

Public Guardian and Trustee Service Delivery Plan

April 1, 2019 - March 31, 2022



PUBLIC GUARDIAN
AND TRUSTEE OF
BRITISH COLUMBIA

December 17, 2018

(Updated on March 1, 2019 to align with Budget 2019
allocations to the Public Guardian and Trustee)

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, 2019 to March 31, 2022. It has been prepared under my direction and all material fiscal assumptions and policy decisions as of December 17, 2018 and updated on March 1, 2019 have been considered in preparing it. The plan was updated on March 1, 2019 to align with Budget 2019 allocations to the Public Guardian and Trustee. I am accountable for the basis on which the plan has been prepared.

March 1, 2019

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 2019-2022 for the Public Guardian and Trustee.

Attorney General

Date

Pursuant to s. 22 (4) of the *Public Guardian and Trustee Act*, the attached Service Delivery Plan 2019-2022 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 begin the next phase of its strategy to modernize information technology systems and build the capacity of the organization to provide effective service to clients today and in the future.

The PGT provides fiduciary and protective oversight services to approximately 26,000 clients including children and youth, vulnerable adults and beneficiaries of estates and trusts across the province and at times, in other parts of the world. In carrying out statutory duties, PGT staff manage sensitive and confidential legal, financial, personal and health care matters for clients and administer over \$1 billion in client assets.

Until recently, the PGT served clients from within a traditional paper based environment supported by legacy systems. Several years ago, the PGT developed a strategic plan to guide the evolution of the organization to a modern work environment capable of supporting the delivery of high quality service in a manner reasonability expected by clients.

Over the past two years, with the support of government funding, the PGT has successfully implemented a modern trust accounting system, integrated it with an enhanced case management system, streamlined multiple financial processes and increased the scope and depth of staff training. These significant changes have mitigated the risks associated with legacy systems and created a solid foundation for continued development of client services.

During the period of this service plan and contingent on the support of government funding, the PGT will acquire and implement a document management system and begin the transition from paper to electronic records. A document management system is expected to create efficiencies in case management and improve client privacy protection. At a later stage, the PGT will explore the potential for an interactive digital self service portal for use by clients in appropriate cases.

The recruitment and retention of skilled and experienced staff will continue to be a priority. The increasing complexity involved in the prudent management of client matters demands that the PGT continue to expand its knowledge and skills based training for staff. A central focus of the training program will be on Indigenous Cultural Awareness as we consider how our client service can embrace the principles of reconciliation.

The PGT will also continue to develop a comprehensive succession plan for critical staff positions to minimize the impact on client service of retiring or departing experienced staff.

Legislation related to a legal framework for admission to care facilities is expected to come into force during the period of this service delivery plan. The PGT will prepare for implementation of this legislation which creates new statutory duties for the PGT in arranging for the provision of substitute consent to facility on behalf of vulnerable adults.

As always, the PGT will strive to meet or exceed its 20 publicly reported performance targets representing each major program area.

I look forward to working with PGT staff on the opportunities laid out in this service delivery plan to build the capacity of the organization to provide high quality client service.

Catherine M. Romanko
Public Guardian and Trustee

Table of Contents

Transmittal and Approval Letters	1
Message from the Public Guardian and Trustee	2
1. ORGANIZATIONAL OVERVIEW	4
A. Key Statutes	5
B. Corporate Governance	6
C. Financing Structure	7
D. Clients, Stakeholders and Service Partners	8
2. MANDATE	9
A. Estate and Trust Services	9
i. Administering Property of Clients	9
ii. Administering Estates of Deceased and Missing Persons	10
B. Public Services	10
i. Protecting People Under Legal Disability by Making Decisions or Reviewing Decisions Made by Others	10
ii. Making Personal and Health Care Decisions	11
iii. Educating the Public	11
iv. Applying PGT Special Expertise to Advocate for PGT Clients	11
3. VALUES	12
4. STRATEGIC CONTEXT	13
A. Improving Client Service Through the Use of Modern Technology	14
B. Responding to the Increasing Complexity of Client Issues	15
C. Enhancing Employee Engagement	17
D. Advocating for Law Reform on Matters That Will Affect Client Interests	18
5. STRATEGIC RISKS AND OPPORTUNITIES	19
6. PERFORMANCE MEASURES	21
A. Benchmarking	22
B. Performance Measurement Framework	23
7. FINANCIAL CONTEXT	28
A. Summary Financial Outlook	28
B. Financial Forecast for the Year Ending March 31, 2020	30
C. Financial Forecast for the Year Ending March 31, 2021	31
D. Financial Forecast for the Year Ending March 31, 2022	32
E. Special Account Summary	33
8. CONTACT INFORMATION	34

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 270 base full time equivalent employee positions. It served approximately 26,000 clients and administered over \$1 billion of client assets as of March 31, 2018. 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 decisions as a temporary substitute decision maker.

● 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.

● 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.

● Client Finance and Administrative Services

Provides client financial services including receipt and disbursement processing, asset and liability recordkeeping, 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.

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.

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 Estates and Trusts 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.

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 flat fees for specific statutory services and capital commissions, income commissions and asset management fees.

The PGT self funds a large percentage (68% in 2017-2018) 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.

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 illness, brain injury or special needs. Clients include:

- Children in continuing care of the province
- Children with trust funds
- 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 illness who require assistance with decision making
- Adults requiring temporary substitute decision making for health care decisions
- 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 nonprofit 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

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. Estate and trust services; or
- B. Public services.

A. Estate and Trust Services

Estate and trust services include services in which the PGT represents the private interests of its clients and manages their financial and legal affairs. As 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 fiduciary in the administration of estates and trusts.

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 estate and trust 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 2017-2018, PGT estate and trust services accounted for \$19.2 million or 68% of total PGT costs and produced \$18.3 million or 95% of total self generated recoveries from fees.

Estate and trust 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 2017-2018, PGT public services accounted for \$9.0 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.

ii. 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 have no one authorized to make personal and health care 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 wellbeing 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.

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.

The PGT will continue to move forward with significant change during this service delivery plan, transforming many aspects of the organization.

The broad challenges that dominate the PGT strategic context remain relatively consistent from previous service delivery plans. They are as follows:

- The need to improve client service through the use of modern technology;
- The need to respond to the increasing complexity of client issues;
- The need to enhance employee engagement; and
- The need to advocate for law reform on matters which may affect client interests.

The Issue

Clients expect to be able to access services through electronic means. For example, clients expect the ability 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 Impact on PGT Clients

- The PGT has historically operated in a traditional paper based environment supported by legacy systems which are not sustainable.
- Significant gaps exist between client service expectations and the organization's ability to meet them.
- A high volume of paper creates inefficiencies and the risk of error.
- Replacing outdated technology systems will enable the PGT to improve operations and achieve better outcomes for clients.

The PGT Response

- 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 the new trust accounting system and associated processes to improve operations and client service.
- The PGT will confirm the funding for a document management system and in the interim will carry out preparatory internal process reviews to gather and validate requirements to facilitate the selection of the most appropriate solution. A document management system is critical to the effective management of significant volumes of client records.
- The new trust accounting system, a document management system and related process improvements will provide the foundation for the development of interactive digital client self service and electronic fee payment transactions.

The Issue

- The population of British Columbia is aging giving rise to an increase in demand for services required by older adults.
- Best practice in adult guardianship law seeks to find the least restrictive and intrusive option to provide support to adults needing assistance with decision making. For this reason, the PGT has applied alternative tools to serve its adult clients.
- The role of a 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. The scope of duties required to meet client need is also expanding.
- Client expectations and advances in technology have increased demand for instant and easily accessible information.
- PGT clients are ethnically and culturally diverse. Client services must be provided in a culturally sensitive manner.
- 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 Impact on PGT Clients

- Demand for PGT services such as estate administration and the investigation of allegations of abuse, neglect and self neglect of vulnerable adults continues to rise.
- Managing client financial affairs 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 increasingly require debt management and resolution of tax issues.
- The scope of duties required as property guardian for children in continuing care continues to expand and includes:
 - Responding to an increasing number of critical incident reports about injury or loss suffered by children in continuing care;
 - Providing financial literacy training and other transitional supports to youth leaving care; and
 - Recent legislative amendments to the *Infants Act* and the *Public Guardian and Trustee Act* that allows youth for whom the PGT acts as property guardian who are transitioning from care the option to continue receiving trustee services from the PGT until the age of 27. This positive change, based on the stakeholder feedback, requires the PGT to build relationships with young people at an earlier stage of their lives.
- 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.
- For PGT services to be effective, the PGT must develop policies and procedures which reflect cultural sensitivity and competency.

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 service for clients and stakeholders and increase staff training in communications.
- The PGT will provide ongoing skills and knowledge training 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 relevant services to Indigenous clients.

The Issue

- Traditional PGT recruitment sources are no longer providing a field of candidates with the skills and knowledge required to fill many PGT positions. PGT compensation rates have not kept pace with private sector equivalents in several key areas.
- Staff retention is challenged by the fact that other employers are able to offer more flexible employment options and better compensation.
- In addition to the traditional skills and abilities required to fulfill PGT roles, staff are increasingly required to be more technically literate to deliver existing services.
- The PGT expects significant staff retirement over the next several years increasing the risk of loss of corporate knowledge and experience.
- Staff training is increasingly important as client affairs become more complex to manage.

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.

The PGT Response

- The PGT will continue to use bridging positions and temporary assignments to promote career growth and succession planning for staff.
- The PGT will continue to build its corporate training program; focusing on role based training as well as developing technical, communication and ethical decision making skills.
- 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 comprehensive healthy work environment by promoting health and safety initiatives, respectful workplace policies, a meaningful recognition program and by providing effective communication between staff and leadership teams.

The Issue

Social change or changes in provincial or federal laws may adversely affect PGT clients.

The Impact on PGT Clients

- Legislative amendments relating to the court process for appointing a guardian for an incapable adult have not yet been brought into force resulting in a confusing adult guardianship framework consisting of outdated and newer law.
- In British Columbia, there is no legal framework for legal consent to admission of incapable adults to care facilities.
- There is no clear definition of the duties of a public property guardian for children in British Columbia law.
- Legislative amendments impacting the Insurance Corporation of British Columbia (ICBC) come into force April 1, 2019 and will change how some infant claims are reviewed and settled within BC.

The PGT Response

- The PGT will continue to work with government to bring into force legislation regarding care facility admission. Under such legislation, the PGT will have a new statutory role to authorize temporary substitute decision makers to consent to admission or to itself make decisions regarding admission to care facilities on behalf of incapable adults with no legal representatives.
- The PGT will review and analyze the implications resulting from government directed changes to ICBC and prepare public education materials to explain the impacts to the PGT role to stakeholders.
- The PGT will continue to advocate for government to bring into force the outstanding provisions of the *Adult Guardianship and Planning Statutes Amendment Act, 2007* related to the court process for appointing an adult guardian.
- 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.

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 lower risk associated with records management as the PGT continues to move forward with obtaining a document management system and making improvements to records management and retention processes. The risk associated with priority setting and capacity planning has increased in significance due to the limited resourcing available to deliver on the additional priorities that have been identified.

The following page summarizes the most significant specific risks the PGT faces, as identified and assessed through the ERM process conducted in October 2018 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.

Risk	Nature of Risk	Major Mitigation Strategies
Priority setting and capacity planning	Risk that PGT has inadequate capacity planning and is committing to various priorities and may lack capacity to deliver on those priorities.	The PGT strives to mitigate this risk through rigorous business planning processes that prioritize current and new initiatives within organizational capacity and the overall strategic direction of the organization.
Client information management	Risk of inadequate supporting technology impacting PGT ability to access and maintain client information and other internal reporting needs to meet PGT fiduciary duties.	The PGT plans to mitigate this risk by enhancing existing information management infrastructure, obtaining funding to acquire a document management system and continuing to develop internal reporting.
Non compliance with PGT policies and procedures	There would be a risk if employees were intentionally or unintentionally not following PGT policies and procedures.	The PGT seeks to mitigate this risk by providing core and role based training which includes reviews of policies and procedures and by continuously monitoring internal controls. PGT Ethical Principles and Standards of Conduct also place a positive duty on staff to stay current with policies and procedures.
Human resources sufficiency	The PGT would be at risk if it could not recruit or retain adequate numbers of appropriately qualified employees due to constraints imposed by the provincial government.	The PGT acts to mitigate this risk by striving to increase employee engagement, enhancing recruitment and retention initiatives, developing succession plans and by identifying its fiduciary role in seeking relief from staffing related provincial controls.

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 2019-2022 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. In previous service delivery plans, the PGT described its intention to not report on five specific performance measures as those measures relied on data that was captured in the legacy trust accounting system which was replaced.

The PGT introduced two new measures and reintroduced one previous measure in the prior service delivery plan. In this service delivery plan, the PGT has introduced two additional measures in areas impacted by the trust accounting system replacement. The PGT is also retiring a measure while it develops a replacement measure which will be introduced in the next service delivery plan. Details of the changes for this service delivery plan are provided below:

- Measure 1.1.9 reports on PGT performance related to the timeliness of payments made from trusts belonging to children and youth;
- Measure 1.1.10 reports on PGT performance related to the timeliness of payments to vendors from trusts belonging to adult clients; and
- Measure 1.1.7 is being retired while a new measure to assess the timeliness of the PGT’s ability to investigate personal property is developed.

The performance measurement framework on pages 23 through 27 provides additional detail about the performance measures that are in effect for this plan.

A. 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.

B. Performance Measurement Framework

Goal # 1: Optimize client service delivery						
Objectives	Performance Measures			Targets		
		2017/18 Actual	2018/19 Target	2019/20	2020/21	2021/22
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	N/A	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 45 calendar days of receipt	99%	95%	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	91%	80%	85%	85%	85%
	1.1.4 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	95%	90%	90%	90%	90%
	1.1.5 Percentage of investment plans and reviews completed prior to specified due date	N/A	75%	80%	90%	95%

Goal # 1: Optimize client service delivery						
Objectives	Performance Measures	Targets				
		2017/18 Actual	2018/19 Target	2019/20	2020/21	2021/22
1.1 Property and financial interests of PGT clients will be well managed	1.1.6 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, 2018	Match or exceed established benchmarks	Match or exceed established benchmarks	Match or exceed established benchmarks	Match or exceed established benchmarks
	1.1.7 Physical assets of new deceased estates secured within 15 calendar days of notification of death (inactive pending development of a replacement performance measure)	85%	75%	N/A	N/A	N/A
	1.1.8 Assets will be entered into the trust accounting system within five business days of receipt of the work order	96%	85%	90%	90%	90%
	1.1.9 Percentage of disbursements on behalf of children and youth processed within 30 calendar days of request	N/A	N/A	75%	80%	85%
	1.1.10 Percentage of disbursements on behalf of adult clients to vendors processed within 30 calendar days	N/A	N/A	75%	80%	85%
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	95%	85%	90%	90%	90%

Goal # 2: Contribute to a fair and just society						
Objectives	Performance Measures	Targets				
		2017/18 Actual	2018/19 Target	2019/20	2020/21	2021/22
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	99%	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 \$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%	90%	90%
	2.2.2 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	7.0 days	20 days	20 days	20 days	20 days
	2.2.3 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%	95%	95%	95%	95%
	2.2.4 Percentage of private committee accounts reviewed within six months of receipt	79%	75%	75%	75%	75%

Goal # 2: Contribute to a fair and just society						
Objectives	Performance Measures			Targets		
		2017/18 Actual	2018/19 Target	2019/20	2020/21	2021/22
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 Review legislative amendments coming into force on April 1, 2019 relating to claims by minors for compensation regarding motor vehicle accident injuries and prepare public education material to explain the impacts to the PGT role to stakeholders	N/A	N/A	Education materials posted to PGT website by March 31, 2020	TBD	TBD
	2.3.2 PGT role explained by PGT representatives at stakeholder and service partner conferences, events and other public education forums	104 presentations	80 presentations	85 presentations	95 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.

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 continued implementation of new legislation 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.					
		2017/18 Actual	2018/19 Target	2019/20	2020/21	2021/22
	5.1.1 Percentage of existing PGT staff that completed at least 10 hours of client service related learning	N/A	75%	75%	80%	85%

A. Summary Financial Outlook

This forecast has been prepared on the basis of information available to the PGT as of December 17, 2018 and updated on March 1, 2019 to align with Budget 2019 allocations to the PGT. Any changes that may occur after that date are not included.

The following financial assumptions have been included:

- The amounts for 2019-2020 and 2020-2021 reflect anticipated operations except as noted below. The amounts for 2021-2022 are flatlined.
- There are 270 permanent full time equivalent base employee positions and 2 temporary full time equivalent 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 increases of 2% in April 2019, 2020 and 2021 have been included in the PGT salary forecast.
- The collective agreement between the Province and the BC Crown Counsel Association expires March 31, 2019. The PGT has estimated salary rate increases for legal counsel staff of 2% per year for the PGT salary forecast.
- The PGT has estimated salary rate increases for non union management staff of 2% per year for the PGT salary forecast.
- PGT voted funding from the Province of British Columbia represents a sub vote transfer from the Ministry of Attorney General.
- PGT fees earned under the *Public Guardian and Trustee Fees Regulation* are recognized in this report as external recoveries from fees.

- Due to uncertainties surrounding the nature and timing of legislation which may come into force, there has been no allowance for the financial implications resulting from implementation of:
 - The *Health Statutes Amendment Act, 2007* that will repeal and replace Part 3 of the *Health Care (Consent) and Care Facility (Admission) Act* and introduce a consent scheme for admission to care facilities in BC; and
 - The *Adult Guardianship and Planning Statutes Amendment Act, 2007* provisions relating to the court process for appointing an adult guardian.

The PGT is assigned new statutory duties under the proposed legislation and the related financial implications for the PGT will have to be addressed prior to implementation.

- The PGT has been notionally funded to proceed with the development of an electronic document management system. It is anticipated that the design and implementation work will take place in 2019-2020 and 2020-2021 with a phased implementation over these two fiscal years. Operational costs to support the 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 the electronic document management system and subsequent enhancements.
- 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.
- 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 \$316,000 for 2019-2020 and \$322,000 thereafter. These cost recoveries are recognized as External Recoveries in the British Columbia Budget Estimates.

B. Financial Forecast for the year ending March 31, 2020

(Expressed in thousands of dollars)

	Estate and Trust Services				Public Services ¹			Total
	Adult Trust Services	Estate and Personal Trust Services	Child Trust Services	Subtotal	Adult Services	Child Services	Subtotal	
External recoveries from fees								
Commissions	\$ 5,548	\$ 4,117	\$ 903	\$ 10,568	\$ -	\$ 4	\$ 4	\$ 10,572
Asset management fees	4,163	1,748	1,262	7,173	-	53	53	7,226
Estate liaison administration fees	542	-	-	542	-	-	-	542
Minimum administration fees	381	-	-	381	-	-	-	381
Heir tracing fees	-	85	-	85	-	-	-	85
Other	-	2	-	2	483	516	999	1,001
Total external recoveries from fees	10,634	5,952	2,165	18,751	483	573	1,056	19,807
Operating expenses								
Salaries and benefits	9,977	4,161	1,434	15,572	4,069	4,111	8,180	23,752
Other operating and administrative costs	756	191	379	1,326	197	171	368	1,694
Computer systems and support	733	274	109	1,116	246	214	460	1,576
Amortization	577	222	82	881	204	178	382	1,263
Client expenditures	483	140	2	625	31	20	51	676
Professional services	108	53	33	194	46	45	91	285
Legal services	12	-	-	12	22	231	253	265
Total operating expenses	12,646	5,041	2,039	19,726	4,815	4,970	9,785	29,511
Net external recovery (expense)²	\$ (2,012)	\$ 911	\$ 126	\$ (975)	\$ (4,332)	\$ (4,397)	\$ (8,729)	(9,704)
Voted funding from the Province of British Columbia								9,704
Balance								\$ -
Capital expenditures								\$ 363

1. Adult Services include Assessment and Investigation, Temporary Substitute Decision Making, Committee of Person, Private Committee, and Other Adult Legal Services. Child Services include Property Guardian, Grant Application Reviews, Infant Settlement and Other Statutory Reviews, and Litigation Guardian.

2. Does not include deduction for centralized overhead costs paid and expensed by other government entities for PGT operating costs including certain financial and administrative services, post-employment benefits, and office and warehouse facilities.

C. Financial Forecast for the year ending March 31, 2021

(Expressed in thousands of dollars)

	Estate and Trust Services				Public Services ¹			Total
	Adult Trust Services	Estate and Personal Trust Services	Child Trust Services	Subtotal	Adult Services	Child Services	Subtotal	
External recoveries from fees								
Commissions	\$ 5,685	\$ 4,145	\$ 947	\$ 10,777	\$ -	\$ 4	\$ 4	\$ 10,781
Asset management fees	4,371	1,836	1,326	7,533	-	54	54	7,587
Estate liaison administration fees	530	-	-	530	-	-	-	530
Minimum administration fees	398	-	-	398	-	-	-	398
Heir tracing fees	-	81	-	81	-	-	-	81
Other	-	1	-	1	470	514	984	985
Total external recoveries from fees	10,984	6,063	2,273	19,320	470	572	1,042	20,362
Operating expenses								
Salaries and benefits	10,128	4,224	1,456	15,808	4,130	4,173	8,303	24,111
Other operating and administrative costs	774	195	388	1,357	202	174	376	1,733
Computer systems and support	690	258	103	1,051	230	200	430	1,481
Amortization	662	255	94	1,011	234	205	439	1,450
Client expenditures	494	144	2	640	31	21	52	692
Professional services	111	54	34	199	47	44	91	290
Legal services	12	-	-	12	23	236	259	271
Total operating expenses	12,871	5,130	2,077	20,078	4,897	5,053	9,950	30,028
Net external recovery (expense)²	\$ (1,887)	\$ 933	\$ 196	\$ (758)	\$ (4,427)	\$ (4,481)	\$ (8,908)	(9,666)
Voted funding from the Province of British Columbia								9,666
Balance								\$ -
Capital expenditures								\$ 363

1. Adult Services include Assessment and Investigation, Temporary Substitute Decision Making, Committee of Person, Private Committee, and Other Adult Legal Services. Child Services include Property Guardian, Grant Application Reviews, Infant Settlement and Other Statutory Reviews, and Litigation Guardian.

2. Does not include deduction for centralized overhead costs paid and expensed by other government entities for PGT operating costs including certain financial and administrative services, post-employment benefits, and office and warehouse facilities.

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

(Expressed in thousands of dollars)

	Estate and Trust Services				Public Services ¹			Total
	Adult Trust Services	Estate and Personal Trust Services	Child Trust Services	Subtotal	Adult Services	Child Services	Subtotal	
External recoveries from fees								
Commissions	\$ 5,685	\$ 4,145	\$ 947	\$ 10,777	\$ -	\$ 4	\$ 4	\$ 10,781
Asset management fees	4,371	1,836	1,326	7,533	-	54	54	7,587
Estate liaison administration fees	530	-	-	530	-	-	-	530
Minimum administration fees	398	-	-	398	-	-	-	398
Heir tracing fees	-	81	-	81	-	-	-	81
Other	-	1	-	1	470	514	984	985
Total external recoveries from fees	10,984	6,063	2,273	19,320	470	572	1,042	20,362
Operating expenses								
Salaries and benefits	10,128	4,224	1,456	15,808	4,130	4,173	8,303	24,111
Other operating and administrative costs	774	195	388	1,357	202	174	376	1,733
Computer systems and support	690	258	103	1,051	230	200	430	1,481
Amortization	662	255	94	1,011	234	205	439	1,450
Client expenditures	494	144	2	640	31	21	52	692
Professional services	111	54	34	199	47	44	91	290
Legal services	12	-	-	12	23	236	259	271
Total operating expenses	12,871	5,130	2,077	20,078	4,897	5,053	9,950	30,028
Net external recovery (expense)²	\$ (1,887)	\$ 933	\$ 196	\$ (758)	\$ (4,427)	\$ (4,481)	\$ (8,908)	(9,666)
Voted funding from the Province of British Columbia								9,666
Balance								\$ -
Capital expenditures								\$ 363

1. Adult Services include Assessment and Investigation, Temporary Substitute Decision Making, Committee of Person, Private Committee, and Other Adult Legal Services. Child Services include Property Guardian, Grant Application Reviews, Infant Settlement and Other Statutory Reviews, and Litigation Guardian.

2. Does not include deduction for centralized overhead costs paid and expensed by other government entities for PGT operating costs including certain financial and administrative services, post-employment benefits, and office and warehouse facilities.

E. Special Account Summary

(Expressed in thousands of dollars)

Public Accounts	Estimates	Service Delivery Plan		
		2019/20	2020/21	2021/22

Special Account, beginning of year	\$ 26,837	\$ 26,459	\$ 26,459	\$ 26,459	\$ 26,459
Operating expenses	(28,624)	(28,738)	(29,511)	(30,028)	(30,028)
External recoveries from fees	19,337	19,373	19,807	20,362	20,362
Voted funding from the Province of British Columbia	8,909	9,365	9,704	9,666	9,666
Net recovery (expense)	(378)	-	-	-	-
Special Account, end of year	\$ 26,459	\$ 26,459	\$ 26,459	\$ 26,459	\$ 26,459

Contact Information

Vancouver Office

Suite 700 - 808 West Hastings Street
Vancouver, British Columbia V6C 3L3
Telephone: 604.660.4444
Fax: 604.660.0374

Vancouver Island Office

1215 Broad Street
Victoria, British Columbia V8W 2A4
Telephone: 250.356.8160
Fax: 250.356.7442

Interior North Office

1345 St. Paul Street
Kelowna, British Columbia V1Y 2E2
Telephone: 250.712.7576
Fax: 250.712.7578

For more information:

Visit www.trustee.bc.ca or email: mail@trustee.bc.ca

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 8:30 a.m. - 4:30 p.m., Mon-Fri).

Toll free

Vancouver	604.660.2421
Victoria	250.387.6121
Elsewhere	800.663.7867