

## Chapter 9

# Office of the Public Guardian and Trustee of Saskatchewan—Providing Property Guardianship Services to Adult Clients

### 1.0 MAIN POINTS

This chapter sets out the results of our audit of the processes the Office of the Public Guardian and Trustee of Saskatchewan had for providing property guardianship services to its adult clients.

In providing property guardianship services the Office has, by law (subject to a court order appointing the Office), the authority to do most things that a capable person may do relating to their financial affairs.<sup>1</sup> This includes receiving income (e.g., Saskatchewan Assured Income for Disability, Saskatchewan Assistance Plan, Old Age Security), paying expenses (e.g., rent, medical expenses, personal allowances), and holding, securing and managing assets (e.g., personal property, real estate, investments).

We found, at July 2019, that the Office had effective processes to provide property guardianship services to its adult clients, other than it needs to consistently keep rationale for key decisions when identifying property of adult clients, particularly those decisions requiring judgment of trust officers. Documenting rationale for key decisions supports judgments made in specific instances. Keeping documentation of key decisions in client files would ease transitions of clients between trust officers (e.g., in event the assigned trust officer is on leave).

The Office must ensure the financial affairs and property of vulnerable members of society for whom it acts as property guardian are appropriately managed and not at risk.<sup>2</sup> Adult clients under property guardianship do not have the capacity to manage their own finances and property. This magnifies the importance of the Office having effective processes to provide property guardianship services to adult clients.

### 2.0 INTRODUCTION

Among other matters, the Office of the Public Guardian and Trustee of Saskatchewan is responsible for managing the financial affairs of adults who are incapable of managing those affairs.<sup>3</sup> It calls this property guardianship services. Adult clients include individuals

<sup>1</sup> *The Adult Guardianship and Co-decision-making Act* (s. 43) and *The Public Guardian and Trustee Act* (s. 30). The Office cannot make a will for the client.

<sup>2</sup> Adapted from Ministry of Justice and Attorney General Office of the Public Guardian and Trustee, *Annual Report for 2018–19*, p. 2.

<sup>3</sup> Other areas of responsibility include protecting the property rights of children under the age of 18, monitoring other property guardians, investigating allegations of financial abuse, administering the estates of deceased and missing persons, and holding and administering unclaimed property. For further details, see [www.saskatchewan.ca/government/government-structure/boards-commissions-and-agencies/office-of-the-public-guardian-and-trustee](http://www.saskatchewan.ca/government/government-structure/boards-commissions-and-agencies/office-of-the-public-guardian-and-trustee) (14 February 2020).



over the age of 16 where a Court or a chief psychiatrist determines the individual cannot manage their own estate (Certificate of Incapacity).<sup>4,5,6</sup>

In 2018–19, the Office served 6,469 clients in total (2017–18: 6,205 clients) of which 18 percent (2017–18: 17 percent) were adult clients.<sup>7</sup> As shown in **Figure 1**, the total number of adult clients under property guardianship can fluctuate from year-to-year.

**Figure 1—Number of Total Clients and Adult Clients Under Property Guardianship as of March 31 from 2014 to 2019**

As of March 31	Total # of Clients	# of Adult Clients Under Property Guardianship	% Year-Over-Year Change in Adult Property Guardianship Clients
2014	6,467	1,093	0.7%
2015	6,215	1,117	2.1%
2016	6,048	1,125	0.1%
2017	6,221	1,139	1.2%
2018	6,205	1,084	(4.8)%
2019	6,469	1,155	6.5%

Source: Ministry of Justice and Attorney General Office of the Public Guardian and Trustee, Annual Reports for 2014–2019.

The Office makes trust officers within its Adults Unit responsible for providing property guardianship services. These officers work under the guidance of an Adults Unit Supervisor and the Deputy Public Guardian and Trustee.

Property guardianship services for adult clients includes making decisions about an adult client's estate (e.g., financial planning, investing money, paying expenses and debts, disposing of property) that the adult would make if he or she had the capacity to do so. It does not include adult-client care decisions (e.g., where to live, medical decisions) or decisions about making a last will and testaments (e.g., role of executors or beneficiaries).<sup>8</sup>

The Office is an agency of last resort—in that its clients are unable to personally manage their financial affairs and no other suitable individual exists. Therefore, if the Office does not have effective processes to prudently manage the financial affairs of these clients, it can expose them to significant financial risk. In turn, improperly managing their financial affairs may affect the overall well-being of these adult clients.

<sup>4</sup> Adapted from *The Adult Guardianship and Co-decision-making Act*, s. 2. The definition in the Act also applies to adults not under property guardianship services of the Public Guardian and Trustee of Saskatchewan (i.e., personal guardians, other property guardians [e.g., relatives of the adult], co-decision-makers).

<sup>5</sup> The Court of Queen's Bench in Saskatchewan appoints property guardians under *The Adult Guardianship and Co-decision-making Act* (s. 2, s. 40(1)(b)). The Act also gives the Public Guardian and Trustee of Saskatchewan authority to apply to be a property guardian (s. 30).

<sup>6</sup> A chief psychiatrist, as defined in *The Mental Health Services Act*, or another physician, may assess the individual. Where appropriate, the chief psychiatrist issues a certificate of incapacity certifying that the adult is incapable of managing his or her financial affairs (*The Public Guardian and Trustee Act*, s. 28.2, 28.3).

<sup>7</sup> Adapted from information provided by the Office of the Public Guardian and Trustee of Saskatchewan.

<sup>8</sup> Adapted from *The Adult Guardianship and Co-decision-making Act* (s. 43).

## 3.0 AUDIT CONCLUSION

We concluded that for the 12-month period ended July 31, 2019, the Office of the Public Guardian and Trustee of Saskatchewan, other than the following area, had effective processes to provide property guardianship services to its adult clients. It needs to consistently keep rationale for key decisions on identification of the property of adult clients, particularly those decisions requiring judgment of trust officers.

Figure 2—Audit Objective, Criteria, and Approach

### Audit Objective:

The objective of this audit is to assess the effectiveness of the Office of the Public Guardian and Trustee of Saskatchewan's processes, for the 12-month period ending July 31, 2019, to provide property guardianship services to its adult clients.

### Audit Criteria:

Processes to:

1. **Accept clients in a timely manner**
  - 1.1 Maintain approved and clear policies for accepting adult clients (e.g., align with applicable legislation, set timeframes for key steps)
  - 1.2 Follow policies for accepting adult clients
  - 1.3 Record all client property within a reasonable timeframe dependent upon assessed level of complexity of financial affairs (e.g., valuation of property)
  - 1.4 Maintain a financial plan that reflects client's circumstances and needs within a reasonable timeframe
  - 1.5 Inform appropriate stakeholders (e.g., adult clients, personal guardians) of relevant financial information, when in the best interests of the client (e.g., respecting privacy laws)
2. **Manage financial affairs of clients (e.g., property, income, and expenditures)**
  - 2.1. Maintain approved and clear policies for managing adult client's financial affairs (e.g., align with applicable legislation, set prescribed timeframes for key steps)
  - 2.2. Execute financial plan
  - 2.3. Cease services, when authorized to do so (e.g., upon client becoming capable, new property guardians, release to deceased estate representatives)
3. **Monitor quality of services provided**
  - 3.1. Address complaints (e.g., from clients, personal guardians, public) within a reasonable timeframe
  - 3.2. Assess quality of service provided to individual clients (e.g., supervisory review of client files)
  - 3.3. Identify indicators of good delivery of guardianship services to adult clients and transition to related stakeholders (e.g., new property guardians, estate representatives)
  - 3.4. Use data collected to evaluate delivery of guardianship services on overall basis

### Audit Approach:

To conduct this audit, we followed the standards for assurance engagements published in the *CPA Canada Handbook—Assurance* (CSAE 3001). To evaluate the Office's processes, we used the above criteria based on reviews of literature including reports of other auditors, and consultations with management. The Office agreed with the above criteria.

We examined the Office's policies and procedures related to providing guardianship services to adult clients. We interviewed staff responsible for providing property guardianship services to adult clients, including senior management. We examined relevant documentation (e.g., client files, policies, and committee minutes). We tested samples of adult client files (clients accepted within the last 12 months, existing clients) and evaluated users' access to the relevant Guardian IT system.

The audit did not include the Office's processes to oversee (as required by *The Adult Guardianship and Co-decision-making Act*) court-appointed property guardians where the Office is not appointed as property guardian.



## 4.0 KEY FINDINGS AND RECOMMENDATION

### 4.1 Clear and Approved Policies on Accepting Adults and Managing their Financial Affairs

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The Office maintains clear and approved policies for accepting new clients and managing client finances. In addition, it has sufficient supporting guidance to help staff implement those policies.

The Office makes its Policy Committee responsible for regularly reviewing all policies, approving required policy changes, and keeping staff informed of changes. The Committee consists of key members of management.

Our testing of six of 87 policies related to client acceptance, and six of 63 policies related to managing client financial affairs found each of the Office's policies tested:

- Aligned with relevant legislation
- Reflected the need for the Office to always act in the best interest of a client
- Required staff to keep documentation in client files to support decision-making
- Identified when and how to consult with qualified professionals to identify and value client property
- Required regular review of case plans, and client files—A case plan summarizes a client's circumstances and property guardianship service needs.<sup>9</sup> It documents key information about an adult client, such as contact information, community supports, property, investments, complexity of a client's financial needs, and expected incomes and expenses.

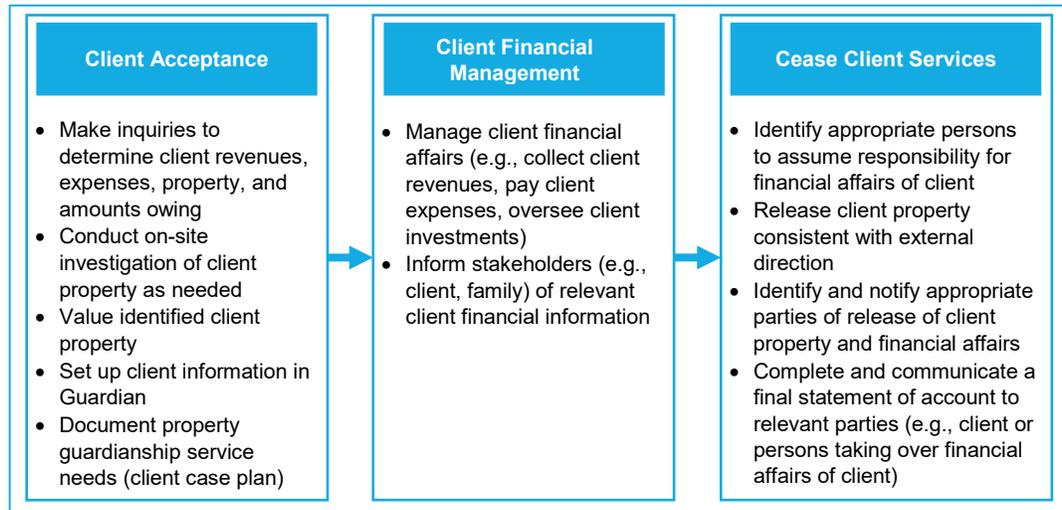
For the 12 policies we tested, the Committee had reviewed the policies within the last three years.

We found the Office trains trust officers on key policies, and uses job shadowing to train new officers. At July 2019, it employed trust officers in 10.5 full-time equivalent positions (FTE).

In addition to policies, the Office maintains several checklists and templates useful in documenting the completion of key steps when accepting clients and managing client financial affairs (see **Figure 3**). For example, it uses checklists for setting up new client files in its Guardian IT system, determining a client's income and expenses, and documenting and valuing client property.

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<sup>9</sup> Since January 2018, the office expects trust officers to complete a client case plan for each client using a standard form. The Office did not expect trust officers to complete a client case plan for clients accepted before January 2018.

**Figure 3—Key Aspects of Property Guardianship Process**

Source: Adapted from information provided by The Office of the Public Guardian and Trustee of Saskatchewan.

The Office makes its policies and supporting procedures (including checklists and templates) readily accessible to all staff through its Policy Manual. Our interviews of selected officers found them familiar with applicable policies and practices.

Having clear, approved, and up-to-date policies helps staff understand expectations about providing property guardianship services, and fosters the delivery of consistent and appropriate services.

## 4.2 Potential for Conflicts of Interest Considered When Assigning Clients to Trust Officers

The Office's processes to assign new clients to a trust officer give sufficient consideration of potential for conflicts of interest between the trust officer and a client.

Because the Office's staff are part of the Saskatchewan public service, its trust officers are bound by the Public Service Commission's human resource policies including those related to conflict of interest.<sup>10</sup> Moreover, when assigning new adult clients to trust officers, the Office expects officers to inform senior management about real or perceived conflicts of interest with the assigned client. If so, management assigns the client to an officer with no identified conflict of interest.

We found officers we interviewed had a sufficient understanding of potential conflicts of interest and were fully aware of the Office's expectation that they consider any conflicts with assigned clients. They noted they would declare conflicts of interest arising for any assigned clients.

We tested 18 new files for adult clients (clients accepted within the 12-month period ending July 2019), and found that the Office appropriately assigned them to staff without any apparent conflicts of interest.

<sup>10</sup> See policy at [www.taskroom.sp.saskatchewan.ca/Pages/Public%20Service%20Commission/Service%20Pages/Section-801-Conflict-of-interest.aspx](http://www.taskroom.sp.saskatchewan.ca/Pages/Public%20Service%20Commission/Service%20Pages/Section-801-Conflict-of-interest.aspx) (14 February 2020).



Having processes to avoid assigning clients to officers who may have real or perceived conflicts of interest helps ensure trust officers make decisions in the best financial interest of their assigned clients.

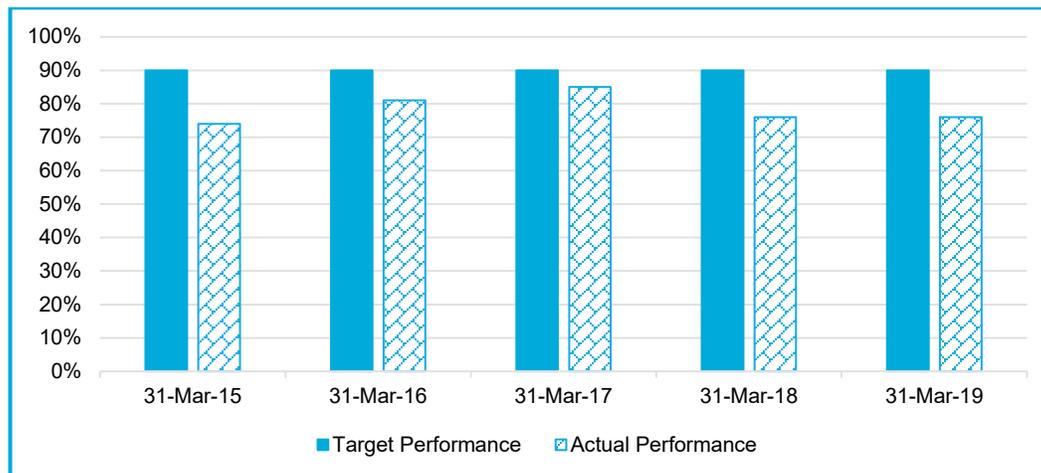
### 4.3 Higher Than Normal Caseloads Causing Delays in Accepting New Clients

The Office, on average, took longer than it expected to accept new clients because of higher than normal caseloads. It actively monitored caseloads, and considered implications on resource requirements.

Office policy for intake of new adult clients expects trust officers to determine whether the Office should act as property guardian within 90 days of the Office's receipt of an individual's Certificate of Incapacity. It recognizes circumstances may delay the acceptance of an adult client (e.g., when a client's family member is deciding whether to act as property guardian). Once officers determine no one else will act as property guardian, the Office issues to the client and related personal representative (if any) an 'Acknowledgement to Act'. This advises them of the Office's intentions to take responsibility for the financial affairs of the individual.<sup>11</sup>

We found the Office actively monitored the time it took to issue an Acknowledgement to Act. Unlike other Canadian provincial Public Guardian and Trustees, it reports publicly on this. As shown in **Figure 4**, for the past five years, about three-quarters of the time, the Office accepted clients within 90 days from its receipt of an individual's Certificate of Incapacity.

**Figure 4—Percentage of Files where the Office signs an Acknowledgement to Act within 90 days from its receipt date of the Certificate of Incapacity**



Source: Ministry of Justice and Attorney General, Office of the Public Guardian and Trustee, Annual Report for 2018-19.

Our testing results were consistent with the Office's reported results. For 15 of 18 new adult client files we tested (83%), the Office accepted clients within 90 days; for three of 18 new adult clients files we tested, it did not. It accepted these three clients between 21 and 85 days past its 90-day deadline. For each of these clients, another party (e.g., family member,

<sup>11</sup> Issued pursuant to *The Public Guardian and Trustee Act*, s. 30.

care home) that was helping the client manage their finances had decided they no longer wished to do so, and wanted to transfer that responsibility to the Office.

Management indicated it accepted these clients later than expected because of increased caseloads causing delays in processing.

**Figure 5—Total Adult Clients Under Property Guardianship and Staff Allocation**

	August 2018	July 2019	Change	% Change
Total Adult Clients	1,096	1,190	94	8.6%
Total FTE Trust Officers	10.8	10.7	(0.1)	(0.9%)
Average caseload per FTE	101.5	111.2	9.7	9.6%

Source: Adapted from information provided by The Office of the Public Guardian and Trustee of Saskatchewan.

As shown in **Figure 1**, in 2018–19, the number of adult clients for property guardianship services increased 6.5 percent from the prior year (2017–18: decreased 4.8 percent).

In August 2018, the Office began monthly monitoring of caseloads by trust officer. It uses this monitoring to allocate new clients to trust officers equitably, and better manage caseloads of individual trust officers including understanding reasons for variations in caseloads.

For the 12-month period ending July 2019 (the audit period), the Office provided property guardianship services to an additional 94 clients, serving 1,190 adult clients at July 2019 (see **Figure 5**). The bulk of this increase relates to new clients who were previously under the care of the Ministry of Social Services, and resided in Valley View Centre (a group home previously operated by the Ministry of Social Services). The Ministry permanently closed this Centre in September 2019. It announced this transition to closure in 2012.

We found the Office recognizes managing the size and complexity of adult-client caseloads of individual trust officers is crucial to provide adult clients with timely and appropriate services. The Office aims to assign 95 to 100 clients per FTE trust officer.

We noted, at July 2019, the caseloads ranged from 77 to 117 clients per FTE trust officer. As shown in **Figure 5**, at July 2019, trust officers had an average caseload of 111.2 adult clients per FTE as compared to 101.5 at August 2018. During the 12-month period ending July 2019, the number of trust officers for property guardianship services was virtually unchanged (i.e., 10.7 FTE positions in July 2019 and 10.8 FTE positions in August 2018). It changed two term positions into two permanent full-time positions.

We found management had a good understanding of reasons for differences in caseloads (e.g., complexity of files, client mortality rates), and reasons for changes in number and type of clients (e.g., types of income supports client receives).

Furthermore, we noted the Office appropriately used its caseload analysis to help determine its future resource requirements (e.g., number of FTE trust officers necessary) to maintain services to the Office's clients. By maintaining adequate resources and manageable caseloads, the Office can provide quality and timely property guardianship services to its clients.



Ongoing and active monitoring of caseloads helps the Office accept adult clients within a reasonable timeframe.

#### 4.4 Rationale for Key Decisions about Client Property Inconsistently Documented

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Although the Office recorded client property within a reasonable timeframe, it did not always document in client files rationale to support certain decisions or judgments made about client property.

Office policy expects staff (trust officers and investigators) to make key decisions about client property, including identifying, valuing, recording, and safeguarding property. After a client is accepted, trust officers are to send inquiry letters to identify client assets. If a client owns a home, Office policy requires investigators to conduct an inspection of the client's home and other property within two to four weeks. Staff are to document significant judgments about the value of specific client property, and obtain third-party appraisals for certain types of property (e.g., jewelry, real estate). The Office is to purchase insurance on the clients' behalf to safeguard client property.

We found for 18 **new** adult client files tested, the Office:

- Identified client assets (e.g., conducted a property search to determine whether the client owned any property) within a reasonable period. Other types of searches include bank accounts, investments, safety deposit boxes, unclaimed funds, and outstanding debt.

For five of the new adult client files that required an on-site investigation, the Office inspected and identified client assets within two to five weeks. Investigators completed four of these investigations within two weeks. For the one investigation completed within five weeks, the client did not have assets to record (e.g., only small personal items, clothing). Therefore, this did not result in increased risk for the client's property.

- Valued adult client property using reasonable methods. For 11 of the 18 new clients tested with specific assets (e.g., investments, real estate), officers recorded the property in the Guardian IT system, and used an appropriate valuation method (e.g., fair market value, resale value) to value the property. For the 18 new adult client files tested, there were no decisions made to sell client property.
- Documented significant judgments about value of specific client property (e.g., personal items such as furniture, appliances), if any.
- Purchased insurance on clients' behalf to appropriately safeguard specific client property (including client personal belongings such as clothing, personal effects).

For an additional 30 adult client files we tested, trust officers documented decisions to sell client assets as necessary.

However, for two of 18 **new** adult client files we tested, trust officers did not document their conclusions when the results of the property search identified individuals with the same name as the client.<sup>12</sup> The client files did not contain support to show whether the client owned property. For each of these clients, based on client circumstances and other information on the client's file, we concluded the client did not own the property identified in the property search.

Documenting rationale for key decisions supports judgments made in specific instances. Keeping documentation of key decisions in client files would ease transitions of clients between trust officers (e.g., in event the assigned trust officer is on leave [e.g., vacation, sick]).

1. **We recommend the Office of the Public Guardian and Trustee of Saskatchewan follow its established processes to keep rationale for key decisions about identification of property of adult clients receiving property guardianship services.**

## 4.5 Defined Processes to Determine Financial Needs of Adult Clients Followed

The Office consistently followed its clearly defined processes for determining a client's financial circumstances and property guardianship service needs.

Office policy expects trust officers to complete a client case plan, which summarizes a client's financial circumstances and property guardianship needs. Trust officers are to use the results of various inquiries (e.g., review of bank accounts, search for income assistance and other benefits) to determine a client's expected incomes and expenses. The Office has two target timeframes for trust officers to complete client case plans—an internal target of within six months, and an external target of within nine months of client acceptance.

In addition, Office policy expects the Adults Unit Supervisor to review completed client case plans on a monthly basis. The purpose of this review is to confirm the plan is properly completed and the client file includes all key information (e.g., family information, unrecorded assets or debt, outstanding legal issues).

We found:

- For each of the 18 new adult client files tested, the file contained appropriate background information such as family members, assets, and medical information related to incapacity.
- For each of the 12 new adult client files tested with completed client case plans, the Office completed those plans within the expected nine months.
- For each of the 12 new adult clients with completed client case plans tested, the Supervisor reviewed the file within expected timeframes. Each review did not identify any significant deficiencies.

<sup>12</sup> The Office conducts property searches through the Land Titles Registry at Information Services Corporation.



Our analysis of the timeliness of completion of case plans found, in 2018–19, the Office completed 71.7 percent of client case plans within six months, and 90.6 percent of client case plans within nine months. On average, it took trust officers 186.3 days (6.2 months) to complete client case plans.

By having complete information on a client's finances on a timely basis, the Office can support that it makes appropriate financial decisions on behalf of clients. Completion of the client case plan demonstrates prudent management of client finances and appropriate oversight provided by management.

## 4.6 Adult-Client Revenues, Expenses, and Property Recorded as Expected

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The Office adequately manages the finances of adult clients. It records revenues, expenses and details about property of adult clients as expected.

The Office had good processes to record client revenues, expenses and property. We found it:

- Consistently recorded revenues promptly upon receipt and deposited funds in the appropriate account for 30 revenue items tested for adult clients
- Recorded amounts due promptly, appropriately segregated duties when making payments, documented rationale for payments, and made payment decisions in the best interest of clients for 30 expenditures tested for adult clients
- Appropriately charged clients administration and management fees in line with legislation for 30 adult clients tested
- Recorded significant changes (e.g., sale of property, large one-time expenses) in clients' finances in the Guardian IT System for 28 adult clients tested

Having up-to-date financial information helps support trust officers in making reasonable financial decisions in the best interest of clients. Recording revenues upon receipt ensures client finances reflect an accurate balance so the trust officers can use the funds to make payments. Paying promptly helps ensure clients do not incur late fees or other charges.

## 4.7 Client Finances Monitored Through Guardian IT System

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The Office actively manages adult client finances through the use of the Guardian IT system.

Trust officers monitor client finances on a day-to-day basis through Guardian. Guardian provides trust officers with information such as a client's current cash balance, income and expenses, as well as assets (e.g., investments, personal property) and liabilities (e.g., overdue amounts). Trust officers use this information to plan for a client's short-term needs. Trust officers plan for a client's long-term needs by documenting client savings goals, and through managing client finances.

Having an IT system that allows trust officers to monitor client finances in real-time helps to support trust officers to make decisions that are in the best interest of the client.

## 4.8 Adult Client Investments Reasonably Managed

The Office reasonably manages investments of adult clients including investing their funds consistent with legislative requirements.

The Office uses two Committees to oversee investments for adult clients.

- The Segregated Assets Committee manages specific client assets such as mutual funds, guaranteed investment certificates, and registered disability savings plans. It refers to these as segregated assets. This Committee consists of key members of management. It periodically reviews client assets for appropriateness against a client's financial situation (e.g., liquidity needs, asset mix). It makes decisions on their upkeep, and on when best to sell them.
- The Investment Advisory Committee manages client co-mingled assets (such as bonds, equities and short-term investments). The Committee is comprised of representatives from the Office, the Ministry of Justice and Attorney General, the investment advisor, and the investment manager. The Committee uses an investment strategy (known as a Statement of Investment Policies and Objectives) to direct the investment of co-mingled assets. It engages an investment manager and investment advisor to monitor compliance with the investment strategy and legislation, and report to the Office regularly on compliance.

As shown in **Figure 6**, total client trust assets (including those of adult clients) and other investments the Office manages have steadily increased since 2014.

**Figure 6—Total Client Trust Assets and Other Assets as of March 31 from 2014 to 2019**

As of March 31	Segregated Assets (in millions) <sup>A</sup>	Co-mingled Assets (in millions) <sup>B</sup>	Total Client Assets (in millions)
2014	\$ 53.1	\$ 156.4	\$ 209.5
2015	44.5	178.8	223.3
2016	54.6	165.7	220.3
2017	57.5	175.3	232.8
2018	67.4	179.1	246.5
2019	69.1	186.1	255.2

Source: Ministry of Justice and Attorney General, Office of the Public Guardian and Trustee, Annual Reports for Years 2014-2019.

<sup>A</sup> Segregated Assets are assets held in trust for clients (e.g., Registered Disability Savings Plan, Guaranteed Investment Certificates, real estate, personal property)

<sup>B</sup> Co-mingled Assets include investments (referred to as Common Fund Investments), cash, and interest and dividends receivable. The Office invests funds of clients, on their behalf, in a centralized fund to ensure consistency of returns among clients (referred to as the 'common fund' in legislation and financial statements).

We found that the Office's investments were consistent with legislative requirements. The Office received quarterly reports on compliance and met bi-annually with the Investment Advisory Committee to review and discuss investment performance of



co-mingled assets relative to the investment strategy. The Segregated Assets Committee met periodically to review appropriateness of specific client assets.

Having regular oversight over investments helps to support the prudent management of client financial affairs and reduces the risk to client long-term investment value.

## 4.9 Informs Stakeholders of Relevant Financial Information

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The Office consistently informs appropriate stakeholders (e.g., adult clients, personal guardians) of relevant financial information when in the best interest of the client.

Office policy requires trust officers to communicate financial information only when it is in the best interest of a client. Policies require trust officers to maintain correspondence with clients in a client's file, as well as document support for significant decisions (e.g., approval of one-time significant expenditures, refusal of spending request, decision to sell client property). If a client's expenses exceed income, policies require trust officers to discuss changes (e.g., reduce cable/phone bills if utility is not necessary, reduce monthly allowance) with the client or caregiver.

We found Office policy considered and respected the privacy rights of its clients.

For each of the 18 new adult client files we tested, the file showed the Office:

- Provided the adult client with information about how to contact the assigned trust officer
- Decided whether the client was capable of understanding decisions about their finances
- Decided whether corresponding with the client's family about the client's key financial decisions was appropriate (e.g., did not communicate where risk of family financial abuse existed, or where client did not have family)
- Corresponded with primary care providers about financial decisions (e.g., purchases related to providing for clients' needs)
- Communicated information to the client or the client's personal representative when a client's annual expenses exceeded their income and the client did not have sufficient assets to cover shortfall, about actions to remedy shortfalls (e.g., applied for rent reduction, alternate payment plan), and about adjustments to client finances as necessary

Providing appropriate stakeholders with relevant financial information, when in the best interest of a client, keeps them informed. In addition, documenting key decisions about when best to communicate a client's personal financial information helps ensure the Office respects client privacy and does not give information to inappropriate parties.

## 4.10 Property Guardianship Services Appropriately Ceased When Authorized

The Office appropriately ceased property guardianship services when authorized to do so.

Where the Office ceases property guardianship services, the Office has established adequate related policies and processes. These include identifying appropriate persons to assume responsibility for the financial affairs of adult clients, releasing client property consistent with external direction, identifying and notifying appropriate parties of the release, and completing and communicating a final statement of account to relevant parties (e.g., client, new property guardian).

The Office ceases to provide property guardianship services upon receipt of notification of an adult client being certified as capable, the appointment of a new property guardian, or the death of an adult client.<sup>13,14</sup> After an adult client's death, the Office has the authority to manage the property of a deceased client pending the granting of letters probate or letters of administration, or until the estate can be delivered to a proper representative.<sup>15</sup>

For each of the 12 adult client files we tested where the Office ceased services, the Office followed its policies and processes.

Having clearly defined processes to cease providing property guardianship services helps provide for a smoother transition of a client's assets between parties.

## 4.11 Supervisory Reviews Used to Monitor Quality of Services to Clients

The Office uses supervisory reviews of adult client files to help assess the quality of adult property guardianship services provided.

The Office's policy on supervisory reviews directs the Adults Unit Supervisor to review five percent of each trust officer's caseload, and the Deputy Public Guardian and Trustee to review 10 percent of the Adults Unit Supervisor's caseload. The purpose of these reviews is to determine whether a client file contains appropriate and expected information, and whether related client information in the Guardian IT System is accurate and complete.

We found the Office followed its policy and conducted the expected amount of reviews in 2018–19. We also found trust officers addressed identified issues promptly.

Conducting systematic reviews of client files help supervisors and management actively monitor staff and identify areas needing improvement. Prompt follow up of identified issues increases the likelihood of providing timely and appropriate property guardianship services.

<sup>13</sup> *The Public Guardian and Trustee Act*, s. 38.

<sup>14</sup> A chief psychiatrist, as defined in *The Mental Health Services Act*, may issue a Certificate of Capacity to certify that the adult is capable of managing his or her financial affairs (adapted from *The Public Guardian and Trustee Act*, s. 28.4). The Court of Queen's Bench in Saskatchewan appoints property guardians under *The Adult Guardianship and Co-decision-making Act* (s.2, s.40(1)(b)).

<sup>15</sup> *The Public Guardian and Trustee Act*, s. 31(1)(b).



## 4.12 Client Complaints Addressed

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The Office responds to client complaints within a reasonable timeframe.

The Office tracks complaints received from the Saskatchewan Ombudsman and the Ministry of Justice and Attorney General to ensure it provides a response in a timely manner.<sup>16</sup>

The Office received 17 complaints for the 12-month period ended July 2019 (our audit period). We found the Office responded to all complaints received. For the three complaints we tested, it responded to them within one to eight business days of receipt.

In addition, clients can contact the Office directly by phone, email, or in-person to express concerns. During the audit, we observed staff receiving phone calls from clients and addressing clients' queries or concerns.

By addressing concerns within a reasonable time, the Office can adjust services provided and rectify situations as necessary. Responding to complaints improves the likelihood clients feel valued, and helps show the Office acts in the best interest of the client.

## 4.13 Guardianship Services Evaluated Periodically

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The Office regularly monitors the quality of property guardianship services provided to identify necessary adjustments, if any.

The Office collects monthly statistics to monitor trust officer caseloads. Monthly statistics include the number of new client files opened and closed, the total number of client files, the number of Certificates of Incapacity received but it has not issued an Acknowledgement to Act, and the number of deceased adult clients it oversees until it can deliver the estate to the proper representative.

In addition, it uses the following performance indicators to evaluate adult property guardianship services provided by its Adults Unit. It sets targets for each.

- Percentage of clients (or personal representatives) who received average, above average, or excellent service from the Adults Unit (Target: 91 percent)
- Percentage of files where it signs an Acknowledgement to Act within 90 days from the receipt date of the Certificate of Incapacity (Target: 90 percent)
- Percentage of files where the request for an investigation or inventory is made within 30 days from the date that an Acknowledgement to Act is signed (Target: 85 percent)

We noted the targets for each have remained unchanged for the last five years.

In 2018–19, the Office introduced an additional performance indicator for adult property guardianship services—percentage of new adult clients where the case plan is completed

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<sup>16</sup> The Saskatchewan Ombudsman takes and may investigate complaints about specific organizations. For details about the role of Saskatchewan Ombudsman, see [www.ombudsman.sk.ca](http://www.ombudsman.sk.ca) (14 February 2020).

within nine months of the date the Acknowledgement to Act is signed (Target: 90 percent).<sup>17</sup>

Furthermore, the Office uses performance indicators to monitor its processing of financial transactions (e.g., paying invoices, setting up client assets) including those related to services provided to adult clients. Examples include average number of days to process an invoice, difference between the four-year average rate of return on client assets invested by the Office and the benchmark identified in the Investment Policy, and number of days to set up client assets following an initial investigation.

In 2018-19, the Office adjusted its performance indicator for average number of days to process an invoice. In 2018-19, the Office changed its performance target to five days from two days. We found this adjustment reasonable as we did not find additional processing time negatively impacted client finances (see also **Section 4.7**).

We found the Office tracks and monitors actual performance against target for each indicator on a monthly basis.

We noted the Office uses its annual reports to keep the public informed of its performance. Its annual reports clearly compare its actual annual to target performance for the current and last four years. For example, its *Annual Report for 2018–19* reports on each of the performance indicators listed above.

Systematically monitoring and evaluating property guardianship services helps ensure the Office provides clients with quality and timely services.

## 5.0 SELECTED REFERENCES

Auditor General of Alberta. (2013). *Report of the Auditor General of Alberta, Human Services—Office of the Public Trustee*. Edmonton: Author.

Auditor General of New Brunswick. (2016). *Report of the Auditor General—2016 Volume 1, Chapter 3, Legal Aid Services Commission, Public Trustee Services*. Fredericton: Author.

Auditor General of Nova Scotia. (2012). *Report of the Auditor General, Chapter 6—Justice: Office of Public Trustee*. Halifax: Author.

Auditor General of Ontario. (2018). *2018 Annual Report Volume 1—Chapter 3.09—Office of the Public Guardian and Trustee*. Toronto: Author.

Office of the Auditor General Western Australia. (2013). *Public Trustee: Administration of the Financial Affairs of Vulnerable People*. Perth: Author.

<sup>17</sup> Ministry of Justice and Attorney General Office of the Public Guardian and Trustee, *Annual Report for 2018–19*, p. 13.