Public Guardian and Trustee of British Columbia

Service Delivery Plan

April 1, 2021–March 31, 2024

December 15, 2020
(Updated on April 20, 2021 to align with Budget 2021 allocations to the Public Guardian and Trustee)

PGT Public Guardian and Trustee of British Columbia

Transmittal and Approval Letters

To: The Honourable David Eby, Q.C.
Attorney General

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

This plan covers the period April 1, 2021 to March 31, 2024. It has been prepared under my direction and all material fiscal assumptions and policy decisions as of December 15, 2020 and updated on April 20, 2021 have been considered in preparing it. The plan was updated on April 20, 2021 to align with Budget 2021 allocations to the Public Guardian and Trustee. I am accountable for the basis on which the plan has been prepared.

April 20, 2021

Catherine M. Romanko
Public Guardian and Trustee

Date

To: Catherine M. Romanko
Public Guardian and Trustee

Pursuant to s. 22 (4) of the *Public Guardian and Trustee Act*, I approve the Service Delivery Plan 2021-2024 for the Public Guardian and Trustee.

May 10, 2021

Attorney General

Date

Pursuant to s. 22 (4) of the *Public Guardian and Trustee Act*, the attached Service Delivery Plan 2021-2024 for the Public Guardian and Trustee has been approved by Treasury Board.

Chair of Treasury Board

Date

Message from the Public Guardian and Trustee

During the period of this service delivery plan, the Public Guardian and Trustee (PGT) will continue to advance our multiyear strategy to modernize our systems technology and build organizational capacity to deliver effective client service.

The PGT serves approximately 26,000 clients including children and youth in care, adults requiring the assistance of a substitute decision maker and beneficiaries of estates and trusts. In providing protective oversight or in acting as a fiduciary, the PGT manages legal, financial, personal and healthcare matters for clients and administers over $1.1 billion in client assets.

Several years ago, with the support of government funding, the PGT developed a comprehensive roadmap for transformation and began the journey from a traditional paper based environment supported by unsustainable legacy information systems to a more modern and agile organization, better able to meet the needs and reasonable expectations of its clients. The most recent systems improvement was the acquisition and implementation last year of a document management system. Next year we will continue with implementation of the document management system to ensure that all types of client records are able to be managed and stored in digital format.

During the period of this service plan and contingent on continued government funding, the PGT will develop and introduce a secure online portal for client collaboration including the ability for clients to pay service fees, review the status of accounts and submit documents online in appropriate cases.

The COVID-19 pandemic impacted the strategic priorities and daily operations of the PGT causing the PGT to make adjustments to business processes and working arrangements to continue client service in a safe manner. As we proceed with our plan for modernization, the PGT will consider and explore the potential to preserve those changes inspired by the pandemic which may have long term benefits for client service and our workplace culture.

Continuing education and skills development of staff will be a key focus of this service delivery plan. Staff are required to often manage complex legal, financial, personal and healthcare matters on behalf of PGT clients who are culturally and ethnically diverse. To support that work, the PGT will continue to build its ongoing training program on a broad range of subjects and skills including ethical decision making, protection of privacy, avoidance of conflicts of interest, legal and financial matters and cultural sensitivity.

To ensure that our policies and practices are culturally appropriate for our clients the PGT will implement our truth and reconciliation strategy which establishes goals, actions and performance measures to guide us as we work to advance reconciliation with Indigenous Peoples. We will also implement our diversity and inclusion framework and reflect its principles in our policies and workplace culture.

To support effective recruitment and improve retention of employees with requisite skills and experience, the PGT will provide career development opportunities, flexible work arrangements where possible and robust health and wellness and recognition programs for staff.

During the period of this service delivery plan, the PGT will advocate for law reform in areas identified as being in need of change to address the needs and interests of PGT clients. As a key activity, the PGT will host a forum of key stakeholders to review the scheme for protection of vulnerable adults from abuse and neglect under Part 3 of the *Adult Guardianship Act* and identify potential solutions to gaps in the legislation, inconsistent practice standards and shortage of program resources for the protection of this population.

As always, the PGT will strive to meet the 18 publicly reported performance targets representing each major program area.

I look forward to working with PGT employees on the initiatives set out in this service delivery plan.

Catherine M. Romanko
Public Guardian and Trustee

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Organizational Overview

The Public Guardian and Trustee (PGT) serves vulnerable British Columbians by providing substitute financial, legal and personal decision making services. The PGT also monitors the financial, legal and in some cases, personal decision making of other substitute decision makers. The majority of PGT clients are children (including those in continuing care of the province) and adults, whose legal or mental incapacity makes them unable to protect their own legal and financial interests. The PGT also administers estates of deceased and missing persons as well as personal trusts. PGT responsibilities span the legal, financial, health and social services sectors.

The PGT currently has 281 base full time equivalent employee positions. It served over 26,500 clients during 2019-2020 and administered over $1.1 billion of client assets as of March 31, 2020. The PGT delivers service from offices in Vancouver, Victoria and Kelowna.

Child and Youth Services

Provides trust services; as property guardian, pursues financial entitlements, reviews critical incident reports and protects legal interests of children in continuing care; protects legal and financial interests of minors through reviews of proposed legal settlements and statutory protective reviews; and acts as litigation guardian.

Services to Adults

Provides financial, legal and personal care substitute decision making services for incapable adults; investigates reports of financial abuse of vulnerable adults; consults on possible abuse, neglect and self neglect situations; reviews accountings by private committees; and makes or appoints others to make health care or care facility admission decisions as a temporary substitute decision maker.

Estate and Personal Trust Services

Administers estates of deceased and missing persons; administers personal trusts; acts as litigation representative; manages the PGT Educational Assistance Fund for adults who were formerly in continuing care; provides services to secure and maintain client physical assets; and agrees to act as executor under a will in appropriate circumstances and follows up with the will maker periodically to ensure the will is current and up to date.

Legal Services

Provides advice to the PGT with respect to client and corporate matters, fulfills certain statutory obligations of the PGT; administers information and privacy requests; and oversees the internal decision review process.

Client Finance and Administrative Services

Provides client financial services including receipt and disbursement processing, asset and liability record keeping, investment management and tax filings; manages corporate finances including budgeting, forecasting, transaction processing and reporting; maintains facilities and central administrative functions; and oversees internal controls.

Corporate Projects and Strategic Operations

Provides corporate services including strategic planning and project management; leads policy development and administration; conducts organizational performance planning and reporting; develops corporate training; facilitates internal and external communications; provides information technology services; and coordinates management information, research and evaluation.

Organizational Overview

A. Key Statutes

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

Adoption Act

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 Law Act

Health Care (Consent) and Care Facility (Admission) Act

Hospital Act

Infants Act

Insurance Act

Insurance (Vehicle) Act

Limitation Act

Marriage Act

Patients Property Act

Power of Attorney Act

Public Guardian and Trustee Act

Representation Agreement Act

Trust and Settlement Variation Act

Trustee Act

*Wills Act**

Wills, Estates and Succession Act

*Wills Variation Act**

* As applicable under the transitional provisions of the *Wills, Estates and Succession Act*.

The PGT has a fiduciary duty of undivided loyalty to its clients and to advance the interests of its clients even if they are inconsistent with the priorities or interests of the provincial government.

Further information about PGT services and structure is available on the PGT website at www.trustee.bc.ca. The website also includes the PGT annual report which contains audited financial statements and audited performance information.

B. Corporate Governance

The PGT is a corporation sole established under the *Public Guardian and Trustee Act*. A corporation sole is a legal entity in which governance and operational responsibility are vested in a single office holder who operates without a board of directors. The status of the organization as a corporation sole establishes the PGT as a legal entity independent of government in its client related decision making.

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 M. Romanko, who was reappointed for a second term effective October 10, 2017. Staff act under authority delegated by the Public Guardian and Trustee. The Public Guardian and Trustee reports to the Legislative Assembly through the Attorney General.

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

An Audit Advisory Committee established by the PGT advises on key aspects of internal and external audit, accountability and internal controls.

An Executive Committee comprised of the Public Guardian and Trustee, the Deputy Public Guardian and Trustee and operational executive directors, manages the organization.

As a fiduciary, the PGT is independent of government in its client related decision making responsibilities. By statute, the PGT exercises quasi-judicial authority in certain situations. In addition, the PGT provides the court with independent submissions when the property or financial interests of minors, adults with legal disabilities or estates are at issue.

Under the *Public Guardian and Trustee Act*, the PGT is subject to stringent public accountability provisions. These include requirements for annual independent financial statement audits of the PGT Operating Account and of the Trusts and Estates Administered by the PGT, as well as an annual independent audit of its performance report. These rigorous accountability provisions reflect the fact that most PGT clients lack capacity to effectively monitor service quality or seek alternate service providers.

C. Financing Structure

The PGT Operating Account is established as a Special Account in the general fund of the provincial Consolidated Revenue Fund. Operating expenses are funded by a combination of PGT fees and voted funding from the government of British Columbia for services where fees would be impractical, inappropriate or insufficient.

PGT fees 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 include capital commissions, income commissions and asset management fees as well as flat fees for specific statutory services.

The PGT self funds a large percentage (70% in 2019-2020) of its actual operating expenses through fees charged on client income and assets with supplementary voted funding that supports public services such as regulatory and oversight activities. Any operating surplus at year end is retained in the Special Account and is not accessible to the PGT for spending in subsequent years without Treasury Board approval.

D. Clients, Stakeholders and Service Partners

The PGT provides services to a wide range of client groups. Providing services efficiently and effectively involves liaising with and working in partnership with an extensive range of individuals, organizations and private sector service providers.

Primary Client Groups

Many PGT clients are persons who have not yet reached the age of majority or who are vulnerable due to legal incapacity arising from diseases of aging, mental health issues, brain injury or special needs. Clients include:

- Children in continuing care of the province
- Children with trust funds
- Former children in continuing care receiving post majority support services
- Children whose guardians wish to settle a claim for damages on behalf of the child
- Adults with cognitive impairments due to brain injury, developmental disability, diseases of aging and mental health issues who require assistance with decision making
- Adults requiring temporary substitute decision making for health care decisions and/or consent to care facility admission
- Vulnerable adults who may be experiencing abuse, neglect or self neglect
- Intestate successors and beneficiaries of estates of deceased or missing persons
- Beneficiaries of personal trusts

Key External Relationships

Clients are at the core of all PGT activity. The PGT liaises with and works in partnership with a broad range of individuals and organizations in helping clients meet their needs. These relationships include:

- Family and friends of clients
- Community groups and non profit organizations
- Indigenous organizations
- Provincial government ministries
- Public service partners with statutory authority
- British Columbia Courts
- Law Society of British Columbia and other organizations of legal professionals
- Government of Canada departments and agencies
- BC Investment Management Corporation
- Insurance Corporation of BC
- BC Unclaimed Property Society

Key Private Sector Providers

The PGT works with private sector service providers drawn primarily from the legal, financial, health and social services sectors, reflecting the nature of PGT responsibilities for protecting the personal, legal and financial interests of clients. These include:

- Private service providers such as care facilities, funeral homes and personal attendants
- Personal service providers
- Financial institutions
- Medical and social services professionals
- Lawyers
- Accountants
- Insurance providers
- Real property managers
- Heir tracers
- Private investment managers

Mandate

The PGT has a fiduciary duty of undivided loyalty to its clients and to advance the interests of its clients even if they are inconsistent with the priorities or interests of the provincial government.

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 to act as a trustee for a personal trust or to act as executor to administer an estate.

The PGT delivers approximately 50 different statutory functions under 25 statutes. These fall under one of two program areas:

A. Trust and estate services; or
B. Public services.

A. Trust and Estate Services

Trust and estate services include services in which the PGT represents the private interests of its clients and manages their financial and legal affairs. As a fiduciary, the PGT is responsible for making substitute decisions on behalf of vulnerable citizens of British Columbia who require assistance or protection because they are under a legal disability due to minority or mental incapability. The PGT also acts as a fiduciary in the administration of trusts and estates.

The PGT has a legal duty of undivided loyalty to the clients for whom the PGT serves as a fiduciary. The PGT must protect the interests of these clients even when they are at odds with those of government. This private role is reflected in the total or high level of cost recovery for trust and estate services. The principal beneficiaries of these services are clients themselves or their beneficiaries or intestate successors. The PGT provides these services when there is no other person or organization willing and able to take on the role. A user pay approach underlies the fees charged for these services. In 2019-2020, PGT trust and estate services accounted for $21.0 million or 68% of total PGT costs and produced $20.5 million or 95% of total self generated recoveries from fees.

Trust and estate services are comprised of the following primary business lines:

i. Administering property of clients

Under certain legislation, the PGT is bound by fiduciary obligations to protect and administer property on behalf of clients. To accomplish this, the PGT secures and manages client assets. Asset management activities 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 inventorying and distributing trust assets. In planning and implementing these activities, the PGT seeks to understand the client's situation.

ii. Administering estates of deceased and missing persons

The PGT may act as executor or administrator of the estates of deceased persons. The PGT administers estates of persons who have died with or without a will when an executor, family member or other eligible person is unwilling to act or is unable to administer the estate. These activities are intended to ensure efficient, orderly intergenerational transfer of wealth.

To accomplish this, the PGT makes funeral arrangements, identifies, secures and deals with estate assets and obtains the legal authority to administer each estate from the Supreme Court of British Columbia. Furthermore, the PGT identifies and pays valid debts and claims, files income tax returns and deals with estate legal matters. Finally, the PGT identifies, locates and distributes the balance of the estate to the lawful intestate successors and beneficiaries.

The PGT also acts as curator of the estates of missing persons.

B. Public Services

Public services include protective statutory monitoring or oversight services that support vulnerable persons. The PGT is responsible for investigating concerns of abuse, neglect or self neglect of British Columbians under legal disability and under some statutes, carries out an oversight role of third party substitute decision makers.

The limited or nil cost recovery reflects the public nature of these services. Full cost recovery for public services is neither possible nor desirable because the services have a strong public purpose as well as a private benefit. Public services also apply to the provincial population at large rather than to PGT clients only. In 2019-2020, PGT public services accounted for $9.8 million or 32% of total PGT costs and produced $1.0 million or 5% of total self generated recoveries from fees.

Public services are centred on the following primary business lines:

i. Protecting people under legal disability by making decisions or 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. Persons under legal disability include children under the age of majority and adults by reason of mental incapability. The PGT acts to ensure that the legal and property interests of clients are protected. To accomplish this, the PGT may review a range of applications in legal proceedings, investigate allegations of mismanagement or abuse and review accounts of private committees.

Mandate

ii. Making personal, care facility admission and health care decisions

The PGT makes or appoints other substitute decision makers to make health care and care facility admission decisions on behalf of persons who are mentally incapable of providing consent to treatment and who have no one authorized to make personal, health care and/or care facility admission decisions on their behalf. The PGT may also, as a last resort, be appointed by the court to make other personal care decisions on behalf of incapable adults. These activities are intended to ensure that client health and safety are protected and client wellness is promoted.

iii. Educating the public

The PGT recognizes the importance of educating the public about the PGT mandate and services to mitigate the growth in demand for PGT services, to facilitate cooperation with service partners and stakeholders and to inform the public about client related issues. For example, the PGT provides public information directed at identifying and deterring financial abuse of vulnerable adults to protect the public as well as to limit growth in demand for PGT investigative and committee services.

The PGT seeks to leverage other public education resources to achieve maximum efficiency when communicating with clients, service partners, key stakeholders and the public. Public education activities may include producing publications and other information materials, making presentations and providing news releases. The PGT website is central to this work.

iv. 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 on persons under legal disability.

Values

Seven major values underpin PGT work and are reflected in all aspects of PGT performance:

Client Centred Service

We constantly strive to provide quality service to our clients.

Teamwork

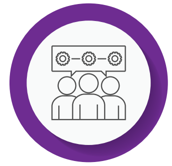
We work with one another and with service partners in striving for seamless service delivery.

Innovation

We challenge ourselves to seek new and improved ways to deliver service and assist clients.

Staff Support

We acknowledge staff as our greatest resource and recognize and appreciate their expertise, professionalism and commitment.



Openness

We demonstrate responsibility and transparency to clients, government and the public through annual statutory public reporting on all aspects of our performance.

Integrity

We act in accordance with the highest ethical, legal and personal standards.

Respect

We treat clients, family and friends in a courteous, respectful manner.

Strategic Context

The COVID-19 pandemic has shaped the strategic context and daily operations of the PGT in many ways. Like many organizations, the PGT had to make adjustments to continue operations. The PGT is continuing to modify its services in response to the pandemic, to learn from this event and to consider how it will affect our strategic objectives as we look to the future. With this in mind, the PGT will continue to modernize and improve operations in many areas of the organization. The broad challenges that dominate the PGT strategic context are as follows:

- Improving client service through the use of technology enhancements;
- Responding to changing demographics;
- Responding to increasing service expectations;
- Enhancing employee engagement; and
- Advocating for legal reform.

A. Improving Client Service Through the Use of Technology Enhancements

The Issue

- Technology continues to significantly transform the way individuals and organizations operate.
- Citizens expect organizations to be service oriented, providing programs and services in a simple, modern and effective manner.
- The COVID-19 pandemic restricts traditional service models for providing services and information to the public.

The Impact on PGT Clients

- The PGT has historically operated in a traditional paper based environment supported by legacy systems which are not sustainable. A high volume of paper creates inefficiencies and the risk of error.
- Significant gaps exist between client service expectations and the organization's ability to meet them. For example, clients expect to be able to carry out tasks such as:
  - review the status of accounts online;
  - submit information interactively through a secure portal; and
  - complete payment transactions electronically.

The PGT Response

- Since 2015, the PGT has taken steps to shift toward an enterprise approach in modernizing the way it manages information, data, technology and security as modernized systems and related processes will support more responsive and effective client service.
- The PGT will continue to work closely with the BC Chief Information Officer and the Ministry of Attorney General to follow leading practice in implementing new technology and making corresponding process improvements.
- The PGT will continue to enhance existing software applications, associated processes and business intelligence infrastructure to improve operations and client service.
- The PGT will continue implementation of a document management system. A document management system is critical to the effective management of significant volumes of client records and to providing online services.
- Improving the PGT's website and utilization of newly implemented software will provide a better service to clients and citizens by making online and/or digital services available, including the ability to pay for PGT services online. Offering improved information and services online will help the PGT better meet client and stakeholder services expectations.

B. Responding to Changing Demographics

The Issue

- The percentage of the population of people in British Columbia who are age 65 years or older is increasing, giving rise to an increase in demand for PGT services to adults.
- As the number of older adults in BC increases, the number of deaths also increases giving rise to a growing demand for PGT estate administration services.
- The PGT's role as fiduciary is becoming more complex and carries an increasing degree of risk due to the changing nature and location of client assets, an increasing level of client debt and escalating value of estates being administered.
- British Columbians are ethnically and culturally diverse and require services that are tailored to meet their needs.
- Several First Nations in BC have served notice to the federal and provincial government advising of their intent to steward child guardianship services for Indigenous children.

The Impact on PGT Clients

- PGT clients reasonably expect the PGT to professionally and effectively manage their financial affairs, a task which is increasingly complex as assets are located around the world often in jurisdictions that do not recognize the PGT's legal authority. Assets are in multiple formats including digital. Clients and estates increasingly require debt management and resolution of tax issues.
- Clients also reasonably expect that PGT policies and procedures will be culturally sensitive and culturally competent.
- The changing provincial framework for child protection requires the PGT to collaborate with an increasing number of partners, including Delegated Aboriginal Agencies and Indigenous communities to provide property guardianship services to children and youth.

The PGT Response

- The PGT will allocate new resources to services in program areas with sustained increases in demand when required funding is secured.
- The PGT will review the impact of increased demand for PGT estate administration services by conducting a review of the manner in which the services are delivered and implementing opportunities for improvement.
- The PGT will provide ongoing skills and knowledge training to staff to support management of complex caseloads including a focus on diversity and Indigenous cultural awareness training.
- The PGT will continue to build its relationships with Indigenous communities, to enhance its capacity to provide effective and evolving services to Indigenous clients.
- The legal framework for supporting vulnerable, Indigenous youth in British Columbia is likely to change and the PGT will collaborate and work with partner agencies to ensure that the role of the PGT is considered within that new framework.
- The PGT will continue to implement its Seeking Truth and Pursuing Reconciliation strategy and implement a new Diversity and Inclusion Framework, both of which are directed at ensuring PGT policies and practices are culturally aware and sensitive.

C. Responding to Increasing Service Expectations

The Issue

- Public expectations and advances in technology have increased demand for instant and easily accessible information.
- The services provided by stakeholders and service partners continue to evolve, increasing the demand for PGT resources.
- The scope of duties associated within the PGT's statutory roles continue to expand. For example, as the result of improved reporting and stronger support for youth leaving care by the Ministry of Children and Family Development, the scope of the PGT's duties as property guardian for children in care has expanded.
- The COVID-19 pandemic requires public service agencies to rethink how to provide existing services in a safe and effective manner.

The Impact on PGT Clients

- Feedback from consultations with clients and stakeholders has highlighted the need for improved communication by the PGT about what PGT services entail, how PGT involvement will affect clients and their families and expected service timelines.
- PGT services need to be adapted to ensure the health and safety of clients and stakeholders are not put at risk in response to the pandemic. Creating a safe operating environment is a complex exercise, placing additional resource demands on the PGT.

The PGT Response

- The PGT will continue to focus on making operations more efficient and will continue to assess trends and service demand changes in order to manage its resources in a manner that is flexible and responsive to changing service delivery needs.
- The PGT will develop clear communications materials about services for clients and stakeholders and increase staff training in public education about PGT services.
- In order to establish safe and effective processes the PGT follows the orders and direction of the Provincial Health Officer and the BC Public Service Agency when creating new and safe ways to do business.

D. Enhancing Employee Engagement

The Issue

- PGT compensation rates, which are determined by government, have not kept pace with private and public sector equivalents in several key areas.
- Staff retention is challenged by the fact that other employers are able to offer more flexible work arrangements and better compensation.
- In addition to the requirement to have the traditional skills and knowledge required to fulfill PGT roles, staff are increasingly required to have the technical skills to deliver services using new information technology systems, impacting an already demanding workload.
- Work environments need to be regularly assessed for the risk of COVID-19 transmission in the workplace, appropriate controls need to be implemented, monitored for their effectiveness and adjusted as required to ensure staff and client safety.

The Impact on PGT Clients

- Complex legal, financial and sensitive personal and health care client issues require management by competent, skilled and engaged PGT employees.
- Barriers to effective recruitment means more staff time is spent on ongoing recruitment and training which limits resourcing that can be applied to meeting client needs.
- Staff training is increasingly important as client affairs become more complex to manage.
- Specific PGT operations may take longer to complete as additional requirements to support health and safety needs are implemented.

The PGT Response

- The PGT will continue to use bridging positions and temporary assignments to promote career growth.
- The PGT will continue to build its corporate training program, focusing on role based training including technical and communication skills development.
- The PGT will continue to engage in succession planning for critical positions.
- The PGT will continue to include staff in improving business processes.
- The PGT will continue to develop a healthy work environment by promoting health and safety initiatives, respectful workplace policies, a meaningful recognition program and effective communication between staff and leadership teams.
- The PGT will investigate strategies to support staff recruitment and retention such as offering a range of flexible work options and working with government to review classification of key positions.
- The PGT will collaborate with the Ministry of Citizen Services to implement “Leading Workplace Strategies” which aims to support mobile and flexible workspaces in the BC Public Service.
- The PGT has implemented workplace safety plans, including measures to support physical distancing at PGT worksites, to help ensure staff health and safety.

E. Advocating for Legal Reform

The Issue

- There is a need for new or modernized legislation that reflects and supports the diverse and changing needs of PGT clients.

The Impact on PGT Clients

- Part 3 of the *Adult Guardianship Act* was originally intended to primarily serve the interests of older adults. Increasingly the adults receiving assistance under this statutory scheme are younger persons living with:
  - acquired brain injuries;
  - cognitive disabilities;
  - mental health issues; and/or
  - substance use disorders.

  This shift has exposed gaps in the legislative framework, provincial practice standards and program resources associated with the protection of vulnerable adults from abuse and neglect. These gaps are giving rise to unduly lengthy involuntary protective detentions and in turn, the infringement of Charter Rights of the very adults who are intended to benefit from the protective measures. The adult guardianship response involves a variety of different stakeholders, with no clear provincial ministry or organization lead responsible and accountable for oversight on the effectiveness of the response.

- There is no clear definition of the duties of a public property guardian for children in British Columbia law.
- An increasing number of children and youth are supported by extended families through out of care arrangements which do not include authority for provision of property guardianship protections.
- *Insurance (Vehicle) Amendment Act* changes impacting the Insurance Corporation of British Columbia (ICBC) and the PGT's Infant Settlement Review program come into force May 1, 2021.

The PGT Response

- The PGT will build a proposal to hold a forum for key stakeholders on gaps in services for certain vulnerable adult population groups including those with complex care needs involving brain injury, cognitive disability, mental health issues and/or substance use disorders.
- The PGT will review and analyze the impacts to the PGT role resulting from the anticipated introduction of Enhanced Care Coverage by ICBC and related legislative and regulatory amendments.
- The PGT will continue to advocate for other legal reform that relates to its mandate such as defining the role of a public property guardian of children and ensuring the legal and financial interests of children and youth not under continuing custody orders are protected.

Strategic Risks and Opportunities

The PGT maintains an extensive internal control environment to respond to the legal, financial and other risks associated with its duties.

The PGT strives to mitigate risk through enhanced processes developed under its enterprise risk management framework (ERM). These risk mitigation strategies include planning and implementing internal controls and other risk management practices determined to be appropriate based on the assessed level of risk, resource constraints and risk tolerance levels commensurate with the PGT's duty as a fiduciary.

The PGT regularly reassesses its risk environment, including mitigation strategies. While the types and nature of major risk remain generally constant from year to year, their relative importance varies, reflecting changes in environmental factors and mitigation strategies.

Major changes in the risk environment for this service delivery plan include a reduced risk associated with workload impacting employee engagement as the PGT has successfully utilized temporary resources to ensure core service deliverables are completed as required.

The risk associated with the sufficiency of internal reporting is now rated as the highest risk as demand for increased reporting to meet operational requirements continues to increase and capacity to enhance reporting remains limited by budget constraints. Funding sufficiency and expense authority remains a high risk for the PGT as budget constraints continue to impact our capacity for making additional operational and infrastructure improvements. Business interruption risk had the largest risk rating increase among all risks considered as the COVID-19 pandemic continues to impact all PGT services.

The following page summarizes the most significant specific risks within the PGT's ability to effectively mitigate, as identified and assessed through the ERM process conducted in October 2020 and outlines some of the major mitigation strategies. This summary of key risks does not describe all potential risks facing the PGT nor all of the related controls and mitigation strategies.

Strategic Risks and Opportunities

Risk	Nature of Risk	Major Mitigation Strategies
Sufficiency of internal reporting	Risk of current reporting capacity being insufficient to fully meet current and future operational demands.	Continue to build and expand PGT information management infrastructure, pursue business intelligence capabilities and develop additional internal reporting tools.
Workload impacting employee engagement	Risk that PGT employees are not effectively engaged due to a very high workload which can impact client service.	Create ongoing recruitment processes to maximize staffing resources, provide additional resources in specific service areas facing increased demands that have corresponding increases in fees, improve work tools, promote health and wellness activities and resources to promote staff resiliency and continually pursue efficiency improvements.
Sufficiency of human resources	Risk that PGT cannot recruit or retain adequate numbers of appropriately qualified employees due to constraints such as non-competitive compensation levels for key positions.	Increase employee engagement, enhance recruitment and retention initiatives, improve training programs, develop succession plans and work with the Public Service Agency to develop new strategies for achieving more competitive compensation rates and provide flexible work arrangements.
Funding sufficiency and expense authority	Risk that provincial administrative controls will limit the PGT's expense authority so that it is unable to expend its fees in providing services to clients or declining fees will limit the funding available to provide client services.	Carefully budget and seek relief from limits on expense authority by clarifying PGT fiduciary role and the nature of PGT self funding.
Changing demographics	Risk that PGT will not meet the needs of the changing demographics of the overall population (including age, ethnicity, geographical location, gender and other factors).	Monitor and analyze internal and external demographic trends to understand key demand drivers for service, reallocate existing resources where required and implement a diversity and inclusion framework including the action plan from the PGT's Seeking Truth, Pursuing Reconciliation strategy.
Business interruption	Risk of significant business interruptions due to labour, facilities or other resources due to some major event impacting reputation, stakeholder engagement and/or the ability to execute on strategic directions.	Engage in ongoing business continuity planning, improve physical and cyber security infrastructure, monitor and respond to COVID-19 related impacts and adapt operational procedures to follow advice from the Provincial Health Officer and BC Public Service Agency.

Performance Measures

A. Overview

PGT strategic goals, as described in this service delivery plan, focus broadly on how the PGT achieves its mandate. Each strategic goal includes objectives which focus more specifically on what the PGT intends to achieve. Section 22 (2) (c) of the *Public Guardian and Trustee Act* requires that the service delivery plan describe PGT program areas and specify “the performance targets and other measures by which the performance of the program area may be assessed.” The “other measures” by which performance is assessed is discussed throughout this service delivery plan. All aspects of the 2021-2024 Service Delivery Plan support the PGT in achieving these strategic goals. The PGT strategic goals are as follows:

1. Optimize client service delivery;
2. Contribute to a fair and just society;
3. Achieve success through relationships;
4. Demonstrate accountability and transparency; and
5. Engage and empower staff.

For the past several years, the PGT has worked to enhance its capacity to draw performance results from its information technology systems and now most reports on individual performance measures are drawn from PGT systems.

Starting in 2021-2022, the PGT will:

- Increase the performance target for reviewing critical incident reports (measure 1.1.2) after temporarily reducing it in 2020-2021 when the amount of time to review a report was reduced from 45 calendar days to 30 calendar days;
- Permanently retire measure 1.1.4 from the 2020-2023 Service Delivery Plan, a measure relating to the timeliness of creating personalized expenditure plans for children and youth where maintenance payments had been approved, as the performance measure requirement is satisfied by other measures already in place;
- Postpone the planned increase to the target for the investment plans and reviews measure, 1.1.4 in this service delivery plan, for one year, as the scope of this service was recently expanded to include clients with smaller amounts of assets;
- Modify the specific benchmark for the Premium Money Market Fund component in measure 1.1.5 to better reflect the PGT goal of adding value over and above a typical money market fund;
- Modify the targets for the two disbursements measures, 1.1.7 and 1.1.8, to increase to 90% for all three years of this service delivery plan while the PGT enhances internal reporting to further improve operations in this area;
- Combine measures for reviewing infant settlements, 2.2.1 and 2.2.2 in the 2020-2023 Service Delivery Plan, into one measure, 2.2.1 in this service delivery plan, as the PGT works to understand the impacts from *Insurance Vehicle (Amendment) Act* changes coming into force May 1, 2021; and
- Reduce the target for the public education measure, 2.3.2, for one year to reflect limitations on in-person gatherings during the pandemic and the expected impact on the PGT’s ability to provide external presentations and public education opportunities. The PGT will continue to offer virtual opportunities for engagement but the PGT has noted that many of our partners are equally focused on providing core services during the pandemic.

The performance measurement framework on pages 23 through 27 provides additional detail about the performance measures.

B. Benchmarking

The PGT is a unique organization largely without private sector comparators and with limited comparability to public bodies in British Columbia 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 in common with the PGT but all have significant differences.

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.

C. Performance Measurement Framework

Goal # 1: Optimize client service delivery						
Objectives	Performance Measures			Targets		
		2019/20 Actual	2020/21 Target	2021/22	2022/23	2023/24
1.1 Property and financial interests of PGT clients will be well managed	1.1.1 Percentage of deceased estate funds that are distributed to intestate successors and beneficiaries rather than transferred to the BC Unclaimed Property Society	93%	85%	85%	85%	85%
	1.1.2 Percentage of critical incident reports in respect of children in continuing care that are reviewed and have action initiated by the PGT within 30 calendar days of receipt	99%	90%	95%	95%	95%
	1.1.3 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	92%	85%	85%	85%	85%
	1.1.4 Percentage of investment plans and reviews completed prior to specified due date	93%	90%	90%	95%	95%

Performance Measurement Framework

Goal # 1: Optimize client service delivery						
Objectives	Performance Measures			Targets		
		2019/20 Actual	2020/21 Target	2021/22	2022/23	2023/24
1.1 Property and financial interests of PGT clients will be well managed	1.1.5 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, 2020	Match or exceed established benchmarks	Match or exceed established benchmarks	Match or exceed established benchmarks	Match or exceed established benchmarks
	1.1.6 Physical assets of new deceased estates secured within 15 calendar days of notification of death (inactive pending development of a replacement performance measure)	N/A	N/A	N/A	N/A	N/A
	1.1.7 Assets will be entered into the trust accounting system within five business days of receipt of the work order	98%	95%	95%	95%	95%
	1.1.8 Percentage of disbursements on behalf of children and youth processed within 30 calendar days of request	98%	85%	90%	90%	90%
	1.1.9 Percentage of disbursements on behalf of adult clients to vendors processed within 30 calendar days	99%	85%	90%	90%	90%
1.2 The PGT will deliver high quality client centred services	1.2.1 Percentage of committee of person adult clients who are annually visited by PGT staff	100%	95%	95%	95%	95%
	1.2.2 Percentage of intestate successors and beneficiaries responding to survey who rated administration services for deceased estates as good or very good	97%	90%	90%	90%	90%

Performance Measurement Framework

Goal # 2: Contribute to a fair and just society						
Objectives	**Performance Measures**			**Targets**		
		2019/20 Actual	2020/21 Target	2021/22	2022/23	2023/24
2.1 Personal interests of PGT clients will be protected	2.1.1 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%
2.2 Statutory protective and monitoring services will be delivered in an appropriate, timely and fair manner	2.2.1 Percentage of proposed minors' settlements that are reviewed and the parties advised of the PGT position within 60 calendar days once all relevant information has been received	N/A	N/A	90%	90%	90%
	2.2.2 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 *Public Guardian and Trustee Act*	94%	95%	95%	95%	95%
	2.2.3 Percentage of private committee accounts reviewed within six months of receipt	78%	75%	75%	75%	75%

Performance Measurement Framework

Goal # 2: Contribute to a fair and just society						
Objectives	Performance Measures			Targets		
		2019/20 Actual	2020/21 Target	2021/22	2022/23	2023/24
2.3 The PGT will contribute to public awareness, policy development and law reform initiatives to promote the interests of PGT clients	2.3.1 Host a forum with relevant provincial partners on the potential for improvement of the legislative scheme in Part 3 of the *Adult Guardianship Act* for the protection of vulnerable adults	N/A	N/A	Report on progress to the Ministry of Attorney General by March 31, 2022	TBD	TBD
	2.3.2 PGT role explained by PGT representatives at stakeholder and service partner conferences, events and other public education forums	109 presentations	95 presentations	50 presentations	105 presentations	105 presentations

Goal # 3: Achieve success through relationships	
Objectives	Performance Measures
3.1 Build relationships and understanding of roles with clients and stakeholders to support improved service	Assessment - There are no specific performance measures, however, the PGT plans to achieve its mandate through working with others including clients, their friends and families, organizations with statutory authority and a wide range of professional and organizational service providers. This includes participating in government wide and government/ community initiatives.

Performance Measurement Framework

Goal # 4: Demonstrate accountability and transparency	
Objectives	Performance Measures
4.1 Provide meaningful information to clients, stakeholders and the public	Assessment - All of the specific performance measures described above relate to this goal. In addition, the PGT is approaching this goal by responding to a large number of strategic and operational factors. Implementing and enhancing supportive information technology and advocating for legal reform in support of client financial and legal interests are major strategic approaches. The PGT has a strong accountability framework that includes an enterprise risk management framework and independently audited public reporting on performance and operations.

Goal # 5: Engage and empower staff						
Objectives	Performance Measures					
5.1 Develop motivated, skilled and accountable leaders and staff	Assessment - The PGT approaches this goal from a number of perspectives including the performance measure listed below. These approaches include building a strong corporate training program, planning for and responding to employee engagement surveys, continuing support for a Lean culture and applying risk mitigation strategies to ensure the PGT is appropriately staffed.					
	Performance Measures			Targets		
		2019/20 Actual	2020/21 Target	2021/22	2022/23	2023/24
	5.1.1 Percentage of existing PGT staff that completed at least 10 hours of client service related learning	92%	80%	85%	90%	90%

Financial Context

A. Summary Financial Outlook

This forecast has been prepared on the basis of information available to the PGT as of December 15, 2020 and updated on April 20, 2021 to align with Budget 2021 allocations to the PGT, and reflects the following facts and assumptions:

General

- The amounts for 2021-2022 and 2022-2023 reflect anticipated operations except as noted below. The amounts for 2023-2024 are flatlined.
- PGT voted funding from the Province of British Columbia represents a sub vote transfer from the Ministry of Attorney General.
- Centralized overhead costs provided by other government entities and not paid by the PGT include certain financial and administrative services, post employment benefits and office and warehouse facilities. These centralized costs are estimated at over $3 million per year and are not reflected in this forecast.

Legislative changes

- The *Health Statutes Amendment Act, 2007* repealed and replaced Part 3 of the *Health Care (Consent) and Care Facility (Admission) Act* on November 4, 2019. The legislation introduced a new consent scheme for admission to care facilities in BC and included new statutory duties for the PGT.
- The *Insurance (Vehicle) Amendment Act* comes into force on May 1, 2021, and replaces the current system of motor vehicle accident injury compensation with an enhanced care framework. Over time, this is expected to reduce the number of settlements the PGT is statutorily required to review under the *Infants Act*. A nominal reduction in public service fee recoveries due to the change is included in this financial forecast.

Expense recoveries

- PGT fees earned under the *Public Guardian and Trustee Fees Regulation* are recognized in this report as external recoveries from fees.
- Operating expenses include a deduction for cost recoveries, which are expenses initially paid from the PGT Operating Account and later recovered from client trust accounts, estimated at $328,000 for 2021-2022 and $335,000 thereafter. These cost recoveries are recognized as External Recoveries in the British Columbia Budget Estimates.

Financial Context

Salaries and benefits

- There are 281 permanent full time equivalent base employee positions and 6 temporary full time equivalent employee positions.
- Benefits have been included at 25.4% of salaries throughout the period.
- The Eighteenth BCGEU Main Agreement has a three year term commencing April 1, 2019 and expiring March 31, 2022, and includes salary rate increases of 6% over the term of the agreement. The confirmed increase of 2% in April 2021 and an estimated increase of 2% in April 2022 has been included in the PGT salary forecast.
- Treasury Board Order No. 2020-0603 approves salary rate increases for legal counsel staff of 5.51% over the three year period from April 1, 2019 to March 31, 2022. The confirmed increase of 2% in April 2021 and an estimated increase of 2% in April 2022 has been included in the PGT salary forecast.
- Estimated salary rate increases for non union management staff of 2% per year have been included in the PGT salary forecast.

Capital expenses

- The PGT implemented the first three phases of an electronic document management system in 2020-2021. Design work for subsequent phases will continue in 2021-2022. Operational costs to support this project are included in the forecast.
- Amortization expense reflects annual base capital funding of $0.363 million plus costs to be capitalized by the Office of the Chief Information Officer and transferred to the PGT on implementation of subsequent phases of the electronic document management system.

B. Financial Forecast for the year ending March 31, 2022

(Expressed in thousands of dollars)

	Trust and Estate Services				Public Services			Total
	Adult Trust Services	Estate and Personal Trust	Child Trust Services	Subtotal	Adult Services	Child Services	Subtotal	
External recoveries from fees								
Commissions	$ 6,214	$ 4,678	$ 925	$ 11,817	$ -	$ -	$ -	$ 11,817
Asset management fees	4,483	2,162	1,291	7,936	-	-	-	7,936
Estate liaison administration fees	514	-	-	514	-	-	-	514
Minimum administration fees	380	-	-	380	-	-	-	380
Heir tracing fees	-	82	-	82	-	-	-	82
Other	-	-	-	-	449	490	939	939
Total external recoveries from fees	11,591	6,922	2,216	20,729	449	490	939	21,668
Operating expenses								
Salaries and benefits	10,374	4,690	1,580	16,644	4,874	4,379	9,253	25,897
Computer systems and support	1,074	436	168	1,678	456	339	795	2,473
Other operating and administrative costs	483	169	104	756	259	174	433	1,189
Amortization	650	269	99	1,018	286	214	500	1,518
Client expenditures	492	180	-	672	46	21	67	739
Professional services	104	56	36	196	57	48	105	301
Legal services	244	-	2	246	23	7	30	276
Building occupancy	12	6	2	20	6	5	11	31
Total operating expenses	13,433	5,806	1,991	21,230	6,007	5,187	11,194	32,424
Net external recovery (expense)	$ (1,842)	$ 1,116	$ 225	$ (501)	$ (5,558)	$ (4,697)	$ (10,255)	(10,756)
Voted funding from the Province of British Columbia								10,756
Balance								$ -
Capital expenditures								$ 363

C. Financial Forecast for the year ending March 31, 2023

(Expressed in thousands of dollars)

	Trust and Estate Services				Public Services			Total
	Adult Trust Services	Estate and Personal Trust	Child Trust Services	Subtotal	Adult Services	Child Services	Subtotal	
External recoveries from fees								
Commissions	$ 6,286	$ 4,945	$ 1,047	$ 12,278	$ -	$ -	$ -	$ 12,278
Asset management fees	4,707	2,271	1,351	8,329	-	-	-	8,329
Estate liaison administration fees	524	-	-	524	-	-	-	524
Minimum administration fees	369	-	-	369	-	-	-	369
Heir tracing fees	-	82	-	82	-	-	-	82
Other	-	-	-	-	465	453	918	918
Total external recoveries from fees	11,886	7,298	2,398	21,582	465	453	918	22,500
Operating expenses								
Salaries and benefits	10,582	4,784	1,612	16,978	4,972	4,466	9,438	26,416
Computer systems and support	1,291	526	202	2,019	551	410	961	2,980
Other operating and administrative costs	536	188	123	847	280	189	469	1,316
Amortization	375	156	57	588	165	123	288	876
Client expenditures	523	191	-	714	47	23	70	784
Professional services	119	62	38	219	63	52	115	334
Legal services	249	-	2	251	24	7	31	282
Building occupancy	110	51	16	177	54	44	98	275
Total operating expenses	13,785	5,958	2,050	21,793	6,156	5,314	11,470	33,263
Net external recovery (expense)	$ (1,899)	$ 1,340	$ 348	$ (211)	$ (5,691)	$ (4,861)	$ (10,552)	(10,763)
Voted funding from the Province of British Columbia								10,763
Balance								$ -
Capital expenditures								$ 363

D. Financial Forecast for the year ending March 31, 2024

(Expressed in thousands of dollars)

	Trust and Estate Services				Public Services			
	Adult Trust Services	Estate and Personal Trust	Child Trust Services	Subtotal	Adult Services	Child Services	Subtotal	Total
External recoveries from fees								
Commissions	$ 6,286	$ 4,945	$ 1,047	$ 12,278	$ -	$ -	$ -	$ 12,278
Asset management fees	4,707	2,271	1,351	8,329	-	-	-	8,329
Estate liaison administration fees	524	-	-	524	-	-	-	524
Minimum administration fees	369	-	-	369	-	-	-	369
Heir tracing fees	-	82	-	82	-	-	-	82
Other	-	-	-	-	465	453	918	918
Total external recoveries from fees	11,886	7,298	2,398	21,582	465	453	918	22,500
Operating expenses								
Salaries and benefits	10,582	4,784	1,612	16,978	4,972	4,466	9,438	26,416
Computer systems and support	1,291	526	202	2,019	551	410	961	2,980
Other operating and administrative costs	536	188	123	847	280	189	469	1,316
Amortization	375	156	57	588	165	123	288	876
Client expenditures	523	191	-	714	47	23	70	784
Professional services	119	62	38	219	63	52	115	334
Legal services	249	-	2	251	24	7	31	282
Building occupancy	110	51	16	177	54	44	98	275
Total operating expenses	13,785	5,958	2,050	21,793	6,156	5,314	11,470	33,263
Net external recovery (expense)	$ (1,899)	$ 1,340	$ 348	$ (211)	$ (5,691)	$ (4,861)	$ (10,552)	(10,763)
Voted funding from the Province of British Columbia								10,763
Balance								$ -
Capital expenditures								$ 363

E. Special Account Summary

(Expressed in thousands of dollars)

	Public Accounts	Estimates	Service Delivery Plan		
	2019/20	2020/21	2021/22	2022/23	2023/24
Special Account, beginning of year	**$ 26,517**	**$ 27,851**	**$ 27,851**	**$ 27,851**	**$ 27,851**
Operating expenses	(30,991)	(30,603)	(32,424)	(33,263)	(33,263)
External recoveries from fees	21,862	20,248	21,668	22,500	22,500
Voted funding from the Province of British Columbia	10,463	10,355	10,756	10,763	10,763
Net recovery (expense)	1,334	-	-	-	-
Special Account, end of year	**$ 27,851**	**$ 27,851**	**$ 27,851**	**$ 27,851**	**$ 27,851**

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