



**Business Plan**  
2010 – 2011



## Contents

	page
Foreword by Martin John, Chief Executive and Public Guardian	5
The Role of the Public Guardian	6
Vision and Mission Statements	7
Our Values	8
Our role within the Ministry of Justice	9
Our Objectives	10
Transformation Programme and the next 3 years	12
Key Performance Indicators	14
Service Standards	15
Sustainability	16
<b>Annexes</b>	
A. Organisational Chart	18
B. The Public Guardian Board	19
C. Fees 2010-11	20
D. Glossary	22
E. How to Contact Us	24



## Chief Executive and Public Guardian's Foreword



It has become a bit of a cliché that business plans are “living documents”. In presenting this Office of the Public Guardian (OPG) business plan, in the third year of OPG’s life, there is no question we shall need to keep this well-worn truth at the front of our minds.

OPG already looks and feels very different to the organisation I joined as Chief Executive and Public Guardian in the summer of 2008. I’m very proud to hold such an important role, but I am equally proud of the way my Office has changed and improved in such a short space of time. The majority of our case processing – whether the registration of Lasting and Enduring Powers of Attorney, or the supervision of Deputies appointed by the Court of Protection – now takes place in new locations in the Midlands. Accordingly, how we think about the services we provide has evolved.

That evolution will continue over the course of the period covered by this plan. We have set a number of deliberate and challenging targets and objectives. But we have also outlined the scope of the transformation that we will seek to push forward in 2010 and beyond. That fundamental transformation will not be an overnight sensation. Some elements we will be able to make swift and sharp progress on. Others will necessarily take time. As I write this we continue to define the formal programmes of work - and that means we may seek to re-shape some of our deliberate objectives as the pace and emerging possibilities become clearer.

Of course, this business plan also covers a time within which a general election takes place. Regardless of the outcome, as an Executive Agency of the Ministry of Justice we can expect priorities and resources to be reviewed. This process may well lead us to re-visit OPG priorities and objectives.

However, regardless of our ambition to transform – or the potential for new priorities to emerge – what will not alter is our commitment to putting our customers at the heart of everything we do. That will be all the more important as the scale of OPG’s business continues to increase and as we continue to engage and develop our people, without whom our plans are just plans.

A handwritten signature in black ink, appearing to read 'M. John', written in a cursive style.

Martin John

Chief Executive and Public Guardian

## The Role of the Public Guardian

The Mental Capacity Act 2005 created a new Office of the Public Guardian (OPG) with statutory powers to regulate people (known as deputies) who make decisions on behalf of those who lack capacity. The Public Guardian, supported by the Office of the Public Guardian (OPG), also has a number of other statutory duties that include:

- **Registering Lasting Powers of Attorney (LPAs) and older Enduring Powers of Attorney (EPAs).** Lasting Powers of Attorney are a way of planning ahead for a time when a person may lack capacity by allowing them to choose someone to make decisions on their behalf. Two types are available: health and welfare or property and affairs.
- **Supervising Deputies appointed by the Court of Protection.** Supervision is proportionate and follows a risk-based approach which sees Deputies allocated to one of four tiers of supervision (from high to minimal).
- **Investigating complaints (e.g. of fraud or abuse) made against Deputies or registered attorneys.** This can involve working with other relevant organisations (for example, adult social services or instructing Court of Protection Visitors to visit either the person who lacks mental capacity to make decisions and/or those who have formal powers to act on their behalf.
- **Maintaining registers of Deputies and LPAs and EPAs.** This register is available for searches by members of the public via written requests

The Public Guardian is also, as Chief Executive, personally responsible for the management and organisation of the OPG, including the use of public money and the way it manages its assets. A separate, independent Public Guardian Board scrutinises the work of the Public Guardian and reports to the Lord Chancellor.

## Vision and Mission Statements

Our Vision and Mission statements are important statements that translate our strategy into clear messages and communicate our purpose, goals and the future focus of the Office of the Public Guardian.

### Vision

To encourage everyone to prepare for a possible lack of mental capacity and to empower and safeguard those who lack mental capacity now.

### Mission Statements

To improve awareness and knowledge of the OPG and the services it provides in order to improve the preparedness of everyone for a possible future lack of mental capacity.

To continue to improve the service provided to Deputies and Attorneys, and those applying for such roles, in order that decisions concerning people who lack capacity are made optimally and quickly.

To create a proficient and motivated workforce equipped with the skills to carry out their roles effectively.

To engage effectively with a range of supporting organisations in order to improve the effectiveness of the Mental Capacity Act 2005 and engagement with the OPG.

## Our Values

These values support our Vision and Mission Statements. They underpin our delivery activity and seek to articulate the ethos behind all that we do.

### Accessible

We make our services available to all who need them providing an adaptable delivery of support, advice and choice.

### Professional

We treat our customers and staff with respect, working in partnership effectively and demonstrating personal and organisational excellence. We conduct our business in an open and honest way, respecting and protecting confidentiality.

### Progressive

We are flexible and learn from experience so as to continually improve the service to our customers and the working environment for our staff.

### People Orientated

We foster a learning environment and encourage our staff to develop their skills, both for the benefit of the business and to meet their personal goals.

### Diverse

We acknowledge the diverse society that we serve and we respect and value this diversity in all that we do.



## Our role within the Ministry of Justice

The core purpose of the Ministry of Justice (MoJ) is to create a **“Safe, Just and Democratic Society”**.

In support of this purpose, the MoJ has set four Departmental Strategic Objectives (DSOs). As an Executive Agency of the MoJ, the Office of the Public Guardian (OPG) works alongside, amongst others, her Majesty’s Courts Service and the Tribunals Service, to contribute to the Ministry’s second DSO:

### **“Delivering fair and simple routes to civil and family justice”**

The outcomes that the MoJ undertakes to deliver in respect of this objective are:-

- Increased efficiency and effectiveness of the civil, administrative and family justice systems;
- Provision of early advice and support to enable disputes to be resolved out of court or tribunal wherever possible;
- Accessible justice system that provides support where it is needed.

The MoJ is also committed to delivering a programme of Transforming Justice. This will ensure the Ministry makes radical changes over the next five years to provide better outcomes for the public and service users, at a lower cost to the tax payer - moving from a justice system to a justice service.

The aims, objectives and key performance indicators of the OPG feed into the achievement of the MoJ objectives by:

- Encouraging take-up of powers of attorney to avoid the need for Court of Protection intervention;
- Providing support to those appointed within the framework of the MCA;
- Dealing with allegations of abuse swiftly and effectively, seeking to achieve positive resolution without unnecessary Court intervention;
- Contributing to the MoJ performance and efficiency agenda by maintaining the OPG full cost recovery strategy.

## Our Objectives

### **Improve awareness and knowledge of the OPG and the services it provides.**

- Generate a baseline measure to seek to increase the percentage of the population who take out a Lasting Power of Attorney.
- Develop methods to encourage registration of existing Enduring Powers of Attorney where the donor has lost capacity.
- Increase awareness of the role of the OPG in safeguarding issues, amongst voluntary and professional groups; in particular, Local Authorities and Solicitors.
- Improve understanding of when and why individuals choose to make Lasting Powers of Attorney; how they are made, used and how our service delivery is received.
- Develop on-line access and support to making and registering Lasting Powers of Attorney.
- Publish results of key investigations to assist in raising awareness of, and confidence in, our safeguarding role.

### **Improve the service we provide to our Customers**

- Develop and publish a Customer Charter, supported by mystery shopping activity.
- In line with the Customer Charter, improve the Service Standards for the Customer Contact Centre.
- Join the “Tell Us Once” Service as it is implemented.
- Develop and improve IT systems and accessibility for our customers.
- Converge the OPG web presence with Direct.gov.
- Implement the recommendations following our review of Panel Deputies provision.
- Re-design our structures better to suit our new multi-site business delivery.

**Foster a proficient and motivated workforce equipped with the skills to carry out their roles effectively.**

- Ensure there is sufficient managerial and leadership capability to support and implement change.
- Achieve full implementation of the OPG balanced scorecard at organisational and management team level.
- Improve positive staff engagement against the 09/10 Civil Service Engagement Survey baseline.
- Develop evaluation methods to improve the success of learning activity.
- Encourage staff ownership of the development and improvement of the OPG.

**To engage effectively with a range of supporting organisations in order to improve the effectiveness of the MCA and engagement with the OPG**

- Obtain a better understanding of the need for intervention by the Public Guardian into cases reported to the OPG, and the effectiveness of such interventions.
- Use the outcomes of research and analysis on “best interests” decisions to develop plans for future OPG policy.
- Work with others on reviews of relevant legislation; e.g.:
  - HMCS and the judiciary on Court of Protection Rules and Practice Directions
  - Department of Health on the review of No Secrets to assess impact of MCA and determine OPG’s approach to statutory safeguarding boards
  - Seeking out relevant organisations to engage in a dialogue over MCA/OPG issues of policy development and service delivery
- Improve the reach and accessibility of the MCA Code of Practice

## Transformation Programme and the next 3 years

Since its launch in October 2007, the OPG has undertaken a range of operational activities to implement the Mental Capacity Act 2005. Our aim was to deliver real results for our staff, partners, other government bodies but, most importantly, those seeking assurance that their interests, and those of their loved ones, will be protected in times of need.

In order for us to drive and meet higher levels of demand, we need to re-examine all aspects of our operations, including capacity, capability, process, estate and technology. This will necessitate a new operating model and development of an organisational design which focuses on efficient delivery.

The scale of change required, and the desired timescale to do so, requires a structured and focused multi-year programme, bringing together current and future elements of the OPG's transformation activities into a strategically-aligned, prioritised and achievable change programme.

This redesign of OPG will cover 5 areas of focus:

- **Customer Strategy and Service improvement** – We will look to increase the way we understand and are responsive to our customer needs. We will seek to introduce real measures for improvements through the refinement of our surveys, complaints handling and consultation.
- **Partnerships** – we will introduce and implement clear and beneficial partnerships with other organisations – in the public, private sector and third sectors in order to raise awareness of, and access to, our services. This will include the marketing of our services in partnerships with organisations that have a close link to the work we do and who represent those who use our services.
- **Estates** – after the successful implementation of our Birmingham and Nottingham offices we will continue to expand in the Midlands region and migrate more work out of London. This migration away from the London Estate will increase our capacity to expand and improve the services we provide whilst reducing our overall running costs.
- **Technology and Processes** – a major review of both the technology and our operational processes will take place in order to identify, and where possible, implement changes that streamline and simplify process. We will develop our IT Strategy to ensure our systems are developed around the customer to ensure their interaction with us is secure, easy to do, and streamlined to remove confusion and duplication of effort and information collection. Systems will be linked to a strategy for growth and to keep IT development ahead of consumer demand.

We will develop and introduce a Performance Management capability and hierarchy that enables our people to use tools to improve the performance of the business, its systems, tools and people

- **People and Culture** – We are building the capability of our people through a programme of learning designed at putting the customer at the heart of what we do. We will be building our leadership capability and capacity in all our offices in order to ensure we can lead the change that is required to be an exemplar public service provider. At the same time we will be developing those responsible for the provision of services to our customers, whether through process application, supervision or contact centre activities to be knowledgeable, skilled and responsive to customer needs.
- **Improving Access for Customers** – A recent survey carried out by Directgov on the public's perceptions of Government services showed that over 50% of citizens don't know where to find the service they need and over 40% are unhappy with being 'passed around' when accessing public services. To ensure better service for existing and future customers the OPG has been working on moving its citizen facing website content, including forms and guidance, on to the Government website Directgov – [www.direct.gov.uk](http://www.direct.gov.uk). Corporate information, such as annual reports and business plans, and information for our professional customers will move across to the Ministry of Justice corporate website. All other information on the OPG website will be available on Directgov. The OPG website will continue to run alongside Directgov until early 2010. Our aim is to then begin closure of the OPG website.

## Key Performance Indicators

These are targets we use to determine the level of our performance and service delivery. We also use these indicators to challenge and improve our current performance and measure against last year's key areas. KPIs are supported by Service Standards against which they will be measured. These measurements are used to report on our performance to the Ministry of Justice, to Parliament and to our customers.

<b>KPI 1</b>	Register and return 90% of applications for registration of Attorneyship within 9 weeks of receipt. <sup>1</sup>
<b>KPI 2</b>	Notify 95% of new Deputies of the supervision level within 20 working days of the OPG receiving the Court Order.
<b>KPI 3</b>	We will carry out a full case review of all Deputyship cases subject to supervision at least every 3 years, and this year we will review a minimum of 40% of cases. <sup>2</sup>
<b>KPI 4</b>	Where concerns are raised about actions of an Attorney or Deputy we will assess risk in 95% within 2 working days. We will conclude 75% of investigations within 3 months and 95% of investigations within 6 months.
<b>KPI 5</b>	Achieve 100% cost recovery. <sup>3</sup>
<b>KPI 6</b>	Achieve 70% customer satisfaction with OPG service delivery.

<sup>1</sup>Where an application is incapable of registration (invalid, contains significant errors, or an objection is received) it will be excluded.

<sup>2</sup>A case review will be generated by one of, or a combination of: a visit; a review of the deputy's annual report; an audit of a professional or Local Authority deputy; an investigation; or any general case management activity or review of supervision level following short-term intervention.

<sup>3</sup>Full cost is defined as: The total cost of carrying out the provision of services to the taxpayer, less social subsidy/ fee exemption and remission; financial losses over and above a yearly notional premium; and any bad debts or exceptional items.

## Service Standards

Here we outline the commitments made by the Office of the Public Guardian to those who use our services. We call these commitments our ‘service standards’.

We measure our performance against these commitments and conduct surveys to make sure our commitments meet your needs and those of our clients.

Our service standards support our Key Performance Indicators. We report our achievement against our KPIs in our Annual Report and Accounts, as well as to Ministers and the Government.

85% of telephone calls to the OPG’s Customer Contact Centre will be answered within 60 seconds.

95% of correspondence will be answered within 10 working days of receipt.

90% of complaints will be resolved and a written response provided within 10 working days.

Where a concern is raised with the Public Guardian that falls outside his statutory powers of investigation we will provide advice or assist the correspondents to progress their concerns within 5 working days.

95% of appeals against the initial Supervision level will be reviewed within 20 days.

In 85% of cases we will review the level of supervision allocated to the case within 15 days of receiving information that potentially changes that supervision level.

85% of fee exemptions and remissions will be processed within 10 working days of receipt to Finance. [No confirmation of acceptance is provided unless further evidence is requested or the fee exemption or remission is denied when the applicant is notified of the decision].

We will answer written requests under the Freedom of Information Act 2000 within 20 working days of receipt.

We will fulfil written subject access requests under the Data Protection Act within 40 working days of receipt.

## Sustainability

### ***Sustainable development***



### ***reduce, reuse, recycle***

The Ministry of Justice is committed to sustainable development and improving its environmental performance. The UK government has requested that all government departments lead by example in sustainable development. By 2020 government departments are aiming to:

- a.** reduce CO2 emissions by 30%
- b.** recycle 75% of waste
- c.** reduce the waste we generate by 25%
- d.** reduce water consumption by 25%

The OPG has plans in 2010 to:

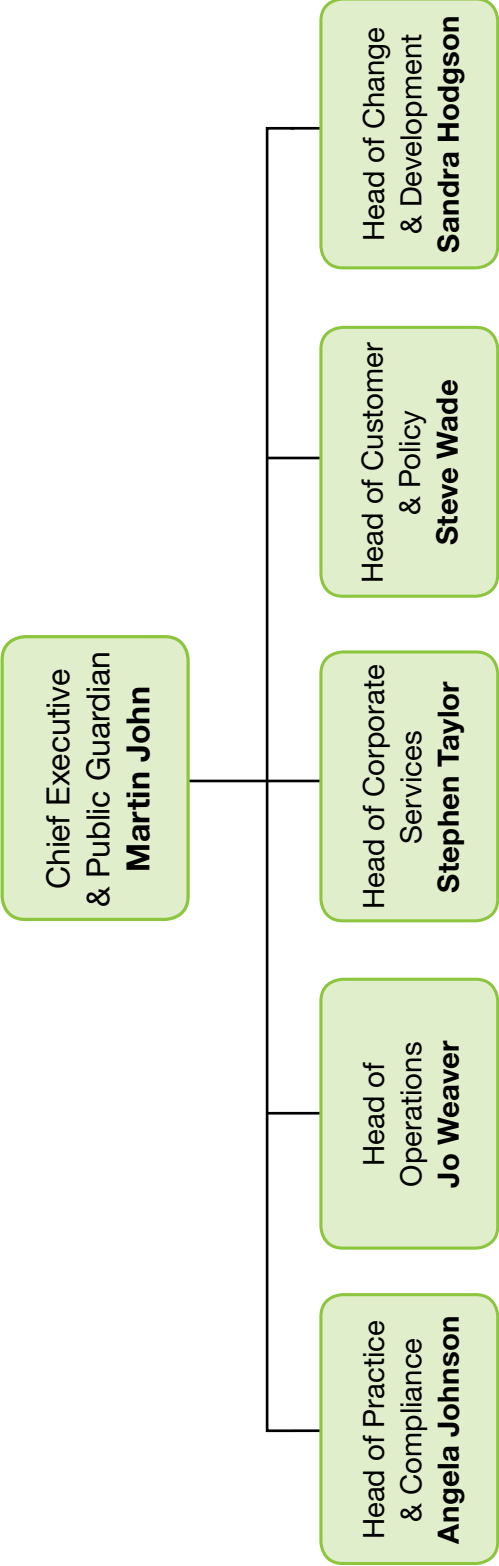
- develop our management information to chart progress against targets
- appoint a “Green Champion” in each of our buildings to drive initiatives
- increase provision of re-cycling facilities throughout our business



# | Annexes

# Annex A

## Organisation Chart



## Appendix B

### The Public Guardian Board

The Public Guardian Board was established by section 59 of the Mental Capacity Act 2005. It reads:

**‘The Board’s duty is to scrutinise and review the way in which the Public Guardian discharges his functions and to make such recommendations to the Lord Chancellor about that matter as it thinks appropriate.’**

The Public Guardian Board has 7 members, all independent of the Office of the Public Guardian. Its Chair is Rosie Varley (OBE). Board members also sit on relevant OPG sub-boards and on the stakeholder forum, providing their expertise and advice to the business in a non-executive capacity.

The PG Board produces an annual report to the Lord Chancellor outlining its view on the performance of the OPG over the year. The report also provides recommendations on improvements and opportunities to further advance the knowledge and implementation of the Mental Capacity Act in the wider society.

Administration for the Board is provided by the Ministry of Justice, Sponsorship and Performance Unit.

The Board can be contacted by writing to:

Public Guardian Board Secretariat  
Ministry of Justice  
Sponsorship & Performance Unit  
Access to Justice Group  
Zone B 3rd Floor  
102 Petty France  
LONDON SW1H 9AJ

0203 334 3555

Or via email: [publicguardianboard@justice.gsi.gov.uk](mailto:publicguardianboard@justice.gsi.gov.uk)

## Appendix C

### Office of the Public Guardian Fees with effect from 1st April 2010

#### Lasting Power of Attorney (LPA)

£120 - payable upon making an application for registration. There are two types of LPA, (i) Property & Financial Affairs LPA and (ii) Health & Welfare LPA. A separate registration fee is payable for Property and Financial Affairs LPAs, and Health and Welfare LPAs when each application for registration is made. No refund is available should either donor or attorney die before registration is complete. No refund is available should the application be invalid or imperfect.

#### Lasting Power of Attorney office copy fee

£25 This fee is payable on application for an office copy of an EPA/LPA. No refund is available.

#### Enduring Power of Attorney (EPA)

£120 - payable when the application for registration is made. No refund is available should either donor or attorney die before registration is complete.

#### Enduring Power of Attorney office copy fee

£25 - This fee is payable on application for an office copy of an EPA/LPA. No refund is available.

#### Application to search the registers fee

£25.00 - Covers a search of the three OPG registers. The register of registered LPAs, registered EPAs and the register of Court orders appointing Deputies.

#### Appointment of Deputy fee

£100.00 - A one-off payment for placing the Deputy's details on a register and carrying out a risk assessment to determine the appropriate Deputy supervision regime.

#### Deputy supervision fees

There are four different types of supervision and each attracts a different annual fee which is payable annually in arrears on 31 March.

**£800 p.a.** - Type I (highest)

**£350 p.a.** - Type IIA (intermediate)

**£175 p.a.** - Type II (lower)

**£ 0 p.a.** - Type III (minimal)

Each case will be reviewed regularly and the type of supervision allocated may change as circumstances change.

Supervision fees will be calculated on a pro-rata basis if:

- there has been more than one type of supervision applied in a one-year period; or
- supervision has been in place for less than one year.
- the person lacking capacity or the deputy dies. Fees are payable up to the date of death.

Details of pro-rata calculations will be shown on the annual invoice.

### **Exemptions and Remission of Fees**

These are available to qualifying persons. Our fees leaflet contains full details of the criteria required for eligibility, together with an application form for an exemption or remission. The leaflets can be downloaded from the OPG website at [www.publicguardian.gov.uk](http://www.publicguardian.gov.uk). Alternatively you can obtain them from our contact centre on 0300 456 0300.

### **Paying Fees**

Our preferred methods of payment are:

#### **1. By direct debit:**

If you wish to pay by direct debit please contact us on 020 7664 7063. Direct debit instructions continue to be valid and no further action is required from you.

#### **2. By credit or debit card:**

If you wish to pay by credit or debit card please contact us on 020 7664 7100.

Cheques for payment of fees should be made payable to “Office of the Public Guardian”.

## Appendix D

### Glossary

#### A

##### **Attorney**

Person appointed by the donor to manage their financial or health and welfare affairs.

#### B

##### **Balanced Scorecard**

This is a business performance measurement and management system that analyses organisational success using a combination of financial, customer, internal business process and employee learning perspectives. A balanced system aligns individual and department goals with overall corporate strategic objectives.

#### C

##### **Court of Protection**

A superior court of record whose function it is to protect the administration of property and health and welfare affairs of persons who, by reason of mental disorder, are incapable of managing their own affairs.

#### D

##### **Donor**

The person who makes the Enduring Power of Attorney or Lasting Power of Attorney, assigning responsibility for their financial and/or health and welfare affairs to an Attorney.

##### **Deputy**

The person appointed by the Court of Protection to manage the financial and/or health and welfare affairs of someone who is mentally incapacitated.

##### **Deputyship**

An appointment by the Court of Protection, that authorises a person (the Deputy) to manage the financial affairs and/or health and welfare matters of a person who is, on medical evidence, mentally incapable of doing so for themselves.

#### E

##### **Enduring Power of Attorney**

Document whereby a donor (a person who makes an Enduring Power of Attorney) appoints an attorney (a person appointed by a donor to act on his behalf in financial matters) to manage his financial affairs.

N.B. Enduring Powers of Attorney have now been replaced by Lasting Powers of Attorney. However, existing Enduring Powers of Attorney may still be registered.

**Executive Agency**

Part of a government department set up as a discrete operational unit to concentrate on providing a service to members of the public.

**F**

**Fees**

Amounts charged to clients to cover costs for services provided by the Office of the Public Guardian and the Court of Protection.

**K**

**Key Performance Indicators**

A measure of the agency's performance in key areas of its business.

**L**

**Lasting Power of Attorney**

Replaces Enduring Power of Attorney and includes provision for a donor to appoint someone to make decisions on their behalf in relation to finance and property and/or health and welfare matters should they lose capacity to do so.

**M**

**Ministry of Justice**

On 9 May 2007 a new Ministry of Justice was formed combining the functions of the Department for Constitutional Affairs, (including Her Majesty's Court Service, the Tribunals Service and the Public Guardianship Office, now the OPG) with those of the National Offender Management Service, (including Her Majesty's Prison Service and National Probation Service). The MoJ also hosts the tri-lateral Office for Criminal Justice Reform.

**S**

**Stakeholder**

Any person or group of people who have an interest in the work of the OPG. This includes decision-makers (Deputies and Attorneys), local authorities, legal professionals and the general public.

**V**

**Visitor**

A person responsible for visiting clients on the instructions of the Public Guardian, or the Court of Protection.

## Appendix E

### How to Contact Us

Office of the Public Guardian

PO Box 15118

Birmingham

B16 6GX

Office of the Public Guardian:

DX 744240 Birmingham 79

**Email:** [customerservices@publicguardian.gsi.gov.uk](mailto:customerservices@publicguardian.gsi.gov.uk)

**Website:** [www.publicguardian.gov.uk](http://www.publicguardian.gov.uk)

### Telephone

**Phone number:** 0300 456 0300

Phone lines are open Monday - Friday 9am - 5pm (Except Wednesdays - open 10.00am - 5pm) **Fax number:** 0870 739 5780

### Text Phone

If you have speech or hearing difficulties, and you have access to a text phone, you can call the OPG text phone and a customer service operator will assist you.

**Tel:** 020 7664 7755

9am – 5pm, Mon – Fri

### International Calls

If you are calling from abroad, please call +44 20 7664 7000

To contact the Court of Protection please write or phone direct to:

Court of Protection, 11th Floor, Archway Tower, 2 Junction Road, London N19 5SZ.

**Tel:** 0300 456 4600 **Fax:** 0207 664 7199









If you would like the information in this booklet in an alternative format, call us on 020 7664 7024 or email [communications@publicguardian.gsi.gov.uk](mailto:communications@publicguardian.gsi.gov.uk)

Alternatively, please write to:

Officer of the Public Guardian  
Archway Tower  
2 Junction Road  
London  
N19 5SZ

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