



Office of the
Public Guardian

HC 1536

Office of the Public Guardian

Annual report and accounts

2022 to 2023



Office of the Public Guardian Annual report and accounts 2022 to 2023

**For the period 1 April 2022 to
31 March 2023**

Annual report presented to Parliament pursuant to section 60 of the
Mental Capacity Act 2005

Accounts presented to the House of Commons pursuant to section 7
of the Government Resources and Accounts Act 2000

Accounts presented to the House of Lords by Command of His Majesty

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Performance report

Overview

The purpose of the overview is to give a summary of the work of the Office of the Public Guardian (OPG), our purpose, the main risks we face, and how we have performed during the year.

The overview includes:


- the Public Guardian's statement, giving her perspective on our performance in 2022 to 2023
- a description of OPG's purpose, what we do, our customers and stakeholders, our relationship with the Ministry of Justice (MOJ), and the key risks and issues we managed during the year
- a performance summary, outlining how we performed against our service delivery aims

Our performance and accountability are explained in greater detail in the remaining pages of this report.

The main risks managed within OPG during 2022 to 2023 included:

- delivering the expected level of service to OPG's customers and partners
- management of the current estate and future estates strategy to deliver OPG business
- in-year cost recovery and future financial sustainability of OPG

Further detail on these and other risks managed during the year can be found from page 49 onwards.



Statement from the Chief Executive and Public Guardian

In September 2022, I was privileged to join the Office of the Public Guardian (OPG) as Chief Executive, and as the Public Guardian for England and Wales. OPG is an organisation dedicated to supporting everyone to take the decisions they need to, helping people plan ahead for their health and finances, and through our supervision and vital safeguarding work, supporting those who can no longer take those decisions.

It has been a challenging year for OPG. We continued to grapple with the significant backlog of LPA applications that was created during the pandemic, and which impacted our ability to deliver for our customers to the standard we would like. At the same time we faced high demand for our services, for the first time receiving over one million lasting power of attorney (LPA) applications in a year. This is welcome and part of our ambition to make sure an LPA is for everyone, and suggests the public are increasingly recognising the importance of planning ahead should they or their loved ones lose mental capacity. This report details our successes and challenges in responding to that context during 2022 to 2023.

We made progress in reducing the backlog of LPA applications, and LPA application wait times for our customers began to decline midway through the year after peaking in October. But the legacy from the pandemic, and a sustained increase in the number of applications received, have affected how quickly new applications could be processed. As a result, the time taken to register and dispatch LPAs remains above our target of an average of eight weeks. To return to a level of service that meets our expectations, we put in place a recovery plan with longer operating hours, additional staff, and process efficiencies. This plan has started to deliver, although we fully recognise that more progress still needs to be made.

Our customers are at the heart of everything we do in OPG, and we have taken steps throughout the year to improve our customer service. We introduced 'frequently asked questions' onto our phone lines, to get answers to our customers quickly. Acknowledgment letters are now sent to customers paying by cheque to offer reassurance that their applications are progressing. We have put recovery plans in place to clear our complaints backlogs and should achieve this early in the financial year 2023 to 2024.

Improving our service has not just been about our processing of LPA applications we have worked to improve across all our functions including supervision. We released refreshed deputy standards following engagement with stakeholders to improve their clarity and accessibility and for the first time make them available for all types of deputies. We adopted new banking software to improve the efficiency of our financial investigations. These are just a few examples, and at the core of all of them is our commitment to delivering the quality of service that we and our customers expect.

Central to meeting our ambitions are our people. Despite the challenges OPG has faced, in my time as Public Guardian I have been consistently humbled by the dedication of our staff. They carry out their roles and responsibilities with professionalism and compassion, knowing that many of our customers are facing difficult personal circumstances. They are a team I am proud to lead.

While the service our customers receive today is in sharp focus, we have also begun an ambitious programme to make our services fit for the future. We want the high demand reflected in this report to continue and we know that more people will need us in the future. Our customers want a simpler, more convenient and accessible service to make an LPA.

The government's support for the Powers of Attorney Bill will make possible our plans to modernise LPAs. A new digital process, alongside an improved paper process, will transform how customers experience our services, making it easier, quicker and more convenient, as well as improving protections against fraud. We are already designing and developing these new services and I am incredibly excited about the improved way we will be able to deliver for the public.

I would like to thank our dedicated staff, partners in MOJ and stakeholders for their support and commitment to our work. I believe passionately that LPAs are for everyone, and in the importance of our supervision work and the safeguarding function our investigations provide. OPG provides vital services, and I and the rest of the executive team are committed to making progress across our performance areas in the coming financial year.

Best wishes,



Amy Holmes
Chief Executive and Public Guardian

About the Office of the Public Guardian

Introduction

The Public Guardian is appointed by the Lord Chancellor under section 57 of the Mental Capacity Act 2005. As the Chief Executive and Accounting Officer of OPG, the Public Guardian is personally responsible to the Lord Chancellor and Secretary of State for Justice for the effective operation of the agency, including the way the agency spends public money and manages its assets.

The Public Guardian is supported by OPG in the delivery of her statutory functions under the Mental Capacity Act 2005 and the additional functions from the Guardianship (Missing Persons) Act 2017. The Public Guardian's responsibilities extend throughout England and Wales. Separate arrangements exist for Scotland and for Northern Ireland.

The government ministers responsible for OPG during this reporting period (1 April 2022 to 31 March 2023) have been:

- the Right Honourable Dominic Raab MP, Lord Chancellor and Secretary of State for Justice (from April 2022 to September 2022, and from October 2022)
- the Right Honourable Brandon Lewis CBE MP, Lord Chancellor and Secretary of State for Justice (from September 2022 to October 2022)
- Tom Pursglove MP, Minister for Justice and Tackling Illegal Migration (until July 2022)
- Simon Baynes MP, Parliamentary Under Secretary of State for Justice (from July 2022 to September 2022)
- Rachel Maclean MP, Minister of State for Justice (from September 2022 to October 2022)
- Mike Freer MP, Parliamentary Under Secretary of State for Justice (from October 2022)

As an executive agency, OPG is part of the MOJ departmental group, and our results are consolidated into the MOJ group annual report and accounts.

What does OPG do?

OPG was established in October 2007. We support and enable people to plan ahead for both their health and finances to be looked after should they lose capacity. We also safeguard the interests of people who may lack the mental capacity to make certain decisions for themselves.

Our principal responsibilities are:

- registering lasting and enduring powers of attorney (LPA and EPA)
- supervising deputies appointed by the Court of Protection (CoP)
- supervising guardians appointed by the High Court
- maintaining the public registers of deputies, guardians, LPAs and EPAs, and responding to requests to search the registers
- investigating representations (including complaints) about the way in which attorneys, deputies and guardians are exercising their powers



Our customers and stakeholders

Our customers are those who request or require our support under the Mental Capacity Act 2005 or the Guardianship (Missing Persons) Act 2017, including:

	Donors	People who are making or have made an LPA or EPA to arrange for decisions to be made about their welfare, property or finances should they lose mental capacity in the future.
	Clients (known as 'P')	People who have lost mental capacity and whose welfare, property or financial affairs are the subject of proceedings before the CoP.
	Missing persons	People who have been reported missing or are absent and whose affairs are being managed by a guardian appointed by the High Court.

We recognise that our purpose is also to support others involved in the primary purpose of EPAs, LPAs, deputyships and guardianships, including:

	Attorneys	People who have been appointed by donors to manage their welfare, property or finances should they lose capacity in the future.
	Deputies	Lay or professional individuals or authorities (such as solicitors or local authorities) who have been appointed by the CoP to manage the welfare or finances of a client.
	Guardians	Individuals who have been appointed by the High Court to manage the property and financial affairs of a person who is absent or has gone missing.
	Other stakeholders	Relatives of a client or donor, GPs or other health professionals, charities, and the legal and financial sectors.

Key issues, risks and uncertainties

The risks that we faced in 2022 to 2023 are outlined from page 49 onwards. The key risks have been the backlog of LPA applications caused by a wider increase in demand for OPG's services, and the legacy impact of COVID-19, and the impact this has had on customer service. Against this backdrop we have put in place recovery plans to improve our services, and looked at how we can modernise in the future.

Performance analysis

Measuring our performance

During 2022 to 2023 we implemented the recommendations of the internal audit into how we measure, record and take action on our performance. This work has enabled us to refine how we report on performance internally, ensuring we measure the right things at the right time, with clear, accurate and consistent data. We have also reviewed our mission, strategic outcomes, and key performance indicators to ensure they clearly support the delivery of our strategy and link to our priorities for the next financial year.

How did we perform during 2022 to 2023?

OPG's performance against our customer service indicator targets is given below, along with the most significant workload levels for the past financial year. More detail on the full range of targets, performance and how they are measure can be found in the annex.

The challenges of the backlogs that developed during the pandemic along with a significant increase in demand have effected our ability to meet many of our performance targets.

Our focus throughout the year has been improving our customer service in all areas and reducing the backlogs. Recovery plans are in place and the difference is starting to be seen with monthly wait times reducing since October 2022 for LPA applications, and the backlogs for complaints expecting to be cleared early in financial year 2023 to 2024.

We delivered several initiatives to cater for the wellbeing and development of our over 1,600 staff, who showed adaptability particularly as we completed a move to our new office in Birmingham. We also began looking to the future, as we seek to modernise how our customers can make LPAs. In anticipation of a new legislative framework being in place, we started to develop what an improved paper-based process and new digital service could look like.

Our overall performance against our targets is set out below, and more detail can be found in the annex.

Performance indicators and workload



58,194

supervision
caseload



1,073,032

power of attorney
applications



6,850,834

current LPAs and EPAs
on register

Against that backlog we achieved:



Average actual clearance time for power of attorney applications
Target: 40 days



Average time to obtain annual reports
Target: 40 days



Average time to review annual reports
Target: 15 days



% of safeguarding risk assessments carried out within 2 days
Target: 95%



Average time to conclude investigations
Target: 70 days



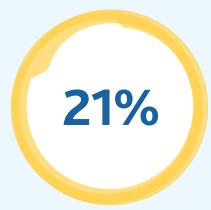
% of calls answered within 5 minutes
Target: 90%



% of customers satisfied with power of attorney services
Target: 80%



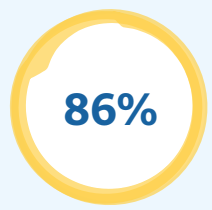
% of customers satisfied with deputyship services
Target: 80%



% of complaints fully responded to within 10 day deadline
Target: 90%



Satisfaction rating for 'use an LPA' digital service



Satisfaction rating for 'make an LPA' digital service



Satisfaction rating for 'complete a deputy report' digital service

* 86% was recorded as the performance level for this target due to a technical IT issue during the year which lasted for three months and impacted our ability to record accurately against this target. We carried out manual checks to make sure that cases were being risk assessed and triaged within target, and that no one was at risk. A total of 2,700 concerns were risk assessed during the three-month period. Once the IT system was fixed, it recorded monthly figures of 98%, above the targeted performance level of 95%.

Powers of attorney

Registering applications for powers of attorney is one of OPG's key services. LPAs allow individuals to choose who they wish to make decisions on their behalf should there come a time when they cannot make those decisions themselves.

The main customer service targets in this area are:

- registering powers of attorney in an average of 40 days
- answering 90% of calls within five minutes
- responding to 90% of complaints within 10 working days

There have been two main challenges this year. The first has been clearing a backlog in LPA registrations built over the last two years, while also dealing with increasing levels of incoming work. We have reviewed internally and sought external assurances of our processes to make sure that we are working as efficiently as possible. We have put in place a robust recovery plan, including additional staffing, to deal with the incoming demand and to tackle the backlog.

The second challenge has been recruitment and retention of staff which are vital to our ability to deliver our service. The job markets in both Nottingham and Birmingham are highly competitive. The steps we took last year to improve our recruitment and retention of staff has had an effect. Our attrition improved to 9.8% this year compared to 16.3% the year before. We continue to carry out exit surveys to identify reasons for leaving and to inform how we improve retention. The number of staff in our power of attorney services team has increased from 979.6 full-time equivalent staff in April 2022 to 1,109 full-time equivalent staff in March 2023. That is an increase of 129 more staff helping to process LPA applications and we continue to recruit more staff.

Service improvements

We have looked at every aspect of our service to make sure it is as efficient as possible. To be assured that we had taken all possible steps to drive efficiency in our current paper-based system, we commissioned an independent review of our processes. This review gave assurance of the steps already taken and supported the introduction of higher staffing levels which we have done throughout the year.

We have:

- increased staffing levels to enable us to clear the backlogs that built up during the last two years (this increase in staffing will be paid for by realising deferred income as we clear the backlog)
- extended the working hours within OPG, offering day shifts, evening shifts and additional overtime hours which has also given us access to a wider pool of potential employees

- identified the most common queries that customers were calling our contact centre about and played answers to these queries on the phone holding line, getting answers to our customers quickly and reducing the number of calls needing to go through to a customer advisor
- introduced an acknowledgment letter that is sent to customers paying by cheque to reassure them that their applications are being processed

Backlog recovery and customer service times are closely monitored to track performance, with steps taken should there be an increase in risk, such as changes in recruitment or staff attrition.

At its highest, the backlog of LPAs waiting to be registered was 234,500, in August 2022. As of March 2023, this had reduced to 223,000. Although the average time to register powers of attorney applications during 2022 to 2023 was 91 working days, a monthly breakdown shows that progress was made, from a peak of 102 working days in October 2022 declining to 87 working days in March 2023. This is a welcome trend as we work towards returning to our target of 40 working days.

In our previous annual report (2021 to 2022), we referred to our work to support MOJ's consultation on plans to modernise LPAs. Modernising the LPA will enable OPG to meet the needs of the future, ensuring we are more resilient and better able to deal with any future challenges, and able to meet the needs of our future customers.

In May 2022, the government published its response to the consultation. This made clear that primary legislation was needed to bring the modernised LPA into operation. On 15 June 2022, Stephen Metcalfe MP introduced a private member's bill entitled the Powers of Attorney Bill. It aims to implement the proposals set out in the government response. At the time of publishing this report, the bill has completed its stages in the House of Commons, and is making its way through the House of Lords.

With the passage of the bill and necessary changes to secondary legislation, we will have the legislative framework we need to digitalise our internal processes, while providing for both paper and digital routes to make an LPA. This will ultimately be a transformative experience for all our customers.

Work is underway to make this happen, with extensive user testing and development of new digital and paper processes to make and register an LPA. We are working closely with MOJ colleagues to prepare the changes to secondary legislation that will be needed to implement the new service.

Supervision

The supervision caseload has increased from 56,862 at the end of 2021 to 2022 to 58,194 at the end of this year. Supervision caseload refers to the number of P's for whom there is an active deputyship order being supervised.

During this year, 63% of annual reports were submitted digitally, compared with 56% in 2021 to 2022. This has had a number of benefits, with deputies able to add information to their digital report during the year rather than waiting until the end of the year to collate all relevant information.

We had intended to introduce anniversary billing for supervision fees but the necessary changes to IT systems and legislation have not been possible. Instead, we have made improvements to our billing function and will improve our IT systems before considering anniversary billing in the future.

Service improvements

There are several service improvements and changes that we have made this year. In last year's annual report, we explained that we wanted to ensure the focus is on safeguarding 'P' and providing deputies with the appropriate support. To this aim, we have reviewed and released a refreshed version of the deputy standards. The refreshed standards are shorter, more focused and for the first time apply to all deputy types, including lay deputies. The refreshed standards were developed with input from our stakeholders to ensure they and the accompanying guidance are clear, accessible and provide improved support for all deputies.

We have also carried out work to make sure P is always at the heart of what we do by reviewing our non-compliance process. This means that there are clear reasons why a deputyship might be classed as non-compliant, and a timely and appropriate escalation process when needed, including seeking to discharge the deputy in order to protect P.

We have been improving how we supervise and support lay deputies – for example, by rolling out a system that ensures lay deputies have one caseworker who deals with all aspects of their supervision.

Work is underway to plan for a refresh of the panel of deputies. This is an important project to ensure the panel is sustainable in the longer term, and we will engage and work with key stakeholders in both the development and implementation.

MOJ refund scheme

The MOJ-led historic refund scheme for power of attorney fees is now in the fifth year of a six-year campaign and this year customers received a total of £3,494.81 in refunds.

We also continue to administer the scheme to refund overpaid deputyship fees, and this year customers received a total of £610.79.

Missing persons

This year we supervised eight guardianship orders, having supervised six in 2021 to 2022. While the numbers are still low, orders received from the High Court continue to play an essential role for families who have a missing loved one and help them to deal with financial affairs during what is already a traumatic time.

Investigations

The Public Guardian is authorised to investigate allegations of abuse by attorneys or court-appointed deputies where there is a registered power of attorney or a court order in place. If the donor or P dies, or if the power of attorney or court order are revoked, then the powers of the Public Guardian to investigate also lapse. We carry out an investigation if there are grounds to suggest that the best interests of the donor or P are not being met.

This year, investigations increased to 2,849 from 2,464 in 2021 to 2022. Each investigation leads to a report which summarises the investigation and, where necessary, provides recommended actions. The reports are agreed and signed by the Public Guardian or those within OPG who have delegated responsibility to sign on the Public Guardian's behalf. OPG's target for finalising and achieving Public Guardian signature for these reports is within 70 days. This year we were unable to meet this target and it sat at 78 days due to increased investigations, staff vacancies, and training new investigators. We are recruiting more investigators with a recovery plan in place to move us back within target.

We closed 2,504 investigations in 2022 to 2023 compared with 2,411 in 2021 to 2022. We had 1,034 active investigations as of 31 March 2023 compared to 702 at the same time the year before.

In the majority of the investigations undertaken, no action was required (72%). For 7% of investigations, we used additional measures. These are measures short of going to court, such as asking an attorney to re-account in a few months to show they are adhering to the code of practice. 21% of investigations resulted in CoP action during 2022 to 2023, compared to 19% the year before.

Service improvements

We adopted a new banking software that has greatly improved the efficiency with which we undertake analyses of finances.



We have worked hard to improve our handling of customer complaints to ensure consistency in our responses and seeking feedback to learn from any issues raised.

Following the pilot we ran to identify the best time to take legal advice during an investigation, we have introduced permanent changes. The pilot proved the benefits of much earlier engagement with the legal team.

An example of a case that went to court

The donor lived in a care home and had two attorneys. The local authority raised concerns that the donor's contribution towards care fees was not being paid. OPG's financial analysis showed numerous monetary transfers to one of the attorneys and that there were insufficient funds in the donor's account to pay care home fees. The attorney receiving the transfers informed OPG that the donor's money had been used to help the attorney's own difficult financial situation during the COVID-19 pandemic and that repaying the donor had not yet happened. The second attorney had not been involved in managing the donor's finances and submitted a Deed of Disclaimer to OPG. OPG made an application to the Court of Protection for the removal of the attorneys from the donor's LPA, and for the appointment of a panel deputy who could work to recover the donor's funds.

An example of a case that required no further action

The donor's relative had contacted OPG directly with concerns about financial mismanagement by the donor's attorney. As soon as we established that we had a jurisdiction to investigate, enquiries were launched. These included contacting the care home where the donor resided to ensure the donor was being provided for and not at risk of eviction, engaging with the local authority and the donor's GP to obtain any capacity evidence and care records. We instructed a special visitor who visited the donor and was able to provide an independent overview of the donor's capacity, as well as insight into any wishes and feelings that may be relevant to the outcome of the investigation. As is often the case in our investigations, the donor was found to lack mental capacity and the special visitor was able to indicate the likely period when that loss of capacity took place.

Throughout the investigation, our investigator maintained contact with the concern raiser, the attorney under investigation and the donor's bank, and put together a comprehensive report based on the information obtained from all parties. Some initial transactions by the attorney that were concerning were explained through further requests for receipts. The receipts showed that the transactions were in the donor's best interests, reasonable in terms of the amounts spent, and that the information provided by the attorney was accurate. OPG was required to take no further action. The parties were notified of the outcome and the attorney reminded of their responsibilities.

Visits

We work with our Court of Protection visitors to carry out visits to clients, donors, attorneys and deputies. When necessary, visits are undertaken by a specialist medical visitor.

During 2022 to 2023, the visits team commissioned 13,141 visits compared to 11,213 in 2021 to 2022.

Visits allow us to:

- make sure that people understand and are carrying out their duties effectively
- make sure those who need support are receiving it
- seek information as part of investigations

The removal of COVID-19 restrictions has meant that we have been able to conduct more visits in person and around 65% of our visits are now completed face to face. We expect this percentage to increase for the 2023 to 2024 financial year.

In 2022 to 2023 we:

- allocated 99% of standard visit commissions within five working days
- allocated 97% of urgent visit commissions within two working days
- processed 99% of all completed visit reports in five working days

We are looking at ways to improve our visits by providing visitors with the information they need to complete their visits at the earliest possible time. We will also be recruiting more visitors to ensure that we have a sufficient number to meet increasing demand.

Safeguarding

While OPG continues to engage and work with key stakeholders including local authorities and the Principal Social Worker Network, we are committed to making the process of raising concerns more accessible to the public and the professional institutions. Following the launch of the OPG130 form, we have been able to gather more information at the start of the concern-raising process, helping us to better identify those who are within our jurisdiction and those who need signposting to appropriate organisations.

During 2022 to 2023 we:

- completed 86% of risk assessment of any safeguarding concerns within two working days, against a target of 95%
- triaged 85% of concerns within five working days, against a target of 95%

86% and 85% were recorded as the performance levels for these targets due to a technical IT issue during the year which lasted for three months and impacted our ability to record accurately against these targets. We carried out manual checks to make sure that cases were being risk assessed and triaged within target, and that no one was at risk. A total of 2,700 concerns were risk assessed during the three-month period. Once the IT system was fixed, it recorded monthly figures of 98%, above the targeted performance level of 95%.

Legal and information assurance

The legal and information assurance team provide the necessary legal services to enable the Public Guardian to carry out her statutory functions. The team also provide OPG with legal and information assurance advice and guidance for delivery and strategic initiatives – such as process changes to improve efficiency or the development of the digital LPA service.

The team conducted effective litigation on behalf of the Public Guardian throughout the year. By making timely applications to the CoP, we were able to protect those whose attorneys or deputies had acted inappropriately. During the year, we made 704 supervision and investigation applications to the CoP.

The team also conducted litigation to resolve uncertainties in the legal effectiveness of provisions in LPAs, in order to ensure the donor's best interests are protected. During the course of the year, OPG made 875 applications to the CoP to seek to resolve such uncertainties.

Expectations for the time taken to submit cases to court were comfortably met. In relation to investigations, we aim for 35 days from the date of accepting a recommendation that court action be taken to then issuing court proceedings. This year we issued court proceedings in an average of 31.6 working days, consolidating our recovery from the legal casework backlog seen last year.

Complaints

We manage customer complaints through a tiered complaints process. Tier 1 complaints are considered and responded to by the relevant business area that is responsible. If a customer is unhappy with the response, the complaint can be escalated to tier 2. At this stage the complaint and its handling is reviewed by the Public Guardian, or a member of the senior leadership team on behalf of the Public Guardian. Complaints from MPs are treated as tier 2 complaints. We received 659 pieces of correspondence from MPs this year, compared to 204 in 2021 to 2022.

If a customer remains unhappy, they can ask their MP to refer their complaint to the Parliamentary and Health Service Ombudsman for an independent review. For its review, the ombudsman may then make further enquiries with OPG, before deciding whether to pursue a formal investigation. The Parliamentary and Health Service Ombudsman did not accept any cases for investigation during 2022 to 2023. There were two cases which the ombudsman decided to investigate during 2021 to 2022 and returned their decision to us during the year. In both cases, the ombudsman partially upheld the complaints and made recommendations that OPG should apologise and provide compensation. These recommendations are important to us and we have been actively looking at how our processes can be improved to incorporate the ombudsman's findings.

We have continued to face challenges in dealing with complaints within our expected timescales as the level of complaints has been impacted by delays in other parts of the business. This has created significant challenges for both tier 1 and tier 2 in achieving their complaints targets. Against a target of responding to 90% of complaints within 10 days, we responded to 21% of complaints within this time, a figure we are determined to improve upon.

Service improvements

Both tier 1 and tier 2 teams have put in place recovery plans to ensure that they can clear their complaints backlogs, and we are on track to be within target early in the new financial year.

Both teams have increased staff numbers to help achieve this and have made process improvements to make sure they are as efficient as possible. For example, the tier 2 team now contact customers by phone where appropriate, meaning customers receive a quicker response and have an opportunity to ask questions and receive a full explanation.

Complaints are acknowledged on receipt so that customers know their complaint has been received and that we will answer it as quickly as possible. We have streamlined the complaints process and we are making sure it is easier to track and monitor the complaints. We have also increased staff numbers in our complaints teams. We continue to use the information gained from complaints to improve our customer service.

The Parliamentary and Health Service Ombudsman has reviewed and updated the new cross-government complaints standards. We carried out an initial assessment against those standards and have put in place an action plan to take forward improvements so that we continuously improve the handling of complaints in OPG.

We have also been working with our complaints colleagues across MOJ by exchanging ideas for improving the complaints process for both customers and staff, and ensuring staff have the right training and skills to respond to complaints effectively.

Example of a complaint

We received two LPA applications for a donor. When we were carrying out checks, it was identified that the health and welfare LPA was invalid and could not be registered. This was due to the page about life sustaining treatment not being completed correctly. Any errors or omissions on this page mean that we are not able to register the LPA. We wrote to the donor to explain that a new LPA would need to be created, and if this was done within three months, then they would qualify for a reduced fee of £41, rather than the full £82 fee.

For an LPA that is being returned, ordinarily we would post it on the date of our accompanying letter, however in this case there was a delay in us posting the file back to the donor. Eventually when we posted it back, the donor happened to be away on leave and did not receive the LPA until they returned. They were upset to have missed the deadline for a reduced fee. The donor subsequently made a new LPA and paid the full fee, and also complained about how we handled the initial invalid application.

In response to the complaint, we agreed that as a gesture of goodwill, we would refund £41 of the £82 fee that was paid for the new application. The new LPA was registered and dispatched to the donor without issue.

During 2022 to 2023, we received a total of 6,551 complaints. Of these, 5,726 complaints were received by our Tier 1 power of attorney complaints team. During a period of high demand facing the team, responses were prioritised for customers who, after investigation, still had a concern outstanding. Of these, 1,755 Tier 1 power of attorney complaints were resolved once the customer no longer required a response or if their complaint was resolved through another means, for example, if their LPA application was successfully registered. This left 3,971 outstanding power of attorney complaints, all of which received a full reply.

For all outstanding Tier 1 power of attorney complaints, and all complaints responded to by other teams, replies were sent in an average of 75 days. This is beyond our target response time of 10 working days, and we have put recovery plans in place to meet our target in the new financial year 2023 to 2024.

OPG received

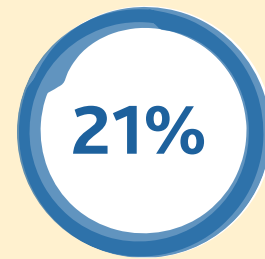


compared to



in 2021 to 2022

Proportion of
complaints
responded to
in 10 days



Target: 90%

Average time
to respond
to outstanding
complaints



Target: 10 days

The two highest areas of complaints were:



Power of attorney
services



Deputyship
services



Top three power of attorney
services complaints were:

contact with OPG – this
includes the content of our
letters, and how and when we
contact customers

lost or mislaid documents

delays in the registration of
powers of attorney

Top three deputyship
services complaints were:

contact with OPG – this
includes the content of our
letters, and how and when we
contact customers

about the deputy

fee-related

Our people

We want OPG to be a great place to work, and our People Promise comprises five themes that we want to embed across the experience our staff receive:

- belonging
- feeling good
- developing ourselves
- great leaders at all levels
- fit for the future

To implement our 'belonging' theme, we launched a new diversity and inclusion strategy, delivered Public Sector Equality Duty training to managers, ran "Let's talk about" sessions focussing on race, and embedded inclusive recruitment practices, amongst other actions. For our 'feeling good' theme, we launched our new online wellbeing hub, which has consistently had over 500 visits a month. We increased access to mental health first aiders, and delivered menopause awareness sessions for managers.

To encourage 'developing ourselves', we delivered induction training for new starters and management training for new and existing managers. We also launched the OPG Academy as a home for a wide range of career support resources, and we secured places for our staff on MOJ and cross-government talent programmes. To support 'great leaders at all levels', we published blogs highlighting how our leaders demonstrate OPG's values and we delivered 'HR Ask Me' sessions for middle managers. Lastly, to help us become 'fit for the future', we revised our flexible and hybrid working guidance for staff, and developed a recruitment and retention strategy so that we have people with the right skills at the right time.

Each year our staff participate in a people survey. For 2022 to 2023, we had a fantastic response rate of 76% (5% higher than in 2021 to 2022). Overall, the OPG engagement index score was 63%, a decrease from 65% in 2021 to 2022. These scores reflect another year of change and challenge for our staff and organisation. Against rising cost of living pressures, our colleagues expressed concerns about pay and reward in this year's survey results, with an 11% drop in people feeling positive about their pay and benefits.

In recent years we have made progress in tackling bullying, harassment and discrimination. In 2018, 17% of our staff said they experienced bullying and harassment, and 21% said they experienced discrimination. In 2022, these figures improved to 10% and 11% respectively.

While this is welcome progress, we are concerned to see that compared to 2021, in 2022 there was a 2% rise in staff experiencing bullying and harassment, and a 1% increase in staff experiencing discrimination. Addressing this remains an important priority for OPG. We have evaluated and improved our Confide Advisor Network to support staff who may have been affected. We are also working closely with MOJ’s behaviours unit on a wider plan to tackle such behaviour.

2022	Inclusion and fair treatment – 76%	Experienced bullying and harassment – 10%	Experienced discrimination – 11%
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Actions taken:

- creating safe spaces for our people to share their lived experiences through our ‘let’s talk about’ sessions on topics such as race
- delivering awareness training to senior leaders on our responsibilities under the Public Sector Equality Duty
- creating a process to record and report on equality impact assessments to ensure that when we change policies within OPG, they do not unintentionally impact on certain groups
- celebrating diversity, inclusion and wellbeing events throughout the year

2021	Inclusion and fair treatment – 77%	Experienced bullying and harassment – 8%	Experienced discrimination – 10%
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Actions taken:

- full review of confide advisors and equality, diversity and inclusion advisors completed, with recommendations put to the People Committee to strengthen and promote support
- work is being done with the OPG Ability Network to review high levels of bullying, harassment and discrimination reported by people with disabilities in MOJ Disability Action Group report, and a review of workplace adjustment processes has been embedded into OPG’s People Promise
- OPG has started promoting and embedding a belonging approach to the way we engage with and empower staff
- manager conversation guides and a video toolkit have been released to support constructive and positive wellbeing conversations

Workforce

Ensuring we have the right staffing levels is important to allow us to deliver our services. We have been working hard to recruit and onboard sufficient numbers of staff while trying to keep pace with turnover and mitigate retention challenges. We conducted 80 recruitment campaigns during 2022 to 2023. The figures below show the number of new staff we recruited and the number of staff who left. We reduced reliance on agency workers and were successful in attracting more civil servants despite a competitive recruitment market.

Staff recruitment and leaver figures during 2022 to 2023

	New recruits	Leavers
Civil servants, OPG employees	322	162
Agency workers	61	193

Diversity statistics

Our data shows OPG to be a diverse organisation. Reflecting the cities that OPG is based in, 56% of our workforce are female, 51% are from ethnic minority backgrounds, 20% have a disability, and 6% identify as LGB. We also have a number of staff networks that have senior sponsors. For example, networks for LGBT+ staff, promoting gender equity, faith groups, and staff with disabilities, amongst others.

Social mobility

OPG benefits from wider social mobility initiatives in MOJ, but also has a senior champion for social mobility to drive forward progress, including increasing declaration rates. OPG continues to participate in the Support of Care Leavers internship scheme and Sector Based Work Academy when recruiting staff. We now also work closely with Birmingham city job centre.

Learning and development

To continue investing in the capability and development of our staff, we launched the OPG Academy, which provides an online directory of available learning and an associated library of materials. To support our line managers, we have revised their training and provided ongoing support through materials and a line manager support group. In total, our learning and development team delivered induction training for 423 staff.

Supporting under-represented groups into leadership roles remains a priority. OPG runs 'Bridges', a programme for ethnic minority staff at EO and HEO grades. Additional schemes are also offered that are either MOJ-run or cross-government; the 'Luminate' scheme for Grade 6 and 7 ethnic minority staff, the 'Beyond Boundaries' scheme for all AA to SEO grade staff, and the MOJ Leadership School, amongst others.






Financial performance

Demand and income forecasting

We have continued to work with MOJ finance colleagues in relation to our demand and income forecasting and this work has been vital in developing the recovery plan for the LPA backlog. We have made a significant start in clearing the backlog of LPAs within OPG and this has enabled us to achieve a cost recovery of 97.8% for the 2022 to 2023 financial year – a significant improvement on the 88.7% from the previous financial year.

Financial performance

This section provides commentary to support the financial statements and our performance during the past year. The financial statements are set out on page 80. Note 2 on the financial statements on page 95 details the fees and charges for the income below, and Notes 3 and 4 provide further details on the expenditure across OPG. Below are the key highlights of OPG's financial performance in 2022 to 2023.

Cost recovery 97.8%		Up from 88.7%
Power of attorney income Improved performance in registering powers of attorney		£75.3 million increase (31%)
Supervision income Supervision income has gone down		£10.3 million decrease (6%)
Staff costs Increase due to extra staff being recruited to support recovery		£57.5 million increase (11%)
Professional visitor reports Return of face-to-face visits and an increase in the number of medical visits to clients		£2.8 million increase (33%)
Postage Increase due to the increase in power of attorney volumes received and registered, and also price inflation		£5.1 million increase (38%)

Sustainability report

We are committed to reducing our impact on the natural world. To do this, we measure our impact on the environment and work to reduce our consumption of limited resources, emissions of greenhouse gases and unnecessary travel.

Governance

The impact of our portfolio projects on sustainability and the environment is taken into account in the development of business cases, which undergo Portfolio and Change Board scrutiny. For example, the environmental impact of Modernising Lasting Powers of Attorney is captured in the business case, including the anticipated reduction of paper receipts, energy consumption and estates footprint. Sustainability is also taken into account in the prioritisation of projects within the portfolio. Formal gateway reviews are administered by MOJ and also consider sustainability, although no such reviews were required during 2022 to 2023.

Data collection and scope of reporting

We report on utilities used, travel undertaken, and waste generated. These are measured against previous years and in conjunction with targets from the Greening Government Commitments which set out actions that government departments and agencies will take to reduce their impact on the environment. These were revised in 2021 and are applicable until 2025.

Our data is taken directly from utility meters, suppliers and waste disposal contractors. Where we share buildings and utility supplies, we base our consumption figures on the space occupied.

We do not have fleet vehicles, and mileage of personal vehicles used for business travel is recorded in expenses claims.

We are only required to report on back-office paper use. However, the issuing of LPA packs to customers is a significant use of paper and in the spirit of transparency we report on these as well. In 2020 off-site printing and direct posting was introduced which has replaced a large part of in-office printing. Figures for this service are included in the paper use reporting.

Our data is also collated into MOJ's departmental annual report and accounts.

Our estates information

OPG occupies offices in Birmingham and Nottingham. Figures for the year 2017 to 2018 set the previous baseline against which future years have been measured internally. At the end of financial year 2021 to 2022, OPG moved offices in Birmingham into a more modern, smaller site using a hybrid working model. Comparisons with previous years must take this into account, and changes in building performance in future years will use a baseline of financial year 2022 to 2023.

OPG has a small number of staff who work from other MOJ buildings which are not included in this report as figures for these sites are reported by MOJ.

Our targets



The Greening Government Commitments and OPG's performance are set out in the tables below.

As in previous years, OPG has not met the paper use reduction target due to the ongoing increase in workload and headcount since the baseline years. These areas are discussed in detail below. Modernising LPAs and increased use of digital innovation present opportunities for OPG to improve performance against our sustainability targets, which we will seek to maximise over the coming years to achieve our targets.







The target for volumes of waste sent to landfill was met. Carbon dioxide emissions were on track to meet the Greening Government Commitments until the current year when emissions increased again. This is discussed below.

A total of three domestic flights took place due to rail disruptions.

Note that comparison of the tables below to previous years should take into account changes of baseline years.

Greening Government Commitment	MOJ target to 2025	Our position 31 March 2023	Outcome
 Greenhouse gas emissions	41% reduction from 2017 to 2018 23% reduction in direct emissions	3% reduction 265% increase	Not met Not met
 Domestic flights	Reduce domestic flights by 30% vs 2017 to 2018	3 domestic flights were made	N/A
 Waste	Total waste 15% reduction against 2017 to 2018	3% rise	Not met
	Less than 5% to landfill	0%	Met
	Increase recycling and exceed 2017 to 2018 levels (70%)	100%	Met
 Water	8% reduction against 2017 to 2018	41% reduction	Met
 Paper	50% reduction against 2017 to 2018	41% increase in absolute terms 47% fall in use per case	Not met

Total consumptions and emissions figures, along with expenditures where available are shown below.

CO ₂ sources		Amounts	Tonnes CO ₂ e	Expenditure	
	Gas (scope 1)	2,274,000 kWhr	409	Unknown as part of service charge for buildings	
	Electricity (scope 2)	744,283 kWhr	132	Unknown as part of service charge for buildings	
	Travel (scope 3)	Rail (including London Underground)	163,053km	5.8	£40,831
		Grey fleet (cars)	30,442	5.2	£13,718
		Air	3 flights	0.218	N/A
Finite resources		Amounts	Expenditure		
	Waste	Total	78.2 tonnes		
		Recycled	70%		
		Energy from waste	30%		
	Water	4,529 cubic metres		Unknown as part of service charge for buildings	
	Paper	13,850 reams (back office) 35,578 reams outsourced 7,211 as LPA packs		£73,446	

Waste

We have 'zero to landfill' waste disposal contracts for our Birmingham and Nottingham offices. All of our waste during 2022 to 2023 was recycled or reused by conversion to fuel oil and 100% of our paper and cardboard waste was recycled in a closed loop, meaning it was reprocessed into new paper products by our suppliers.

In 2022 to 2023, overall waste generated within both offices grew by 36% compared to 2021 to 2022. However, compared to the 2017 to 2018 baseline, while staff headcount has increased by 50%, office waste has only risen by 3%, to 78.3 tonnes (40 tonnes excluding paper waste). Per person this is a significant reduction in waste produced.

OPG's office in Nottingham has fully separated waste streams of glass, card and paper, dry mixed recycling, and food and non-recyclables. Our office in Birmingham has begun the process of setting up contracts and collections for separated waste.

Applicants can request an LPA pack from OPG. These are dispatched in biodegradable mailing bags made from sugar cane waste to reduce use of petrochemicals and prevent non-degrading waste going to landfill.

Water

The previous targets for water use were set on a 'per full-time equivalent' basis. The new targets are for an absolute reduction. Since the baseline year of 2017 to 2018, OPG's water use has fallen by 41% to 4,529 cubic metres. Some of this reduction will be due to staff working from home which is difficult to account for. If office occupancy remains at similar levels in future years, meaningful comparisons can be made in future annual reports.

Paper usage

As in previous years, OPG has missed the target of 50% reduction in back-office paper use, due to the growth in demand for our services. Paper use has increased by 41% compared to the 2017 to 2018 baseline. There was a 28% increase in paper use compared to 2021 to 2022 and the amount of paper used per case has risen by 15% and our ambition is to reduce this.

As take-up of our online service increases, the number of paper LPA packs sent to applicants has continued to fall, reducing by 10% since 2021 to 2022.

The ability to digitalise our processes will help drive a significant reduction in the amount of paper used within the agency.

Travel

The total amount travelled only increased slightly this year in absolute terms, as we continued to make extensive use of virtual meeting tools.

The total distance travelled, 193,495km and associated CO2 emissions are each 17% of 2019 to 2020 levels. Recruitment campaigns are now run nationally by default for suitable roles, which means some staff are based at MOJ locations other than Birmingham and Nottingham, with longer travelling distances than other members of staff when they attend these offices. This may impact the total distance travelled in future years.

CoP visitors, while increasing their in-person visits, continue to make use of 'virtual visits' and while their travel has increased by 100% compared to 2021 to 2022, it remains at just 25% of their distance travelled in 2019 to 2020.

We work closely with local councils and transport operators to enable staff to take advantage of discounted bus travel and park and ride facilities. The cycle to work scheme is promoted, with changing facilities and a secure cycle store provided. Active travel options are also promoted as part of OPG's wellbeing agenda to encourage exercise and healthy lifestyles.

Other utilities

Despite a general increase in staff working in the office, electricity usage fell in 2022 to 2023, compared to 2021 to 2022. This was primarily due to moving to a much more modern and efficient building in Birmingham with a smaller footprint. Against the baseline year of 2017 to 2018, electricity emissions have fallen by 35%. However, gas use in Birmingham for heating has increased 265% compared to 2017 to 2018. This is because, to tackle the backlog of LPA applications, we have recruited additional staff, and staff are also working overtime and across multiple shift patterns. Therefore gas for heating and hot water in our Birmingham office is run for much longer hours and used by more staff. Overall greenhouse gas emissions from utilities alone have fallen by 3% compared to 2017 to 2018.

Installation of solar panels at our Nottingham office was completed in early 2022, and they generated 60,310kWhr during 2022 to 2023. This was 14% of OPG Nottingham's electricity usage (8% of OPG's total), and saved 11.6 tonnes of CO2 emissions. Our Birmingham office does not have a suitable roof for installing solar panels.

Embedding sustainability in our future

Many of the lessons learned and new ways of working from the COVID-19 pandemic have been carried on in our operations. For example, inter-site travel remains very much reduced, being replaced by video conferencing and other virtual meeting methods.

This coming year we expect to hold events again for Earth Day, arrange a Doctor Bike session to encourage active travel, and hold another BioBlitz surveying local nature.



Amy Holmes
Chief Executive and Public Guardian
6 July 2023

Accountability report

Corporate governance report

Introduction


The purpose of the corporate governance report is to explain the composition and organisation of our governance structures and how they support the achievement of our objectives.

Our framework document sets out the arrangements for governance, accountability, financing, staffing and operations. The document can be read in full on GOV.UK: www.gov.uk/government/publications/opg-corporate-framework

As Accounting Officer of OPG, I am responsible for OPG's use of resources in carrying out its functions as set out in the framework document. Managing Public Money, issued by HM Treasury, also sets out the responsibilities of an accounting officer.

I am personally responsible for: safeguarding the public funds for which I have charge, ensuring propriety and regularity in the handling of public funds, and day-to-day operations and management of OPG. In addition, I must ensure that OPG as a whole is run in accordance with standards, in terms of governance, decision making and financial management.

My report outlines the governance arrangements in place to manage risks to the achievement of OPG's agreed objectives and targets. It also provides effective oversight and control over OPG's resources and assets. It includes:

- directors' report
 - statement of Accounting Officer's responsibilities
 - governance statement
- 

Directors' report

Introduction

The structures of the OPG board, the audit and risk assurance committee and the executive team are given below. They are responsible for setting OPG's strategic direction and monitoring performance against agreed objectives.

Statement of interests

Non-executive board members are required to declare any directorships and conflicts of interest on appointment. All board members are also required to declare any conflicts of interest before the start of each meeting. There were two declarations of interest from 1 April 2022 to 31 March 2023.

- Jackie Craissati: made a declaration at the OPG audit and risk assurance committee, on 25 January 2023, that she had been made national chair of Crohn's and Colitis UK.
- Martyn Burke: made a declaration at the OPG board on 7 March 2023 that his role at Town & Country Housing had changed to chair elect, and he would formally become chair of the board from September 2023. The role would also formally appoint him as a serving non-executive director on Town & Country Housing's owning group board – the Peabody Trust housing association – chaired by Lord Bob Kerslake, a life peer in the House of Lords and ex-head of the Civil Service.

Personal data incidents

Consideration was given to whether any incident involving personal data was so serious that it should be reported to the Information Commissioner's Office. There have been no incidents. The governance statement considers further information assurance and data security practices in OPG.

Health and safety

OPG acknowledges its legal responsibilities in relation to the health, safety and welfare of its employees and for all people using its premises.

Board membership

The membership of the OPG board during 2022 to 2023 consisted of:

Public Guardian (chair)

- Amy Holmes – from September 2022

OPG senior civil servants

- Julie Lindsay – Deputy Director (Operations) and Chief Operating Officer
- Stuart Howard – Deputy Director (Legal and Information Assurance)
- Ruth Duffin – Deputy Director (Strategy and Central Services)

Non-executive directors

- Alison Sansome
- Karin Woodley
- Martyn Burke

MOJ representatives

- Abigail Plenty/Laura Beaumont (job share)

MOJ finance representative

- Georgia Bottomley (until May 2022)
- Ann Owen (from July 2022)



Statement of Accounting Officer's responsibilities

Under section 7(2) of the Government Resources and Accounts Act 2000, HM Treasury has directed OPG to prepare for each financial year a statement of accounts in the form and on the basis set out in the Accounts Direction. The accounts are prepared on an accruals basis and must give a true and fair view of the state of affairs of OPG and of its income and expenditure, statement of financial position, and cash flows for the financial year.

In preparing the accounts, the accounting officer is required to comply with the requirements of the Government Financial Reporting Manual and in particular to:

- observe the Accounts Direction issued by HM Treasury, including the relevant accounting and disclosure requirements, and apply suitable accounting policies on a consistent basis
- make judgments and estimates on a reasonable basis
- state whether applicable accounting standards as set out in the Government Financial Reporting Manual have been followed, and disclose and explain any material departures in the financial statements
- prepare the financial statements on a going concern basis
- confirm that the annual report and accounts as a whole is fair, balanced and understandable, and take personal responsibility for the annual report and accounts and the judgements required for determining that it is fair, balanced and understandable

The Principal Accounting Officer of MOJ has designated the Public Guardian as Accounting Officer of OPG. The responsibilities of an accounting officer, including responsibility for the propriety and regularity of the public finances for which the accounting officer is answerable, for keeping proper records and for safeguarding OPG's assets, are set out in Managing Public Money published by HM Treasury. As the Accounting Officer of OPG, I confirm that:

- there is no relevant information of which OPG's auditors are unaware, and I have taken all the steps I ought to make myself aware of relevant audit information and to establish that OPG's auditors are aware of that information
- the annual report and accounts as a whole is fair, balanced and understandable, and I take personal responsibility for the annual report and accounts and the judgements required for determining that it is fair, balanced and understandable



Amy Holmes

Chief Executive and Public Guardian

6 July 2023

Governance statement

This statement explains how I, Amy Holmes, as Accounting Officer of OPG, have discharged my responsibility to manage and control OPG's resources during the year. Before 26 September 2022, Stuart Howard was the Public Guardian and Accounting Officer. I took over from Stuart Howard as Public Guardian and Accounting Officer from 26 September 2022. Stuart Howard has provided me with assurances that his accounting officer responsibilities were appropriately discharged during 2022 and governance arrangements have been in place throughout the period as described below. This statement describes OPG's governance arrangements and provides an assessment of how both Stuart Howard and I have balanced risk, assurance and control throughout 2022 to 2023.

This report fulfils my responsibility to provide the Lord Chancellor with an annual report about the discharge of the Public Guardian's functions, as per section 60 of the Mental Capacity Act 2005.

Introduction

The MOJ Permanent Secretary is the department's Principal Accounting Officer. The responsibilities of an accounting officer are set out in chapter three of *Managing Public Money*, issued by HM Treasury. The Principal Accounting Officer designated me as the Accounting Officer for OPG's administrative expenditure, and defined my responsibilities and the relationship between OPG's Accounting Officer and the Principal Accounting Officer.

The Public Guardian is a statutory office holder appointed by the Lord Chancellor under section 57 of the Mental Capacity Act 2005. This statutory role is combined with the role of accounting officer, and usually with the administrative role of chief executive officer. However, the role of chief executive was split between the deputy director leadership team from 14 March 2022 until the appointment of a permanent Public Guardian and Chief Executive from 26 September 2022. This is set out in the MOJ/OPG framework document.

The Public Guardian is assured that the processes and controls over the activities of all business areas are robust and effective and can be evidenced. Specifically, she has regularly monitored financials and risk and performance of the agency, implementing opportunities for improved customer service. The board membership can also provide assurance for this period of time. There have been no departures from the board, and our governance framework takes into account the code of practice entitled 'Corporate governance in central government departments: code of good practice'.

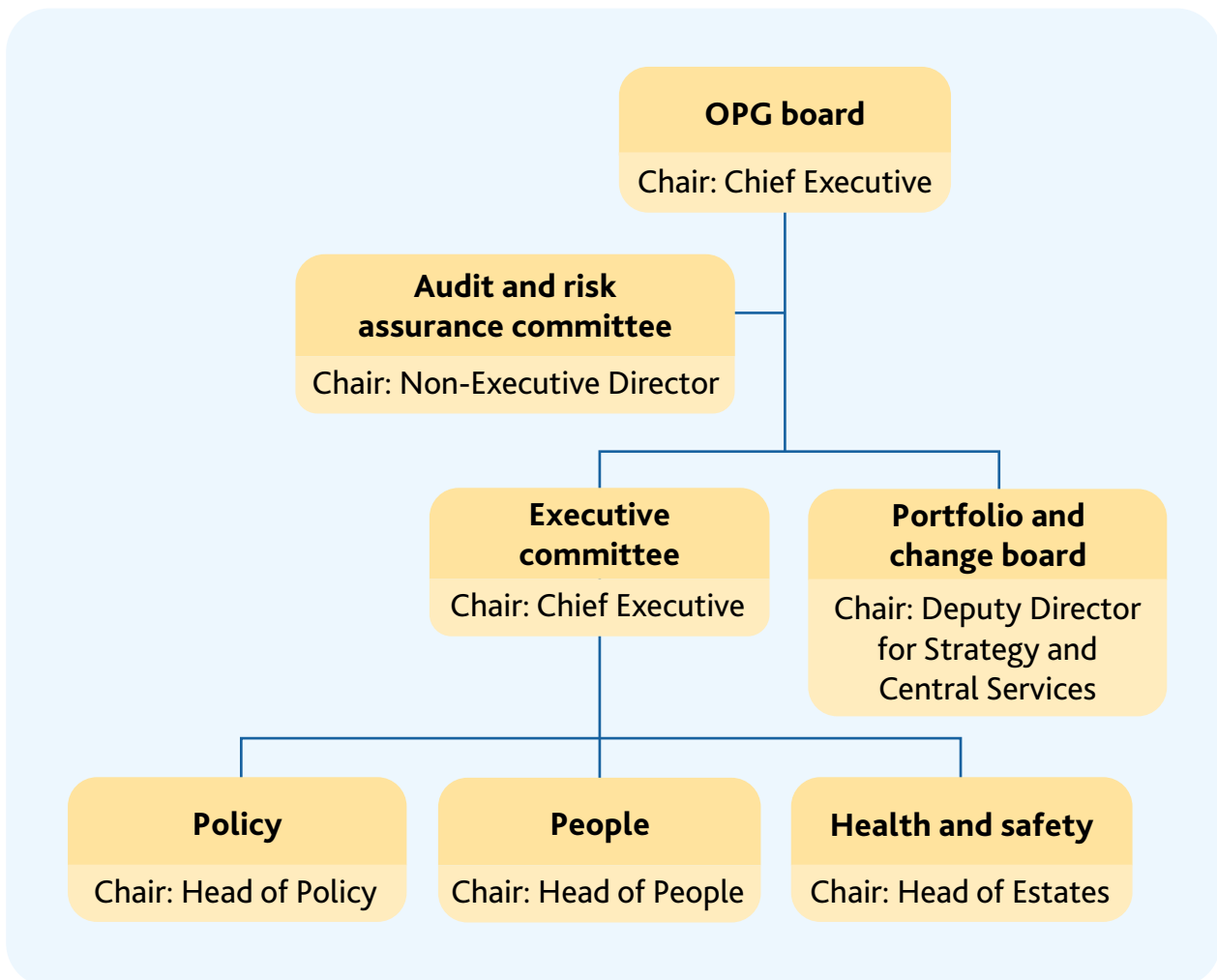
Governance framework

The effectiveness of OPG’s governance arrangements, risk management and the system of internal control are set out within this governance statement. This governance framework has been reviewed during the year against the relevant codes, such as ‘Corporate governance in central government departments: code of best practice’, to ensure it is fit for purpose.

The statement includes the required assessment of compliance with HM Treasury’s corporate governance code. While the focus of the code is on ministerial departments, where applicable OPG applies the principles that it considers to be commensurate with its size, status and legal framework.

OPG governance framework

The current board and committee structures are shown below:



OPG has been reviewing its governance during the year and as a result there will be some changes to the above structure during the financial year 2023 to 2024.

OPG board: Provides strategic leadership and direction supporting the delivery of objectives within the business plan.

Executive committee: Reports to the Chief Executive. Ensures effective management and control of finance, performance, risk, workforce, HR, complaints, business delivery, leadership and celebrating success.

Audit and risk assurance committee: Gives an independent view to the Chief Executive of OPG's governance, risk management controls and assurance.

Portfolio and change board: Reports to the executive committee and board. Responsible for monitoring progress of the OPG 2025 transformation programme and projects within its remit, reviewing, resolving and/or escalating risks and issues that may compromise timely delivery and benefit realisation.

Health and safety committee: Supports the Chief Executive in her overall responsibility for organisational compliance with the Health and Safety at Work Act 1974 and ensuring OPG is a safe and healthy place to work.

Policy, practice and guidance committee: To provide a coordinated decision-making forum for OPG in relation to policy, practice and guidance in OPG within the levels of decision making agreed by the executive committee.

People committee: Responsible for coordinating the people-related activity to support the OPG 2025 transformation programme and projects.

What the OPG board does

During 2022 to 2023, the board led OPG both strategically and operationally. It also looked into and challenged issues affecting our performance and policies. The board has seven main areas of responsibility, including:

- providing strategic direction for OPG, agreeing business aims, objectives and planning, while setting targets for the organisation and delivering the vision
- monitoring performance of OPG, making communications to staff on values and behaviour while overseeing operations and managing risk
- approval of the allocation of the annual budget and any significant in-year changes to it
- supporting the maintenance of a strong working relationship between OPG's staff and its partner organisations
- approval of OPG's corporate governance framework and controls, and monitoring their operation quarterly
- ensuring that the planning, performance and financial management of OPG is carried out efficiently and effectively and with openness and transparency, and contributing to the development and approval of the annual business plan for OPG
- oversight of OPG's execution of statutory duties including health and safety, and equality and diversity

Main successes and effectiveness

In addition to receiving finance, performance and risk papers at each meeting, the board:

- regularly reviewed financial, performance and risk information and was able to ask for additional information if required
- reviewed and determined its strategic risk appetite, tolerances and application of these into the risk management framework
- continued to provide the strategic direction on OPG's principal change initiatives to ensure a clear understanding throughout the agency of the main priorities for delivery
- provided the strategic decisions necessary to ensure OPG's finances remained within budget
- provided strategic direction on the measures put in place to clear the backlog of LPA registrations and challenged the agency to think of all steps that could be taken to improve performance
- reviewed and agreed the changes to OPG's governance framework for implementation from April 2023

Our sub-committees and independent advisory committee

The board has two sub-committees: the executive committee and the portfolio and change board. The audit and risk assurance committee is an independent advisory committee to the board.

The executive committee

This committee focuses primarily on the day-to-day operational delivery of OPG's business, including finance, performance, risk, workforce, change and planning, complaints, HR (attendance management and recruitment), business delivery, leadership, employee engagement and celebrating success.

Chair

- Before 26 September 2022: Stuart Howard, Public Guardian.
- From 26 September 2022: Amy Holmes, Public Guardian and Chief Executive.

Key issues considered by the executive committee during 2022 to 2023

- Focused on performance and the clearance of the LPA registration backlog.
- Reviewed the balanced scorecard and key performance indicators throughout the year.
- Focused on finance to ensure that OPG comes as close as possible to fully recovering its costs from the fees taken in. The end-of-year position shows that cost recovery of 97.8% was achieved in 2022 to 2023, a significant improvement from 88.7% in 2021 to 2022.
- Empowered sub-committees to make all relevant decisions and reviewed their terms of reference and membership with changes to be implemented in April 2023.

Portfolio and change board

Reports to the executive committee and board. Responsible for strategic oversight of projects and change across OPG. Portfolio and change board approves the initiation of projects and reviews, resolves and/or escalates risks and issues that may compromise the time, cost, quality or benefit realisation of projects in the portfolio.

Chair

- Ruth Duffin, Deputy Director, Strategy and Central Services.

Key issues considered by the portfolio and change board during 2022 to 2023

- Reviewed the OPG transformation portfolio, with 'data strategy' newly added and 'document management' and 'Birmingham site move' both closed.
- Leading work on organisational design within OPG.
- Overarching reporting of OPG's transformation portfolio including key projects such as Modernising Lasting Powers of Attorney implementation.
- Ensured a focus on driving our customer service improvements across the agency.
- Audit of portfolio undertaken by the Government Internal Audit Agency and recommendations provided.

Audit and risk assurance committee

The committee supports the OPG Accounting Officer and OPG board in their responsibility for risk control, advises on how improvements can be facilitated, and determines the progress made on management responses to any risks identified. It approves the work of both internal and external audits.

The committee must agree on correct accounting policies and see that they are applied appropriately to the transactions of the organisation. It provides recommendations to the Accounting Officer on all matters the committee considers necessary.

Chair

- Martyn Burke, Non-Executive Director.

Key issues considered by the audit and risk assurance committee during 2022 to 2023

- Continued provision of assurance to the Public Guardian in the management of the entire risk framework, specific individual risks and their resultant mitigating actions.
- Worked with the executive committee and OPG board to ensure rigorous review of risk appetite.
- Reviewed counter fraud risk policies and strategy.
- Signed off the OPG annual report and accounts 2022 to 2023.
- Deep dived into pertinent areas including health and safety arrangements in OPG, and debt management disciplines.

Terms of reference

OPG board and committee terms of reference are in line with the Financial Reporting Council's 'Guidance on board effectiveness' (March 2011) and 'Good governance standard for public services', published by the Chartered Institute of Public Finance and Accountancy and the Office for Public Management Ltd, to ensure its governance arrangements are reflected within the terms of reference.

We reviewed the OPG governance framework for implementation in the next financial year. The same committees and sub committees will continue but there will be changes to their memberships, frequency of meetings and chair. We also began the work to review the framework agreement between OPG and MOJ.

Internal audit

One of the Public Guardian's roles is to establish and maintain arrangements for the provision of internal audit services from the Government Internal Audit Agency within OPG. These are in accordance with the objectives and standards for internal audit set out in HM Treasury's 'Public sector internal audit standards'. This enables an independent and objective evaluation on management performance in the delivery of effective arrangements for governance, risk management and internal controls.

MOJ receives copies of OPG's annual internal audit plans and annual report from myself. MOJ and the Cabinet Office are notified of any fraud or irregularity within the definition set out by HM Treasury.

The Government Internal Audit Agency undertook six audits on behalf of OPG during 2022 to 2023. Those results of the internal audit assignments completed were rated over three ranges as either substantial, moderate or limited.

Audit title	Rating
CMS* performance (phase 1)	Substantial
Modernising LPAs	Moderate
CMS* performance (phase 2)	Substantial
Cyber security	Moderate
Corporate governance	Moderate
Change portfolio	Limited

*CMS = case management system



OPG board and committee attendance April 2022 to March 2023

	OPG board		Executive committee	Audit and risk assurance committee		Portfolio and change board		
	No. of meetings attended	No. of eligible meetings	No. of meetings attended	No. of eligible meetings	No. of meetings attended	No. of eligible meetings	No. of meetings attended	No. of eligible meetings
Amy Holmes – Public Guardian and Chief Executive (from September 2022)	2	3	7	7	2	2	4	5
Stuart Howard – Public Guardian (to August 2022) and Deputy Director of Legal and Information Assurance	6	6	9	11	4	4	9	10
Julie Lindsay – Deputy Director and Chief Operating Officer	6	6	11	11			10	10
Ruth Duffin – Deputy Director of Strategy and Central Services	6	6	9	11	3	4	9	10
Georgia Bottomley – Deputy Director of Finance Business Partnering	1	1			1	1	1	2
Ann Owen – Deputy Director of Finance Business Partnering	4	5			3	3	3	3
Abigail Plenty – Deputy Director of Vulnerability Policy, MOJ	5	6						
Louisa Harrison – Senior Finance Business Partner			7	11			3	3

The head of internal audit, in their annual report for 2022 to 2023, has given OPG a moderate annual opinion on the framework of risk management, governance and control.

A moderate opinion is defined as 'some improvements are required to enhance the adequacy and effectiveness of the framework of governance, risk management and control'.

It was found that OPG has a good control framework in place, reflected in mostly moderate and substantial rated opinions. To improve, we need to strengthen controls, governance and assurance structures in some specific areas. Weaknesses in the maintenance of up-to-date documentation of policies and guidance, along with ensuring that assurance and reporting activities are scheduled, were relatively common findings and are areas of focus for next year.

Risk management, control and assurance

OPG maintains a consistent approach to the management of risk. Risk management is used to alert us to actual threats or emerging issues likely to impact the achievement of our objectives.

The risk appetite of OPG is shaped by the statutory duties of the Public Guardian to ensure that those we work with are given a voice. The main risks considered over the year are detailed below.

Key risks

During 2022 to 2023, OPG undertook a significant amount of work in relation to its risk management to ensure that the high-level corporate risk register clearly reflects and manages the key risks within OPG in a way that allows us to drive our strategy forward. Risk and risk management have been a key part of the audit and risk assurance committee during the year, helping to improve and refine the way in which OPG records its risks.

As a result, the risks within OPG have changed as the year has progressed, but the key risks that have been managed include the following.

Risk	Key impacts	Risk mitigation	Impact of mitigation
<p>Failure to deliver the expected level of service to customers and partners who use OPG's services/products.</p>	<p>Poor customer service.</p> <p>Increased calls to the contact centre.</p> <p>Increased complaints.</p> <p>Adverse impact on OPG reputation.</p>	<p>Recovery plan put into place.</p> <p>Additional staff recruited to clear backlogs.</p> <p>Focus on improved customer service.</p>	<p>In terms of the monthly breakdown of the average actual clearance time, there was a reduction from a high of 102 working days (October 2022) to 87 working days (March 2023).</p> <p>Reduction of backlog from a high of 234,500 (August 2022) to 223,000 (March 2023).</p>
<p>Insufficient management of current estate and future estates strategy to deliver OPG business.</p>	<p>Inability to provide safe and productive working environment.</p> <p>Unbudgeted costs arising from changes to building requirements and estates repairs.</p> <p>Desk and working space inadequate for staff requiring access to offices, leading to inefficient working practices.</p>	<p>Working with landlord and Government Property Agency to quickly rectify any issues with the OPG estate.</p> <p>Space planning to make effective use of available space.</p> <p>Estates strategy to be developed to identify future estate needs, including impact of transformational projects, working closely with MOJ.</p>	<p>OPG has a workplace that allows it to undertake its work in a safe environment.</p> <p>OPG's future estates strategy takes into account the level of change and transformation that will take place in the next 2 to 3 years.</p>

Risk	Key impacts	Risk mitigation	Impact of mitigation
<p>Failure to achieve in-year cost recovery and future financial sustainability of OPG.</p>	<p>Inability to deal with seasonal fluctuations in demand for OPG's services.</p> <p>Overly optimistic forecasts (spending more than actual).</p> <p>Overspending/under recovery.</p> <p>Reduced income.</p> <p>Lack of consideration of the bigger picture (MOJ impact).</p> <p>Lack of action to realise opportunities.</p>	<p>Business cases are required before advertising vacancies or undertaking other discretionary spend.</p> <p>Quarterly review of income forecasts, monthly finance meetings, and quarterly challenge meetings for deputy directors on their budgets and spending.</p> <p>Budget agreed for the resource we need.</p> <p>Regular deep dives into financial information.</p> <p>Register compiled with risks and opportunities for our finances.</p>	<p>These mitigations enabled OPG to manage its finances at a time when both backlog clearance and increases in incoming work meant that forecasting was more difficult than normal. Subsequently, cost recovery of 97.8% was achieved in 2022 to 2023, a significant improvement from 88.7% in 2021 to 2022.</p>

Risk	Key impacts	Risk mitigation	Impact of mitigation
<p>Loss of confidence in the OPG brand resulting in reputational damage.</p>	<p>Loss of public/customer/stakeholder confidence in OPG's services.</p> <p>Increase in customer complaints and traffic to our contact centre.</p> <p>Reduced intake of LPA applications, leading to a loss of income and OPG not being able to meet full cost recovery.</p> <p>OPG may need to seek financial assistance from MOJ.</p> <p>Possibility of a legal challenge to recompense OPG customer fraud loss.</p> <p>Adverse impact on staff morale.</p>	<p>Analyse customer feedback trends to improve customer service and drive the work of the task and finish group set up to improve customer service.</p> <p>Proactive engagement with partner and stakeholder groups.</p> <p>Establish a strategic stakeholder engagement team to ensure that OPG works closely with its stakeholders.</p> <p>Recovery plans in place for complaints backlogs.</p>	<p>The mitigations have allowed OPG to try and improve the service to the customer at the same time as clearing the backlogs in LPA registrations.</p> <p>Clear communications with customers and other stakeholders have ensured that they are clear on the current timelines.</p> <p>Increased demand for OPG services over the course of 2022 to 2023.</p>
<p>Failure to attract, develop and retain a skilled workforce to support the delivery of OPG business objectives and transition through transformation.</p>	<p>Higher pay offers from OGD and private sector.</p> <p>Failure to understand and future proof key workforce capability requirements.</p> <p>L&D offer insufficient to develop and prepare staff for current and future roles.</p>	<p>Strategies and underpinning action plans in place.</p> <p>OPG Wellbeing hub, Mental Health Allies and Confide Advisors.</p> <p>Change awareness training in advance of transformation.</p> <p>Rolling recruitment campaigns and use of alternative routes into work.</p>	<p>Mitigations have led to improved attrition rates and successful recruitment campaigns.</p> <p>Workforce with necessary skills and capability are in place to deliver current business objectives and transformation required.</p>

Risk	Key impacts	Risk mitigation	Impact of mitigation
<p>Failure of IT platforms critical to the delivery of OPG business.</p>	<p>Disruption or complete inability for OPG to provide statutory services.</p> <p>Backlogs and resultant reputational damage.</p> <p>Potential damage or compromise of IT systems.</p>	<p>Disaster recovery and contingency plans in place.</p> <p>Staff trained in how to identify phishing and other forms of attack.</p> <p>Security guidance and policies in place.</p> <p>Investment in OPG infrastructure.</p>	<p>OPG has reliable IT platforms to deliver services and can recover quickly from any disruption.</p> <p>OPG has no legacy IT systems.</p>
<p>Inability to deliver the totality of transformation to make OPG fit for the future.</p>	<p>Unable to achieve full intended benefits of transformation.</p> <p>Less strategic and more reactionary responses.</p> <p>Duplication, misallocation of resources and increased costs.</p>	<p>Review and reset of the existing OPG vision, strategy and priorities.</p> <p>Continued monitoring of legislative progress through Parliament.</p> <p>Modelling designed to reflect future demand.</p>	<p>Effective portfolio management and governance.</p> <p>Well-understood transformation with necessary resource in place to deliver.</p>
<p>Fraudulent staff activity leading to financial loss and reputational damage.</p>	<p>Failure to comply with policy and procedures.</p> <p>Insufficient awareness, completion and understanding of counter-fraud responsibilities.</p> <p>Inadequate management checks.</p>	<p>Counter-fraud policy and response plan.</p> <p>Mandatory learning.</p> <p>Strategy for awareness of counter-fraud.</p>	<p>Well-informed staff following policies.</p> <p>Clear route for staff to report fraud and action to be taken.</p>

OPG reports risks at a strategic level. Risk management aligns with our organisational objectives and links into the main key principles set out in HM Government's Orange Book ('Management of Risk – Principles and Concepts').

The strategic risk register is reported and discussed with the OPG executive committee on a monthly basis in order to provide assurance to the Public Guardian on the mitigation and control of risks. The risk and assurance team capture updates from risk owners from across the organisation. They hold to account where necessary and use risk knowledge and experience to support OPG with advice and guidance around risk control, to make sure risk is managed well in OPG.

OPG representatives also discuss risk management at regular monthly meetings with the wider MOJ Risk Business Partners and quarterly at the MOJ risk advisory group, chaired by MOJ Risk Centre of Excellence. These forums have representatives from across MOJ, including arm's length bodies, and meet to discuss best practice and changes in practice or procedure, as well as for collaborative purposes.

We continue to report risks into the MOJ executive committee on a quarterly basis as part of the wider risk management framework of the department. Executive committee support for the longer-term change programme is important in mitigating these risks. The key risks that have been reported during the year are:

- the progress of legislation allowing OPG to provide a digital LPA, which is vital for OPG's sustainability for the years ahead
- reputational risk to OPG from the delays in LPA registration and fraudulently made LPAs
- the impact of the backlog of LPAs on customer service and finances
- business continuity within OPG, especially in relation to the scanners used to input paper LPAs into the Sirius computer system

OPG encourages innovation and has a balanced approach to risk. For example, it has a greater risk tolerance for advancing digital capabilities to improve OPG products, but a lower one in areas such as ensuring concerns are assessed and investigated to safeguard vulnerable persons and their assets.

OPG governance and assurance framework

OPG board

The OPG board is involved in setting the strategic direction and framework for operations and is responsible for ensuring high standards of corporate governance at all times. It sets the risk appetite for the agency and ensures that there is an appropriate control framework in place that provides assurance on risk assessments.

Board committees			
Audit and risk assurance committee Provides advice and assurance to the board on risk, control and governance.	Portfolio and change board Has the oversight and scrutiny of risks specific to projects and programmes.	Executive committee Day-to-day responsibility for monitoring of risk.	Health and safety committee Oversight and scrutiny of risks in relation to health and safety.
OPG risk forum Considers the strategic risks and the risks that are below that level, and also facilitates learning on risk across the agency.	Risk owners and sponsors Responsible for ensuring strategic risks are understood appropriately, actively managed, reported and monitored.	MOJ risk advisory group Looks at risks across MOJ, agencies and arm's length bodies, and ensures shared risks are reported as one and that agency risks can be escalated as necessary.	
Government Internal Audit Agency internal audits Internal audits reflect and take place in the areas of highest strategic risk, and provide additional oversight and insight.			

Functional reform

Corporate and professional functions are provided to OPG by MOJ and include: analytical services, commercial, communications, counter fraud, debt, digital, finance, grants, people, project delivery, property, and security.

The maturity of functions is assessed through a quarterly 'health check', supported by annual or bi-annual self-assessments using Cabinet Office continuous improvement assessment frameworks, many of which were published for the first time this year. The maturity scale ranges from 'good', indicating compliance with the mandatory elements of the functional standard, to 'better', and 'best'.

Throughout 2022 to 2023, the functions' understanding of the requirements of their functional standards has matured and their understanding of the operation of control frameworks to achieve increased compliance is improving.

Whistleblowing reports

There were no whistleblowing cases in this financial year. Whistleblowing relates to the internal or external disclosure of information to expose past, present or potential wrongdoing in an organisation. If an individual is asked to do something, or is aware of the actions of others, which they consider to be fundamentally wrong, illegal, or has the potential to endanger others or breach the values of the Civil Service Code, they should raise a whistleblowing concern. The process for raising a whistleblowing concern is publicised internally to staff in OPG.

Business Appointment Rules

Civil Servants, at all levels, are subject to rules on accepting outside appointments after leaving the Civil Service. The purpose of the Business Appointment Rules is to avoid:

- the risk that an employer might gain an improper advantage by appointing a former official who holds information about its competitors, or about impending government policy
- any suspicion that an appointment might be a reward for past favours
- the risk of a former official improperly exploiting privileged access to contacts in government
- unfair questioning or criticism of the integrity of former civil servants

Full details on the Business Appointment Rules, when they apply and the application process can be accessed by all OPG staff via the MOJ intranet. During 2022 to 2023, zero applications were received from OPG employees in relation to these rules. To raise awareness of the Business Appointment Rules, the intranet content was refreshed, communication was issued to senior leaders, and the wording within exit management letters has been updated.

Business continuity

This year we:

- ensured OPG has the majority of its business continuity plans on the MOJ business continuity tool and work continues to refine these and ensure that they are updated to reflect any changes in OPG
- ensured that there are business continuity plans for all our sites – including developing a plan for the Victoria Square House site

OPG has continued to work closely with suppliers and MOJ digital colleagues to look at possible business continuity plans in case there are issues with one of the OPG scanners – which are key to the delivery of our business. We have done this while ensuring that any continuity that is put in place also offers value for money when compared with the level of risk of the event happening.

OPG information security and assurance

The head of the Legal and Information Directorate performs the role of senior information risk owner for OPG and a senior individual from each business directorate takes on the role of information asset owner for their area. The information asset owners and senior information risk owner meet regularly to manage information risks, and the information assurance team works to support them throughout the year.

OPG received 59 freedom of information requests in 2022 to 2023 and completed 95% of these within 20 working days against a target of 90%. OPG received 66 subject access requests and completed 100% of these within one calendar month against a target of 90%.

The assessment of privacy risks in OPG is managed by the information assurance team, which includes supporting the business to complete data protection impact assessments where required. The team actively promotes privacy by design and is routinely consulted about privacy at the inception of a proposal.

Information (loss/compromise) incidents

OPG was responsible for 1,423 information losses and/or breaches of information security in 2022 to 2023, of which 15 were deemed to be 'high harm'. The majority of information losses were because of misdirected post. OPG processed around 7 million pieces of post during 2022 to 2023, meaning that information losses occurred in only 0.02% of cases (compared to 0.02% in 2021 to 2022, 0.01% in 2020 to 2021, and 0.02% in 2019 to 2020).

No information losses were deemed high enough to warrant notification by OPG to the Information Commissioner's Office.

To ensure we are taking steps to reduce information losses, OPG's information assurance team continues to work with the business to deliver training, education and awareness to staff in data protection and information security.

Records management

As part of a MOJ project to continuously improve the management of information assets and records in the department, we conducted a comprehensive review and update of our information asset register in 2022 to 2023. We have used this to take forward compliance activities this year, including delivery of a programme of records audits across OPG and a further iteration of the records retention and disposal schedule.

Supplier compliance

OPG's contracts are managed centrally by MOJ and so supplier compliance resides with the central MOJ commercial team.

Health and safety

OPG acknowledges its legal responsibilities in relation to the health, safety and welfare of its employees and for all people using its premises. We comply with the Health and Safety at Work Act 1974 and all other relevant regulations and legislation as appropriate.

This past year we have supported the business in dealing with the continual changing work environment. During this time the health and safety team have supported a project team with the move to a new office, equipment movement and returning of staff to a new office environment.

We have continued to provide staff with display screen equipment to enable them to work from home and in the office. During this reporting period we have completed 1,141 display screen equipment assessments for staff. This has continued to increase due to staff returning to a new office and the rolling reviews every three years being completed during this time period.

OPG recognises that to have effective health and safety management, key elements need to be in place. The Health and Safety Executive's guidance on managing for health and safety states these elements as policy, organising, planning, measuring performance, auditing, and reviewing. A total of 380 health and safety inductions for staff have been conducted this year.

OPG health and safety policies are reviewed annually or when changes occur. We have in place a health and safety strategy that is aligned to business objectives and developed to enhance occupational health and safety, and also fire safety. A health and safety risk register is approved by the OPG duty holder and is informed by local risk assessment. This register is maintained and reviewed at the quarterly health and safety committee meeting, shared with the MOJ corporate fire health and safety committee and is publicised on our intranet. The accident, incident and near-miss figures reported this year have increased in comparison to the previous year, and this reflects the greater number of staff returning to the office. In 2022 to 2023, 13 accidents, 48 incidents (of which 28 were general health), and 2 near misses had been reported. This compares to 7 accidents, 21 incidents, and 3 near misses during 2021 to 2022.

OPG is committed to continuous improvement of health and safety. Throughout the year, we continue to monitor and review the number of emergency responders we have in place to ensure sufficient cover in all OPG sites. We have planned and organised training for fire wardens, Incident control officers, evacuation chair operators and first aiders.

This year the team have worked with the learning and development team to obtain recognised qualifications for additional first aiders (30), display screen equipment assessors (15), risk assessment (18), and managing health and safety (22) for staff across all business areas.

Our Birmingham and Nottingham offices are managed by one health and safety team. Both sites present their own challenges, but through effective training, communication, adherence to legislation and proactive engagement, the team can manage and resolve issues as they arise.

Accounting Officer's conclusion

As Accounting Officer of OPG, I have responsibility for reviewing the effectiveness of OPG's system of internal control, including the risk management framework. My review is informed by the work of the internal auditors and the executive managers within OPG. They are responsible for the development and maintenance of the internal control framework and appropriately responding to comments made by the external auditors in their management letter and other reports. The system of internal control has been in place, with minor modifications, for the year 2022-23, and up to the date of approval of the annual report and accounts.

In their annual report, our internal auditors have given an overall assurance level of moderate, which means that some improvements are required to enhance the adequacy and effectiveness of the framework of governance, risk management and control. I have been advised on the implications of the results of my review by the board and the audit and risk assurance committee. I am satisfied that a plan to address weaknesses in the system of internal control and ensure continuous improvement of the system is in place. I am also satisfied that all material risks have been identified and that those risks are being properly managed through our risk register.



Amy Holmes

Chief Executive and Public Guardian

6 July 2023



Remuneration and staff report

This report summarises OPG's policy on remuneration of executive board members and non-executive directors. It also provides details of actual costs and contractual arrangements. The remuneration and staff report has been prepared in accordance with the requirements of the Financial Reporting Manual as issued by HM Treasury.

Remuneration policy – senior civil servants

The remuneration of senior civil servants (SCS) is set by the Prime Minister following independent advice from the Review Body on Senior Salaries.

In reaching its recommendations, the Review Body on Senior Salaries has regard to the following considerations:

- the need to recruit, retain and motivate suitably able and qualified people to exercise their different responsibilities
- regional and local variations in labour markets and their effects on the recruitment and retention of staff
- government policies for improving the public services, including the requirement on departments to meet the output targets for the delivery of departmental services
- the funds available to departments as set out in the government's departmental expenditure limits
- the government's inflation target

The Review Body on Senior Salaries takes account of the evidence it receives about wider economic considerations and the affordability of its recommendations

Remuneration policy – non-senior civil servants

Remuneration packages fall under the schemes operated by MOJ and follow government policy guidelines for public sector pay. Performance is recognised through MOJ performance management and reward and recognition policies. Staff at all grades are eligible for in-year reward which is used to recognise staff in a timely way throughout the financial year.

Service contracts

The Constitutional Reform and Governance Act 2010 requires Civil Service appointments to be made on merit on the basis of fair and open competition.

Unless otherwise stated below, the officials covered by this report hold appointments which are open-ended. Early termination, other than for misconduct, would result in the individual receiving compensation as set out in the Civil Service Compensation Scheme.

Remuneration of senior management (subject to audit)

Remuneration of executive board members

	2022-23					2021-22				
	Salary	Bonuses	Taxable benefits (nearest £100)	Pension related benefits (nearest £1,000)	Total	Salary	Bonuses	Taxable benefits (nearest £100)	Pension related benefits (nearest £1,000)	Total
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
Amy Holmes – Chief Executive and Public Guardian ¹	50-55 FYE 105-110	-	-	(1)	50-55	-	-	-	-	-
Stuart Howard – Deputy Director of Legal and Information, and acting Public Guardian ²	90-95	5-10	-	(20)	75-80	80-85	0-5	-	2	85-90
Julie Lindsay – Chief Operating Officer	75-80	-	-	(23)	50-55	75-80	10-15	-	72	155-160
Ruth Duffin – Deputy Director of Strategy and Central Services	75-80	0-5	-	25	100-105	15-20 FYE 75-80	-	-	2	20-25

1 From 26 September 2022.

2 Acting Public Guardian before 26 September 2022.

	2022-23					2021-22				
	Salary	Bonuses	Taxable benefits (nearest £100)	Pension related benefits (nearest £1,000)	Total	Salary	Bonuses	Taxable benefits (nearest £100)	Pension related benefits (nearest £1,000)	Total
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
Ann Owen ³ – Deputy Director of Operations Services Finance Business Partnering	70-75 FYE 80-85	-	-	(3)	65-70	80-85	0-5	-	16	95-100
Georgia Bottomley ⁴ – Deputy Director of Operations Services Finance Business Partnering	10-15 FYE 80-85	-	-	13	20-25	80-85	0-5	-	16	95-100

3 From 16 May 2022. Ann Owen is an MOJ employee, and her salary is paid by the MOJ.

4 To 15 May 2022. Georgia Bottomley is an MOJ employee, and her salary is paid by the MOJ.

Remuneration of non-executive board members

	2022-23		2021-22	
	Fees	Taxable benefits (to nearest £100)	Fees	Taxable benefits (to nearest £100)
	£000	£000	£000	£000
Martyn Burke	5-10	-	5-10	-
Jackie Craisatti ⁵	0-5	-	0-5	-
Alison Sansome	5-10	0.5	5-10	0.3
Karin Woodley	5-10	-	5-10	-

None of the non-executive board members have pension entitlements with the department, or receive bonuses.

Salary

Salary includes gross salary, overtime, and any other allowance to the extent that it is subject to UK taxation.

Bonuses

Bonuses are subject to in-year performance, following Cabinet Office guidance. The policy for non-consolidated performance-related pay remains that such payments should be restricted to the top 25% of performers.

The bonuses reported in 2022 to 2023 relate to performance in 2021 to 2022 and the comparative bonuses reported for 2021 to 2022 relate to performance in 2020 to 2021.

Benefits in kind

The monetary value of benefits in kind covers any benefits provided by the department and treated by HM Revenue and Customs as a taxable emolument.

Pension benefits

The value of pension benefits accrued during the year is calculated as (the real increase in pension multiplied by 20) plus (the real increase in any lump sum) less (the contributions made by the individual). The real increases exclude increases due to inflation or any increase or decreases due to a transfer of pension rights.

5 Independent member of the Audit and Risk Committee.

Pension benefits (subject to audit)

Pension benefits of executive board members

	Accrued pension and related lump sum at pension age as at 31 March 2023	Real increase in pension and related lump sum at pension age	CETV at 31 March 2023	CETV at 31 March 2022	Real increase/ (decrease) in CETV ⁶
	£000	£000	£000	£000	£000
Amy Holmes – Chief Executive and Public Guardian	35-40 lump sum 50-55	0-2.5 lump sum nil	477	466	(8)
Stuart Howard – Deputy Director of Legal and Information, and acting Public Guardian	45-50 lump sum 110-115	nil lump sum nil	1,016	932	(33)
Julie Lindsay – Chief Operating Officer	40-45 lump sum 90-95	nil lump sum nil	848	788	(32)
Ruth Duffin – Deputy Director of Strategy and Central Services	10-15 lump sum nil	0-2.5 lump sum nil	122	106	7
Ann Owen – Deputy Director of Operations Services Finance Business Partnering	35-40 lump sum 90-95	0-2.5 lump sum nil	863	788	(13)
Georgia Bottomley – Deputy Director of Operations Services Finance Business Partnering	30-35 lump sum 5-10	0-2.5 lump sum 0-2.5	469	456	9

6 Taking account of inflation, the CETV funded by the employer has decreased in real terms.

Civil Service Pensions

Pension benefits are provided through the Civil Service pension arrangements. From 1 April 2015 a new pension scheme for civil servants was introduced – the Civil Servants and Others Pension Scheme or alpha – which provides benefits on a career average basis with a normal pension age equal to the member's State Pension Age (or 65 if higher). From that date all newly appointed civil servants and the majority of those already in service joined alpha. Prior to that date, civil servants participated in the Principal Civil Service Pension Scheme (PCSPS). The PCSPS has four sections: three providing benefits on a final salary basis (classic, premium or classic plus) with a normal pension age of 60, and one providing benefits on a whole career basis (nuvos) with a normal pension age of 65.

These statutory arrangements are unfunded with the cost of benefits met by monies voted by Parliament each year. Pensions payable under classic, premium, classic plus, nuvos and alpha are increased annually in line with Pensions Increase legislation. Existing members of the PCSPS who were within 10 years of their normal pension age on 1 April 2012 remained in the PCSPS after 1 April 2015. Those who were between 10 years and 13 years and 5 months from their normal pension age on 1 April 2012 switched into alpha sometime between 1 June 2015 and 1 February 2022. Because the government plans to remove discrimination identified by the courts in the way that the 2015 pension reforms were introduced for some members, eligible members with relevant service between 1 April 2015 and 31 March 2022 may be entitled to different pension benefits in relation to that period (and this may affect the cash equivalent transfer values shown in this report – see below). All members who switch to alpha have their PCSPS benefits 'banked', with those with earlier benefits in one of the final salary sections of the PCSPS having those benefits based on their final salary when they leave alpha. (The pension figures quoted for officials show pension earned in PCSPS or alpha – as appropriate. Where the official has benefits in both the PCSPS and alpha the figure quoted is the combined value of their benefits in the two schemes.) Members joining from October 2002 may opt for either the appropriate defined benefit arrangement or a defined contribution (money purchase) pension with an employer contribution (partnership pension account).

Employee contributions are salary-related and range between 4.6% and 8.05% for members of classic, premium, classic plus, nuvos and alpha. Benefits in classic accrue at the rate of 1/80th of final pensionable earnings for each year of service. In addition, a lump sum equivalent to three years initial pension is payable on retirement. For premium, benefits accrue at the rate of 1/60th of final pensionable earnings for each year of service. Unlike classic, there is no automatic lump sum. Classic plus is essentially a hybrid with benefits for service before 1 October 2002 calculated broadly as per classic and benefits for service from October 2002 worked out as in premium. In nuvos a member builds up a pension based on their pensionable earnings during their period of scheme membership. At the end of the scheme year (31 March) the member's earned pension account is credited with 2.3% of their pensionable earnings in that scheme year and the accrued pension is uprated in line with Pensions Increase legislation. Benefits in alpha build up in a similar way to nuvos, except that the accrual rate is 2.32%. In all cases members may opt to give up (commute) pension for a lump sum up to the limits set by the Finance Act 2004.

The partnership pension account is an occupational defined contribution pension arrangement which is part of the Legal and General Mastertrust. The employer makes a basic contribution of between 8% and 14.75% (depending on the age of the member). The employee does not have to contribute, but where they do make contributions, the employer will match these up to a limit of 3% of pensionable salary (in addition to the employer's basic contribution). Employers also contribute a further 0.5% of pensionable salary to cover the cost of centrally-provided risk benefit cover (death in service and ill health retirement).

The accrued pension quoted is the pension the member is entitled to receive when they reach pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over pension age. Pension age is 60 for members of classic, premium and classic plus, 65 for members of nuvos, and the higher of 65 or State Pension Age for members of alpha. (The pension figures quoted for officials show pension earned in PCSPS or alpha – as appropriate. Where the official has benefits in both the PCSPS and alpha the figure quoted is the combined value of their benefits in the two schemes, but note that part of that pension may be payable from different ages.)

Further details about the Civil Service pension arrangements can be found at the website www.civilservicepensionscheme.org.uk

Cash equivalent transfer values

A cash equivalent transfer value (CETV) is the actuarially assessed capitalised value of the pension scheme benefits accrued by a member at a particular point in time. The benefits valued are the member's accrued benefits and any contingent spouse's pension payable from the scheme. A CETV is a payment made by a pension scheme or arrangement to secure pension benefits in another pension scheme or arrangement when the member leaves a scheme and chooses to transfer the benefits accrued in their former scheme. The pension figures shown relate to the benefits that the individual has accrued as a consequence of their total membership of the pension scheme, not just their service in a senior capacity to which disclosure applies.

The figures include the value of any pension benefit in another scheme or arrangement which the member has transferred to the Civil Service pension arrangements. They also include any additional pension benefit accrued to the member as a result of their buying additional pension benefits at their own cost. CETVs are worked out in accordance with the Occupational Pension Schemes (Transfer Values) (Amendment) Regulations 2008 and do not take account of any actual or potential reduction to benefits resulting from Lifetime Allowance Tax which may be due when pension benefits are taken.

CETV figures are calculated using the guidance on discount rates for calculating unfunded public service pension contribution rates that was extant at 31 March 2023. HM Treasury published updated guidance on 27 April 2023; this guidance will be used in the calculation of 2023-24 CETV figures.

Real increase in CETV

This reflects the increase in CETV that is funded by the employer. It does not include the increase in accrued pension due to inflation or contributions paid by the employee (including the value of any benefits transferred from another pension scheme or arrangement) and uses common market valuation factors for the start and end of the period.

Fair pay disclosures (subject to audit)

Reporting bodies are required to disclose the relationship between the remuneration of the highest-paid executive in their organisation and the lower quartile, median and upper quartile remuneration of the organisation's workforce.

Fair pay bandings and ratios

	2022-23	2021-22
	£000	£000
Highest paid executive salary	105-110	100-105
Lowest paid staff member salary	15-20	15-20
	£	£
Lower quartile salary	21,775	20,965
Lower quartile total remuneration	21,775	20,965



	2022-23	2021-22
	£000	£000
Median quartile salary	21,775	20,975
Median quartile total remuneration	23,602	21,488
Upper quartile salary	25,827	25,118
Upper quartile total remuneration	26,055	25,118
	Ratio ⁷	Ratio
Lower quartile	4.9:1	5.6:1
Median quartile	4.6:1	5.5:1
Upper quartile	4.1:1	4.7:1

In 2022 to 2023 and 2021 to 2022, no employee received remuneration exceeding that of the highest paid executive.

Total remuneration includes salary, overtime payments, non-consolidated performance-related pay and benefits in kind. It does not include severance payments, employer pension contributions and the cash equivalent transfer value of pensions.

The lower quartile salary and median quartile salary are the same, as OPG has a significant number of staff receiving the same salary.

Annual percentage change in total remuneration and bonuses

	Salary and allowances %	Bonuses %
Staff average	6.5	(74.4)
Highest paid director	3.2	(100.0)

In 2020 to 2021, following approval from Cabinet Office and HM Treasury, a three year pay deal was implemented for MOJ including OPG employees. The three-year pay deal runs from 1 August 2020 until 31 July 2023. The implementation of the pay award increased average staff remuneration.

⁷ Between the highest paid director's total remuneration and the total remuneration at the lower, median and upper quartiles.

Staff report

Staff costs and numbers (subject to audit)

Staff costs

	2022-23			2021-22
	Permanently employed staff	Others	Total	Total
	£000	£000	£000	£000
Salaries and wages	38,006	6,755	44,761	40,995
Social security costs	3,528	-	3,528	2,898
Pension costs	9,209	-	9,209	7,895
Gross costs	50,743	6,755	57,498	51,788
Less recoveries in respect of outward secondments	-	-	-	(65)
Total	50,743	6,755	57,498	51,723

Civil Service and other exit packages (subject to audit)

Redundancy and other departure costs are paid in accordance with the provisions of the Civil Service Compensation Scheme, a statutory scheme made under the Superannuation Act 1972. Exit costs are accounted for in full in the year the exit package is confirmed. Where the department has agreed early retirements, the additional costs are met by the department and not by the Principal Civil Service Pension Scheme. Ill-health retirement costs are met by the pension scheme and are not included in the tables above.

During 2022 to 2023 and 2021 to 2022 there were no exit packages paid. At the end of 2022 to 2023, there was one ill-health retirement. The total additional accrued pension liability will be £0.001 million, and will be recognised in the 2023 to 2024 financial statements.

Off-payroll engagements and consultancy costs

During 2022 to 2023, OPG reviewed off-payroll engagements where we are required to consider intermediaries, legislation (IR35) using HM Revenue and Customs' guidance and on-line status indicator. We have advised any contracting body of the outcome of the status determinations so that, where appropriate, tax deductions are made at source from payments made in respect of the engagement with OPG.

During 2022 to 2023, £0.096 million was incurred for consultancy costs (2021 to 2022: nil).

Staff numbers (subject to audit)

The number of full-time equivalent staff employed on average during the year was as follows:

	2022-23	2021-22
Permanently employed staff	1,422	1,291
Others	204	232
Total	1,626	1,523

Staff composition

Staff headcount, excluding SCS staff, at the end of the year was as follows:

	31 March 2023	31 March 2022
Male	718	639
Female	930	797
Total	1,648	1,436

Senior civil servants

The board members include one female at SCS2 grade (chief executive), and two females and one male at SCS1 grade (deputy directors).

Sickness absence

Average working days lost this year was 8.9 days (2021 to 2022: 10.8 days).

Staff turnover

In 2022 to 2023, staff turnover was 9.8% (2021 to 2022 was 14.6%). OPG continues to monitor turnover rates and support initiatives to maintain a healthy level of turnover. The annual Civil Service People Survey, coupled with other research, helps us to understand our people's experience of working in OPG and take appropriate action to improve effectiveness, including where turnover becomes problematic.

Staff engagement

Our 76% response rate to the People Survey gives a good representation of everyone's experiences at OPG. Our engagement index was 63%, a slight fall from 65% during 2021 to 2022. Of our nine core engagement themes, we increased our score for the 'learning and development' theme. Our scores for 'my manager', 'my team' 'organisational objectives and purpose', 'inclusion and fair treatment' all remained the same compared to the previous year.

Staff policies applied in year

OPG complies with the MOJ disability policy in relation to the recruitment, training and development of staff with disabilities. We recruit, train and develop people on the basis of their skills, aptitude and ability to do the job.

As part of MOJ, we operate according to a range of human resource policies, procedures and practices, which include:

- flexible working
- bullying and harassment
- mediation
- recruitment and selection
- equality and diversity
- managing attendance (we have a number of staff with a disability where reasonable adjustments have been agreed to enable them to carry out their duties)
- performance management
- training

Trade union facility time

Number of employees who were relevant union officials during 2022 to 2023	8
How many employees who were relevant union officials during the relevant period spent a) 0%, b) 1-50%, c) 51-99% or d) 100% of their working hours on facility time	b) 8
Percentage of the total pay bill spent on facility time	0.05%
Time spent on paid trade union activities as a percentage of total paid facility time hours	0



Amy Holmes
Chief Executive and Public Guardian
6 July 2023

Parliamentary accountability and audit report

Parliamentary supply

OPG is funded by MOJ from its parliamentary supply, and by income derived from fees and charges from external customers.

In common with other government agencies future funding has to be approved by our sponsor department, MOJ, and by Parliament. Approval has already been given for 2023 to 2024 and there is no reason to question OPG's future funding. Financial statements have therefore been prepared on a going concern basis for financial reporting and asset valuation purposes.

Regularity of expenditure (subject to audit)

There are no regularity issues to report.

Fees and charges (subject to audit)

The fee for registering a Power of Attorney is £82.00. This is an enhanced fee under section 180 of the Anti-Social Behaviour, Crime and Policing Act 2014, which permits the Lord Chancellor, with the consent of HM Treasury, to prescribe a fee that exceeds the cost of providing that service. The enhanced fee is used to cover the costs of exemption and remission of fees and to subsidise the operating costs of delivering supervision and other services.

The full cost of providing the agency's services and the fees charged in relation to this is given in the table below.

	Gross income	Full cost	Unit cost	Over charge/ cross subsidy
	£000	£000	£	£000
LPAs	73,885	64,409	62	9,476
EPAs	512	651	62	(138)
Supervision of deputies	9,414	18,260	304	(8,846)
Appointment of deputies	868	3,222	331	(2,354)
Office copies	418	604	26	(186)

The table above excludes income from guardianship fees because of the low number of cases.

Fees remitted (subject to audit)

98,218 cases were remitted or exempted. The total value was £7.039 million (2021 to 2022: 97,112 cases – £6.609 million as described in Note 2). Fee waivers are not included in these numbers.

Cost recovery (subject to audit)

We have not met our objective of full cost recovery, but performance has significantly improved, at 97.8%, and is within our 5% tolerance target (2021 to 2022: 88.7%) (see Note 4 of the financial statements). We expect to see an improved cost recovery position for 2023 to 2024 as the business continues to work through power of attorney applications received during 2022 to 2023.

Losses and special payments (subject to audit)

	2022-23		2021-22	
	Volume	£000	Volume	£000
Special payments	59	5	4	16
Fee waivers	7,246	902	4,898	608
Write offs	4,550	546	960	63
Ex gratia payments	259	7	256	17
Total	12,114	1,460	6,118	704

All losses and special payments have been reported on an accruals basis.

Discretionary fee waivers

A fee waiver is granted in accordance with the statutory instrument when the donor or client does not qualify for an exemption or remission but in the judgment of the Public Guardian, payment of the fee would cause undue hardship.

Remote contingent liabilities (subject to audit)

As at 31 March 2023 there are no remote contingent liabilities (31 March 2022: none).



Amy Holmes

Chief Executive and Public Guardian
6 July 2023

The certificate and report of the Comptroller and Auditor General to the House of Commons

Opinion on financial statements

I certify that I have audited the financial statements of the Office of the Public Guardian for the year ended 31 March 2023 under the Government Resources and Accounts Act 2000.

The financial statements comprise the Office of the Public Guardian's:

- Statement of Financial Position as at 31 March 2023;
- Statement of Comprehensive Net Expenditure, Statement of Cash Flows and Statement of Changes in Taxpayers' Equity for the year then ended; and
- the related notes including the significant accounting policies.

The financial reporting framework that has been applied in the preparation of the financial statements is applicable law and UK adopted international accounting standards.

In my opinion, the financial statements:

- give a true and fair view of the state of the Office of the Public Guardian's affairs as at 31 March 2023 and its net operating deficit for the year then ended; and
- have been properly prepared in accordance with the Government Resources and Accounts Act 2000 and HM Treasury directions issued thereunder.

Opinion on regularity

In my opinion, in all material respects, the income and expenditure recorded in the financial statements have been applied to the purposes intended by Parliament and the financial transactions recorded in the financial statements conform to the authorities which govern them.

Basis for opinions

I conducted my audit in accordance with International Standards on Auditing (UK) (ISAs UK), applicable law and Practice Note 10 Audit of Financial Statements and Regularity of Public Sector Bodies in the United Kingdom (2022). My responsibilities under those standards are further described in the Auditor's responsibilities for the audit of the financial statements section of my certificate.

Those standards require me and my staff to comply with the Financial Reporting Council's Revised Ethical Standard 2019. I am independent of the Office of the Public Guardian in accordance with the ethical requirements that are relevant to my audit of the financial statements in the UK. My staff and I have fulfilled our other ethical responsibilities in accordance with these requirements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Conclusions relating to going concern

In auditing the financial statements, I have concluded that the Office of the Public Guardian's use of the going concern basis of accounting in the preparation of the financial statements is appropriate.

Based on the work I have performed, I have not identified any material uncertainties relating to events or conditions that, individually or collectively, may cast significant doubt on the Office of the Public Guardian's ability to continue as a going concern for a period of at least twelve months from when the financial statements are authorised for issue.

My responsibilities and the responsibilities of the Accounting Officer with respect to going concern are described in the relevant sections of this certificate.

The going concern basis of accounting for the Office of the Public Guardian is adopted in consideration of the requirements set out in HM Treasury's Government Financial Reporting Manual, which requires entities to adopt the going concern basis of accounting in the preparation of the financial statements where it is anticipated that the services which they provide will continue into the future.

Other information

The other information comprises information included in the Annual Report, but does not include the financial statements and my auditor's certificate and report thereon. The Accounting Officer is responsible for the other information.

My opinion on the financial statements does not cover the other information and, except to the extent otherwise explicitly stated in my certificate, I do not express any form of assurance conclusion thereon.

My responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If I identify such material inconsistencies or apparent material misstatements, I am required to determine whether this gives rise to a material misstatement in the financial statements themselves. If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact.

I have nothing to report in this regard.

Opinion on other matters

In my opinion the part of the Remuneration and Staff Report to be audited has been properly prepared in accordance with HM Treasury directions made under the Government Resources and Accounts Act 2000.

In my opinion, based on the work undertaken in the course of the audit:

- the parts of the Accountability Report subject to audit have been properly prepared in accordance with HM Treasury directions made under the Government Resources and Accounts Act 2000;
- the information given in the Performance and Accountability Reports for the financial year for which the financial statements are prepared is consistent with the financial statements and is in accordance with the applicable legal requirements.

Matters on which I report by exception

In the light of the knowledge and understanding of the Office of the Public Guardian and its environment obtained in the course of the audit, I have not identified material misstatements in the Performance and Accountability Reports.

I have nothing to report in respect of the following matters which I report to you if, in my opinion:

- Adequate accounting records have not been kept by the Office of the Public Guardian or returns adequate for my audit have not been received from branches not visited by my staff; or
- I have not received all of the information and explanations I require for my audit; or
- the financial statements and the parts of the Accountability Report subject to audit are not in agreement with the accounting records and returns; or
- certain disclosures of remuneration specified by HM Treasury's Government Financial Reporting Manual have not been made or parts of the Remuneration and Staff Report to be audited is not in agreement with the accounting records and returns; or
- the Governance Statement does not reflect compliance with HM Treasury's guidance.

Responsibilities of the Accounting Officer for the financial statements

As explained more fully in the Statement of Accounting Officer's Responsibilities, the Accounting Officer is responsible for:

- maintaining proper accounting records;
- providing the C&AG with access to all information of which management is aware that is relevant to the preparation of the financial statements such as records, documentation and other matters;

- providing the C&AG with additional information and explanations needed for his audit;
- providing the C&AG with unrestricted access to persons within the Office of the Public Guardian from whom the auditor determines it necessary to obtain audit evidence;
- ensuring such internal controls are in place as deemed necessary to enable the preparation of financial statements to be free from material misstatement, whether due to fraud or error;
- ensuring that the financial statements give a true and fair view and are prepared in accordance with HM Treasury directions made under the Government Resources and Accounts Act 2000;
- ensuring that the annual report, which includes the Remuneration and Staff Report, is prepared in accordance with HM Treasury directions made under the Government Resources and Accounts Act 2000; and
- assessing the Office of the Public Guardian's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Accounting Officer anticipates that the services provided by the Office of the Public Guardian will not continue to be provided in the future.

Auditor's responsibilities for the audit of the financial statements

My responsibility is to audit, certify and report on the financial statements in accordance with the Government Resources and Accounts Act 2000.

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue a certificate that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with ISAs (UK) will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

Extent to which the audit was considered capable of detecting non-compliance with laws and regulations, including fraud

I design procedures in line with my responsibilities, outlined above, to detect material misstatements in respect of non-compliance with laws and regulations, including fraud. The extent to which my procedures are capable of detecting non-compliance with laws and regulations, including fraud is detailed below.

Identifying and assessing potential risks related to non-compliance with laws and regulations, including fraud

In identifying and assessing risks of material misstatement in respect of non-compliance with laws and regulations, including fraud, I:

- considered the nature of the sector, control environment and operational performance including the design of the Office of the Public Guardian's accounting policies;
- inquired of management, the Office of the Public Guardian's head of internal audit and those charged with governance, including obtaining and reviewing supporting documentation relating to the Office of the Public Guardian's policies and procedures on:
 - identifying, evaluating and complying with laws and regulations;
 - detecting and responding to the risks of fraud; and
 - the internal controls established to mitigate risks related to fraud or non-compliance with laws and regulations including the Office of the Public Guardian's controls relating to the Office of the Public Guardian's compliance with the Government Resources and Accounts Act 2000 and Managing Public Money;
- inquired of management, the Office of the Public Guardian's head of internal audit and those charged with governance whether:
 - they were aware of any instances of non-compliance with laws and regulations;
 - they had knowledge of any actual, suspected, or alleged fraud,
- discussed with the engagement team regarding how and where fraud might occur in the financial statements and any potential indicators of fraud.

As a result of these procedures, I considered the opportunities and incentives that may exist within the Office of the Public Guardian for fraud and identified the greatest potential for fraud in the following areas: revenue recognition, posting of unusual journals, complex transactions and bias in management estimates. In common with all audits under ISAs (UK), I am required to perform specific procedures to respond to the risk of management override.

I obtained an understanding of the Office of the Public Guardian's framework of authority and other legal and regulatory frameworks in which the Office of the Public Guardian operates. I focused on those laws and regulations that had a direct effect on material amounts and disclosures in the financial statements or that had a fundamental effect on the operations of the Office of the Public Guardian. The key laws and regulations I considered in this context included the Government Resources and Accounts Act 2000, Managing Public Money, employment law and pensions and tax legislation.

Audit response to identified risk

To respond to the identified risks resulting from the above procedures:

- I reviewed the financial statement disclosures and testing to supporting documentation to assess compliance with provisions of relevant laws and regulations described above as having direct effect on the financial statements;
- I enquired of management and the Audit and Risk Committee concerning actual and potential litigation and claims;
- I reviewed minutes of meetings of those charged with governance and the Board; and internal audit reports; and
- in addressing the risk of fraud through management override of controls, I tested the appropriateness of journal entries and other adjustments; assessed whether the judgements on estimates are indicative of a potential bias; and evaluated the business rationale of any significant transactions that are unusual or outside the normal course of business.

I also communicated relevant identified laws and regulations and potential risks of fraud to all engagement team members and remained alert to any indications of fraud or non-compliance with laws and regulations throughout the audit.

A further description of my responsibilities for the audit of the financial statements is located on the Financial Reporting Council's website at: www.frc.org.uk/auditorsresponsibilities. This description forms part of my certificate.

Other auditor's responsibilities

I am required to obtain evidence sufficient to give reasonable assurance that the expenditure and income recorded in the financial statements have been applied to the purposes intended by Parliament and the financial transactions recorded in the financial statements conform to the authorities which govern them.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control I identify during my audit.

Report

I have no observations to make on these financial statements.

Gareth Davies
Comptroller and Auditor General
 7 July 2023

National Audit Office
 157-197 Buckingham Palace Road
 Victoria
 London SW1W 9SP

Financial statements

Office of the Public Guardian

Statement of comprehensive net expenditure for the year ended 31 March 2023

		2022-23	2021-22
	Note	£000	£000
Revenue from contracts with customers	2	(85,245)	(68,576)
Total operating income		(85,245)	(68,576)
Staff costs	3	57,498	51,723
Other operating costs	3	25,348	22,875
Depreciation, amortisation and impairment charges	3	4,302	2,721
Total operating expenditure		87,148	77,319
Net operating deficit		1,903	8,743
Other comprehensive expenditure			
Items that will not be reclassified to operating expenditure.			
Net (gain)/loss on revaluation of intangibles	5	(234)	8
Net gain on revaluation of property, plant and equipment	6	(149)	(28)
Total comprehensive net expenditure		1,520	8,723

There was no other comprehensive expenditure incurred during the year.

All income and expenditure are derived from continuing operations.

The notes on pages 87 to 109 form part of these financial statements.

Statement of financial position at 31 March 2023

		31 March 2023	31 March 2022
	Note	£000	£000
Non-current assets			
Intangible assets	5	8,570	7,544
Property, plant and equipment	6	2,797	2,049
Right-of-use assets	7	7,185	9,150
Total non-current assets		18,552	18,743
Current assets			
Trade and other receivables	9	11,337	10,328
Cash and cash equivalents	10	14,108	8,490
Total current assets		25,445	18,818
Total assets		43,997	37,561
Current liabilities			
Trade and other payables	11	(41,448)	(36,218)
Other financial liabilities	12	(2,707)	(2,828)
Provisions	13	-	(235)
Total current liabilities		(44,155)	(39,281)
Total assets less current liabilities		(158)	(1,720)
Non-current liabilities			
Other financial liabilities	12	(4,203)	(6,553)
Provisions	13	(2,622)	(2,051)
Total non-current liabilities		(6,825)	(8,604)
Total assets less liabilities		(6,983)	(10,324)

	31 March 2023	31 March 2022
Note	£000	£000
Taxpayers' equity		
General fund	(7,420)	(10,405)
Revaluation reserve	437	81
Total taxpayers' equity	(6,983)	(10,324)

The notes on pages 87 to 109 form part of these financial statements.



Amy Holmes
Chief Executive and Public Guardian
6 July 2023



Statement of cash flows for the year ended 31 March 2023

		2022-23	2021-22
	Note	£000	£000
Cash flows from operating activities			
Net operating deficit		(1,903)	(8,743)
Adjustments for notional and non-cash transactions	3	14,696	14,083
Increase in trade and other receivables	9	(250)	(1,437)
Increase in trade and other payables	11	6,466	6,356
Movement in lease trade payables	11	-	302
Increase/(decrease) in other financial liabilities	12	(2,471)	9,381
Less IFRS 16 recognition of lease creditor	7	-	(2,441)
Less movement in payables relating to items not passing through the statement of comprehensive net expenditure	7	2,471	(6,940)
Lease interest – non-cash	7	-	46
Net cash inflow from operating activities		19,009	10,607
Cash flows from investing activities			
Purchase of property, plant and equipment	6	(926)	(1,401)
Increase/(decrease) in capital accruals	11	(1,236)	1,212
Net cash outflow from investing activities		(2,162)	(189)
Cash flows from financing activities			
Surrender of surplus cash to MOJ		(8,758)	(8,357)
Repayments of principal on leases	7	(2,471)	-
Net cash outflow from financing activities		(11,229)	(8,357)
Net increase in cash and cash equivalents in year	10	5,618	2,061
Cash and cash equivalents at the beginning of the year	10	8,490	6,429
Cash and cash equivalents at the end of the year	10	14,108	8,490

The notes on pages 87 to 109 form part of these financial statements.

Statement of changes in taxpayers' equity for the year ended 31 March 2023

		General fund	Revaluation reserve	Total
	Note	£000	£000	£000
Balance at 1 April 2022		(10,405)	81	(10,324)
Net operating deficit for the year		(1,903)	-	(1,903)
Surrender of surplus cash to MOJ		(8,758)	-	(8,758)
Non-cash adjustments				
Notional recharge from MOJ	3	11,079	-	11,079
Notional external audit fee	3	74	-	74
Asset transfer from MOJ	5	2,466	-	2,466
Net gain on revaluation of				
Intangible assets	5	-	234	234
Property, plant and equipment	6	-	149	149
Revaluation transfer		27	(27)	-
Balance at 31 March 2023		(7,420)	437	(6,983)

		General fund	General reserve	Total
	Note	£000	£000	£000
Balance at 1 April 2021		(13,014)	87	(12,927)
Net operating deficit for the year		(8,743)	-	(8,743)
Surrender of surplus cash to MOJ		(8,357)	-	(8,357)
Non-cash adjustments				
Notional recharge from MOJ	3	11,324	-	11,324
Notional external audit fee	3	67	-	67
Asset transfer from MOJ	5	8,292	-	8,292
Net gain/(loss) on revaluation of				
Intangible assets	5	-	(8)	(8)
Property, plant and equipment	6	-	28	28
Revaluation transfer		26	(26)	-
Balance at 31 March 2022		(10,405)	81	(10,324)

The notes on pages 87 to 109 form part of these financial statements.

Notes to the financial statements for the year ended 31 March 2023

1. Statement of accounting policies

These financial statements have been prepared in accordance with the 2022 to 2023 Government Financial Reporting Manual (FRoM) issued by HM Treasury. The accounting policies contained in the FRoM apply International Financial Reporting Standards (IFRS) as adapted or interpreted for the public sector context.

Where a choice of accounting policy is permitted by the FRoM, OPG selects the policy which best presents a true and fair view. OPG's accounting policies have been applied consistently in dealing with items considered material in relation to the accounts.

1.a. Basis of preparation

The financial statements are presented in pounds sterling rounded to the nearest thousand (£000) unless otherwise stated. These accounts have been prepared under the historical cost convention.

The financial statements, together with the notes on pages 87 to 109, have been prepared on an accrual basis in accordance with the accounts direction issued under the Government Resources and Accounts Act 2000.

In performance of its statutory function, OPG is primarily funded from fees and charges from external customers. However, OPG also receives funding from MOJ for capital investment from MOJ's parliamentary supply.

In the event of an operating deficit, OPG would receive funding from MOJ should it be required. No operating deficits in the past five years have required MOJ funding support, and in fact OPG has continued to pass surplus cash back to the MOJ. OPG does not expect an operating deficit in 2023-24, but in the event one occurs, have received assurance from MOJ that funding would be provided if required.

OPG is an agency of MOJ performing a statutory function. There are no current government plans to cease that function or transfer it to another organisation. It has therefore been considered appropriate to adopt the going concern basis for the preparation of these financial statements.

1.b. Significant judgements used in the production of the financial statements

Receivables impairment

OPG recognises an expected credit loss in respect of trade receivables and contract assets. Details of the estimation technique and impairment percentages applied, and a sensitivity analysis, are provided in Note 9, Trade and other receivables.

OPG also provides for likely future successful applications for remission and exemption of fees charged, based on historic levels of remissions and exemptions. Further details are provided in Note 9, Trade and other receivables.

Leases

Where a lease is embedded in a contract for services, the amount to be recognised as the right-of-use asset and lease liability should be the stand-alone price of the lease component only. Where this is not readily observable, a determination will be made by reference for other observable data, such as the fair value of similar assets or price of contracts for similar non-lease components.

OPG has determined lease terms by assessing the level of certainty as to whether termination or extension options will be exercised.

OPG has determined that the cost model is a reasonable proxy for fair value, because the rents payable are aligned to open market rates.

1.c. Changes in accounting policies and disclosures

New and amended standards adopted

There have been no new or amended standards adopted in the financial year beginning 1 April 2022.

New standards, amendments and interpretations issued but not effective for the financial year beginning 1 April 2022 and not early adopted

IFRS 17 Insurance Contracts requires a discounted cash flow approach to accounting for insurance contracts. The EU adopted the standard in November 2021, but the financial reporting advisory board has agreed to delay the mandatory adoption of the standard until 2025 to 2026, and it should be included in the 2025 to 2026 FReM at the earliest. Early adoption of IFRS 17 may be permitted on a case-by-case basis as agreed with HM Treasury. To assess the impact of the standard, OPG will review contracts which meet the definition of insurance contracts.

OPG does not consider that any other new or revised standard or interpretation will have a material impact.

1.1. Funding

OPG activities are primarily paid for through fees and charges from external customers, but OPG may also receive funding for capital investment from MOJ and, if necessary, funding to meet any deficit generated.

As agreed with HM Treasury and in accordance with its budget delegation from MOJ, OPG has a financial objective of achieving 100% cost recovery (within 5% tolerance). Performance against this objective is detailed in Note 4, Cost recovery.

Where OPG generates a cash surplus, this is surrendered to MOJ. Funding transfers to and from MOJ are recognised in the general fund and under 'financing' in the statement of cash flows.

1.2. Segmental reporting

OPG has one reportable operating segment under IFRS 8. It therefore does not prepare a detailed segmental analysis.

1.3. Income

Revenue from contracts with customers comprises fees for services which are set based on an OPG full cost recovery basis. Fee income consists of amounts for services rendered from power of attorney, supervision, and copies of power of attorney certificates. Income is recognised in accordance with IFRS 15 Revenue from Contracts with Customers.

Lasting and enduring powers of attorney

Power of attorney fees are payable upon receipt of the application but, in accordance with IFRS 15, income arising there from is not recognised until the point of completion of the service provided, either at the registration of the power of attorney or if processing actions conclude prior to registration. Where customers pay power of attorney fees online before submitting their application, these funds are also held in contract liabilities. If an online application is not received after the customer has paid, the amount paid is refunded.

Supervision of deputies

Supervision income is recognised daily for all active cases. Supervision income is invoiced on an annual cycle up to the date that supervision of a case terminates, calculated on a pro rata basis.

Income is recognised as a contract asset. A bad debt provision is calculated, based on the expected credit loss model, and is netted off contract assets, either when fees are invoiced for or as they accrue.

Exemptions and remissions

Fee income is recognised net of fee remissions and exemptions. The remissions scheme is prescribed in the Office of the Public Guardian (Fees, etc) Regulations 2007 approved by Parliament and remitted fees are not collected by OPG.

An application for a fee exemption or remission must be made with the initial power of attorney registration application or, for supervision fees, submitted within six months of the fee demand date.

In those cases where an application for an exemption or remission is not made on receipt of the fee demand there is a limitation that a completed exemption or remission application must be received within six months of the invoice being raised.

Where a fee has been paid and a subsequent exemption or remission is agreed, a refund is issued.

1.4. Employee benefits

OPG accrues for the expected cost of the annual leave entitlement of its employees in accordance with IAS 19 Employee Benefits. OPG also accrues for performance bonuses awarded but not yet paid.

1.5. Pensions

The Principal Civil Service Pension Scheme (PCSPS) is an unfunded defined benefit scheme of which OPG is unable to recognise its share of underlying assets and liabilities. In accordance with the FReM, OPG accounts for this as a defined contribution scheme. OPG recognises contributions payable to defined contribution schemes as an expense in the year in which it is incurred, and the legal or constructive obligation is limited to the amount that it agrees to contribute to the fund.

1.6. Notional recharges

The notional recharge from MOJ represents OPG's usage of corporate services.

The notional audit fee represents the cost of the annual external audit performed by the National Audit Office on behalf of the Comptroller and Auditor General.

1.7. Accounting for value added tax

Irrecoverable VAT is charged to the relevant expenditure category or, if appropriate, capitalised with additions to non-current assets. Income and expenditure are otherwise shown net of VAT.

1.8. Assets under construction

Assets under construction are valued at historical cost within property, plant and equipment and intangible assets as appropriate, and are not depreciated or amortised. An asset ceases to be classified as an asset under construction when it is ready for use. Its carrying value is then removed from assets under construction and transferred to the respective asset category. Depreciation or amortisation is then charged on the asset in accordance with the stated accounting policy.

Expenditure is capitalised where it is directly attributable to bringing an asset into working condition.

1.9. Intangible assets

Initial recognition

Intangible assets comprise internally developed computer software (including assets under construction) and purchased software licences.

Development costs that are directly attributable to the design and testing of identifiable and unique software products, such as external contractor costs and relevant employee costs, are recognised as intangible assets when they meet the criteria of the FReM, which has been adapted from IAS 38 Intangible Assets. Other expenditure that does not meet this criteria is recognised as an expense as incurred.

Internally developed software is managed by MOJ's digital team. Until complete, the costs sit within MOJ's accounts. Once complete, the assets are transferred to OPG and recognised in OPG's accounts.

OPG's capitalisation threshold for software projects is £10,000 (including irrecoverable VAT).

Subsequent valuation

Subsequent to initial recognition, intangible assets are recognised at current value in existing use. As no active market exists for OPG's intangible assets, current value in existing use is assessed as replacement cost less any accumulated amortisation and impairment losses. Intangible assets are revalued at each reporting date using the Producer Price Index produced by the Office for National Statistics.

Amortisation

The useful lives of internally developed software range from two to seven years. In accordance with IAS 38 Intangible Assets, OPG reviews the economic useful lives of its intangible assets each financial year, and assesses for impairment.

Amortisation is charged on a straight-line basis at rates calculated to write off the value of the assets, less estimated residual value, over the asset's useful economic life.

1.10. Property, plant and equipment

Initial recognition

Property, plant and equipment assets costing more than the capitalisation threshold of £10,000 (including irrecoverable VAT) are treated as capital assets. Where an item costs less than the capitalisation threshold but forms part of an asset or grouped asset, whose total value is greater than the capitalisation level, the item is treated as a capital asset.

Subsequent valuation

Subsequent to initial recognition, all assets other than assets under construction are stated at current value in existing use and revalued at each reporting date using the Producer Price Index prepared by the Office for National Statistics.

Gains arising on revaluation are credited to the revaluation reserve and shown in other comprehensive net expenditure, unless they reverse a revaluation decrease on the same asset. Reversals are credited to the statement of comprehensive net expenditure to the extent of the previous amount expensed, and any excess is credited to the revaluation reserve.

A revaluation decrease (other than as a result of a permanent diminution) is reversed against any existing amount held in the revaluation reserve in respect of that same asset, with any residual decrease taken to net operating costs in the statement of comprehensive net expenditure.

Each year the difference between depreciation based on the revalued carrying amount of the asset charged to the statement of comprehensive net expenditure and depreciation based on the asset's original cost is transferred from the revaluation reserve to the general fund.

Depreciation

Depreciation is charged on a straight-line basis at rates calculated to write off the value of the assets, less estimated residual value apportioned evenly over their estimated useful lives.

Estimates for useful assets' lives are within the following ranges:

- leasehold improvements – remaining lease period
- furniture and fittings – 10 years
- plant and equipment – 5 to 7 years
- information technology – 3 to 7 years

The useful lives of assets and asset categories are reviewed annually.

1.11. Leases

Scope and exclusions – OPG as lessee

In accordance with IFRS 16 Leases, contracts, or parts of contracts, that convey the right to control the use of an asset for a period of time are accounted for as leases.

Contracts for services are evaluated to determine whether they convey the right to control the use of an identified asset, incorporating both the right to obtain substantially all the economic benefits from the asset and to direct its use. If so, the relevant part of the contract is treated as a lease.

As adapted by the FReM, IFRS 16 has been applied to leases with nil or nominal (that is, significantly below market value) consideration and arrangements for accommodation between government departments.

When making the above assessments, OPG excludes two types of leases. Firstly, those relating to low value items, which it considers as those where the underlying asset would have a cost of less than £10,000 when new, provided those items are not highly dependent on or integrated with other items. Secondly, contracts whose term (comprising the non-cancellable period together with any extension options OPG is reasonably certain to exercise and any termination options OPG is reasonably certain not to exercise) is less than 12 months.

Initial recognition – OPG as lessee

At the commencement of a lease OPG recognises a right-of-use asset and a lease liability.

The lease liability is measured at the value of the remaining lease payments, discounted either by the interest rate implicit in the lease, or where this is not readily determinable, OPG's incremental rate of borrowing. This rate is advised annually by HM Treasury and is applied to leases that commence or are remeasured in that year. OPG transitioned to IFRS16 in 2021 to 2022, and the leases capitalised were discounted at the HM Treasury 2021 rate of 0.91%.

Where the lease includes extension or termination options, the lease payments will be for the non-cancellable period together with any extension or termination options OPG is reasonably certain to exercise/not exercise.

In the event that a lease contract has expired but OPG remains in occupation pending negotiations for a renewed term, the lease term has been measured as the estimated time until the new contract will be agreed.

The measurement of lease payments excludes any VAT payable, and irrecoverable VAT is expensed at the point it falls due in line with IFRIC 21 Levies. Where the Government Property Agency passes on the cost of VAT payable to a head landlord, but has not opted to tax the property, the VAT cost passed on is not expensed – it is included in the lease liability and right-of-use asset value.

The right-of-use asset is measured at the value of the lease liability, adjusted for: any lease payments made before the commencement date, any lease incentives received, any incremental costs of obtaining the lease, and any costs of removing the asset and restoring the site at the end of the lease. However, where the lease requires nil or nominal consideration (usually referred to as a 'peppercorn' lease), the asset will instead be measured at its existing use value, with the difference between the carrying amount of the right-of-use asset and lease liability treated as notional income (or on transition, a credit to the general fund).

Subsequent measurement – OPG as lessee

The lease liability will be adjusted for the accrual of interest, repayments, reassessments and modifications. Reassessments are reappraisals of the probability of the options given by the existing lease contract. For example, where we no longer expect to exercise an extension option, modifications are changes to the lease contract. Reassessments and modifications are accounted for by discounting the revised cash flows: using a revised discount rate where OPG becomes or ceases to be reasonably certain to exercise or not exercise an extension or termination option, or the lease is modified to amend the non-cancellable period, change the term of the lease, change the consideration or the scope; or at the existing discount rate where there is a movement in an index or rate that will alter the cash flows, or the amount payable under a residual value guarantee changes.

After initial recognition, the right-of-use assets are measured using the fair value model. OPG considers that the cost model (measurement by reference to the lease liability) is a reasonable proxy for fair value, in the case of non-property leases, and for property leases of less than five years or with regular rent reviews. For other leases, the asset will be carried at a revalued amount.

The value of the asset will be adjusted for subsequent amortisation and impairment, and for reassessments and modifications of the lease liability as described above. Where the amount of a reduction to the asset exceeds the carrying value of the asset, the excess amount is recognised in expenditure.

Expenditure for each financial year includes interest on the lease liability and a straight-line amortisation charge on the right-of-use asset over the life of the lease, together with any impairment of the right-of-use asset and any change in variable lease payments, that was not included in the measurement of the lease payments during the period in which the triggering event occurred. Rental payments in respect of leases of low value items, or with a term under 12 months, are also expensed.

Finance and other leases – OPG as lessor

Where OPG acts as a lessor, the arrangement will be assessed to determine whether it constitutes a finance lease, being where the risks and rewards incidental to ownership of an underlying asset are substantially transferred to the lessee. For these leases, the asset is derecognised and a receivable is recognised, with accrued interest being treated as income over its life. For all other leases rental income is recognised on a straight-line basis.

1.12. Financial instruments

IFRS 7 Financial Instruments: Disclosures requires disclosure of the role that financial instruments have had during the year in creating or changing risk an entity faces in carrying out its business. This is set out in Note 8 of these financial statements.

1.13. Cash and cash equivalents

Cash and cash equivalents comprise bank balances held with commercial banks including those administered through the Government Banking Service.

1.14. Provisions

Provisions represent liabilities of uncertain timing or amount. Provisions are recognised when OPG has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will be required to settle the obligation, and for which a reliable estimate can be made for the amount of the obligation. Provisions reflect the best estimate of the expenditure required to settle the obligation. Where the effect is material, the estimated cashflows are discounted. The effect of discounting is charged directly to the statement of comprehensive net expenditure.

2. Income

	2022-23	2021-22
	£000	£000
Gross fee income		
Lasting powers of attorney	79,434	61,147
Enduring powers of attorney	522	577
Supervision of deputies	11,636	12,623
Appointment of deputies	1,029	893
Other	565	553
	93,186	75,793
Remissions and exemptions		
Lasting powers of attorney	(4,646)	(4,038)
Enduring powers of attorney	(10)	(10)
Supervision of deputies	(2,222)	(2,392)
Appointment of deputies	(161)	(169)
Discretionary fee waivers	(902)	(608)
	(7,941)	(7,217)
Total	85,245	68,576

3. Staff and other costs

	2022-23	2021-22
	£000	£000
Staff costs		
Wages and salaries	44,761	40,930
Social security costs	3,528	2,898
Other pension costs	9,209	7,895
	57,498	51,723
Other operating costs		
Visitor services	2,770	2,143
Postage	5,134	3,698
Shared services	1,485	391
Accommodation, maintenance and utilities	2,531	2,630
Low value and short-term leases	(1)	1,107
Lease interest	67	46
Office consumables	466	258
Professional services	437	233
Training and other staff related costs	262	182
Travel, subsistence and hospitality	129	57
Write-off of trade and other uncollectable receivables	546	63
Other costs	1,128	705
Non-cash costs		
Notional recharge from MOJ	11,079	11,324
Notional external audit fee	74	67
Increase/(decrease) in bad debt provision	(759)	419
Movement in provision for legal costs	-	(448)
	25,348	22,875

	2022-23	2021-22
	£000	£000
Depreciation, amortisation and impairment charges		
Amortisation of intangibles	1,674	1,319
Depreciation of property, plant and equipment	406	202
Amortisation of right-of-use assets	2,301	1,105
Revaluation reversal of prior impairments	(79)	-
Impairment of intangibles	-	95
	4,302	2,721
Total	87,148	77,319

4. Cost recovery

OPG is required, in accordance with Managing Public Money, to disclose results for the areas of its activities undertaken throughout the financial year, where fees and charges were made. For details about OPG fees and subsidies available to customers please visit www.gov.uk/government/organisations/office-of-the-public-guardian.

A subsidy is provided to ensure clients are not denied access to services through the inability to afford the requisite fees.

	2022-23	2021-22
	£000	£000
Income	(85,245)	(68,576)
Expenditure	87,148	77,319
Net operating deficit	1,903	8,743
	%	%
Cost recovery	97.8	88.7
(Under)/over recovery against 5% tolerance	2.8	(6.3)

Section 180 of the Anti-Social Behaviour, Crime and Policing Act 2014 permits the Lord Chancellor, with the consent of HM Treasury, to prescribe a fee that exceeds the cost of providing that service. Since April 2017, OPG has used this power to charge an enhanced fee for power of attorney registration to cover the costs of exemption and remission of fees and to subsidise the operating costs of delivering supervision services.

Further information on performance against the cost recovery target (as agreed with HM Treasury and in accordance with the budget delegation from MOJ) is given in the parliamentary accountability and audit report on page 72.

5. Intangible assets

	Software	Assets under construction	Total
	£000	£000	£000
Cost or valuation			
At 1 April 2022	18,625	-	18,625
Transfer from MOJ	-	2,466	2,466
Reclassifications	2,466	(2,466)	-
Disposals	(1,935)	-	(1,935)
Revaluation	537	-	537
At 31 March 2023	19,693	-	19,693
Amortisation			
At 1 April 2022	11,081	-	11,081
Charged in year	1,674	-	1,674
Disposals	(1,935)	-	(1,935)
Revaluation	303	-	303
At 31 March 2023	11,123	-	11,123
Net book value at 31 March 2023	8,570	-	8,570

The only individually material intangible asset held by OPG is Sirius, OPG's casework management system. As this asset is internally developed and has evolved over time, there are a number of different components capitalised. At 31 March 2023, the net book value of these Sirius components was £5.7m. The main component has a remaining amortisation period of five years.

	Software	Assets under construction	Total
	£000	£000	£000
Cost or valuation			
At 1 April 2021	10,586	-	10,586
Transfer from MOJ	-	8,292	8,292
Reclassifications	8,292	(8,292)	-
Revaluation	(8)		(8)
Impairment	(245)	-	(245)
At 31 March 2022	18,625	-	18,625
Amortisation			
At 1 April 2021	9,912	-	9,912
Charged in year	1,319	-	1,319
Impairment	(150)		(150)
At 31 March 2022	11,081	-	11,081
Net book value at 31 March 2022	7,544	-	7,544

6. Property, plant and equipment

	Leasehold improvements	IT equipment	Furniture, fittings and equipment	Assets under construction	Total
	£000	£000	£000	£000	£000
Cost or valuation					
At 1 April 2022	300	1,198	1,087	1,352	3,937
Additions	-	194	-	732	926
Reclassifications	2,032	-	52	(2,084)	-
Disposals	-	-	(312)	-	(312)
Revaluation	62	34	91	-	187
At 31 March 2023	2,394	1,426	918	-	4,738
Depreciation					
At 1 April 2022	-	1,162	726	-	1,888
Charged in year	281	28	97	-	406
Disposals	-	-	(312)	-	(312)
Revaluation	(127)	33	53	-	(41)
At 31 March 2023	154	1,223	564	-	1,941
Net book value at 31 March 2023	2,240	203	354	-	2,797

All property, plant and equipment are owned by OPG, rather than being leased.

	Leasehold improvements	IT equipment	Furniture, fittings and equipment	Assets under construction	Total
	£000	£000	£000	£000	£000
Cost or valuation					
At 1 April 2021	386	1,214	1,006	-	2,606
Additions	-	-	49	1,352	1,401
Revaluation	(86)	(16)	32	-	(70)
At 31 March 2022	300	1,198	1,087	1,352	3,937
Depreciation					
At 1 April 2021	-	1,168	616	-	1,784
Charged in year	104	10	88	-	202
Revaluation	(104)	(16)	22	-	(98)
At 31 March 2022	-	1,162	726	-	1,888
Net book value at 31 March 2022	300	36	361	1,352	2,049

7. Leases

Right-of-use assets

	2022-23	2021-22
	£000	£000
Cost or valuation		
At 1 April	10,255	2,139
Additions	336	8,116
At 31 March	10,591	10,255
Amortisation		
At 1 April	1,105	-
Charged in year	2,301	1,105
At 31 March	3,406	1,105
Net book value at 31 March	7,185	9,150

OPG's right-of-use assets are leases on offices in Nottingham and Birmingham. These leases end in September 2025 and March 2026 respectively.

Lease liabilities

	31 March 2023	31 March 2022
	£000	£000
Not later than one year	2,754	2,895
Later than one year and not later than five years	4,233	6,630
Gross liabilities	6,987	9,525
Less interest element	(77)	(144)
Present value of obligations	6,910	9,381

An analysis of discounted cashflows relating to lease liabilities, between current and non-current, is presented in Note 12.

Amounts recognised in the statement of comprehensive net expenditure

	2022-23	2021-22
	£000	£000
Amortisation	2,301	1,105
Interest expense	67	46
Total	2,368	1,151

Amounts recognised in the statement of cash flows

	2022-23	2021-22
	£000	£000
Repayment of principal on leases	2,471	-
Interest expense within operating cost	67	46
Interest expense non-cash adjustment	-	(46)
Total	2,538	-

8. Financial instruments

IFRS 7 Financial Instruments: Disclosures requires disclosure of the role that financial instruments have had during the year in creating or changing risk an entity faces in carrying out its business.

As the cash requirements of OPG are met through the estimate process, financial instruments play a more limited role in creating and managing risk than would apply to a non-public sector body.

Receivables are valued under the expected credit loss model set out in IFRS 9. Receivables are recognised at lifetime loss and impairment (stage three under IFRS 9). The estimation technique applied in valuing receivables is set out in Note 9, accompanied by a sensitivity analysis.

All cash is held with the Government Banking Service. Where OPG generates excess cash, this is surrendered to MOJ during the year.

The carrying value of financial assets and liabilities, excluding receivables and payables with MOJ is as follows:

	31 March 2023	31 March 2022
	£000	£000
Cash and cash equivalents – Government Banking Service	14,108	8,490
Trade and other receivables	11,155	10,046
Trade and other payables	(40,278)	(34,650)
Other financial liabilities	(6,910)	(9,381)
Total	(21,925)	(25,495)

Included within trade and other payables is £31.858 million of contract liabilities, representing power of attorney income that has been deferred as OPG has not yet processed the related applications (31 March 2022: £25.838 million).

9. Trade and other receivables

	31 March 2023	31 March 2022
	£000	£000
Trade receivables	4,907	4,101
Contract assets	11,327	11,607
Impairment for bad and doubtful debt	(5,746)	(6,455)
	10,488	9,253
VAT receivable	81	77
Staff receivables	490	415
Amount due from MOJ	182	282
Amounts due from other government departments	29	280
Prepayments	67	21
Total	11,337	10,328

All OPG's receivables are collectable within one year.

The impairment for bad and doubtful debt is comprised as follows:

	31 March 2023	31 March 2022
	£000	£000
Bad and doubtful debts	4,392	5,150
Fee cancellations provision	132	93
Remissions and exemptions provision	1,222	1,212
Total	5,746	6,455

The movement in the remissions and exemptions provision is charged against income.

Impairment of bad and doubtful debts

The estimation of the provision for bad and doubtful debt involves:

- aging debts based on the earliest invoice which the customer has not paid
- grouping debts based as the case's status as 'live' or 'terminated'
- impairing debt groupings by percentages reflecting past activity and expectations of future debt collection performance

The debt age groupings and impairment percentages applied are as follows:

	More than three years	Between two and three years	Between one and two years	Less than one year
	%	%	%	%
Live cases				
31 March 2023				
Lay	65	25	25	7.5
Professional	50	10	10	5
Public body	65	30	30	12.5
31 March 2022	100	50	37.5	10
Terminated cases				
31 March 2023	90	80	80	70
31 March 2022	100	100	90	50

These groupings and percentages are reviewed annually. The percentages applied are based on the data available and management's knowledge of the customer base. Assessing future expected credit losses requires the application of estimation techniques and management judgment: actual credit losses may not be the same as the provision made.

Had the impairment percentages at 31 March 2022 been applied to the debts held at 31 March 2023, the impairment would have been £6.721 million, an increase as against the 31 March 2023 impairment of £1.252 million. Had the impairment percentages at 31 March 2023 been applied to the debts held at 31 March 2022, the impairment would have been £5.325 million, a decrease as against the 31 March 2022 impairment of £1.130 million.

A sensitivity analysis has been conducted showing the following possible impacts of an increase/(decrease) in the impairment percentages:

Increase/(decrease) in impairment percentage	-10%*	-5%	+5%	+10%
Increase/(decrease) in provision	£million	£million	£million	£million
Live cases	(0.9)	(0.6)	0.6	1.1
Terminated cases	(0.3)	(0.2)	0.2	0.3
Total	(1.2)	(0.8)	0.8	1.4

*Live cases for lay and professional deputies under one year are provided against at less than 10%. This calculation assumes they are not provided for.

Exemptions and remissions provision

Applications for remissions and exemptions will be received and granted for some of the fees for which OPG has invoiced or accrued. Therefore, a provision is recognised within receivables based on past levels of remissions and exemptions granted. Historic volumes of remissions and exemptions are assumed to be representative of future volumes.

10. Cash and cash equivalents

	2022-23	2021-22
	£000	£000
At 1 April	8,490	6,429
Net change in balance	5,618	2,061
At 31 March	14,108	8,490

All OPG cash is held with the Government Banking Service.

11. Trade and other payables

	31 March 2023	31 March 2022
	£000	£000
Trade payables	316	221
Taxation and social security payable	776	739
Amount due to MOJ	1,170	1,568
Other payables	1,576	1,547
Accruals	5,752	6,305
Contract liabilities	31,858	25,838
Total	41,448	36,218

All OPG's payables fall due within one year.

Included within accruals are capital accruals of £0.007 million (2021 to 2022: £1.243 million).

Contract liability movements throughout the year were as follows:

	2022-23	2021-22
	£000	£000
At 1 April	25,838	11,573
Power of attorney income recognised in year	(75,300)	(57,676)
Power of attorney income deferred	81,320	71,941
At 31 March	31,858	25,838

12. Other financial liabilities

	31 March 2023	31 March 2022
	£000	£000
Lease liabilities – current	2,707	2,828
Lease liabilities – non-current	4,203	6,553
Total	6,910	9,381

Further information on lease liabilities and the related right-of-use assets is provided in Note 7.

13. Provisions

	Dilapidations	Other	Total
	£000	£000	£000
At 1 April 2022	2,051	235	2,286
Provided in year	336	-	336
Reversed unused	-	-	-
At 31 March 2023	2,387	235	2,622
At 1 April 2021	1,249	263	1,512
Provided in year	1,222	-	1,222
Reversed unused	(420)	(28)	(448)
At 31 March 2022	2,051	235	2,286

The expected timings of cash flows are as follows:

	Dilapidations	Other	Total
	£000	£000	£000
Not later than one year	-	-	-
Between one and five years	2,387	235	2,622
At 31 March 2023	2,387	235	2,622
Not later than one year	-	235	235
Between one and five years	2,051	-	2,051
At 31 March 2022	2,051	235	2,286

Dilapidations

The dilapidations provision relates to the estimated costs of dilapidations on OPG's offices in Nottingham and Birmingham at the end of their lease terms.

Other

Other provisions include provision for legal claims. Provision has been made for all known claims where legal advice indicates that it is more likely than not that the claim will be successful and the amount of the claim can be reliably estimated.

14. Commitments

	31 March 2023	31 March 2022
	£000	£000
Capital commitments	-	1,567

At 31 March 2023, OPG had no material commitments under other non-cancellable contracts (31 March 2022: nil).

15. Contingent assets and liabilities

At 31 March 2023, OPG had no contingent assets or liabilities (31 March 2022: nil).

16. Related party transactions

OPG is an executive agency of MOJ. MOJ is regarded as a related party. During the period OPG had various material transactions with MOJ. These material transactions are disclosed separately within the primary statements and notes.

The MOJ recharge disclosed in Note 3 is an apportionment of overheads including HR, finance, IT and estates to all MOJ departments and agencies on a notional basis.

OPG also had transactions with other government departments and entities, including transactions with HMRC and PCSPS in respect of employers' national insurance and pension contributions.

None of the members of the board of OPG, key managerial staff, or other related parties have undertaken any material transactions with OPG during the financial year.

17. Events after the reporting period

In accordance with the requirements of IAS 10 Events After the Reporting Period, events are considered up to the date on which the financial statements are authorised for issue, which is interpreted as the date of the certificate and report of the Comptroller and Auditor General.

There are no subsequent events to report.

Annex

Performance targets

Impact indicator: average actual clearance time for powers of attorney

The target average actual clearance time is 40 working days.

Purpose	Calculation method	Data source	Achieved to 31 March 2023
<p>This indicator calculates the average number of working days taken to register and dispatch all powers of attorney in a given reporting period. This is the time taken between the date of application and the date of dispatch.</p>	<p>Of all powers of attorney with a date of dispatch within a reporting period, the number of working days (excluding bank holidays and weekends) between the 'date of dispatch' and the 'date of receipt' are summed and then averaged between the number of applications.</p> <p>'Date of receipt' is the day the application is received by OPG, supported by a valid payment received or, alternatively, the date of decision for a successful remission or exemption application. This is the point OPG begins processing the application.</p> <p>'Date of dispatch' is the date the registered power of attorney is dispatched as the last part of the application process, which then shows an application as registered within our internal case management systems.</p>	<p>OPG's internal case management systems.</p>	<p>Average actual clearance time of 91 working days (for LPAs and EPAs) against a target of 40 working days.</p>

Customer service indicator: customer contact centre

The target percentage for calls answered within five minutes in OPG's customer contact centre is 90%.

Purpose	Calculation method	Data source	Achieved to 31 March 2023
This indicator measures timely and accurate support and guidance for all of OPG's services, and signposting to CoP services where appropriate.	Number of calls answered within five minutes plus number of calls abandoned within five minutes divided by total number of calls answered plus total number of calls abandoned. Calls that are re-directed out of scope are deducted from the total calls to avoid double counting, as these are reported separately where required.	OPG's telephony data management system.	Percentage of calls answered within five minutes was 31% against target of 90%.

Impact indicator: OPG digital customer satisfaction surveys

The target percentage of customers 'very' or 'fairly satisfied' with OPG digital services is 80%.

Purpose	Calculation method	Data source	Achieved to 31 March 2023
This impact indicator helps to ensure we are developing our digital services to meet our customers' needs.	Number of customers who are 'very' or 'fairly satisfied' with digital services divided by number of survey responses received answering this question.	LPA digital tool customer satisfaction survey.	Customer satisfaction survey score at year end was 89% for our 'use an LPA' service, 86% for our 'make an LPA' service, and 80% for our 'complete a deputy report' service.

Customer service indicator: OPG customer satisfaction survey – power of attorney services

The target percentage of customers 'very' or 'fairly satisfied' with power of attorney services is 80%.

Purpose	Calculation method	Data source	Achieved to 31 March 2023
This indicator helps us to understand our customers' needs and identify trends so we can continually improve services.	Number responding 'very' or 'fairly satisfied' divided by number of survey responses.	LPA customer satisfaction surveys.	Customer satisfaction survey score at year end was 60%.

Customer service indicator: OPG customer satisfaction survey – deputyship services

The target percentage of customers 'very' or 'fairly satisfied' with deputyship services is 80%.

Purpose	Calculation method	Data source	Achieved to 31 March 2023
This indicator helps us to understand our customers' needs and identify trends so we can continually improve services.	Number responding 'very' or 'fairly satisfied' divided by number of survey responses.	Deputyship customer satisfaction surveys.	Customer satisfaction survey score at year end was 75%.

Impact indicator: supervising deputies

- a) The target average time to obtain annual reports is within 40 working days.
- b) The target average time to review annual reports is within 15 working days.
- c) The target for annual reports outstanding for over 98 calendar days is 4.5% or less.

Purpose	Calculation method	Data source	Achieved to 31 March 2023
These indicators help us to ensure that we provide proportional and appropriate support for all deputies.	<ul style="list-style-type: none"> a) The average number of working days between the 'due date' of the report (40 working days after the anniversary of the court order) and the date which the report was received in OPG. b) The average number of working days between the date an annual report is received and the date it was reviewed. c) The number of cases with at least one report outstanding for over 98 days, or the number of cases that have had at least one report due. 	OPG's internal case management systems.	<ul style="list-style-type: none"> a) Average time to obtain annual reports was 34 working days. b) All annual reports were reviewed within 15 days, at an average of 14 working days. c) 2.66% of annual reports were outstanding over 98 calendar days.

Impact indicator: investigations

- a) The target is to risk assess 95% of raised concerns within two working days.
- b) The target is for 95% of safeguarding risk assessments to reach final outcome within five working days.
- c) The target is to conclude all investigations within 70 working days.
- d) The target is average time taken to implement OPG-owned actions within Public Guardian recommendations, where court action has been deemed necessary within 35 working days.
- e) The target is average time taken to implement OPG-owned actions within Public Guardian recommendations, where court action has not been deemed necessary within 25 working days.

Purpose	Calculation method	Data source	Achieved to 31 March 2023
<p>These indicators centre on OPG's responsibility to safeguard vulnerable adults.</p> <p>(a) and (b) OPG will carry out a risk assessment process to determine:</p> <p>i) whether the Public Guardian has jurisdiction to investigate concerns and, if not, signpost the concern to the relevant agency</p> <p>ii) whether the vulnerable person is at immediate risk in terms of their personal welfare, finance or property, and what immediate action is required</p> <p>iii) whether the concern can be investigated over a longer period</p> <p>c) An investigation is classed as concluded if:</p> <p>i) a formal written report is signed off by the Public Guardian</p> <p>ii) approval of a court application is agreed (where this pre-dates a Public Guardian report)</p>	<p>a) Two working days starting from the date that the concern is received by OPG. Day one is the working day the concern is received.</p> <p>b) Five working days starting from the date that the concern is received by OPG. Day one is the working day the concern is received.</p> <p>c) The 70-working-day period starts the date that the concern leading to an investigation is received by OPG.</p> <p>d) The 35-working-day period starts from the date the Public Guardian approves the report. Day one is the day the report is approved.</p> <p>e) The 25-working-day period starts from the date the Public Guardian approves the report. Day one is the day the report is approved.</p>	<p>All complaints and concerns are risk assessed and the Public Guardian's jurisdiction is considered.</p> <p>Referrals are recorded and include:</p> <ul style="list-style-type: none"> • date of concern received by OPG • date of concern received by investigations team • risk assessment date • risk assessment time • investigation completion date • outcome of application to the CoP period (working days) • investigation (pre-report) time period • investigation (post-report) time period • recommendations closure approvals date 	<p>a) 86% of concerns were risk assessed within two working days.⁷</p> <p>b) 85% of concerns reached final outcome within five working days.⁸</p> <p>c) Average time to conclude investigations was 78 working days.</p> <p>d) Average time to conclude all recommendations where court action has been deemed necessary was 31.6 working days.</p> <p>e) Average time to conclude all recommendations where court action has not been deemed necessary was 16.2 working days.</p>

8 86% and 85% were recorded as the performance levels for these targets due to a technical IT issue during the year, for a period of three months, which impacted the ability to record accurately against these targets. We carried out manual checks to make sure that cases were being risk assessed, triaged within target, and that no one was at risk. A total of 2,700 concerns were risk assessed during the three-month period. Once the IT system was fixed, it recorded monthly figures of 98%, above the targeted performance level of 95%.

Purpose	Calculation method	Data source	Achieved to 31 March 2023
<p>iii) a compliance manager agrees to conclude an investigation as a report to the Public Guardian is deemed unnecessary</p> <p>iv) the client dies (where the compliance manager judges sufficient work had been done on the case to merit classification)</p> <p>(d) and (e) A recommendation is classed as concluded if:</p> <p>i) an application is made to the CoP, where this was as a result of a recommendation approved by the Public Guardian</p> <p>ii) a case is approved for closure where:</p> <ul style="list-style-type: none"> • court action is not deemed necessary • the investigator shares the outcome of the investigation and any further requirements to the attorney or deputy – this will not include any subsequent monitoring of the case • the deputy makes an application to the CoP 			

Customer service indicator: complaints

The target is to respond to 90% of all customer complaints within 10 working days of receipt.

Purpose	Calculation method	Data source	Achieved to 31 March 2023
This indicator plays an important part in helping OPG understand to what extent we are achieving our customers' expectations.	Every month the tier 2 complaints manager collates the number of complaints that were due in the month ('total with target in month') and the number of complaints that were completed in target ('total responded to in target'). The indicator is calculated with the help of the following formula: Complaints completed in target/complaints due x 100.	Management information from each individual business area.	21% of complaints were responded to within 10 working days of receipt.

The target is 30% of customers choosing to complete their LPA applications using the online service.

Purpose	Calculation method	Data source	Achieved to 31 March 2023
This indicator plays an important part in helping OPG to improve the digital tools to make it easier for users to access our online services.	Percentage of digital intake: Number of online LPAs received in the reporting period/total number of applications received in the reporting period x 100.	OPG's internal case management systems.	32.53% of LPA applications were completed using online services.

People indicator: staff engagement

- a) The target is to achieve a staff engagement score at 62%.
- b) The target for the percentage of staff who have experienced bullying or harassment at work is 11% or less.
- c) The target for the percentage of staff who have experienced discrimination at work is 11% or less.

Purpose	Calculation method	Data source	Achieved to 31 March 2023
These indicators help us to create a great place to work and to support a zero-tolerance approach against bullying, harassment and discrimination in the workplace.	<p>a) Each of the five engagement questions in the survey are weighted with a score from 100 to 0 dependant on their response. The resulting scores are added together and divided by 5 (the number of questions) to create the engagement index score.</p> <p>b) This indicator is calculated by dividing number of respondents declaring experience of bullying and/or harassment by total respondents.</p> <p>c) This indicator is calculated by dividing number of respondents declaring experience of discrimination by total respondents.</p>	Annual survey (staff engagement) and smart survey.	<p>a) Staff engagement score was 63%.</p> <p>b) 10% of staff experienced bullying and harassment.</p> <p>c) 11% of staff experienced discrimination.</p>

People indicator: workforce data

- a) The target staff turnover is 10% or less.
- b) The target is to achieve a score of 7.5 working days or lower lost to sickness absence.

Purpose	Calculation method	Data source	Achieved to 31 March 2023
These indicators help to assist our decision makers to ensure that OPG is sufficiently resourced, which will enable OPG to achieve its business plan objectives, carry out its vision and strive to live up to the OPG values in everything we do.	<p>a) The indicator is calculated by dividing total number of leavers in a 12-month rolling period by average total staff headcount over a 12-month rolling period.</p> <p>b) The indicator is calculated by dividing total working days lost in period by staff years in period.</p>	The data is provided by the MOJ analytical services team, who download the data from SOP, MOJ's HR case management system.	<p>a) Staff turnover was 9.8%.</p> <p>b) Average working days lost was 8.9 working days.</p>

People indicator: average time to recruit

The target is 52 working days.

Purpose	Calculation method	Data source	Achieved to 31 March 2023
This indicator helps to assist our decision makers to ensure that OPG is sufficiently resourced, which will enable OPG to achieve its business plan objectives, carry out its vision and strive to live up to the OPG values in everything we do.	The total working days to hire are calculated by counting the number of working days between the 'vacancy advertised' date and the contract start date for each new starter in the reporting period and then adding together. A mean average calculation will be run on the above figure. This will provide us with the average time to recruit (working days).	The MOJ recruitment case management system.	Average time to recruit is 55 working days from the last reported data available.

Glossary

Attorney

The person chosen to act for someone else on an EPA or an LPA.

Best interests

Any decisions made, or actions taken, on behalf of someone who has lost mental capacity must be in their best interests. There are standard steps to follow when deciding on someone's best interests. These are set out in section 2 of the Mental Capacity Act code of practice.

Deputy

Lay, professional individuals or public authorities (such as solicitors or local authorities) who have been appointed by the CoP to make decisions on behalf of people lacking capacity.

Donor

Someone who has created either an EPA or an LPA. They are referred to as donors because they have donated certain decision-making powers to someone else.

Enduring power of attorney (EPA)

Replaced by LPAs in October 2007. Like an LPA, it is a legal document used to appoint someone to make decisions on your behalf should you lose mental capacity. EPAs signed and dated before 1 October 2007 are still valid and can be registered with OPG when the donor starts to lose, or has lost, mental capacity.

Investigations

OPG can carry out an investigation into the actions of a deputy, a registered attorney, or someone authorised by the CoP to perform a transaction for someone who lacks capacity, and report to the Public Guardian or CoP. The recommendations in the investigation report are then considered by the Public Guardian, who takes overall responsibility for ensuring that they are in the best interests of the donor or client, and then signs off on the report. This is a vital part of OPG's role safeguarding adults at risk.

Lasting power of attorney (LPA)

A legal document which is used to appoint someone to make decisions on your behalf. There are two types of LPA:

- health and welfare
- property and financial affairs

Both types of LPA must be registered with OPG before they can be used.

Mental capacity

The ability to make a specific decision at the time that it needs to be made. You can find a legal definition of mental capacity in section 2 of the Mental Capacity Act.

P

Persons who are the subject of proceedings in the CoP, and/or in relation to where there are arrangements for decisions about their personal welfare or property and affairs to be made by others – whether through an LPA or EPA, or under a deputyship order.

User

Anyone who makes use of OPG services. This could be donors, attorneys, deputies, persons subject to deputyship orders, partners or intermediaries. It also covers staff using OPG's system.



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