
Public Guardian and Trustee Responds to Today's CBC Media Stories

July 9, 2009

This morning, CBC aired stories with regard to the office of the Public Guardian and Trustee (PGT).

The PGT provided an interview to CBC including extensive background information concerning our role under BC law to protect vulnerable adults from abuse, neglect and self-neglect. Despite this, the stories contained inaccuracies and created misapprehensions about how the PGT interacts with clients and their family members.

The PGT protects some of the most vulnerable people in society. Part of our responsibility as the PGT – a responsibility we take very seriously – is to look after our clients' financial and legal interests. Our first priority is – and always must be – the well being of the vulnerable people we protect.

When the PGT receives allegations of abuse, we are required by law to investigate. When carefully reviewing allegations of financial abuse, neglect or self-neglect, we follow a detailed process of information gathering, and any actions are taken only after thorough analysis. We have to go where the facts lead us on each case and make educated judgments based on the facts that we know at the time.

We understand that when we make decisions to protect individuals who can't protect themselves, we may sometimes generate criticism from others. The PGT has a complaints process for clients, family or friends, who would like us to review a decision that we've made. In addition, clients, family or friends may take a complaint to the Provincial Ombudsman for review.

The CBC reports contained a number of inaccuracies. The PGT would like to clarify the following points.

The PGT does not declare individuals incapable and assessments are conducted by health professionals independent of the PGT

The following statements (noted in italics) were made in the CBC reports:

“PGT can take over the affairs of someone without even going to court if they have the certificate of incapability...”

This statement is misleading. It infers that the PGT declares individuals incapable, which is false. Under BC law, committees are created in one of two ways. Either a judge declares someone incapable or it is done by a statutory official. For statutory committees, determinations of incapability are made and certificates of incapability issued by Directors of psychiatric facilities or mental health units. These are employees of one of British Columbia's 6 Health Authorities and are not affiliated with the Public Guardian and Trustee.

"...people don't have to be told they are being assessed, they don't even need an assessment to declare someone incapable, there is no right of appeal, there is no right to a second opinion".

This statement is misleading because it infers that no assessment of capability is done before the PGT becomes someone's committee. The [Guidelines for Certificate of Incapability](#) provide for such assessments. These guidelines were developed under the leadership of our office to foster best practices by the Health Authorities in statutory committees until the law is amended to make these matters legal rights which will be accomplished when Bill 29, *Adult Guardianship and Planning Statutes Amendment Act, 2007* is proclaimed.

PGT does not convert client assets to its own or government use

In the CBC news reports there are multiple references to the PGT having "emptied out" and "cleaned out" various bank accounts.

The inference in these reports is that the PGT has appropriated these assets for its own or government use. Of course, this is not true. In fact, all assets are maintained in the client's own name and used for the client's benefit.

The PGT acts as a last resort

The CBC reports inferred that the PGT becomes involved unnecessarily. In fact, the PGT has a statutory obligation to respond to allegations of abuse, neglect and self-neglect and when the results of our investigation substantiate the concerns, the PGT will ensure that steps are taken to protect the adult only where there is no other suitable person prepared to do so.

For more information regarding the Public Guardian and Trustee, please see www.trustee.bc.ca.