2012 have been considered in preparing it. I am accountable for the basis on which the plan has been prepared.

  
\_\_\_\_\_  
Public Guardian and Trustee of British Columbia

  
\_\_\_\_\_  
Date

To: Catherine Romanko  
Public Guardian and Trustee

Pursuant to s. 22 (3) of the *Public Guardian and Trustee Act*, I approve the Service Delivery Plan 2012 – 2015 for the Public Guardian and Trustee of British Columbia.

\_\_\_\_\_  
Minister of Justice and Attorney General

\_\_\_\_\_  
Date

Pursuant to s. 22 (3) of the *Public Guardian and Trustee Act*, the attached Service Delivery Plan 2012 – 2015 for the Public Guardian and Trustee of British Columbia has been approved by the Treasury Board.

\_\_\_\_\_  
Chair of Treasury Board

\_\_\_\_\_  
Date

## Message from the Public Guardian and Trustee

I am pleased to present the Service Delivery Plan of the Public Guardian and Trustee (PGT) for the period April 1, 2012 to March 31, 2015.

The implementation of new and significant legislation, directly impacting the role of the PGT in servicing all of its client groups, is the major focus of the organization during this service delivery plan.

The *Wills, Estates and Succession Act*, 2009 expected to come into force in late 2012, will change the law relating to wills, the rules of succession and the manner in which estates of deceased persons are administered. The *Family Law Act*, 2011 also expected to be proclaimed during the duration of this service delivery plan, will change the role of the PGT as trustee of children's monies. In the event that the provincial economy improves, there is some hope that the long delayed proclamation of the court and statutory adult guardianship provisions in the *Adult Guardianship and Planning Statutes Amendment Act*, 2007 will take place during the period of this service delivery plan.

New laws and legal reform will require significant changes to PGT policies, procedures and technologies and require the PGT to adapt service delivery models and take on new statutory roles.

Changing provincial demographics, in terms of seniors and those over 85, are expected to increase public demand for PGT services. This increase in the proportion of the seniors population is expected to result in a corresponding increase in incidences of dementia and in adults requiring assistance in the management of their affairs. As public awareness of abuse, neglect and self-neglect of vulnerable adults increases, the PGT is already facing increased pressure to respond to more reporting of alleged financial abuse of seniors and vulnerable adults.

The delegation of guardian of person responsibilities for children in care by the Ministry of Children and Family Development (MCFD) to agencies with statutory authority for guardianship requires the PGT to establish relationships as coguardian for children in care with multiple partners instead of solely with MCFD. As a relatively small organization with limited capacity, the PGT must focus on developing strategies to manage pressure for the PGT to take on unfunded roles.

In order to mitigate risks and provide increasingly effective services the PGT is required to upgrade its outdated information and technology systems. During the course of this service delivery plan, the PGT will seek to replace its financial accounting system and will develop a proposal for acquiring a document management system to support the complex business of providing statutory services to approximately 32,000 clients under a variety of provincial laws.

Whether managing the impact of broad and significant legal reform or meeting rising demand for services, the PGT will ensure staff continue to be equipped with the required skills and knowledge to prudently manage client legal and financial affairs. The PGT recognizes that effective service delivery hinges on skilled and engaged staff being supported with proper training and effective business processes to provide high quality service.

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Catherine Romanko  
Public Guardian and Trustee

**TABLE OF CONTENTS**

**Transmittal and Approval Letters..... 3**

**Message from the Public Guardian and Trustee..... 4**

**1. ORGANIZATIONAL OVERVIEW ..... 6**

**A. Corporate Governance.....7**

**B. Financing Structure.....8**

**C. PGT Clients, Stakeholders and Service Partners .....9**

**2. PRIMARY LINES OF BUSINESS ..... 10**

**A. Protecting people under legal disability by reviewing decisions made by others ..... 10**

**B. Administering property of clients..... 10**

**C. Administering estates of deceased and missing persons ..... 10**

**D. Making personal and health care decisions ..... 11**

**E. Educating the public ..... 11**

**F. Applying PGT special expertise to advocate for PGT clients..... 11**

**3. STRATEGIC CONTEXT ..... 12**

**A. Values..... 12**

**B. Operating Environment..... 12**

**C. PGT Service Delivery Approach..... 13**

**D. Strategic Directions..... 14**

**E. Benchmarking ..... 16**

**4. FINANCIAL CONTEXT ..... 17**

**5. PERFORMANCE MEASURES ..... 19**

**6. RELATIONSHIP TO PROVINCIAL GOVERNMENT STRATEGIC PLAN ..... 25**

**7. SUMMARY FINANCIAL OUTLOOK.....26**

**A. Operating Cost Projections for 2012/13 through 2014/15 ..... 26**

**B. Special Account Summary ..... 27**

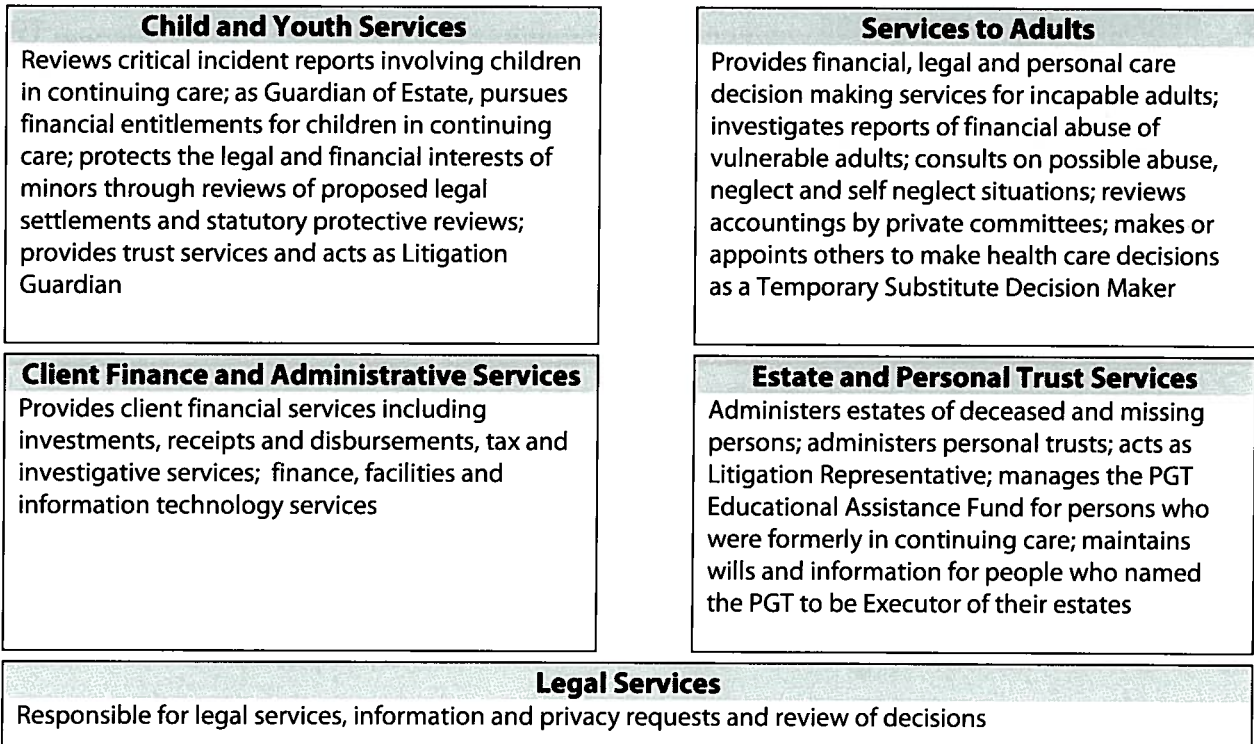
**8. CONTACT INFORMATION..... 28**

**1. ORGANIZATIONAL OVERVIEW**

The Public Guardian and Trustee of British Columbia (PGT) serves the most vulnerable British Columbians by providing and/or monitoring substitute financial, legal and personal decision making on their behalf. The majority of its clients are children (including those in continuing care of the Province) and adults whose mental incapacity makes them vulnerable to abuse, neglect and self neglect. The PGT also administers estates of deceased and missing persons and provides trust services. PGT responsibilities span the legal, financial, health and social services sectors.

In 2011/12, the PGT provides services through 249 funded employee positions. It serves approximately 31,700 clients and administers approximately \$860 million of client assets. The PGT delivers service from its head office in Vancouver, regional offices in Victoria and Kelowna and a warehouse.

The PGT is organized into three broad operational program areas: Child and Youth Services, Services to Adults and Estate and Personal Trust Services, with a client services support team in Client Finance and Administrative Services. Policy, Planning and Public Education is responsible for compliance with the transparency regime mandated by Part 3 of the *Public Guardian and Trustee Act* and other functions. The Deputy Public Guardian and Trustee as the Director, Legal Services, leads a team of in-house lawyers who are responsible for carrying out statutory legal duties, providing client legal services and responding to information and privacy requests. The Deputy PGT is responsible for internal review of decisions. The Executive Office provides overall direction and coordination.



## Key Statutes

Numerous acts set out the powers and duties of the PGT. Key provincial statutes include:

- *Adult Guardianship Act*
- *Child, Family and Community Service Act*
- *Community Care and Assisted Living Act*
- *Cremation, Interment and Funeral Services Act*
- *Employment Standards Act*
- *Estate Administration Act*
- *Estates of Missing Persons Act*
- *Family Relations Act*
- *Health Care (Consent) and Care Facility (Admission) Act*
- *Infants Act*
- *Insurance Act*
- *Insurance (Vehicle) Act*
- *Patients Property Act*
- *Power of Attorney Act*
- *Public Guardian and Trustee Act*
- *Representation Agreement Act*
- *Trustee Act*
- *Trust and Settlement Variation Act*
- *Wills Act*
- *Wills Variation Act*

The PGT has a fiduciary duty to advance the private interests of its clients even if they are contrary to the interests of any other organization including the provincial government.

Further information about PGT services and structure is available on the PGT website at [www.trustee.bc.ca](http://www.trustee.bc.ca). The website also includes copies of the PGT Annual Report which contains audited financial statements and extensive audited information on performance.

### A. Corporate Governance

The Public Guardian and Trustee is a corporation sole established under the *Public Guardian and Trustee Act*. This is a corporate legal structure in which all authority and responsibility is vested in a single office holder who may delegate authority and who operates without a board of directors. The status of the organization as a corporation sole establishes the Public Guardian and Trustee as a legal entity independent of government.

Authority is vested in the Public Guardian and Trustee who is appointed by the Lieutenant Governor in Council for a fixed six year term (renewable once) to ensure independence. The current office holder is Catherine Romanko, who was appointed October 10, 2011. Staff act under authority delegated by the PGT. The PGT reports to the Legislative Assembly through the Minister of Justice and Attorney General.

An Investment Advisory Committee of independent senior external financial advisors is established by statute to monitor PGT investment performance and advise on strategic investment policy.

An Audit Advisory Committee has been established to advise the PGT on risk management and audit related issues.

An Executive Committee comprised of the Public Guardian and Trustee, the Deputy Public Guardian and Trustee and Directors manages the organization.

As a fiduciary, the PGT is independent of government in its case related decision making responsibilities. By statute, the PGT exercises quasi judicial authority in certain situations. In addition,

the PGT provides the court with reliable independent submissions when the property or financial interests of minors, adults with legal disabilities or estates are at risk.

Under the *Public Guardian and Trustee Act*, the PGT is subject to stringent public performance accountability provisions. These include provisions defining extensive requirements for the service delivery plan and performance report.

In addition to statutory requirements for annual independent financial audits of both its operating funds and its estates and trusts administered, the PGT is required to have an independent audit of its annual performance report. These accountability provisions reflect the inability of most PGT clients to effectively monitor service quality or seek alternate service providers and thus this statutory transparency is a surrogate for consumer choice.

## **B. Financing Structure**

PGT expenditures are paid from a special account established by the *Public Guardian and Trustee Act* in the Consolidated Revenue Fund. Revenue flowing into the special account is derived from a combination of fees and commissions charged on client assets and income and voted funding from the government of British Columbia for services where fees would be impractical, inappropriate or insufficient. Fees and commissions accounted for 62% of PGT funding in 2010/11. Revenue in excess of expenditures is retained in the special account if unspent at year end.

**Estate and trust services** are those where the greatest impact is on the management of individual client assets and this is reflected in the total or high level of cost recovery. In 2010/11, PGT estate and trust services accounted for 64.2% of total costs while producing 91% of self generated revenue.

**Public Services** are those where the greatest impact from the service is in monitoring or oversight and the limited or absence of cost recovery reflects the public nature of these services. In 2010/11, PGT public services accounted for 35.8% of total costs while generating only 9% of self generated revenue. PGT investigatory and regulatory responsibilities continue to grow but are seldom revenue generating due to the nature of the activity.

All PGT fees and commissions are established by the Lieutenant Governor in Council and set out in the *Public Guardian and Trustee Fees Regulation* (BC Reg. 312/2000) as amended.

PGT fees and commissions are a combination of commission on income, commission on capital and asset management fees. In addition, the PGT charges certain hourly and fixed cost service fees. Third party charges for client related services are charged directly to clients.



**C. PGT Clients, Stakeholders and Service Partners**

<b>PGT Primary Client Groups</b>	<b>Key PGT External Relationships</b>	<b>Key PGT Private Sector Relationships</b>
<p>Almost all PGT clients are vulnerable due to legal incapacity and include persons with disabilities or special needs, seniors and children.</p> <ul style="list-style-type: none"> <li>• Adults and seniors with serious mental disorders or mental illness, developmental disabilities, acquired brain injuries or diseases of aging who require substitute decision making</li> <li>• Adults experiencing abuse, neglect or self neglect</li> <li>• Incapable adults without family who require health care decisions</li> <li>• Children in continuing care of the Province</li> <li>• Children with trust funds</li> <li>• Children who have no Litigation Guardian</li> <li>• Children whose guardians wish to settle a claim for damages on behalf of the child</li> <li>• Heirs and beneficiaries of estates of deceased and missing persons</li> <li>• Beneficiaries of trusts</li> </ul>	<p>Clients are at the core of all PGT activity. The PGT interacts with and/or works in partnership with a broad range of individuals and organizations in helping clients meet their needs.</p> <ul style="list-style-type: none"> <li>• Family and friends of clients</li> <li>• Community groups</li> <li>• Insurance Corporation of BC</li> <li>• BC Unclaimed Property Society</li> <li>• Public service partners with statutory authority, e.g., Representative for Children and Youth, Assisted Living Registrar, Health Authorities, Community Living BC, Aboriginal Child and Family Service Agencies, Delegated Agencies and BC Coroners Service</li> <li>• Provincial Government Ministries, e.g., Children and Family Development, Social Development, Justice and Attorney General and Health</li> <li>• Court of Appeal, Supreme Court and Provincial Court of British Columbia where interests of parties under disability are at issue</li> <li>• Law Society of British Columbia</li> <li>• BC Investment Management Corporation</li> <li>• Canadian Bar Association (BC Branch) with respect to law reform initiatives impacting the interests of PGT clients</li> <li>• First Nations</li> <li>• Government of Canada, e.g., Aboriginal Affairs and Northern Development Canada, Canada Revenue Agency, Department of Veterans Affairs</li> </ul>	<p>The PGT works with a wide range of private sector service providers in meeting its responsibilities for protecting the personal, legal and financial interests of clients.</p> <ul style="list-style-type: none"> <li>• Private service providers, e.g., care facilities, funeral homes, personal attendants</li> <li>• Personal service providers</li> <li>• Financial institutions, e.g., banking, investment services, private investment managers</li> <li>• Lawyers</li> <li>• Accountants</li> <li>• Insurance providers</li> <li>• Heir tracers</li> <li>• Real property managers</li> <li>• Medical and social services professionals</li> </ul>

## **2. PRIMARY LINES OF BUSINESS**

While the PGT delivers approximately 40 different statutory functions under more than 20 BC laws, the vast majority fall under one of two main roles, either as a fiduciary or as a protector. As a fiduciary the PGT is responsible for making substitute decisions on behalf of British Columbians who require assistance and/or protection because of a legal disability. As a protector, the PGT is responsible for investigating concerns of abuse, neglect or self neglect of persons under legal disability or by playing a limited oversight role of third party substitute decision making.

In most instances, individuals become PGT clients through legislation, court order, trust deed or referral. In addition, some choose the PGT as their service provider for personal trusts or estate administration. In meeting its responsibilities, PGT daily operations are centered around the following primary lines of business.

### **A. Protecting people under legal disability by reviewing decisions made by others**

Under British Columbia law, the PGT screens, investigates, monitors, takes protective measures and otherwise intervenes on behalf of persons under legal disability or who may be at risk because of abuse, neglect or self neglect. The PGT acts to ensure that the legal and property interests of clients are protected. To accomplish this, the PGT reviews a range of applications in legal proceedings, investigates allegations, reviews accounts of private committees and pursuant to regulation, appoints Designated Agencies to investigate and respond to possible abuse, neglect or self neglect of adults.

Activities may include providing comments to the Supreme Court of British Columbia, reviewing proposed litigation settlements, reviewing proposals to transfer child guardianship, freezing accounts, applying to court to remove authority from third parties and taking legal action on behalf of a client.

### **B. Administering property of clients**

The PGT is bound by fiduciary obligations to protect and administer property on behalf of clients. The PGT ensures that client needs are met, client property is protected, clients are enabled to access services and client wishes are met to the extent possible. To accomplish this, the PGT secures, manages and disposes of assets.

This may include physically securing property, determining and collecting income, paying bills, administering personal trusts, investing as a prudent investor, making disbursements for the benefit of clients and distributing trust accounts. In planning and implementing these activities, the PGT seeks to understand the client's context and exercises professional discretion in making quality decisions.

### **C. Administering estates of deceased and missing persons**

The PGT may act as executor or administrator of the estates of deceased persons. As Official Administrator of British Columbia, the PGT administers estates of persons who have died and no one is willing or able to administer their estates or when the whereabouts of executors, beneficiaries and heirs are not known. The PGT also acts as curator of the estates of missing persons. These activities are intended to ensure efficient, orderly intergenerational transfer of wealth.

To accomplish this, the PGT arranges funerals, traces heirs, submits tax returns and distributes estates. This may include applying for legal authority, collecting and paying debts, documenting heirs, and liquidating and distributing assets.

**D. Making personal and health care decisions**

The PGT makes or appoints other substitute decision makers to make health care decisions on behalf of persons who are mentally incapable of providing consent to treatment and who are without a supportive network. The PGT may also be appointed by the court to make other personal care decisions on behalf of incapable adults. This is intended to ensure that client health and safety are protected, client well being is promoted, and legal rights of autonomy are respected.

To accomplish this, the PGT arranges client access to services and shelter and makes or participates in client decision making. This may include reviewing client needs, wishes, values and interests, and developing individualized care plans.

**E. Educating the public**

The PGT recognizes the importance of providing public information and education to mitigate the growth in demand for PGT services, facilitate cooperation with service partners and stakeholders and to inform the public about related issues. These activities help professionals to properly apply the law, assist service partners in understanding their responsibilities, encourage appropriate utilization of PGT services, deter financial abuse of incapable and vulnerable persons, and limit growth in demand for PGT services through encouraging responsible private personal planning for incapacity and death.

The PGT has very limited resources for these activities and must balance speaking invitations, requests for materials and other related needs with its capacity to respond. The PGT seeks to lever other public education resources in order to achieve maximum efficiency when communicating with clients, service partners, key stakeholders and the public. This may include producing publications and other information materials, making presentations, providing news releases or enhancing the PGT internet presence. In its public awareness activities, the PGT seeks to ensure that intended audiences are aware of their obligations and rights and become more aware of the PGT and its responsibilities.

**F. Applying PGT special expertise to advocate for PGT clients**

The PGT supports clients in accessing services and exercising their civil, personal and property rights. This activity requires considerable liaison with service providers and increasingly may include legal action to pursue client rights and entitlements. At a systemic level, the PGT advocates for improved laws, policy and regulations in its responsibility areas.

This may include applying the special expertise of the PGT in analyzing emerging issues and making recommendations regarding policy and legislation to ensure that decision makers are aware of the impact of legislative changes so that the interests of persons under legal disability are taken into account when BC laws and policies are developed.

### 3. STRATEGIC CONTEXT

#### Vision

Rights, choices and security for all British Columbians

#### Mission

To safeguard and uphold the legal and financial interests of children; to manage the legal, financial and personal care interests of adults needing assistance in decision making; and to administer the estates of deceased and missing persons.

#### A. Values

1. **Integrity:** We act in accordance with the highest ethical, legal and personal standards.
2. **Client Centred Service:** We constantly strive to provide quality customer service to our clients who are the focus of our services.
3. **Openness:** We demonstrate responsibility and transparency to clients, government and the public through annual statutory public reporting on all aspects of our performance.
4. **Respect:** We treat clients, family and friends in a courteous, respectful manner.
5. **Teamwork:** We work with one another and with service partners in striving for seamless service delivery.
6. **Staff Support:** We acknowledge staff as our greatest resource and recognize and appreciate their expertise, professionalism and commitment.
7. **Innovation:** We challenge ourselves to seek new and improved ways to deliver service and assist clients.

#### B. Operating Environment

A wide range of factors are currently having a significant impact on the PGT operating environment and will continue to do so over the course of the period covered by this service delivery plan. These include the following:

- Constraints associated with PGT capacity and technology infrastructure will continue to pose enterprise risks and impair service delivery until upgraded.
- Demand continues to grow to provide legal services on behalf of clients as part of meeting PGT fiduciary obligations, including individual litigation and increasingly, advancing client claims within class actions, which may involve a legal obligation to incur costs without offsetting revenue.
- Demands associated with public, client, stakeholder and service partner expectations about the nature, quality and service delivery models for PGT services continue to evolve and intensify.

- The international economic slowdown impacts rates of return for investments and the value of client assets which, in turn, impacts PGT revenue.
- The long term transition is continuing from the PGT acting primarily as a fiduciary, providing direct financial management services to clients, to a role that includes significant investigatory and regulatory responsibilities without corresponding revenue from fees and commissions.
- Ongoing changes in the availability of community supports for individuals, coupled with growth in the number of agencies with statutory authority, has made the service environment for PGT clients far more complex and has made supporting PGT clients much more challenging.
- Pressures associated with providing services to Aboriginal/First Nations clients and communities continue to grow, particularly that of providing guardianship services to Aboriginal children in continuing care.
- Demographic changes continue to be a major driver in increasing demand for PGT services, particularly in the area of services to seniors with dementia and other diseases of aging.
- Administering client assets has become more complicated given PGT clients represent a diverse and mobile population with assets and family members throughout Canada and the world.
- The growth in financial entitlements for specific PGT client groups, such as grants and bonds associated with the Registered Disability Savings Plan, has significant PGT resource implications arising from the need for the PGT to apply for benefits on behalf of clients and maintain plans.
- Growing awareness of the incidence and varieties of elder abuse and abuse of other incapable adults continues to increase pressure to take preventive measures and facilitate community response.
- The PGT faces an imminent impact in regards to unfunded service demands resulting from treaty implementation between First Nations and Aboriginal Affairs and Northern Development Canada; services previously administered under federal jurisdiction will now fall under the domain of provincial authority.

### **C. PGT Service Delivery Approach**

The PGT has a broad range of responsibilities for differing client groups and delivers its services according to the most appropriate methods for the particular client group and responsibility. Methods include direct service delivery, limited monitoring of third parties, contractor provided services, response to complaints about other categories of third parties and supporting the court in making decisions. The high level approaches guiding PGT service delivery are as follows:

- The PGT meets its legal obligations as fiduciary which requires that the PGT demonstrate an undivided loyalty to its clients.
- The PGT advances the interests of its clients even if they are contrary to the interests of any other person or organization, including the provincial government.
- PGT services for incapable adults are provided on a last resort basis.
- PGT adult client services allow for maximum client independence that is consistent with fiduciary responsibilities within the existing legislative framework.
- The PGT seeks full cost recovery for administration of deceased estates and personal trusts.
- The PGT takes a risk based approach in reviewing client investment plans and monitoring third party accounts.

- The PGT fosters development of community based responses and capacity to respond to abuse, neglect and self neglect of incapable adults.
- The PGT applies fairness principles in assessing the impact of fees and commissions on PGT clients.
- The PGT appoints as Designated Agencies under Part 3 of the *Adult Guardianship Act*, those agencies best suited to discharge the legal responsibility to investigate and respond to allegations of abuse, neglect and self neglect of incapable persons.
- The PGT works in partnership with Health Authorities whose senior officials are responsible for issuing certificates of incapability that result in the PGT assuming statutory legal authority for managing the affairs of incapable adults.
- The PGT facilitates related information sharing and capacity building by service partners.

### **Benefits of the PGT Service Delivery Approach**

The PGT and its service partners help individuals in a range of important ways including:

- Providing protective services to minimize abuse, neglect and self neglect.
- Developing community capacity to support vulnerable adults.
- Protecting the interests of children in continuing care.
- Increasing efficiency of the court system by providing independent analysis of issues affecting the rights of persons with legal disability.
- Ensuring that legal consent for treatment can be provided to health care professionals.

### **D. Strategic Directions**

Four key strategic directions will inform the organizational activities for the PGT during the period covered by this service delivery plan. These directions will be reviewed annually to ensure that they continue to appropriately support PGT service delivery in the face of the shifting legal, social and economic operating environment.

#### **I. Implementing New Legislation and Advocating for Law Reform**

A key direction for the PGT over this three year period will be implementing new statutes which will affect the role of the PGT in its provision of services to all client groups. The *Wills, Estates and Succession Act, 2009*, for which a proclamation date is expected to be announced in late 2012, will change the fundamental rules of succession and the manner in which deceased estates are administered in British Columbia. The entitlement of PGT clients to share in or administer estates will be impacted as will the role of the PGT as estate executor or administrator.

The *Family Law Act, 2011*, also expected to be proclaimed during this period, creates a new scheme for management of children's property and a process for court appointment of trustees for such property. The legislation authorizes guardians to manage certain property for children in place of the PGT and creates a new obligation for the PGT to review and provide comments to the Court concerning trustee appointment applications. The shift of some types of property to guardians for administration will create a revenue impact to the PGT made particularly significant by the fact that fees and commissions charged by the PGT for administration of client assets account for the majority of PGT funding (64.2% of actual expenditures in 2010/11). The financial implications to the PGT of implementing the new

children's property regime must be addressed prior to proclamation and to this end, the PGT will make submissions to government to manage the issue.

Effective September 1, 2011 the PGT implemented its new roles created under the newly proclaimed personal planning provisions of the *Adult Guardianship and Planning Statutes Amendment Act, 2007*. There is some prospect that the long deferred proclamation of the court and statutory adult guardianship provisions in that act will take place during the period of this service delivery plan if the fiscal climate in the province improves. If brought into force, this legislation will replace the outdated *Patients Property Act* and will modernize the provision of adult guardianship services in the province including services provided by the PGT.

With respect to law reform initiatives, the PGT will continue to advocate for modernization of public guardianship of a child to clarify the duties of the PGT in its role as guardian of estate of children in care. The PGT will also advocate for the provision of guardian of estate protections to children and youth receiving provincial services under alternative care arrangements. In its role in protecting the property interests of children, the PGT will also advocate for reform of the *Infants Act* to modernize children's property rights to reflect current social realities.

## II. Managing Risk

The PGT is a fiduciary responsible for administering \$860 million in client assets and accordingly, managing risk informs all PGT activities and is a key strategic direction. Enhanced processes for mitigating risk developed through PGT Enterprise Risk Management Framework and based on recommendations from independent experts, continue to be implemented throughout PGT business lines and will remain a point of focus.

Managing risk includes managing the capacity of the PGT to respond to public pressure to take on unfunded responsibilities arising from external environmental changes. The growing proportion of the population comprised of seniors and the corresponding increase in incidents of dementia, together with increased public awareness of financial abuse and neglect of vulnerable persons have led to an increase in demand for PGT services. To manage demand for PGT involvement, the PGT will promote and carry out public education regarding personal planning options for incapacity and death and will encourage the development of community based response to abuse and neglect of vulnerable persons.

The delegation of certain child protection services from the Ministry of Children and Family Development to Delegated Aboriginal Child and Family Service Agencies is another external factor creating significant unfunded resource implications for the PGT. Whereas previously, the PGT was coguardian of children in care with MCFD, it is now coguardian with both MCFD and numerous Delegated Agencies which have guardianship authority. The PGT will focus on building relationships with its coguardian agencies and provide education regarding the PGT mandate to ease the complexity of dealing with multiple service partners.

## III. Upgrading Information Technology Systems

Implementing new legislation and responding to increasingly complex needs of PGT clients requires the PGT to upgrade its information technology systems to manage risk and support client service delivery. The PGT financial information system, developed over 20 years ago, is no longer adequate to

meet modern trust accounting standards and operates on an obsolete platform. Moving forward with replacement is essential.

The PGT's role as legal representative for its clients requires management and retention of a significant volume of legal and financial client records over service periods that can last decades. The PGT requires a document management system to mitigate risk and to ensure ready access to critical client information. The PGT maintains separate information technology systems for reasons of independence. As a result, the PGT is not included in the provincial government information technology framework.

#### IV. Enabling Staff to Meet Service Demands

To effectively carry out its legal obligations and respond to increasingly complex client issues, the PGT must recruit and retain appropriate staff with specialized skills in the social, legal and financial arenas. This is particularly needed given the added requirement that PGT staff be knowledgeable about significant new legislation in the key areas of family law and wills and estates. Staff must also be supported to meet service demands through specialized skills training and the implementation of effective business processes. Enabling staff to meet increasingly complex client service demands will be a strategic focus in this period.

#### E. Benchmarking

The PGT is a unique organization largely without private sector comparators and with limited comparability to public bodies in BC and other jurisdictions. Because of its responsibilities, blend of services and unique legal status, PGT access to generally accepted benchmarks is limited. Public Guardian and Public Trustee agencies in other jurisdictions each have some responsibilities and services or elements of them in common with the PGT but none have exactly the same authorities.

The PGT uses third party benchmarks in assessing the performance of its pooled investment funds.

In accordance with the *Public Guardian and Trustee Act*, the PGT annual performance report is subject to an independent audit to provide third party assurance on the reported results and the PGT is able to make comparisons of its own past performance using this information.



#### 4. FINANCIAL CONTEXT

##### Summary Financial Outlook

Schedules have been prepared on the basis of information available to the PGT as of February 21, 2012. Any changes that may occur after that date are not included. Amounts are stated in 2011/12 dollars.

- Implementation of children's small property provisions contained in the *Family Law Act, 2011* (Bill 16) will generate a revenue loss to the PGT which will not be offset by associated savings. Financial implications to PGT will have to be addressed prior to implementation.
- A proclamation date for the *Wills, Estates and Succession Act, 2009* (WESA) is expected to be announced in late 2012. Implementation costs will be absorbed by the PGT's current operating budget.
- *Adult Guardianship and Planning Statutes Amendment Act, 2007* (also known as Bill 29 or AGPSAA) was partially proclaimed on September 1, 2011. The incapacity planning aspects of Bill 29 came into force as of that date along with some other changes. This phase of the implementation did not have significant financial consequences for the PGT. The next phase which modernizes court and statutory guardianship will require increased resourcing for the PGT and is deferred until a later time.
- The budget amounts for 2012/13 and 2013/14 reflect anticipated operations except as noted below. The allocations for 2014/15 are flat lined.
- Base FTEs are increased by 1 in 2012/13 to a total of 250. This additional FTE will provide Information Technology Services of a continuous nature and was funded by reallocating resources from PGT contracted support.
- Benefits have been included at 23% of salaries (including leave liability) in 2012/13 and 23.7% in 2013/14.
- Leave liability amounts have been calculated as 0.786% of salaries throughout the period.
- BCGEU Master and Component Agreements expired midnight, March 31, 2010. There has been no provision for the financial impact of any future agreements impacting BCGEU staff. Accordingly, costs for salaries and benefits for BCGEU staff were calculated at status quo with 2011/12 levels for fiscals 2012/13 through 2014/15.
- The PGT implemented a new Management Compensation Framework that introduces a broad banding structure with fewer classification levels and wider salary ranges. This new framework provides greater flexibility to respond to competitive labour markets and recognize employee contributions. Management salaries have been aligned to this new compensation structure retroactive to April 1, 2010. There has been no provision for the financial impact of any future agreements impacting management staff.

- Changes arising from the renewal of the collective agreement between the Province and the BC Crown Counsel Association have been included in 2012/13 only. The continued agreement has a 12 year term commencing April 1, 2007 and expiring March 31, 2019. The incremental percentage is 1.27% each year in addition to percentage compensation parity with the Provincial Court Judiciary. This increase, while known, has not been included in the PGT salary projections for 2013/14 and 2014/15.
- The PGT has shifted to a cost recovery model effective April 1, 2011. All fees and commissions and other charges earned are recognized as cost recoveries. This accounting change eliminates the inconsistency in PGT revenue reported partially as "revenue" and partially as "cost recovery" and will match client fee amounts collected with the costs of the related services provided.
- PGT voted funding is provided in accordance with amounts established by the Ministry of Justice and Attorney General in its 3-year service delivery plan in the amount of \$8.893M in 2012/13 and ongoing.
- Capital funding of \$0.540M-2012/13, \$0.363M-2013/14 and \$0.423M-2014/15 has been included and reflects the Capital Planning Secretariat 10 Year Capital submission.

PERFORMANCE MEASURES

5. PERFORMANCE MEASURES

<b>Goal # 1: PROPERTY AND FINANCIAL INTERESTS OF PGT CLIENTS WILL BE WELL MANAGED.</b>						
Objectives	Performance Measures			Targets		
	10/11 Actual	11/12 Forecast		2012/13	2013/14	2014/15
1.1 Disbursements from children's trusts will be made in a timely manner.	95%	90%	Percentage of disbursements from children's trusts that are completed within 15 calendar days of request by the guardian or client	90%	90%	90%
1.2 Legal, financial and property interests and assets of clients will be identified, secured and managed in a timely and prudent manner.	99%	95%	1.2.1 Percentage of critical incident reports in respect of children in continuing care that are reviewed and have action initiated by the PGT within 60 calendar days of receipt	95%	95%	95%
	88%	75%	1.2.2 Percentage of personalized case plans (covering property, effects, legal issues and living arrangements) that are developed and implemented for new adult clients within six months of PGT appointment as Committee of Estate	80%	80%	80%
	90%	90%	1.2.3 Percentage of adult client trust receipts that are processed within five business days	90%	90%	90%
	98%	95%	1.2.4 Percentage of adult client disbursements processed within 15 business days	95%	95%	95%

PERFORMANCE MEASURES

**Goal # 1:  
PROPERTY AND FINANCIAL INTERESTS OF PGT CLIENTS WILL BE WELL MANAGED.**

Objectives		Performance Measures				Targets		
		10/11 Actual	11/12 Forecast	2012/13	2013/14	2014/15		
1.3 Assets of client estates will be identified, secured and administered in a timely manner.	1.3.1 Physical assets of new deceased estates secured within 15 calendar days of notification of death	90%	75%	75%	75%	75%		
	1.3.2 Assets listed on the Client Inventory Report will be input into COMET within 5 business days of receipt of the Notification being filed in the Field Services System	NA	NA	75%	80%	85%		
1.4 Estate distributions will be made to heirs and beneficiaries.	1.4.1 Percentage of deceased estate funds that are distributed to heirs and beneficiaries rather than transferred to the BC Unclaimed Property Society	96%	85%	85%	85%	85%		
1.5 Client investments will be handled prudently.	1.5.1 Investment returns for all three pooled funds match or exceed established benchmarks	Three of the three funds met or exceeded their benchmarks at March 31, 2011	Match or exceed established benchmarks	Match or exceed established benchmarks	Match or exceed established benchmarks	Match or exceed established benchmarks		
		99%	95%	95%	95%	95%		
	1.5.2 Percentage of investment plans subject to review that are completed within the year	99%	95%	95%	95%	95%		

PERFORMANCE MEASURES

**Goal # 2:  
PERSONAL INTERESTS OF PGT CLIENTS WILL BE PROTECTED.**

Objectives		Performance Measures			Targets		
		10/11 Actual	11/12 Forecast	2012/13	2013/14	2014/15	
2.1	The personal needs of child and youth clients will be protected.	98%	90%	90%	90%	90%	
2.1.1	For children and youth where ongoing assistance with day to day maintenance has been approved, personalized expenditure plans will be developed and implemented within 20 calendar days of receiving all decision making information and then annually reviewed						
2.2	The personal interests and health care needs of adult clients will be addressed.	99%	95%	95%	95%	95%	
2.2.1	Percentage of Committee of Person adult clients who are annually visited by PGT staff						
2.2.2	Percentage of major health care substitute decisions for adults made within three business days of all relevant information being received	100%	95%	95%	95%	95%	

PERFORMANCE MEASURES

<b>Goal # 3:                      STATUTORY PROTECTIVE AND MONITORING SERVICES WILL BE DELIVERED IN AN APPROPRIATE, TIMELY AND FAIR MANNER.</b>						
Objectives	Performance Measures			Targets		
		10/11 Actual	11/12 Forecast	2012/13	2013/14	2014/15
3.1 Settlement reviews of legal claims of children and youth will be carried out in a timely manner.	3.1.1	Percentage of proposed minors' settlements \$5,000 and over that are reviewed and the parties advised of the PGT position within 60 calendar days once all relevant information has been received	98%	90%	90%	95%
	3.1.2	For minors' settlements under \$5,000, the average number of calendar days to review and advise of the PGT position regarding proposed settlements once all relevant information has been received	13 days	20 days	20 days	20 days
3.2 The PGT will act to protect the assets of adults at risk for abuse, neglect and self neglect.	3.2.1	Percentage of cases where, on confirming that the assets of an apparently abused or neglected adult unable to seek support and assistance are at significant risk and in need of immediate protection, protective steps are taken within one business day under section 19 of the <i>Public Guardian and Trustee Act</i>	99%	90%	95%	95%
	3.2.2	Average age of Private Committee accounts that have been submitted for passing and are awaiting PGT decision	6 months	5 months	5 months	5 Months

PERFORMANCE MEASURES

**Goal # 4:**

**THE PGT WILL CONTRIBUTE TO PUBLIC AWARENESS, POLICY DEVELOPMENT AND LAW REFORM INITIATIVES TO PROMOTE THE INTERESTS OF PGT CLIENTS.**

Objectives		Performance Measures			Targets		
		10/11 Actual	11/12 Forecast	2012/13	2013/14	2014/15	
4.1	The PGT will make relevant, useful and affordable recommendations to government for law reform affecting clients.	NA	NA	Report delivered to AG by March 31, 2013	Provide comments on amending bill (subject to draft legislation being prepared)	Implement PGT statutory roles (subject to coming into force of new law)	
4.2	The PGT will promote an understanding of its role among clients, service partners, stakeholders and the public.	92 presentations	50 presentations	65 presentations	65 presentations	65 presentations	

PERFORMANCE MEASURES

**Goal #5:  
THE PGT WILL DELIVER HIGH QUALITY CLIENT CENTRED SERVICES.**

Objectives		Performance Measures			Targets		
		10/11 Actual	11/12 Forecast	2012/13	2013/14	2014/15	
5.1	The PGT will meet client expectations for quality, equitable and accessible services.	93%	85%	85%	85%	85%	
5.1.1	Percentage of heirs and beneficiaries responding to survey who rated administration services for deceased estates as good or very good						
5.1.2	Percentage of stakeholders reporting satisfaction with PGT legal services (stakeholder group varies annually)	98%	75%	75%	75%	75%	
5.2	Mission critical information technology systems and processes will support PGT business activities.	Request for Information posted to BC Bid and responses evaluated	Purchase and implement new trust accounting system (subject to funding)	Purchase and implement new trust accounting system (subject to funding)	Prepare business case for document management system	Purchase and implement document management system (subject to funding)	
5.2.1	Develop client management information systems in phases						



**6. RELATIONSHIP TO PROVINCIAL GOVERNMENT STRATEGIC PLAN**

PGT clients comprise persons with developmental disabilities, special needs (including mental illness and persons living with acquired brain injuries), children and seniors, particularly those with dementia and other diseases of aging.

The PGT is committed to assisting adult clients to have the best quality of life they can and to act in accordance with their wishes where possible. To the extent permitted by the current law respecting court and statutory adult guardianship, the PGT encourages maximum self sufficiency for adult clients and strives for minimal intervention consistent with the need for protection. The PGT acts in the best interests of child and youth clients including those with private guardians as well as those for whom the PGT is guardian of estate.

In delivering services to clients, the PGT works cooperatively with a broad range of provincial organizations including ministries and agencies or officials with statutory authority, particularly Health Authorities and Delegated Aboriginal Child and Family Service Agencies.

The PGT is a member of the Children's Forum, and in that capacity and others, works with the Provincial Health Officer, the Chief Coroner, the Ombudsperson, MCFD, and the Representative for Children and Youth. The PGT is a signatory to the Cross Ministry Transition Planning Protocol for Youth with Special Needs. It is a member of the Senior's Healthy Living Cross – Government Committee and the Elder Abuse Prevention Initiative Cross – Government Committee.

SUMMARY FINANCIAL OUTLOOK

7. SUMMARY FINANCIAL OUTLOOK

A. Operating Cost Projections for 2012/13 through 2014/15

Program	2012-2013		2013-2014		2014-2015	
	External Recoveries	Operating Expenditure	Net	External Recoveries	Operating Expenditure	Net
<i>All amounts are quoted in thousands of dollars</i>						
<i>Trust and Estate Services</i> <sup>1</sup>						
Services to Adults	8,417	9,958	(1,541)	8,417	9,951	(1,534)
Estate and Personal Trust Services <sup>2</sup>	3,583	3,495	88	3,583	3,491	92
Child and Youth Services	1,560	2,211	(651)	1,560	2,211	(651)
<i>Public Services</i> <sup>3</sup>						
Services to Adults	430	3,229	(2,799)	430	3,229	(2,799)
Child and Youth Services	775	5,116	(4,341)	775	5,126	(4,351)
Estate and Personal Trust Services	-	99	(99)	-	100	(100)
Voted Funding			8,893			8,893
Other Recoveries			450			450
Net Recovery (Expense)			-			-
Projected permanent FTEs			250			250

1 Trust and Estate Services include Client Services and Estate Liaison in Services to Adults; Estate and Personal Trust Services and Trust Services in Child and Youth.

2 Estate and Personal Trust Services includes a declining backlog of low fee generating accounts transferred from County Administrators and the Deputy Official Administrators.

3 Public Services include Adult Guardianship [Health Care Consent, Community Liaison, and Response to Abuse and Neglect], Assessment and Investigation and Private Committee Services in Services to Adults; Guardianship to children in care, Infant Settlements and other legal reviews in Child and Youth Services and Public Inquiry in Estate and Personal Trust Services.

**B. Special Account Summary**

	Public	Service Delivery Plan			
	Accounts	Estimates	2012-	2013-	2014 -
	2010-	2011-	2012-	2013-	2014 -
	2011	2012	2013	2014	2015
<b>Special Account equity beginning balance</b>	<b>\$23,566</b>	<b>\$24,412</b>	<b>\$24,412</b>	<b>\$24,412</b>	<b>\$24,412</b>
Operating Expenditure	(19,676)	(24,075)	(24,108)	(24,108)	(24,108)
External Recoveries	11,060	15,215	15,215	15,215	15,215
Transfer from Ministry Vote	9,462	8,860	8,893	8,893	8,893
<i>Net recovery (Expense)</i>	846	0	0	0	0
Capital expenditure	459	499	540	363	423
Adjustment for capitalization of assets	(459)	(499)	(540)	(363)	(423)
	0	0	0	0	0
<b>Special Account Equity Ending Balance</b>	<b>\$24,412</b>	<b>\$24,412</b>	<b>\$24,412</b>	<b>\$24,412</b>	<b>\$24,412</b>

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Toll free calling is available through *Service BC*. After dialing the appropriate number for your area (below), request to be transferred to the Public Guardian and Trustee (regular office hours 8:30am-4:30pm, Mon-Fri).

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