

Office of the Public Guardian and Trustee

# Business Plan

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2019-22

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### Accountability Statement

This business plan was prepared under my direction, taking into consideration our government’s policy decisions as of March 31, 2019.

*original signed by*

Barb Martini, Executive Director  
Office of the Public Guardian and Trustee

### Branch Overview

The Office of the Public Guardian and Trustee (OPGT) is a branch of the Justice Services Division, Alberta Justice and Solicitor General.

OPGT endeavours to help all Albertans live with dignity and maximize their potential. They do this by providing information, education and support to help Albertans plan for the future and make the most of today using a variety of options, such as guardianship and trusteeship, if decision-making support is needed. They may also assist in settling the affairs of persons who are deceased where a minor or a represented person is a beneficiary, and they manage and protect funds for minors in special situations.

The Public Guardian and Public Trustee have mandated roles under several pieces of legislation, including, but not limited to, the *Adult Guardianship and Trusteeship Act* (AGTA), *Personal Directives Act* (PDA), the *Public Trustee Act* (PTA), the *Minor’s Property Act* (MPA) and the *Estate Administration Act* (EAA).

OPGT works with partners such as Persons with Developmental Disabilities, Assured Income for the Severely Handicapped, Alberta Health Services, Children’s Services, Community and Social Services, and a variety of community-based service providers and stakeholders to meet the needs of Albertans.

A detailed description of the services of the OPGT can be found at: [www.justice.alberta.ca](http://www.justice.alberta.ca).

### Strategic Context

The outcomes and key strategies identified in this business plan are aligned with the strategic direction of the Government of Alberta, including the Ministry of Justice and Solicitor General.

The last decade has seen significant population growth in Alberta. The province grew from 3.5 million to 4.2 million people (2007 to 2017), which is considered the highest growth rate in the country. In 2017 alone, more than 44,000 newcomers to Canada made Alberta their home, which helped offset the declining birth

rate. Alberta’s seniors population, in particular, is experiencing a disproportionate growth rate. As of April 2018, more than 575,000 Albertans were over the age of 65 – a number that is expected to double within the next two decades.

These changing demographics have a two-fold impact on OPGT – caseload is growing and client needs are increasingly complex. Family structures are evolving, communities are culturally diverse, the cost of living continues to rise and mental health issues are becoming common, all of which has an impact on service delivery. For example, the number of times OPGT acted as temporary decision-maker for an individual with mental health issues who required treatment increased 24 per cent from 2016-17 to 2017-18. In the deceased estates unit, it is no longer uncommon to administer files where beneficiaries reside in countries such as China, Hungary and the Ukraine. Communication back and forth requires translation, which can impact file completion timelines.

The pressure to provide service further underscores the importance of advance planning. When Albertans have a supported decision-making agreement, a personal directive, an enduring power of attorney, goals of care designation and a will, the need for many OPGT services decreases. More importantly, advance planning gives people the power to decide for themselves who will make decisions on their behalf if and when it’s needed. It also places less stress on the family if they need to make decisions for a loved one and proper authority is not already in place, ready to be enacted.

As client demographics and societal expectations evolve, OPGT remains committed to delivering high quality service and to achieving their vision of a province where all Albertans can live with dignity and maximize their potential. This will require cross-ministry support and collaboration, which is a priority for Alberta Justice and Solicitor General.

## Outcomes, Key Strategies and Performance Measures

### **Outcome One: Client assets are protected.**

The philosophy and practice of risk management is evolving rapidly, fueled by advances in technology. The modernization of trust administration within OPGT is a major initiative that entails moving from manual to automated systems specifically designed to identify and mitigate risk. This initiative will have an immediate and positive impact on three major client groups: represented adults with a Public Trustee, beneficiaries of deceased estates and official guardian minors.

### **Key Strategies:**

- 1.1 Manage the common fund in a way that allows OPGT to pay clients an expected average annual interest rate of 2.5 per cent or higher.
- 1.2 Implement a system of standardized and enduring quality expectations that guide operational staff. Connect policy and procedure, training, performance management and quality assurance activities.
- 1.3 Increase the use of automated controls related to trust administration.

<b>Performance Measures:</b>		<b>Last Actual 2017-18</b>	<b>Target 2019-20</b>	<b>Target 2020-21</b>	<b>Target 2021-22</b>
1.a	Average annual interest rate paid to clients. <sup>1</sup>	2.5%	2.5%	2.5%	2.5%
1.b	Percentage of official guardian minors who are paid their final disbursement within seven business days of receiving documentation.	66%	78%	80%	80%

**Notes:**

<sup>1</sup> Performance is influenced by market conditions.

**Linking Performance Measures to Outcomes:**

- 1.a Paying interest at this rate is a reflection of OPGT’s ability to meet its fiduciary responsibility and effectively manage the common fund.
- 1.b The ability to achieve payment targets is an indicator of whether the operational systems that support trust administration are functioning as intended.

**Outcome Two: OPGT’s operating systems and processes support excellence and foster public trust.**

Enhancing operating systems and processes is about creating a strong foundation, one that further enables OPGT to deliver quality service to clients.

**Key Strategies:**

- 2.1 Operationalize the OPGT’s new risk-based quality management system and integrate it as standard practice.
- 2.2 Select and implement Business Process changes and IT solutions to support improvement in OPGT operational capacity.
- 2.3 Operationalize the intake decision-making process for guardianship services and all trusteeship services, and ensure consistency between regions.
- 2.4 Operationalize the enhanced Public Guardian Representative role throughout the province.
- 2.5 Enhance customer service for general inquiries received by OPGT.
- 2.6 Finalize and implement changes to the *Adult Guardianship and Trusteeship Act* regulations, intended to streamline forms and processes.
- 2.7 Initiate a review of the *Adult Guardianship and Trusteeship Act* and the *Personal Directives Act*.

<b>Performance Measures</b>	<b>Last Actual 2017-18</b>	<b>Target 2019-20</b>	<b>Target 2020-21</b>	<b>Target 2021-22</b>
2.a Percentage of service providers, private guardians, former official guardian minors and their parents who are satisfied with services provided by OPGT. (biennial survey) <sup>1</sup>	93%	93%	NA	93%
2.b Percentage of service providers who believe the enhanced Public Guardian Representative (PGR) role has improved their clients' quality of life. (biennial survey) <sup>1</sup>	100%	90% <sup>2</sup>	NA	90%
2.c Percentage of health care decisions under specific decision-making that are made within three working days of all the information being received.	77%	87%	88%	90%
2.d Average number of working days it takes for a complete court application for guardianship and/or trusteeship to go through the Review Officer process and be submitted to court.	55 days	53 days	52 days	50 days

**Notes:**

<sup>1</sup> Biennial survey results are available every second year. The next survey will take place in 2019-20.

<sup>2</sup> The target is lower than what was reported in 2017-18 because the 2019 biennial survey sample will grow as we introduce the enhanced Public Guardian Representative role in other regions. Plus, this role continues to evolve, so it may not be realistic to achieve 100 per cent satisfaction.

**Linking Performance Measures to Outcomes:**

- 2.a Satisfaction results provide an overall indicator of OPGT's ability to provide a level of service that meets the increasingly complex needs of the people they serve.
- 2.b The enhanced Public Guardian Representative role is designed to streamline and enhance service delivery to clients.
- 2.c The speed with which OPGT is able to make these time-sensitive decisions is a reflection of operational efficiency.
- 2.d The speed with which OPGT is able to process applications is a reflection of operational efficiency.

**Outcome Three: Albertans have easy access to resources to help them make informed choices about personal and financial decisions in the future.**

OPGT encourages all Albertans to consider the decisions that lie ahead. By preparing these important documents – a supported decision-making agreement, a personal directive, an enduring power of attorney, goals of care and a will – adults can choose someone they trust to make personal and financial decisions on their behalf if and when it’s needed. Similarly, OPGT encourages minors for whom the Public Trustee acts as trustee to make a financial plan in preparation for final receipt of funds held in trust on their behalf.

**Key Strategies:**

- 3.1 Establish Advance Care Planning Alberta, a five-year, cross-ministry collaborative effort with key external stakeholders such as the University of Alberta and Alberta Health Services to promote advance planning.
- 3.2 Support and expand current efforts to promote advance planning.

<b>Performance Measures</b>		<b>Last Actual 2017-18</b>	<b>Target 2019-20</b>	<b>Target 2020-21</b>	<b>Target 2021-22</b>
3.a	Number of presentations delivered by OPGT on topics related to advance planning.	79	80 <sup>+</sup>	80 <sup>+</sup>	80 <sup>+</sup>
3.b	Number of individuals who attended a presentation by OPGT on topics related to advance planning.	2,004	2,000 <sup>+</sup>	2,000 <sup>+</sup>	2,000 <sup>+</sup>
3.c	Percentage of former official guardian minors who received financial planning resources from OPGT and found them useful. (biennial survey) <sup>1</sup>	94%	94%	NA	94%

**Notes:**

<sup>1</sup> Biennial survey results are available every second year. The next survey will take place in 2019-20.

**Linking Performance Measures to Outcomes**

- 3.a Number of presentations is an indicator of the internal resources aligned with the promotion of advance planning.
- 3.b Number of individuals is an indicator of whether presentations are an effective use of resources.
- 3.c OPGT sends a brochure with financial planning resources to official guardian minors six months before they turn 18 and then again when they receive their final disbursement. Satisfaction with the resource is an indicator of whether it is useful.

## RISKS TO ACHIEVING OUTCOMES

The following key risks to achieving OPGT outcomes have been identified:

- **Workload:** In an environment of fiscal restraint, OPGT's caseload is growing and client files are increasingly complex.
- **Human resource management:** OPGT's workforce is aging. Retirements present a challenge for OPGT, as departing staff have many years of knowledge and experience. Anticipating and filling the gaps, and then keeping qualified staff, is critical to success.