



Office of the
Public Guardian

HC 100

Office of the Public Guardian

Annual report and accounts



2023 – 2024

Office of the Public Guardian Annual report and accounts 2023 to 2024

For the period 1 April 2023 to
31 March 2024

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

Ordered by the House of Commons to be printed on 23 July 2024

HC 100



© Crown Copyright 2024

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned. This publication is available at www.gov.uk/official-documents

Any enquiries regarding this publication should be sent to us at customerservices@publicguardian.gov.uk

ISBN 978-1-5286-4958-2

E03135396

Printed on paper containing 40% recycled fibre content minimum.

Printed in the UK by HH Associates Ltd on behalf of the Controller of His Majesty's Stationery Office.

Contents

| | |
|---|------------|
| Performance report | 2 |
| Overview | 3 |
| Statement from the Public Guardian and Chief Executive | 4 |
| About the Office of the Public Guardian | 6 |
| Performance analysis | 9 |
| Our people | 26 |
| Financial performance | 31 |
| Sustainability report | 32 |
| Accountability report | 38 |
| Corporate governance report | 39 |
| Directors' report | 40 |
| Statement of Accounting Officer's responsibilities | 42 |
| Governance statement | 43 |
| Remuneration and staff report | 65 |
| Parliamentary accountability and audit report | 79 |
| The certificate and report of the Comptroller and Auditor General to the House of Commons | 81 |
| Financial statements | 88 |
| Annex | 118 |
| Performance targets | 119 |
| Glossary | 128 |

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 2023 to 2024
- 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 2023 to 2024 included:

- delivering the expected level of service to our customers
- ensuring we have the IT systems, estates capacity and workforce to undertake our operations
- achieving in-year cost recovery and supporting our future financial sustainability

Further detail on these and other risks managed during the year can be found from page 52 onwards.

Statement from the Public Guardian and Chief Executive

I'm pleased to present the Office of the Public Guardian's annual report and accounts for 2023 to 2024. As Public Guardian, I'm proud to lead an organisation of such dedicated professionals who keep our customers at the heart of everything that they do. We are clear on our mission – to help everyone to make the decisions they need to and protect the interests of those who can't make decisions for themselves – and we have worked hard this year to continually improve the services we provide.

We are proud that we are supporting more people and serving more customers than ever before. We have seen an increase in supervision orders to 60,516, up from 58,194 last year and also an increase in investigations to 3,647, up from 2,849 last year. As an organisation, we want lasting powers of attorney (LPAs) to be a greater part of everyday life, to make sure more people are empowered and protected. During the year we received 1.37 million applications to register powers of attorney (LPAs and enduring powers of attorney), up from one million last year. This put additional pressure on backlog recovery but, despite the higher volumes, we have cut the backlog and reduced customer waiting times. This progress is testament to the commitment and resilience of our people and how we have adapted as an organisation – through recruiting extra staff, overtime working and finding new ways to improve efficiency. We've monitored progress against our recovery plan and as there is still work to do, we will keep prioritising work in this area.

We will keep promoting the benefits of LPAs and last year we relaunched our Your Voice, Your Decision campaign. Delivered in a targeted way in specific areas of England and Wales, the campaign aims to raise awareness of the importance of having LPAs in place. We worked with stakeholders and community groups to help make sure we reached as many people as possible. I would like to thank all those who have actively supported our work and encouraged early conversations about LPAs.

The high number of LPA applications registered in the last year also impacts on our financial position. OPG operates a cost recovery model where the fees we charge are used to cover the cost of running our services, and we aim to balance the two. This year we are showing an over-recovery of 106.9%, after under-recovering costs for the previous three years. From a financial perspective, the fees charged for an LPA are not recognised in our accounts until the LPA is registered. The over-recovery is in part due to the higher number of LPAs that have been registered but also because a proportion of LPAs were worked on and the costs incurred in the 2022 to 2023 financial year and the income recognised in 2023 to 2024.

As well as working to reduce the backlog in LPA applications, we have worked hard to improve our customer service. We have made some real progress. We've invested in our contact centre, by extending opening hours and by opening a new contact centre in Birmingham, adding to our existing operations in Nottingham. We also added a new phone line enabling customers to make a card payment quickly. These improvements have helped us to answer more calls than last year and reduce the length of time that our customers wait to speak to our staff.

We started the year with a backlog of customer complaints that is now cleared after increasing the staffing and overtime hours of our complaints teams. We aim to respond to 90% of complaints within 10 working days, and although our year-long average was 69%, this includes the beginning of the year when we had complaint backlogs. For the seven-month period from September 2023 to March 2024, we averaged 90%.

While it is right to recognise the progress made in improving the customer experience, there are areas of concern and challenges we still need to overcome. We need to continue to reduce wait times for LPA applications and get back within target. We have also seen an increase in the number of investigations conducted by OPG. This meant we did not achieve our 70 working days target for completing investigations.

We have a recovery plan in place to bring investigations back within target. We have also worked to ensure all cases were triaged quickly for safeguarding needs and we prioritised urgent cases to minimise risk for our most vulnerable customers. We have put in place measures to improve productivity and reduce the time taken to finalise investigations. This included introducing a new investigations support team to undertake administrative duties so that our investigators can focus further on the investigations themselves.

With the customer at the heart of everything we do, we have continued to make progress with our ambition to modernise our LPA services. We achieved a major milestone, working with the Ministry of Justice, to gain Royal Assent for the Powers of Attorney Act 2023. This Act will enable us to make it safer, easier and quicker for customers to make an LPA. Our plans will transform how customers make an LPA and also improve protections against fraud by false representation. We are continuing to design and develop our modernised service. The next step is to finalise the necessary secondary legislation and to further test the service to make sure it works for our customers.

I'm grateful to all my colleagues, the board at OPG, and the Ministry of Justice for their support and all they have done during the year. I'm excited to be leading OPG into the next financial year when we continue to make sure OPG is a great place to work and to build better, quicker and more reliable services for our customers.

Best wishes,



Amy Holmes
Public Guardian and Chief Executive

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 2023 to 31 March 2024) have been:

- the Right Honourable Dominic Raab MP, Lord Chancellor and Secretary of State for Justice (until 21 April 2023)
- the Right Honourable Alex Chalk KC MP, Lord Chancellor and Secretary of State for Justice (from 21 April 2023)
- Mike Freer MP, Parliamentary Under Secretary of State for Justice

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 (LPAs and EPAs)
- 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 financial affairs 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 members of the legal and financial sectors. |

Performance analysis

How did we perform during 2023 to 2024?

OPG's performance against our targets is set out 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 measured can be found in the annex.

A major priority for the year was reducing the size of our backlog of LPA applications. The recovery plan we already had in place has been working and has delivered strong progress during the year, although we recognise there is more to do. We saw a significant increase in demand, with a total of 1.37 million applications received to register powers of attorney, compared to one million the previous year. This higher demand for LPAs is welcome but placed additional pressure on our backlog recovery. The backlog stood at 223,200 LPAs in March 2023 and increased to 288,100 LPAs in August 2023. We took further action to tackle those high volumes, recruiting more staff and leasing additional office space, and we were able to reduce the backlog to 149,400 LPA applications in March 2024 – a 48% reduction in the seven months from August 2023.

The reduction in the backlog has meant a reduction in the average time our customers wait to receive their registered LPAs. During 2022 to 2023, our average time to register and dispatch LPAs and EPAs was 91 working days. This financial year, that fell to 76 working days. A monthly breakdown further shows the trend of progress. For LPAs and EPAs that were registered and dispatched solely in the month of April 2023, this was after an average of 80 working days following receipt of the application. This fell to 62 working days for LPAs and EPAs that were registered and dispatched solely in the month of March 2024.

Improving the customer experience throughout the year has remained a priority. We opened a new contact centre, extended our phone line operating hours, and created a new phone line for customers wishing to make card payments. We also cleared our customer complaint backlogs and have substantially improved the timeliness of our complaint replies. We look forward to building on this progress during the next financial year.

We experienced higher demand for investigations this year linked to higher demand for LPAs and a growth in our supervision caseload. This meant we did not meet our target to complete investigations within 70 working days, with our final performance being 93 working days. We have put recovery plans in place to improve our performance. Our work to supervise deputies has also grown to 60,516 clients. The Government Internal Audit Agency undertook an audit of our supervision work and gave its strongest rating of 'Substantial' assurance in terms of the governance, risk management and the controls we have in place.

Our People Promise commits to making OPG a great place to work and we have continued to support our staff this year with investment in their wellbeing, personal development, and access to learning opportunities. Details of specific initiatives we have implemented are outlined from page 26 onwards.

While carrying out our operational activities, we have also been planning for the future of OPG's services. Our plans to modernise LPAs, through a new digital service and an improved paper channel, will transform how our customers experience the process of applying to register their LPAs. During the year we made significant strides, including supporting the successful passage of new legislation (the Powers of Attorney Act 2023). Progressing our modernisation plans will remain a major focus of the next financial year.

We have also been progressing a data improvement project to improve the efficiency of our data usage across OPG. In the past year we have undertaken significant discovery work to understand what our data operating model should be, considering best practice examples from across government and the private sector. In the coming year we will be working to implement changes to our operating model and become more efficient as we progress our modernisation journey.

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

Performance indicators and workload



60,516

Supervision
caseload



1,370,546

Power of attorney
applications received
(LPAs and EPAs)



8,039,546

LPAs and EPAs currently
on the register

How we performed:



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



Average time to obtain annual reports from deputies we supervise
Target: 40 working days



Average time to review deputies' annual reports
Target: 15 working days



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



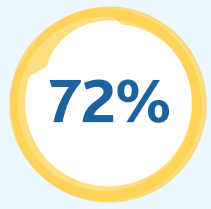
Average time to conclude investigations
Target: 70 working days



Percentage of calls answered within 5 minutes
Target: 90%



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



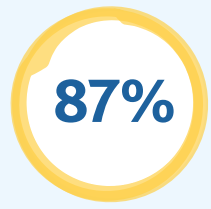
Percentage of customers satisfied with deputyship services
Target: 80%



Percentage of complaints fully responded to within 10 working days
Target: 90%



Satisfaction rate for 'Use an LPA' digital service



Satisfaction rate for 'Make an LPA' digital service



Satisfaction rate for 'Complete a deputy report' digital service

Powers of attorney

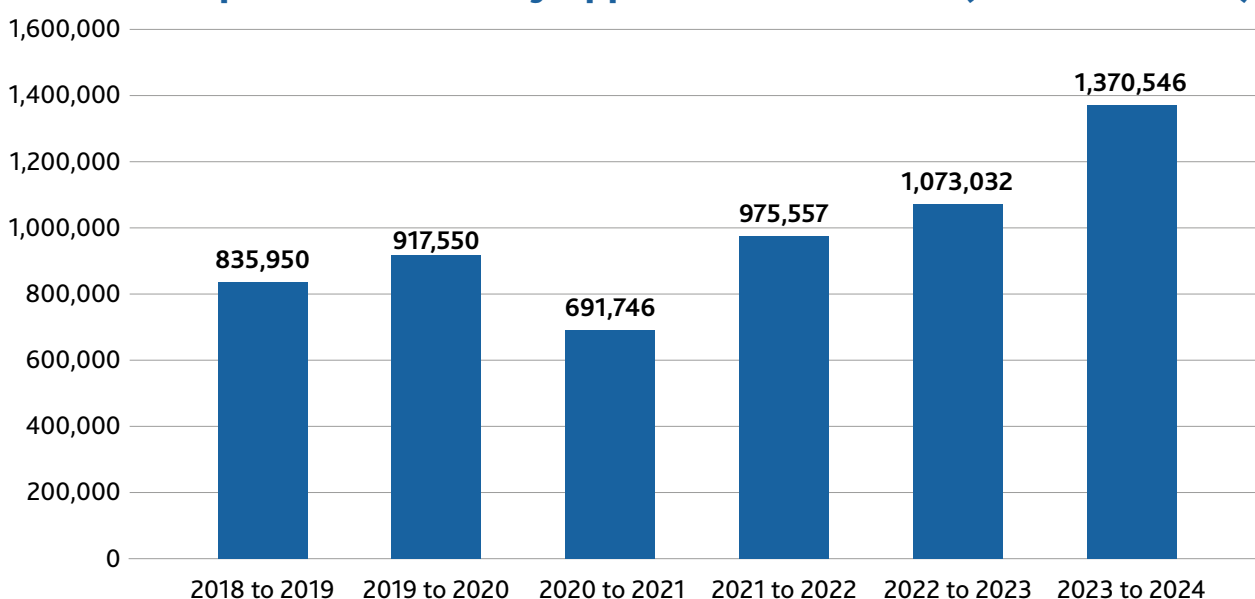
Registering applications for LPAs and EPAs is one of OPG’s key services. This allows individuals to choose who they wish to make decisions on their behalf should there come a time when they cannot make those decisions themselves.

The main customer service targets in this area are:

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

We have continued to prioritise reducing the size of the LPA backlog that was created during the pandemic and sustained by the subsequent increase in applications. This year we received the highest ever number of power of attorney applications in one year, with 1,370,546 applications received (LPAs and EPAs). The below graph shows the rising trend in demand to register powers of attorney:

Number of power of attorney applications received (LPAs and EPAs)



We welcome this higher demand for LPAs as we believe strongly that LPAs should be for everyone and a greater part of everyday life. As the higher demand affected the speed of our backlog clearance, we took further action by increasing recruitment and taking on additional office space. This had a positive impact and meant the backlog has continued to go down.

At the end of the last financial year – March 2023 – the backlog stood at 223,200 LPAs, before increasing to 288,100 in August 2023, and then being reduced to 149,400 LPAs in March 2024. From August 2023 to March 2024, this represents a 48% reduction in seven months. Achieving this has required additional resourcing, shift working patterns, overtime working, staff training across multiple work areas, and continued focus on productivity and process efficiencies. We remain determined to make further progress in clearing the backlog fully and are aiming to achieve this during the next financial year.

The reduction in the backlog has meant a reduction in the average time taken to register and dispatch power of attorney applications. During 2022 to 2023, LPAs and EPAs were registered and dispatched in an average of 91 working days, with a peak of 102 working days for LPAs and EPAs registered and dispatched solely in the month of October 2022. During 2023 to 2024, our year-long average decreased to an average of 76 working days. A monthly breakdown further shows the extent of the progress we have made. For LPAs and EPAs registered and dispatched solely in the month of April 2023, this was after an average of 80 working days following receipt of the application. This fell to 62 working days for LPAs and EPAs registered and dispatched solely during the month of March 2024. This reduction is a welcome trend as we work towards returning to our target and pre-pandemic performance of 40 working days.

Our efforts to improve our customer service and the reduction in wait times to register LPAs have contributed to an increase in customer satisfaction from an average of 60% last year to 76% this year. A monthly breakdown shows that we achieved our 80% target for the month of March 2024. We plan to build on this strong progress to achieve an 80% average across the next financial year.

We welcome the growing recognition of the importance of planning ahead and getting powers of attorney in place. We have therefore also continued our Your Voice, Your Decision campaign to raise public awareness of the importance of LPAs. This localised and targeted campaign is aimed at increasing uptake of LPAs. The campaign has so far been delivered in Merseyside, West Midlands, Greater Manchester, South Wales, and the East Coast and we plan to continue running it in other areas in England and Wales while also evaluating its impact as it progresses.

Service improvements

As part of our commitment to improving the customer experience, a key focus this year has been improving how we handle and respond to the significant number of phone calls we receive. The steps we have taken include:

- opening a new contact centre in Birmingham, in addition to our existing contact centre in Nottingham
- extending our phone line operating hours to open from 9:00am on four weekdays, instead of from 9:30am
- adding more specific frequently asked questions (FAQs) on different phone lines and better signposting customers to existing resources on our website
- introducing a new phone line specifically for customers needing to make card payments

These steps have delivered measurable positive impact for our customers. In April 2023, a customer waited an average of almost 24 minutes before being able to speak to an advisor, and by March 2024, this had reduced to 10 minutes. In total we answered 240,000 customer calls during the year, up from 203,000 last year. We want to do better and reduce wait times even further. We will be launching a new telephony system in the next financial year to further improve the call experience for both our customers and our staff.

We have used customer feedback to improve our Use an LPA service. Use an LPA is our online service which enables donors and attorneys to share details of their LPAs quickly and easily with organisations. We have improved information for customers using the service both online and in letters, by clarifying the difference between registration reference numbers and activation keys. We have also clarified what customers need to do with their activation key to enable third parties to digitally access details of LPAs. We released a video animation on our website and social media channels to explain the different codes and reference numbers.

In July 2023, we released new features in our Use an LPA and View an LPA services. Instructions and preferences (restrictions and conditions), which were previously not viewable online now can be seen. These steps make it easier for attorneys and third parties to view LPAs, reducing the likelihood of paper evidence of the LPA being required. Using customer feedback, we have also been working with external stakeholders to support their understanding of how our Use an LPA service works.

Our customers and external organisations, such as the NHS, also rely on our OPG100 service to search our registers to check if LPAs, EPAs, and deputyships are in place. We developed a new automated way of working that reduced our response time for search requests from 15 working days at the beginning of the financial year to just 6 working days by March 2024.

We have continued to progress our plans to modernise LPAs. There will be a new digital channel for applying to register LPAs, alongside an improved paper-based process. These plans will transform how customers apply to register their LPAs and how they experience our services, alongside supporting OPG's sustainability. In September 2023, working with MOJ, we achieved a major milestone when we gained Royal Assent for the Powers of Attorney Act 2023. This Act, alongside secondary legislation needed to make the modernised service operational, will make the service safer, easier and quicker, as well as improve protections against fraud. We have been designing and developing our modernised service. We look forward to starting customer testing once we have worked through the detailed design and have the necessary secondary legislation in place.

Supervision

If an individual has lost mental capacity and does not have an EPA or LPA in place, the Court of Protection can appoint a deputy to make decisions about that individual's finances or health. OPG supervises all deputies appointed by the Court. Our supervision caseload is the total number of individuals for whom deputies have been appointed. These individuals are referred to as 'P' by the Mental Capacity Act 2005.

The supervision caseload has increased from 58,194 at the end of 2022 to 2023, to 60,516 at the end of this year.

We aim to contact new deputies within 35 working days of their appointment, and during 2023 to 2024, we did so within an average of 23 working days. This helps deputies feel supported in fulfilling their roles, so that OPG can ensure P's interests continue to be looked after.

During the year, 65% of annual reports were submitted digitally, compared to 63% during 2022 to 2023. Submitting reports digitally enables deputies to add information to their digital report during the year rather than waiting until the end of the year to collate all relevant information.

The Government Internal Audit Agency (GIAA) undertook an audit of our supervision activity and concluded with a rating of 'Substantial' assurance, the strongest rating the GIAA can award. This means that the GIAA regards our supervision team's framework of governance, risk management and control to be adequate and effective. This is a welcome conclusion for the team's rigorous work to ensure deputies are well supervised and that P's interests are well looked after.

Overall, for the year we achieved a 72% customer satisfaction rating regarding our deputyship services. We continue to work to improve our services to achieve our target of an 80% satisfaction rating.

Service improvements

We implemented a number of policy changes this year to improve the way we supervise. For example, a new policy came into effect regarding family care payments. This governs the propriety of any payments made by a deputy, to family or friends of P or the deputy, for the provision of informal care to P. With this new policy, we can help make sure that decisions about P's finances continue to be made in P's best interests. We have also introduced a new policy which outlines the circumstances under which we will seek to discharge a deputy. It is not uncommon for a deputy to be unable to fulfil their role, due to retirement in the case of lawyers acting as deputies, or due to ill health in the case of family or friends acting as deputies. Our new policy outlines the process for a new deputy to be put in place so that P's interests can continue to be looked after.

We launched our refreshed deputy standards in February 2023, and have been working this year to ensure their use by deputies. To support that, we are planning to improve the OPG102 annual report form, which enables court-appointed deputies to report actions taken on behalf of their clients in the past year.

We have also begun the work to refresh the panel of deputies during 2024 to 2025. These are deputies who can be appointed by the CoP when no one else is willing or able to act as a deputy for someone who lacks mental capacity. The list of panel deputies is managed by OPG. The panel has to be refreshed every 10 years and is an opportunity to make sure there are sufficient numbers on the panel.

We will work with key stakeholders on the development and implementation of both the refresh of panel deputies and the improvements to deputies' annual reports.

MOJ refund scheme

MOJ has led and funded a historic refund scheme for power of attorney fees. During this financial year, customers received a total of £20,568.45 in refunds. The scheme has now closed following a six-year campaign.

We also continue to administer the scheme to refund overpaid deputyship fees, and in this financial year customers received a total of £168.70.

Missing persons

This year we supervised nine guardianship orders, having supervised eight in 2022 to 2023. 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 substantially to 3,647 from 2,849 last year. This represents a 28% increase. 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 sign-off for these reports is within 70 working days.

This year we were unable to meet the 70 working days target. Investigations were concluded in an average of 93 working days, compared to 78 working days during 2022 to 2023. The growth in LPAs and our supervision caseload have been key factors in the increased demand for investigations. In response, and to work towards being within target, we have put in place a number of recovery measures. We continue to make improvements in how we increase our productivity and the speed of investigations, such as by launching a new investigations support team whose focus is undertaking the administrative tasks associated with investigations. At all times we continued to prioritise urgent cases and minimise risk to the most vulnerable donors.

Assisting our partner agencies with safeguarding is a particular priority for OPG. During 2023 to 2024, against a 95% target, we risk assessed 99% of all concerns within two working days. Against a 95% target, 93% of those concerns received a decision within five working days on whether OPG could investigate the concern or signpost to the appropriate authority. We were narrowly out of target due to a short period, during August 2023, which saw a sharp rise in concerns. In response, we prioritised resources to meet the two-day target and minimise any safeguarding risks. We remain committed to monitoring demand and resource levels to ensure both targets can be met.

Overall, we closed 2,884 investigations in 2023 to 2024 compared to 2,504 in 2022 to 2023. We had 1,778 active investigations as of 31 March 2024 compared to 1,034 at the same time last year.

In 77% of investigations undertaken this year, no action was required. This compares to 72% last year. This year, 15% of investigations resulted in CoP action compared to 21% last year. For 8% of investigations this year, compared to 7% last year, we used 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.

Service improvements

To further support safeguards, we introduced a new investigations support team to undertake work at the beginning of an investigation to prepare the case for action. This new team has been enabling investigators to have more time to focus on in-depth tasks such as assessing and developing investigations.

For the next financial year, we are also planning to introduce a new key performance indicator, where we will aim to answer safeguarding-related phone calls to our contact centre within three minutes. This underscores the high priority we place on responding effectively to any safeguarding concerns that are raised with us.



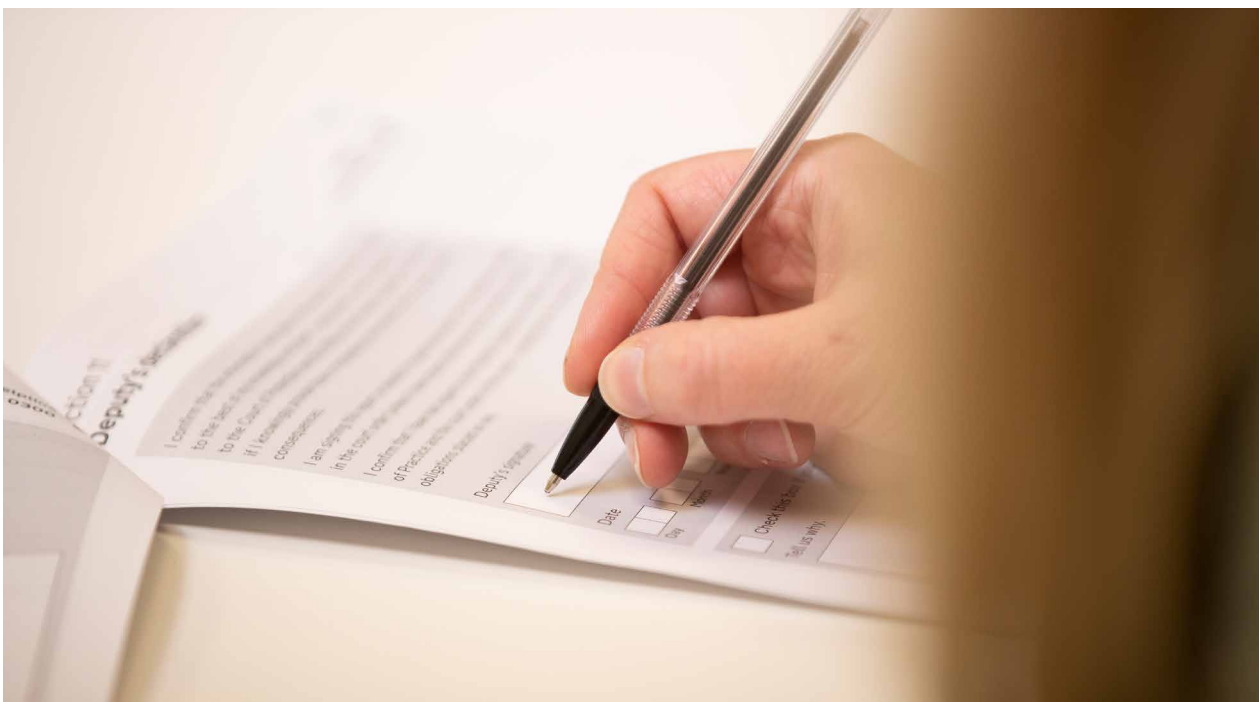
An example of a case that required OPG to pursue court action

Concerns were raised with OPG by a local authority regarding an attorney who had been appointed to manage a donor's financial affairs. It was alleged that the donor's care fees were in arrears and that the donor's savings had been spent by the attorney.

An investigation by OPG established that the donor no longer had mental capacity to manage their own affairs, hadn't had capacity for some time, and that their savings had in fact been mismanaged. This meant that the donor was unable to have their care fees funded and had accrued a significant debt.

During the investigation, the attorney failed to respond to OPG's requests for information in relation to how the donor's financial affairs had been managed. OPG worked with other agencies, such as the local authority and the police, and established that the attorney had spent the donor's savings on purchases that did not appear to be in the donor's best interests. This left the donor with insufficient savings to fund their care fees. Another attorney, registered to support the same donor, became aware of the situation and took steps to prevent further financial abuse of the donor.

As a result of the investigation, OPG made an application to the Court of Protection to revoke the first attorney from the donor's LPA. This was to prevent further mismanagement of the donor's affairs. The Court of Protection agreed with OPG that the attorney in question had not managed the donor's financial affairs in their best interests. Subsequently the Court removed that attorney from the LPA. The second attorney, who had taken steps to prevent further financial abuse of the donor, began working to recover the funds spent by the revoked attorney.



An example of a case that required no further action

Concerns were raised by a legal professional in relation to alleged financial abuse involving a donor's funds and management of the donor's business. An investigation was launched which involved liaising with the registered attorney for the donor and carrying out a special visit to the donor. A special visit was carried out to assess the donor's mental capacity in relation to managing their own property and financial affairs, and to gain an opinion on the donor's retrospective mental capacity.

From the visit, it was established that the donor had in fact lost capacity to manage their property and financial affairs. A financial analysis revealed that the attorney had transferred a large amount of funds, which led to the initial concerns being raised. The investigation revealed that the funds had been moved from one of the donor's accounts into another of the donor's accounts. This had been done in order to safeguard the funds from third parties having access.

Based on the information obtained throughout the investigation, a report was written, and the investigation was concluded with no further action required. The investigation had established through evidence that the concerns raised were not upheld to any degree, and the attorney was in fact acting in the donor's best interests.

All parties involved in the investigation, including the concern raiser and attorney were notified of the investigation outcome, with an explanation of the findings provided in final correspondence. OPG provided further guidance to help the attorney manage the donor's affairs in their best interests.



Visits

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

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

During 2023 to 2024, our visits team commissioned 12,603 visits compared to 13,141 visits in 2022 to 2023. We also ran a recruitment campaign to appoint further visitors. This campaign was successful with additional visitors being appointed and we anticipate further appointments in the new financial year.

In 2023 to 2024 we:

- allocated 97% of standard visit commissions within five working days
- allocated 97% of urgent visit commissions within two working days
- processed 99.8% of all completed visit reports within five working days

Legal

Our legal team provides a range of legal services to enable the Public Guardian to carry out her statutory functions. In addition to litigation, the team also provides OPG with legal advice and guidance for business-as-usual delivery and strategic initiatives. This has included supporting operational colleagues with case-specific queries, working with the policy team on new guidance, more efficient processes, or supporting the development of OPG's planned modernised service for applying to register LPAs.

The team conducted litigation on behalf of the Public Guardian throughout the year and attended 330 hearings. If the Public Guardian is added as a party to CoP proceedings, the team will act on her behalf. However, the majority of the litigation involves the Public Guardian as applicant. During 2023 to 2024, we made 577 supervision and investigation applications to the CoP, compared to 704 applications during 2022 to 2023.

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 2023 to 2024, OPG made 1,387 applications to the CoP to seek to resolve such uncertainties, compared to 875 applications during 2022 to 2023.

Our expectations for the time taken to submit cases to court were not met this year. In relation to investigations, we aim for 35 working 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 44 working days, compared to 32 working days during 2022 to 2023. We were out of target this year due to a significant increase in hearings combined with higher staff turnover. We have taken steps to improve retention of lawyers and the benefits of the new legal case management system, once embedded, will contribute towards improved performance in this area. In addition, we are keeping under review whether the 35 working days target is the correct metric. This metric assumes that every case requires a prompt court application, which in fact may not be required, for example where a formal pre-action process may be the better course of action.

Service improvements

The new legal case management system that we launched in the second half of 2023 was a key project for us to further develop our digital capabilities. The system was developed to meet our specific requirements for managing cases and replaces legacy processes. Having a central database ensures improved data security for casework and court documents, a modernised system for management and accurate reporting, as well as financial and environmental sustainability for our legal operations.

Information assurance

Our information assurance (IA) team works closely with our legal team to ensure OPG’s compliance with statutory data protection requirements. The IA team continued to handle Freedom of Information (FOI) requests and Subject Access Requests (SARs) as well as providing technical advice to OPG teams. During the year, 77 FOI requests were received, of which 66 (86%) were responded to within the statutory timescale of 20 working days, just short of our 90% target. Operational changes to our FOI response clearing procedures had a short-term impact on our response rate, resulting in a small number of cases not being completed within the statutory timescale. 96 SARs were received, of which 93 (97%) were responded to within the statutory timescale of one calendar month, meeting our 90% target. Further information about our accountability on information assurance and data handling is outlined on page 62.

Service improvements

The IA team led the rollout across OPG of an updated information security incident reporting process in August 2023. The new process ensures that where OPG staff believe customer data may have been put at risk, there is a clear route for staff to report such incidents and that these reports can be swiftly investigated.

For the next financial year, our IA team is preparing to ensure that the development of our modernised LPA service is compliant with data protection legislation. The team is working to ensure that all personal data flows for new and updated digital functionalities meet data protection requirements. The team is also supporting the implementation of identity verification processes by securing the required third party data-sharing agreements.

Policy

Our policy team's priority has been supporting our plans to modernise LPAs through a new digital service and an improved paper route. Extensive work has been undertaken to scope and develop new operational policies which are required for new aspects of the planned LPA processes. Examples include policies that will underpin how we will conduct identity verification of donors and certificate providers involved in creating LPAs and how to treat objections that are lodged before an LPA is registered.

Our modernised service will also be rolled out in Welsh, to ensure an equal service for English and Welsh speakers. During the development process, we have kept Welsh Government officials updated, worked with Welsh language interest groups including the Welsh Language Commissioner, and have conducted user research with Welsh speakers.

The team has designed and iterated draft LPA forms and guidance to test with end users for the improved paper channel, and carried out detailed user testing sessions to gain direct insights from a variety of potential customers.

In the next financial year, we plan to:

- continue policy development related to our plans to modernise LPAs
- improve supervision processes, enabling deputies to understand their roles better, and so that OPG can continue to support P effectively
- undertake further stakeholder engagement so that stakeholders understand OPG's role in registering LPAs and can help customers through an improved LPA journey

Complaints

We manage customer complaints through a tiered complaints process. Tier 1 complaints are considered and responded to by the relevant business area. 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. Correspondence we receive from parliamentarians is also handled by our Tier 2 complaints team. We received 225 pieces of correspondence from parliamentarians this year, a decrease from 659 in 2022 to 2023. Overall, we received 3,889 complaints this year, a decrease from 6,551 last year.

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 Ombudsman accepted one case for investigation during

2023 to 2024. We assisted the Ombudsman in its investigation, and we expect to receive the outcome in the next financial year. There were zero cases where the Ombudsman began an investigation during 2022 to 2023 and returned their decision to us during 2023 to 2024.

It is vital that our customers have access to responsive complaint channels if we do not get things right. During the first few months of the year, our Tier 1 and Tier 2 complaint teams worked hard on tackling our backlog of customer complaints. A key success this year was the clearing of these backlogs and a substantial improvement in our complaint response times. This follows the recovery plans that were put in place during the previous financial year, which included additional staffing and more efficient processes.

Subsequently, the timeliness of our complaint responses has also improved. Against a target of responding to 90% of complaints within 10 working days, during the year we responded to 69% of complaints within this time. This is a substantial improvement from 21% during the previous financial year, and a welcome trend as we work towards our 90% target. A monthly breakdown further shows the progress we made. Covering the seven-month period from September 2023 to March 2024, we met our target of 90% of complaints receiving responses within 10 working days. Overall, for the year, complaints were responded to within an average of 18 working days, substantially down from 75 working days the previous year. We plan to build on this progress and bring our overall year-long average to within 10 working days.

Service improvements

In the previous financial year, the Ombudsman reviewed and updated the new cross-government complaints standards. In response, OPG undertook an internal assessment of our effectiveness against those standards and put together an action plan to identify improvements in our complaints-handling. Subsequently we have taken steps such as:

- delivering additional training to our complaints staff
- enhancing internal communication about complaint trends and actions being taken
- starting a new Customer Insight Forum to help ensure feedback from customers is shaping our services
- joining a new cross-government complaints forum to ensure we are exchanging best practice with other government departments

In addition, the Tier 1 complaints team in power of attorney services has embedded complaint officers at each stage of the LPA registration process. This ensures that complaint officers are better able to communicate possible improvements to our services that are identified from customer complaints.

Example of a complaint

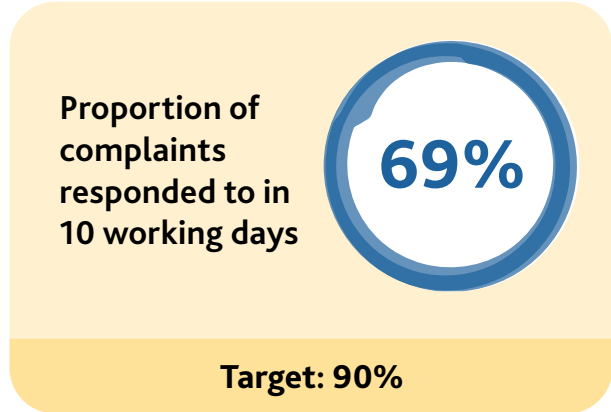
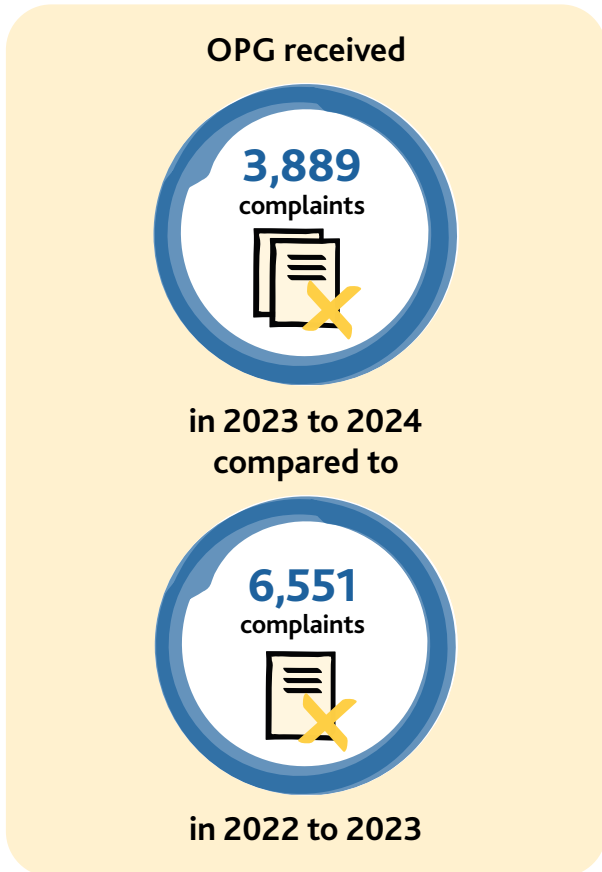
A customer sought our assistance with four LPA applications, believing them to be ready for registration. Unfortunately, despite being assured by us over the phone that all applications, including a health and welfare (HW) LPA, were ready for processing, an error on section 5 (which allows the donor to decide how they want their attorneys to make decisions regarding life sustaining treatment) meant that the HW LPA was actually invalid. Rectifying this error required either a referral to the court for resolution, or the completion of a new LPA, incurring additional costs for the customer.

The customer wrote to us saying that they were unhappy with the incorrect advice given and the lack of communication received. This had left them feeling confused and unsure about what was required for the LPA to be registered. The issue had been compounded by lengthy processing times and backlogs experienced at the time that they submitted their applications.

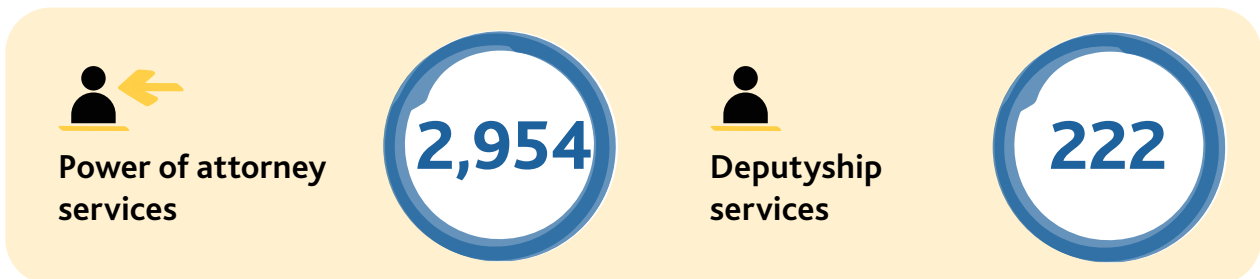
We recognised the frustration and inconvenience caused to the customer and swiftly took action to put things right. We apologised for the incorrect advice we had provided, explained the reasons behind the delays, and outlined measures underway to improve our service delivery.

Although unable to waive fees for a new LPA application, we extended the reduced fee period and expedited the processing of the new HW LPA, resulting in its registration on the expected date. Additionally, we addressed the errors by sharing feedback to relevant teams, thereby improving individual and team performance to prevent repeats of similar errors in the future.

We were pleased to note that the customer acknowledged our proactive approach in handling the complaint. The customer expressed their thanks for our efforts and said they felt their confidence in our services had been restored.



The two highest areas of complaints were:



The top three power of attorney services complaints were about:

- Contact with OPG
- Lost or mislaid documents
- Delays

The top three deputyship services complaints were about:

- Fees
- Contact with OPG
- Letter content

Our people

We want OPG to be a great place to work. Our staff are central to delivering our services, supporting our customers, and preparing OPG for our future. Our People Promise sets out our commitment to our staff and 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 meet our commitment to the People Promise, we delivered the following initiatives:

OPG People Plan

Following the 2022 People Survey, we prepared an action plan which we shared with our staff and began implementing during 2023. The plan set out our work to support staff health and wellbeing, encourage their learning and development, and tackle bullying, harassment and discrimination. The results from the 2023 People Survey showed improvements and which we are determined to build on.

OPG's Career Commitment

Our commitment is to deliver clear pathways for career development and progression opportunities. This is supported by the introduction of a new tool to encourage quality career conversations at least twice a year with relevant guidance and training made available to managers. We have introduced the opportunity to hold one to one career consultations with a member of the talent team, access job shadowing opportunities and are preparing to give our staff access to a new coaching and mentoring platform.

OPG's Capability Commitment

We put our Capability Commitment in place to ensure that all of our staff have access to the learning they need, whether to succeed in their current roles or to develop themselves and flourish in future roles. During the year we:

- delivered 291 learning sessions
- trained 2,867 delegates, and of the delegates who provided feedback, 96% rated the delivery as good or excellent
- inducted 506 new starters
- received 17,270 page views for OPG Academy, our online learning hub

ELEVATE

We launched a new targeted development programme called ELEVATE, for staff from ethnic minority backgrounds and/or with disabilities. Staff from these protected characteristics are underrepresented at more senior levels in OPG and the programme is aimed at supporting their career progression. Given the significant interest in the programme, multiple cohorts will be delivered during 2024 to 2025. This is in addition to MOJ-run and cross-government schemes that are also available to our staff.

People Survey

Our 2023 People Survey had a response rate of 76%, equalling our response rate for the previous year. Overall, OPG's engagement score was 64%, a 1% increase from the year before. We identified the top three priorities from our People Survey results and held 'Your Say' sessions with our staff to obtain their feedback on how best we can improve their OPG experience in these areas. The results and feedback have been used to create our 2024 to 2025 People Plan. Our focus will be the following themes with additional detail on actions provided further below:

- inclusion and tackling bullying, harassment and discrimination
- leadership and managing change
- learning and development



Tackling bullying, harassment and discrimination

We want everyone at OPG to feel respected, valued, and that they belong at OPG. Any bullying, harassment and discrimination experienced at OPG is not acceptable and further below we have outlined specific actions we have taken to create the diverse, inclusive and welcoming environment our staff deserve.

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. By 2023, both these figures had fallen to 10%. Addressing this remains a high priority for OPG and actions we have taken are outlined below:

2023

Inclusion and fair treatment score: **77%**

Experienced bullying and harassment: **10%**

Experienced discrimination: **10%**

Actions taken:

- ensuring a range of support services are available to our staff: OPG Confide Advisors, PAM Assist confidential support phone line, and MOJ Bullying and Harassment Advisors
- establishing a working group in our Birmingham office to understand possible reasons for the higher rates of bullying, harassment and discrimination
- issuing further organisation-wide communication about what unacceptable behaviour in the workplace looks like, the impact it has, and how staff can tackle it
- providing managers with clear information, guidance, and support to particularly ensure that staff with disabilities are supported
- running additional training including 'bystander' training for how staff can support colleagues experiencing unacceptable behaviour

We have also begun a pilot programme with Loughborough University to take a more evidence-based view of how structurally and psychologically ready OPG is to tackle bullying, harassment, and discrimination. Using academic research, our People Survey results, additional focus groups and informal feedback, action plans have been prepared for each directorate and to be rolled out over the coming months. We will be closely monitoring the implementation of these action plans and evaluating their impact. A key theme of our People Promise is ensuring our staff feel they belong at OPG and that they feel good about themselves. Therefore, it is vital we make further progress in this area.

Diversity and inclusion

At OPG, we are striving to build an organisation that is open, inclusive, and truly values and celebrates the diversity of our workforce. It is vital that we understand and serve the needs of the diverse society of which we are a part. This is regardless of social background, gender, age, ethnicity, sexual orientation, beliefs, disabilities or long-term illness or caring responsibilities.

Our data shows OPG to be a diverse organisation. Reflecting the cities that OPG is based in, 54% of our workforce are from ethnic minority backgrounds, 57% are female, 21% have a disability, and 7% identify as LGBO. 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, among others.

During the year, we implemented our diversity and inclusion action plan, which aligns with the wider Civil Service Diversity and Inclusion Strategy 2022 to 2025. Delivering the action plan has been a key step in helping us deliver our priority of making sure OPG is a great place to work, thereby enabling us to attract and retain colleagues through our People Promise.

The action plan has covered a range of areas. We renewed our Disability Confident accreditation and we marked key events such as LGBT+ History Month and 'Time to Talk' mental health days. We are also committed to testing our policies and published an updated statement outlining how we are meeting the Public Sector Equality Duty.

OPG benefits from wider social mobility initiatives in MOJ and has a senior champion for social mobility to drive forward progress, including increasing staff declaration rates about socio-economic backgrounds and any caring responsibilities. OPG continues to participate in the Support of Care Leavers internship scheme and Sector Based Work Academy when recruiting staff.

Workforce

We continued to undertake recruitment campaigns throughout the year. Overall, we conducted 95 recruitment campaigns during 2023 to 2024. The figures below show the number of new staff we recruited and the number of staff who left.

| | New recruits | Leavers |
|--------------------------------|--------------|---------|
| Civil servants – OPG employees | 353 | 195 |
| Agency workers | 207 | 238 |

Learning and development

Supporting the learning and development of our staff is central to OPG's People Promise theme of 'developing ourselves'. Staff have access to the OPG Academy, an online directory of available learning and an associated library of materials, including offers of line management essentials training which receives particularly positive reviews from our staff. We also have in place our capability commitment initiative, which supports staff to learn and develop according to their preferred style of learning. Overall, during the year our learning and development team delivered induction training for 506 staff.

We have taken steps such as delivering bitesize learning and development sessions to ensure they are accessible to all our staff. We started the first set of leadership masterclasses for staff who have been line managers for more than 12 months. We have also been preparing to give our staff access to a new mentoring platform so they can benefit from mentors and coaches from across MOJ.



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 LPAs backlog. Cost recovery in 2023 to 2024 has achieved over 100% for the first time since before the pandemic. This is largely due to increased productivity in supporting the reduction of the LPA backlog.

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 pages 88-117. Below are the key points of OPG's financial performance in 2023 to 2024.

| Cost recovery 106.9% | | Up from 97.8% |
|---|---|---|
| Power of attorney income Improved performance in registering powers of attorney and growth in demand | ↑ | £103.9 million increase (38%) |
| Supervision income Due to an increase in supervision caseload and reduction in remissions and exemptions | ↑ | £11.3 million increase (10%) |
| Staff costs Increase due to extra staff being recruited to support backlog recovery, and the one-off cost of living payment | ↑ | £70.4 million increase (22%) |
| Professional visitor reports Decrease due to a change in the methodology for calculating unbilled visits | ↓ | £2.4 million decrease (14%) |
| Postage Increase due to growth in power of attorney applications received and registered, and also price inflation | ↑ | £7.6 million increase (49%) |

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.

We have carefully considered [HM Treasury's guidance](#)¹ on applying the Task Force on Climate-related Financial Disclosure (TCFD) recommendations. OPG is required to follow this guidance by having met the criteria of employing more than 500 FTE staff across the 2023 to 2024 reporting period. Annex B of the guidance states that, "Reporting entities shall provide a TCFD Compliance Statement and the recommended disclosures for: Governance; Metrics and Targets (b), only where available from existing reporting processes". This paragraph should be considered as our Compliance Statement, and below we have outlined how we are complying with the recommended disclosures.

In line with the phased implementation of the disclosures, as outlined in Annex B of the guidance, next year (reporting period 2024 to 2025) we will respond to the recommended disclosures on Risk Management. In subsequent reporting periods (2025 to 2026 onwards), we will additionally respond with regards to recommended disclosures on Strategy.

Governance

As stated in the guidance, the recommended disclosures are to:

- a) describe the board's oversight of climate-related risks and opportunities
- b) describe management's role in assessing and managing climate-related risks and opportunities

The impact of our portfolio projects on sustainability and the environment is considered in the development of business cases, which undergo Portfolio and Change Board scrutiny. Sustainability is also considered in the prioritisation of projects within the portfolio. Formal gateway reviews are administered by MOJ and consider sustainability, although no such reviews were required during 2023 to 2024.

Metrics and Targets

As stated in the guidance, the recommended disclosure is only section (b) below and from existing processes, but we are additionally able to disclose (a) and (c) as well:

- a) disclose the metrics used by the organisation to assess climate-related risks and opportunities in line with its strategy and risk management process
- b) disclose Scope 1, Scope 2, and, if appropriate, Scope 3 GHG emissions, and the related risks
- c) describe the targets used by the organisation to manage climate-related risks and opportunities and performance against targets

¹ <https://www.gov.uk/government/publications/tcfd-aligned-disclosure-application-guidance/task-force-on-climate-related-financial-disclosure-tcfd-aligned-disclosure-application-guidance>

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 collated into MOJ's departmental annual report and accounts. MOJ also has a Climate Change Adaptation Strategy which sets a framework for OPG to align with.

Our estates information

OPG's main offices are 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 our performance against those 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 the increased use of digital innovation present opportunities for OPG to improve performance against our sustainability 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 2022 when emissions increased again. This is discussed below.

Comparison of the tables below to previous years should consider changes of baseline years.

| Greening Government Commitment | MOJ target to 2025 | Our position as of 31 March 2024 | Outcome |
|--|---|---|----------------|
|  Greenhouse gas emissions | 41% reduction since 2017 to 2018 | 0% reduction | Not met |
| | 23% reduction in direct emissions since 2017 to 2018 | 260% increase | Not met |
|  Domestic flights | Reduce domestic flights by 30% compared to 2017 to 2018 | No domestic flights were made during the year, a reduction from the three flights made during 2022 to 2023 due to rail disruption | Met |
|  Waste | Total 15% waste reduction compared to 2017 to 2018 levels | 11% increase | Not met |
| | Less than 5% of waste sent to landfill | 0% | Met |
| | Recycle 70% of our annual waste and exceed 2017 to 2018 recycling levels | 100% | Met |
|  Water | 8% reduction in water use compared to 2017 to 2018 levels | 32% reduction | Met |
|  Paper | 50% reduction in paper usage compared to 2017 to 2018 levels | 101% increase | Not met |

Total consumption and emission figures, along with expenditures where available are shown below.

| CO ₂ sources | | Amounts | Tonnes CO ₂ e | Expenditure | |
|---|------------------------------|-------------------------------------|--------------------------|--|----------|
|  | Gas (scope 1) | 2,295,240 kWh | 413.1 | Unknown, as part of service charge for buildings | |
|  | Electricity (scope 2) | 734,827 kWh | 138.9 | Unknown, as part of service charge for buildings | |
|  | Travel (scope 3) | Rail (including London Underground) | 295,740 km | 10.5 | £113,247 |
| | | Grey fleet (cars) | 49,726 km | 8.4 | £22,590 |
| | | Air | 0 flights | N/A | N/A |
| Finite resources | | Amounts | Expenditure | | |
|  | Waste | Total | 85 tonnes | | |
| | | Recycled | 72 tonnes (85%) | | |
| | | Energy from waste | 13 tonnes (15%) | | |
|  | Water | 5,266 cubic metres | | Unknown, as part of service charge for buildings | |
|  | Paper | 15,025 reams (back office) | | £5.9 million | |
| | | 53,750 reams outsourced | | | |
| | | 8,470 reams as LPA packs | | | |

Waste

We have 'zero to landfill' waste disposal contracts for our Birmingham and Nottingham offices. All our waste during 2023 to 2024 was either 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. Overall, 85% of waste was fully recycled, with 15% used for waste-to-energy. We do not currently compost our food waste and any recycling, reuse and recovery of ICT waste is captured by central MOJ data.

In 2023 to 2024, overall waste generated within both offices grew by 4% compared to 2022 to 2023, primarily due to increased office occupancy. Compared to the 2017 to 2018 baseline, while staff headcount has increased by 64%, office waste has only risen by 42%, to 85 tonnes (41.4 tonnes excluding paper waste). Per person this is a significant reduction in waste produced. A significant proportion of the paper waste is from LPA packs and redundant documentation received from applicants. All of this is recycled.

OPG's office in Nottingham has fully separated waste streams of glass, card and paper, dry mixed recycling, and food and non-recyclables. Due to the Birmingham site being a privately-owned building, OPG was unable to implement fully separate waste streams on site – waste is separated at the recycling and recovery facility.

Anyone intending to make an LPA 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 32% to 5,266 cubic metres, surpassing the 8% target in the Greening Government Commitments.

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 101% compared to the 2017 to 2018 baseline. There was a 50% increase in paper use compared to 2022 to 2023, the amount of paper used per case has risen by 20% and our ambition is to reduce this. This sharp rise in paper use is due to the increase in LPA applications received and processed.

There was a 17% increase in the number of LPA packs sent directly to applicants this year, although at a lower rate than the 28% rise in power in attorney applications (LPAs and EPAs) we received this year compared to last year.

Our plans to modernise LPAs and offer a new digital route for registering LPAs are expected to help drive a reduction in the amount of paper used within the agency.

Travel

The total amount travelled increased significantly this year in absolute terms, due to increased travel between offices and we also commissioned 12,603 visits by CoP visitors as outlined earlier in this report.

The total distance travelled during 2023 to 2024 was 345,466 km, up 79% from 193,495 km last year. Associated CO₂ emissions during 2023 to 2024 were up 72% from last year. Total distance travelled is 37% of the 2017 to 2018 baseline level, and associated emissions are 33% of the 2017 to 2018 baseline level. 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. This may impact the total distance travelled in future years as some staff travel longer distances between sites. We continue to make effective use of digital meeting tools to minimise unnecessary journeys.

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, and an event highlighting travel options and a follow-up cycle maintenance session was held with a further event planned in 2024.

Other utilities

Electricity usage remained constant for 2023 to 2024 compared to 2022 to 2023. Against the baseline year of 2017 to 2018, electricity emissions have fallen by 35%. However, gas use in Birmingham for heating has increased 260% 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.

Installation of solar panels at our Nottingham office was completed in early 2022, and they generated 63,968 kWh of electricity during 2023 to 2024. This was 16% of OPG Nottingham's electricity usage (9% of OPG's total) and saved 13.2 tonnes of CO₂ emissions. Our Birmingham office does not have a suitable roof for installing solar panels.

Biodiversity

In partnership with the landlord at our Nottingham office, a large area of the grounds is left un-mown between April and September to encourage wildflowers to grow and support pollinators and other insects and birds. Some trimmed timber is also left in the wooded areas for insects to populate.

Embedding sustainability in our future

This coming year we expect to hold events again for Earth Day, arrange an event to encourage sustainable and active travel in Birmingham, and hold another BioBlitz event to survey local nature.

OPG's estates team has been engaging closely with the Government Property Agency to ensure that future office locations are suitable operationally and meet the sustainability standards set by government.



Amy Holmes
Public Guardian and Chief Executive
16 July 2024

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 at 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 a:

- 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 committee 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 three declarations of interest from 1 April 2023 to 31 March 2024.

- Martyn Burke declared at the OPG board meeting on 5 September 2023 that he had commenced his role as Chair and Non-Executive Director of the Board for Town and Country Housing. Martyn's planned take-up of this role was mentioned in last year's annual report
- Karin Woodley declared at the OPG board meeting on 16 January 2024 that she had commenced her role as Non-Executive Director of the National Lottery Fund's England Committee
- in relation to an agenda item at the 16 January 2024 board meeting, Karin also declared her role as Chair of the Race Equality Foundation

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 such incidents. The governance statement considers further information assurance and data security practices in OPG.

Health and safety

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

Board membership

The membership of the OPG board during 2023 to 2024 consisted of:

Public Guardian (Chair)

- Amy Holmes

Non-executive directors

- Alison Sansome – until September 2023
- Greig Early – from November 2023
- Karin Woodley
- Martyn Burke

MOJ finance representative

- Ann Owen – until May 2023
- Caroline Patterson – from June 2023

Non-Executive Directors are appointed after a fair and open competition, and for a period of three years. All new Board members receive an induction and further training opportunities are provided to develop Board members' understanding of OPG, our fees model and our statutory functions.



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 judgements 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
Public Guardian and Chief Executive
16 July 2024

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.

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.

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.

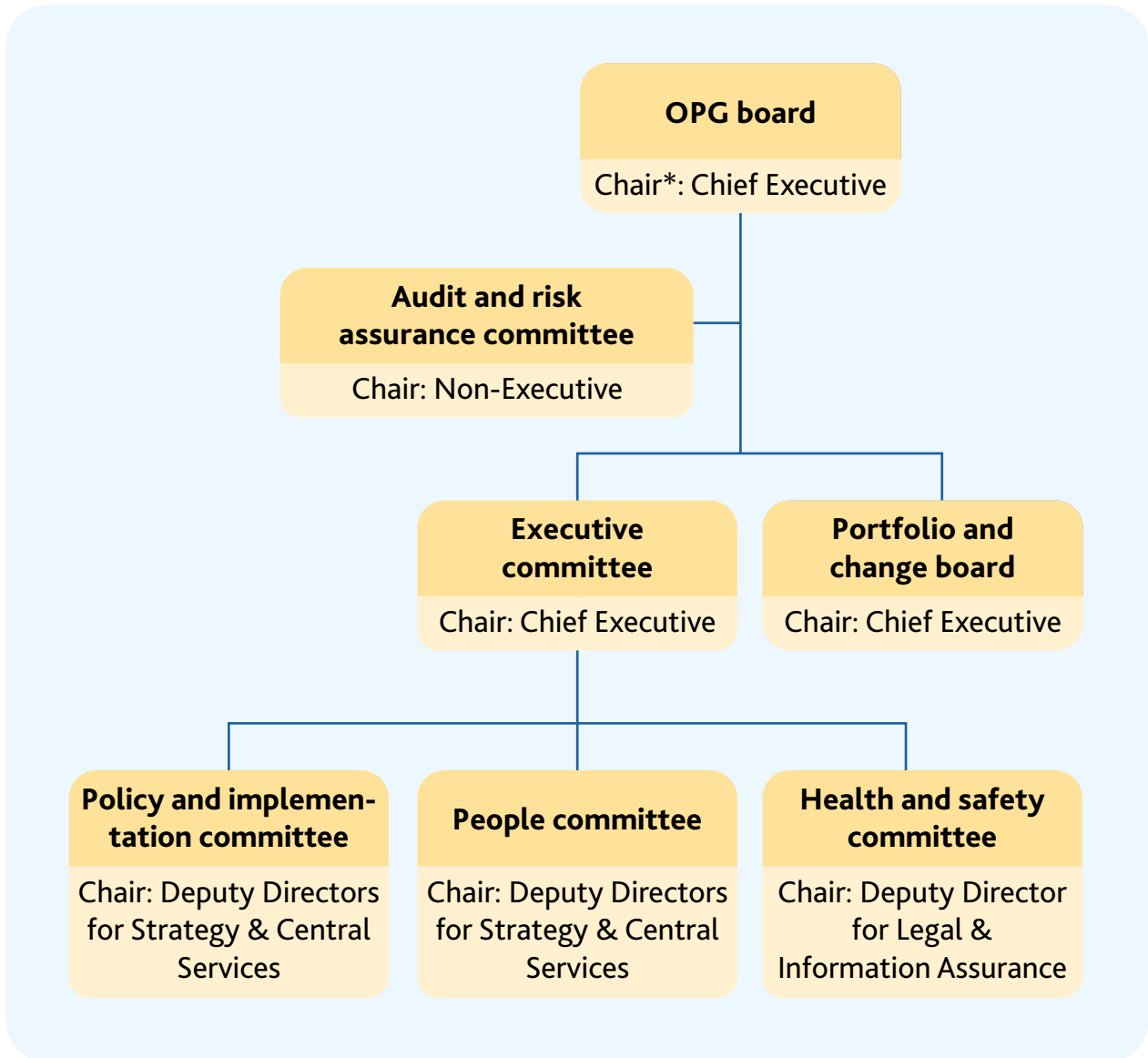
Governance framework

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 was reviewed during the year against the relevant codes, such as '[Corporate governance in central government departments: code of best practice](https://www.gov.uk/government/publications/corporate-governance-code-for-central-government-departments)',² 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.

2 <https://www.gov.uk/government/publications/corporate-governance-code-for-central-government-departments-2017>

The current board and committee structure is as follows:



*As of 31 March 2024, OPG had launched a recruitment process to appoint a new Non-Executive Board Chair. The process is expected to complete in the next financial year. Once the new Chair is appointed, the Chief Executive will cease to be Chair but will remain a board member.

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 OPG’s transformation programme and projects within its remit, reviews and acts on 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 and implementation committee: Provides a coordinated decision-making forum for OPG in relation to policy, within the levels of decision-making agreed by the executive committee.

People committee: Coordinates the people-related activity to support OPG's transformation programme and projects.

What the OPG board does

OPG board supports the executive committee in developing and implementing OPG's strategic objectives and business plans. The board does this by providing oversight, scrutiny and challenge to OPG's performance, whilst overseeing operations and managing risk via the audit and risk assurance committee. The board is also responsible for approving OPG's Governance Framework, to ensure that the planning, performance, and financial management of OPG is carried out effectively and transparently.

Chair: Amy Holmes, Public Guardian and Chief Executive

Effectiveness and main successes

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

- agreed a new corporate governance framework, improving clarity of decision-making and accountability
- took a data-led approach by using customer survey information to review and improve OPG's customer service
- undertook a valuable workshop to discuss OPG's long-term ambitions for the future, to inform our strategic direction
- regularly reviewed financial, performance and risk information and was able to ask for additional information if required
- continued to provide the strategic direction on OPG's main change initiatives
- considered all steps that OPG could take to improve performance including measures to clear the backlog of LPA applications

Following a survey undertaken of Board members, the Board believes it is operating effectively, and where feedback from Board members has identified potential improvements, relevant actions will be progressed during 2024 to 2025. The Board also believes that it receives appropriate and accurate information, including key indicators, regarding OPG's delivery and financial performance. Subsequently, the Board feels that it is given enough information to make effective decisions and to provide direction and guidance to OPG.

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 successes.

Chair: Amy Holmes, Public Guardian and Chief Executive

A range of key issues were considered during the year. The committee:

- regularly reviewed the demand trajectory and recovery plan to improve projected cost recovery. As a result, full cost-recovery was achieved during this financial year, and the LPAs backlog is projected to be cleared during 2024 to 2025. Income modelling and future forecasts were also considered
- conducted regular 'deep dive' sessions into each strategic risk to assess the adequacy of controls and actions in managing and/or reducing risk to align with the risk appetite
- oversaw the work of OPG including processing more LPA applications than in any previous year
- reviewed and approved a new development programme (ELEVATE) aimed at increasing the number of senior leaders from underrepresented groups
- oversaw steps to improve customer service. For example, clearing the complaints backlogs, investing in our contact centres, and overseeing the leasing of an additional floor in our Birmingham office to expand our operational capacity
- challenged and agreed annual expenditure budgets, in its capacity as the investment committee
- also approved: a review of special visitors' fees, procurement of an external partner to support work on the data improvement project, and procurement of Baringa Partners to support the delivery of our transformation projects

Portfolio and change board

The portfolio and change board brings together key stakeholders from across OPG and our partners to ensure the portfolio of change programmes in OPG is delivered successfully. This committee also has a delegated governance structure below it to ensure delivery of the portfolio of projects.

Chair: Amy Holmes, Public Guardian and Chief Executive

A range of key issues were considered during the year. The committee:

- progressed work on Modernising Lasting Powers of Attorney (MLPA), supporting work with MOJ to achieve passage of the Powers of Attorney Act 2023
- increased the size of the estate so OPG can accommodate additional staff to reduce the LPA backlog and process the higher volumes of LPA applications being received
- improved the Portfolio Dashboard by including dependencies, resources and the impacts of change so work during this transformation period is prioritised and managed suitably
- provided oversight on the implementation of the new legal case management system. In particular the board considered the impacts on other parts of OPG and ensured a smooth introduction for the new system

Audit and risk assurance committee

The committee manages and advises on how improvements may be facilitated and monitors progress on management's responses to risks identified. The committee also approves the work of both internal and external audits, assesses if accounting policies are correct and applied appropriately to OPG's transactions, and provides recommendations to the Accounting Officer on all matters the committee considers appropriate.

Chair: Martyn Burke, Non-Executive Board Member

A range of key issues were considered during the year. The committee:

- improved provision of assurance to the Public Guardian and OPG board in management of the risk framework, specific risks and their mitigating actions. This was done by undertaking deep dives and approving the lessons learned during the COVID-19 pandemic
- signed off the 2022 to 2023 annual report and accounts, allowing them to be laid before Parliament as required by the Mental Capacity Act 2005
- undertook a counter-fraud deep dive, worked with the Government Internal Audit Agency to ascertain fraud risks, and developed mitigating controls – this has resulted in improved internal awareness of fraud

Terms of reference

The terms of reference for OPG's board and committees are in line with the:

- 'Guidance on board effectiveness' (2018) prepared by the Financial Reporting Council
- 'Good governance standard for public services' (2004) prepared by the Chartered Institute of Public Finance and Accountancy and the Office for Public Management Ltd.

OPG board and committee attendance (April 2023 to March 2024)

| | 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 | 6 | 6 | 10 | 12 | 4 | 4 | 12 | 12 |
| Stuart Howard – Deputy Director, Legal and Information Assurance (until 10 November 2023) | 3 | 4 | 7 | 7 | 3 | 3 | 6 | 7 |
| Mary Macgregor – Interim Deputy Director, Legal and Information Assurance (between 13 November 2023 and 1 March 2024) | 1 | 2 | 3 | 4 | 0 | 1 | 4 | 5 |
| Peter Boyce – Deputy Director, Legal and Information Assurance (from 4 March 2024) | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 1 |
| Julie Lindsay – Deputy Director, Chief Operating Officer | 5 | 6 | 11 | 12 | | | 11 | 12 |
| Ruth Duffin – Deputy Director, Strategy & Central Services | 5 | 6 | 10 | 12 | 4 | 4 | 12 | 12 |
| Emma Sharp – Deputy Director, Strategy & Central Services | 3 | 3 | 6 | 6 | | | 5 | 6 |

| | 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 |
| Ann Owen – Deputy Director – MOJ Finance Business Partnering (until 31 May 2023) | 0 | 2 | | | 1 | 1 | | |
| Caroline Patterson – Finance Director, Operations (from June 2023) | 2 | 5 | | | 2 | 3 | | |
| Louisa Harrison – Senior Finance Business Partner | | | 8 | 12 | | | 8 | 10 |
| Alison Sansome – Non-Executive Board Member (until 30 September 2023) | 1 | 3 | | | 2 | 2 | 5 | 6 |
| Greig Early – Non-Executive Board Member (from 1 November 2023) | 3 | 3 | | | 1 | 1 | 4 | 5 |
| Karin Woodley – Non-Executive Board Member | 5 | 6 | | | 2 | 4 | | |
| Martyn Burke – Non-Executive Board Member | 5 | 6 | | | 4 | 4 | | |
| Jackie Craisatti – Independent Member (until 31 January 2024) | | | | | 0 | 4 | | |

| | 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 |
| Gulsen Gray – Head of Planning, Business Development & Data, amended to Head of Transformation & Change from September 2023 | | | | | | | 11 | 12 |
| Jane Tiffany – Deputy Director, Commercial | | | | | | | 10 | 12 |
| Su Morgan – Head of Digital and Technology | | | | | | | 11 | 12 |
| Gayle Douglas – Head of Communications | | | | | | | 9 | 12 |
| Caron Welsh – Head of HR Business Partnering | | | | | | | 9 | 11 |
| Jon Griffiths – Chief Project Delivery Officer | | | | | | | 4 | 7 |

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 (GIAA). 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 final opinion report. MOJ and the Cabinet Office are notified of any fraud or irregularity within the definition set out by HM Treasury.

GIAA undertook five audits on behalf of OPG during 2023 to 2024. Completed internal audit assignments can be rated as either substantial, moderate, limited, or unsatisfactory. These ratings are defined by GIAA as follows:

- **Substantial:** The framework of governance, risk management and control is adequate and effective.
- **Moderate:** Some improvements are required to enhance the adequacy and effectiveness of the framework of governance, risk management and control.
- **Limited:** There are significant weaknesses in the framework of governance, risk management and control such that it could be or could become inadequate and ineffective.
- **Unsatisfactory:** There are fundamental weaknesses in the framework of governance, risk management and control such that it is inadequate and ineffective or is likely to fail.

The five audits that were undertaken received the following ratings:

| Audit title | Rating |
|-----------------------------------|----------------------------|
| Stakeholder customer management | Moderate |
| Supervision (Deputyships) | Substantial |
| Progress against Modernising LPAs | N/A – Advisory |
| 2022 People Survey | Moderate |
| Performance Measurement | Moderate |
| Fraud | (Deferred to 2024 to 2025) |

Regarding ‘Progress against Modernising LPAs’, GIAA recognised the ‘in progress’ nature of our plans to modernise LPAs. Therefore rather than a formal audit, GIAA undertook an advisory review to provide independent and objective support. The review concluded with advice and recommendations for us to consider.

As an example of responding to recommendations from the GIAA, during the year our performance team undertook work to modernise our internal performance reporting. This has improved our tracking of key internal data, such as the volume of LPA applications being received, how many applications are at each stage of being processed, the level of staff resource allocated to each stage, among other information. This ensures that customer applications can flow through our internal processes as efficiently as possible and that arising challenges can be mitigated. GIAA recommendations are carefully considered in this way to support our effective functioning as an organisation and ultimately the service we provide to our customers.

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. The main risks considered over the year are detailed in the next section.

Our assurance team has delivered improvements in areas including risk management, fraud detection and internal governance. For example:

- our strategic risk register has been refreshed in line with best practice guidance from MOJ
- in line with cross-government plans to develop counter-fraud functions, we have worked to enhance OPG's fraud detection capability. Our work in this area has been positively recognised by MOJ and further work is planned to ensure we continue to operate in line with the expectations of the Public Sector Fraud Authority
- internal committee effectiveness reviews have commenced, and will continue into the next financial year, ensuring that all of our committees achieve their aims and are as efficient as possible

In their annual final opinion report for OPG covering 2023 to 2024, the GIAA has given OPG a 'moderate' annual opinion. 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'.

The GIAA found that OPG has a generally sound control framework in place, which is reflected in the results of the audits as outlined in the above table. To improve, we will focus on maintaining up-to-date documentation of policies and guidance, and we will build further on the substantial work already undertaken to deliver a consistent customer experience.

Key risks

During 2023 to 2024, OPG undertook a review of strategic risks and identified additional risks for inclusion on the corporate risk register. This has enhanced the focus on key risks that threaten the delivery of OPG services. This is scrutinised by OPG executives who perform a monthly deep dive on a specific risk, to challenge risk owners on the management of controls and assess any wider implications associated with the risk. Audit and risk assurance

committee provide further challenge on a quarterly basis which involves a full review of the current risk position. This makes a significant contribution to the enhancement and refining of OPG risk management reporting.

The key risks that have been managed this year are not new and include the following:

| Risk | Key impacts | Risk mitigation | Impact of mitigation |
|--|--|---|--|
| <p>Failure to deliver the expected level of service to customers and partners in receipt of OPG services/ products up to and throughout MLPA launch period.</p> | <p>Increase in customer complaints.</p> <p>Increase in call centre traffic.</p> <p>Customer dissatisfaction.</p> <p>Increased vulnerability for customers.</p> <p>Adverse publicity.</p> <p>Greater ministerial and public scrutiny.</p> | <p>Demand forecasting.</p> <p>Performance monitoring.</p> <p>Recruitment campaigns – additional staff put in place.</p> <p>Disaster recovery plans.</p> <p>Focussing on communication with customers.</p> | <p>Overall reduction of LPAs backlog from 223,200 (March 2023) to 149,400 (March 2024).</p> <p>Customers are better informed about what to expect when applying to register an LPA.</p> <p>A clear approach is in place for staff deployment to meet demand when our modernised services are rolled out.</p> |

| Risk | Key impacts | Risk mitigation | Impact of mitigation |
|---|---|---|--|
| <p>Failure of IT platforms critical to the delivery of OPG business.</p> | <p>Scanner failure causing a reduction in operation.</p> <p>Inability for OPG to provide its services – registration of LPAs, supervision and contact centre.</p> <p>Increased possibility of abuse to vulnerable users.</p> <p>Reputational damage.</p> <p>Damage to IT systems.</p> <p>External threats being introduced to IT systems.</p> <p>Financial loss to customers.</p> | <p>Service providers have a level of disaster recovery provisions enacted in accordance with GovAssure standards.</p> <p>Regular reviews of security systems established.</p> <p>ICT Framework in place.</p> <p>Delivery model assessment was completed for OPG Digital against Cabinet Office Functional Standards.</p> <p>Steps in place to agree risks and processes with MOJ’s security team for any cyber attacks.</p> | <p>The operating model employed in OPG, and embedded Web Operations in each delivery and product team, means that systems are continually upgraded and updated to improve both performance and security, which has led to positive feedback.</p> <p>OPG has a clearer understanding of actions to take in the event of a cyber attack.</p> <p>OPG has confidence in supplier systems and ability to put services back in place in the event of a disaster.</p> |

| Risk | Key impacts | Risk mitigation | Impact of mitigation |
|--|--|--|--|
| <p>Insufficient management of current estate and future estates strategy to deliver OPG business.</p> | <p>Inability to provide a safe and productive working environment.</p> <p>Injury and increased absence levels.</p> <p>Unbudgeted costs arising from business requests for change 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>Facilities management and health and safety team in place to action and provide guidance on best practice.</p> <p>Space planning in place to make effective use of available space.</p> <p>Performance reviews with Government Property Agency (GPA) established quarterly to monitor service delivery and hold them to account.</p> <p>Lease in place for additional space on ground floor at Victoria Square House (VSH) in Birmingham, enabling around 150 additional desks across VSH from February 2024.</p> <p>Engagement in place with GPA to progress options for medium-term future in VSH and Embankment House in Nottingham.</p> | <p>OPG has a workplace that allows it to undertake its work in a safe environment.</p> <p>OPG has sufficient space available for the staff necessary to deliver its services.</p> <p>OPG is planning for the future via the estates strategy and engagement with key stakeholders.</p> |

| Risk | Key impacts | Risk mitigation | Impact of mitigation |
|--|--|--|--|
| <p>Failure to attract, develop and retain a skilled workforce to support the delivery of OPG business objectives and transition through transformation.</p> | <p>Insufficient staffing with necessary capacity and capability.</p> <p>Low staff retention rate or increase in attrition.</p> <p>Lack of productivity.</p> <p>High levels of sickness absence.</p> <p>Increased bullying, harassment and discrimination (BHD).</p> <p>Reduction in staff engagement scores.</p> | <p>OPG’s People Promise and People Plans established.</p> <p>Our learning and development offer includes: New development programme ELEVATE, coaching and mentoring, development days etc.</p> <p>Executive Committee’s approved plan to tackle BHD.</p> <p>Regular and clear internal communication with our people to keep them informed and up to date regarding change.</p> <p>Delivery of a comprehensive change support package including training and an engagement plan.</p> <p>Upskilling and increasing the capability of line managers.</p> | <p>A workforce with the right skills and capabilities to deliver OPG’s business objectives and transition through transformation.</p> <p>A workforce that is confident and well informed regarding change.</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>Reduced ability to deal with seasonal fluctuations.</p> <p>Need for increased resources.</p> <p>Reduced available staff.</p> <p>Overly optimistic forecasts (spending more than expenditure forecast).</p> <p>Overspending/ under-recovery.</p> <p>Reduced income.</p> | <p>Business cases for vacancies.</p> <p>Monthly finance meetings.</p> <p>Quarterly review of income forecasts and forecast sign-off.</p> <p>Resource budget, recovery plans and overtime funding.</p> <p>Quarterly Deputy Director challenge meetings.</p> <p>Regular functional leadership conversations.</p> <p>Timetable of deep dives into financial information.</p> <p>Finance risk and opportunities register.</p> <p>Effective debt collection activity.</p> <p>Ongoing scenario-based forecasting activities (income, expenditure, staff numbers).</p> | <p>Over-recovery showing after under-recovering previously for three consecutive years. 106.9% cost recovery achieved for 2023 to 2024.</p> |

| Risk | Key impacts | Risk mitigation | Impact of mitigation |
|--|--|--|--|
| <p>Fraudulent staff activity leading to financial loss and reputational damage.</p> | <p>Financial loss to OPG/MOJ. Reputational damage.</p> | <p>Counter-fraud policy and response plan. Clear route for staff to report suspected fraud through dedicated email address in OPG and whistleblowing process through MOJ. Mandatory learning for all staff. Compliance with functional standards for counter-fraud. Awareness campaigns on counter-fraud through L&D, Intranet, and engagement sessions.</p> | <p>Well-informed staff who have the required training and are following policies. Staff are easily able to report suspected fraud.</p> |

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

The strategic risk register is reported and discussed monthly with OPG's executive committee 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 the risk owners 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 to collaborate.

We continue to report risks into MOJ's 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 LPAs made fraudulently
- the impact of the LPAs backlog 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 support safeguarding of 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 | Portfolio and change board | Executive committee | Health and safety committee |
| Provides advice and assurance to the board on risk, control and governance. | Has the oversight and scrutiny of risks specific to projects and programmes. | Day-to-day responsibility for monitoring of risk. | Oversight and scrutiny of risks in relation to health and safety. |
| OPG risk forum | Risk owners and sponsors | MOJ risk advisory group | |
| Considers the strategic risks and the risks that are below that level, and also facilitates learning on risk across the agency. | Responsible for ensuring strategic risks are understood appropriately, actively managed, reported and monitored. | 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 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 overall maturity of functions, including progress of embedding functional standards is assessed through a twice yearly 'health check report' that includes a deep dive meeting with MOJ's Chief Operating Officer to test compliance with functional standards. It is also supported by annual or bi-annual self-assessments using Cabinet Office continuous improvement assessment frameworks. The maturity scale ranges from 'good', indicating compliance with the mandatory elements of the functional standard, to 'better' and 'best'.

Throughout 2023 to 2024, 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

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. There were no formal whistleblowing cases raised in OPG during the year.

Our Audit and Risk Assurance Committee undertook a deep dive into our whistleblowing processes and the ways that staff can raise concerns informally. We have appointed an independent nominated officer whose role is to provide support and advice to staff about how to raise a concern. The Civil Service Integrity Hotline is also available to staff to contact if they do not feel comfortable raising a concern with management. Any concerns or suspicions about fraudulent activity can also be reported directly and anonymously to MOJ's Counter Fraud Centre of Expertise. A number of internal communication messages were published during the year to raise awareness with our staff of whistleblowing, fraud and security and the appropriate reporting processes.

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 2023 to 2024, 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

We recruited a designated Business Continuity Manager and we successfully uploaded all our business continuity plans onto MOJ's central business continuity tool. In the next financial year, we will ensure further awareness across OPG of the tool, aim to increase its use, and run scenario training for staff. These steps will support OPG's incident management response to be effective.

OPG information security and assurance

Our Deputy Director for Legal and Information Assurance 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 77 FOI requests in 2023 to 2024 and completed 86% of these within 20 working days against a target of 90%. OPG received 96 SARs and completed 97% 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 2,197 information losses and/or breaches of information security in 2023 to 2024, of which one was deemed to be 'high harm'. 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 across the agency to deliver training, education and awareness to staff in data protection and information security.

Records management

Our information assurance team continued to support the MLPA project with regards to management of records held by OPG, and this will result in a fully revised records retention policy. The team supported MOJ with the implementation of changes to the Office 365 platform to enhance how the department manages its records and have been working to implement the changes to the Government Security Classifications policy. The team conducted a review of OPG's physical file inventory held in our offsite archive, and this will result in reducing the volume of our overall holdings.

Supplier compliance

Contracts over the Official Journal of the European Union threshold are procured via MOJ's central commercial team. However, OPG also has a designated operational contract manager feeding into MOJ. For lower value contracts, OPG procures services and goods via our own commercial team, and we also have contract managers throughout OPG managing those contracts and suppliers.

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 our staff in dealing with the continual changing work environment. During this time, our health and safety team has supported a project team with securing appropriate additional space in our Birmingham office, ensuring the necessary equipment movement, and making sure the additional office environment meets the needs of our staff.

We have continued to provide our staff with display screen equipment in their primary place of work. During this reporting period we have completed 651 display screen equipment assessments for staff.

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 475 health and safety inductions for staff have been conducted this year across our Birmingham and Nottingham offices.

OPG health and safety policies are reviewed annually or when changes occur. We have in place a health and safety strategy that is aligned with our business objectives and is developed to enhance occupational health and safety, as well as 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 MOJ's fire, health and safety committee and is published 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 numbers of staff in attendance at the office. During 2023 to 2024, across our Birmingham and Nottingham offices, we experienced 14 accidents, 68 incidents (of which 41 were general health incidents), and six near-misses. These figures are an increase from 2022 to 2023, when we recorded 13 accidents, 48 incidents (of which 28 were general health incidents), and two near-misses. This increase is mainly due to a growth in our staff numbers and an increase in office attendance. No reports needed to be made to the Health & Safety Executive under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations.

OPG is committed to continuous improvement of health and safety. Throughout the year, we continued to monitor and review the number of emergency responders we have in place to ensure sufficient cover in all OPG sites. We planned and organised training for fire wardens, incident control officers, evacuation chair operators and first aiders. This year the health and safety team worked with the learning and development team to obtain recognised qualifications for additional first aiders (28 staff), risk assessors (seven staff), safety for senior executives (eight staff), and evac chair training (seven staff).

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 2023 to 2024, 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
Public Guardian and Chief Executive
16 July 2024



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

| | 2023-24 | | | | | 2022-23 | | | | | |
|---|-----------------------|-----------------|--|---|-------------------------------|---------------|-------------------------|-----------------|--|---|---------------|
| | Salary £000 | Bonuses £000 | Taxable benefits (nearest £100) £000 | Pension related benefits (nearest £1,000) £000 | Severance payments £000 | Total £000 | Salary £000 | Bonuses £000 | Taxable benefits (nearest £100) £000 | Pension related benefits (nearest £1,000) £000 | Total £000 |
| Amy Holmes – Public Guardian and Chief Executive | 110-115 | 10-15 | - | n/a | - | 120- 125 | 50-55 FYE 105-110 | - | - | (1) | 50-55 |
| Julie Lindsay – Deputy Director for Operations & Chief Operating Officer | 80-85 | 0-5 | - | n/a | - | 85-90 | 75-80 | - | - | (23) | 50-55 |
| Ruth Duffin – Deputy Director for Strategy and Central Services | 80-85 | 5-10 | - | n/a | - | 90-95 | 75-80 | 0-5 | - | 25 | 100-105 |
| Emma Sharp – Deputy Director for Strategy and Central Services ³ | 40-45 FYE 80-85 | - | - | n/a | - | 40-45 | - | - | - | - | - |

³ Appointed on 18 September 2023. Full time job share with Ruth Duffin.

| | 2023-24 | | | | | 2022-23 | | | | |
|--|-----------------------|-----------------|--|---|-------------------------------|---------------|----------------|-----------------|--|---|
| | Salary £000 | Bonuses £000 | Taxable benefits (nearest £100) £000 | Pension related benefits (nearest £1,000) £000 | Severance payments £000 | Total £000 | Salary £000 | Bonuses £000 | Taxable benefits (nearest £100) £000 | Pension related benefits (nearest £1,000) £000 |
| Stuart Howard – Deputy Director for Legal and Information Assurance ⁴ | 55-60 FYE 85-90 | 0-5 | - | n/a | - | 55-60 | 90-95 5-10 | - | (20) | 75-80 |
| Mary MacGregor – Interim Deputy Director for Legal and Information Assurance ⁵ | 20-25 FYE 75-80 | - | - | n/a | - | 20-25 | - | - | - | - |
| Peter Boyce – Deputy Director for Legal and Information Assurance ⁶ | 5-10 FYE 80-85 | - | - | n/a | - | 5-10 | - | - | - | - |

4 In 2023-24, Deputy Director of Legal and Information until 10 November 2023. In 2022-23, acting Public Guardian from 1 April to 26 September 2022.

5 Acting Deputy Director for Legal and Information Assurance from 13 November 2023 to 4 March 2024.

6 Deputy Director for Legal and Information Assurance from 4 March 2024.

| | 2023-24 | | | | 2022-23 | | | | | |
|---|--------------------------|--|---|-----------------------|--------------------|-----------------------|---------|--|---|--------------|
| | Salary Bonuses | Taxable benefits (nearest £100) | Pension related benefits (nearest £1,000) | Severance payments | 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 | | | | | | | | | | |
| – Deputy Director for Operations Services Finance Business Partnering ⁷ | 20-25 FYE 80-85 | - | n/a | 9 | 25-30 | 70-75 FYE 80-85 | - | - | (3) | 65-70 |
| Caroline Patterson | | | | | | | | | | |
| – Finance Director, Operations ⁸ | 95-100 FYE 115-120 | - | n/a | - | 95- 100 | - | - | - | - | - |

Pension-related benefits are not included in the above table for 2023 to 2024 due to an exceptional delay in the calculation of these figures following the application of the public service pensions remedy. Pensions figures are calculated by MyCSP, the pensions administrator, rather than by OPG.

7 Deputy Director for Operations Services Finance Business Partnering from 16 May 2022 until 16 June 2023. Ann Owen was an MOJ employee, and her salary was paid by MOJ. Ann Owen left the MoJ under an MoJ-wide voluntary early departure efficiency scheme, authorised under section 6.3 of the Civil Service Management Code. Costs were met by MoJ, including £86k paid to PCSPS in respect of early retirement.

8 Finance Director, Operations, from 17 June 2023. Caroline Patterson is an MOJ employee, and her salary is paid by MOJ.

Remuneration of non-executive board members

| | 2023-24 | | 2022-23 | |
|-------------------------------|---------|--|---------|--|
| | Fees | Taxable benefits (to nearest £100) | Fees | Taxable benefits (to nearest £100) |
| | £000 | £000 | £000 | £000 |
| Martyn Burke | 5-10 | - | 5-10 | - |
| Jackie Craisatti ⁹ | 0-5 | - | 0-5 | - |
| Alison Sansome ¹⁰ | 0-5 | 0.2 | 5-10 | 0.5 |
| Karin Woodley | 5-10 | 0.1 | 5-10 | - |
| Greig Early ¹¹ | - | 0.1 | - | - |

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. Where an individual has been a member of the Executive committee for part of the year, a pro-rated full year equivalent (FYE) salary is disclosed.

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 2023 to 2024 relate to performance in 2022 to 2023 and the comparative bonuses reported for 2022 to 2023 relate to performance in 2021 to 2022.

Benefits in kind

The monetary value of benefits in kind covers any benefits (for example, travel expenses) 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.

9 Left on 31 January 2024

10 Left on 30 September 2023

11 Appointed 01 November 2023. Fees for November 2023-March 2024 to be paid in 2024-25.

Pension benefits (subject to audit)

Pension benefits of executive board members

Accrued pension benefits and CETVs are not available for 2023 to 2024 due to an exceptional delay in the calculation of these figures following the application of the public service pensions remedy.¹² Pensions figures are calculated by MyCSP, the pensions administrator, rather than by OPG.

| | Accrued pension and related lump sum at pension age as at 31 March 2024 | Real increase in pension and related lump sum at pension age | CETV at 31 March 2024 | CETV at 31 March 2023 | Real increase/ (decrease) in CETV |
|---|---|--|-----------------------|-----------------------|-----------------------------------|
| | £000 | £000 | £000 | £000 | £000 |
| Amy Holmes – Public Guardian and Chief Executive | n/a | n/a | n/a | n/a | n/a |
| Stuart Howard – Deputy Director for Legal and Information Assurance | n/a | n/a | n/a | n/a | n/a |
| Julie Lindsay – Deputy Director for Operations & Chief Operating Officer | n/a | n/a | n/a | n/a | n/a |
| Ruth Duffin – Deputy Director of Strategy and Central Services | n/a | n/a | n/a | n/a | n/a |
| Emma Sharp – Deputy Director for Strategy and Central Services | n/a | n/a | n/a | n/a | n/a |

12 <https://www.gov.uk/government/collections/how-the-public-service-pension-remedy-affects-your-pension>

| | Accrued pension and related lump sum at pension age as at 31 March 2024 | Real increase in pension and related lump sum at pension age | CETV at 31 March 2024 | CETV at 31 March 2023 | Real increase/ (decrease) in CETV |
|--|---|--|-----------------------|-----------------------|-----------------------------------|
| | £000 | £000 | £000 | £000 | £000 |
| Peter Boyce – Deputy Director for Legal and Information Assurance | n/a | n/a | n/a | n/a | n/a |
| Mary MacGregor – Interim Deputy Director for Legal and Information Assurance | n/a | n/a | n/a | n/a | n/a |
| Ann Owen – Deputy Director of Operations Services Finance Business Partnering | n/a | n/a | n/a | n/a | n/a |
| Caroline Patterson – Finance Director, Operations | n/a | n/a | n/a | n/a | n/a |

Civil Service Pensions

Pension benefits are provided through the Civil Service pension arrangements. Before 1 April 2015, the only scheme was the Principal Civil Service Pension Scheme (PCSPS), which is divided into a few different sections – **classic**, **premium**, and **classic plus** provide benefits on a final salary basis, whilst **nuvos** provides benefits on a career average basis. 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. All newly appointed civil servants, and the majority of those already in service, joined the new scheme.

The PCSPS and **alpha** are unfunded statutory schemes. Employees and employers make contributions (employee contributions range between 4.6% and 8.05%, depending on salary). The balance of the cost of benefits in payment is met by monies voted by Parliament each year. Pensions in payment are increased annually in line with the Pensions Increase legislation. Instead of the defined benefit arrangements, employees may opt for a defined contribution pension with an employer contribution, the **partnership** pension account.

In **alpha**, pension builds up at a rate of 2.32% of pensionable earnings each year, and the total amount accrued is adjusted annually in line with a rate set by HM Treasury. Members may opt to give up (commute) pension for a lump sum up to the limits set by the Finance Act 2004. All members who switched to **alpha** from the PCSPS had 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 accrued pensions shown in this report are the pension the member is entitled to receive when they reach normal pension age, or immediately on ceasing to be an active member of the scheme if they are already at or over normal pension age. Normal 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 in this report show pension earned in PCSPS or **alpha** – as appropriate. Where a member has benefits in both the PCSPS and **alpha**, the figures show the combined value of their benefits in the two schemes but note that the constituent parts of that pension may be payable from different ages.

When the Government introduced new public service pension schemes in 2015, there were transitional arrangements which treated existing scheme members differently based on their age. Older members of the PCSPS remained in that scheme, rather than moving to **alpha**. In 2018, the Court of Appeal found that the transitional arrangements in the public service pension schemes unlawfully discriminated against younger members.

As a result, steps are being taken to remedy those 2015 reforms, making the pension scheme provisions fair to all members. The public service pensions remedy¹³ is made up of two parts. The first part closed the PCSPS on 31 March 2022, with all active members becoming members of **alpha** from 1 April 2022. The second part removes the age discrimination for the remedy period, between 1 April 2015 and 31 March 2022, by moving the membership of eligible members during this period back into the PCSPS on 1 October 2023. This is known as "rollback".

For members who are in scope of the public service pension remedy, the calculation of their benefits for the purpose of calculating their Cash Equivalent Transfer Value and their single total figure of remuneration, as of 31 March 2023 and 31 March 2024, reflects the fact that membership between 1 April 2015 and 31 March 2022 has been rolled back into the PCSPS. Although members will in due course get an option to decide whether that period should count towards PCSPS or **alpha** benefits, the figures show the rolled back position i.e., PCSPS benefits for that period.

The **partnership** pension account is an occupational defined contribution pension arrangement which is part of the Legal & 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).

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

13 www.gov.uk/government/collections/how-the-public-service-pension-remedy-affects-your-pension

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.

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, 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

| | 2023-24 | 2022-23 |
|------------------------------------|---------------------|---------|
| | £000 | £000 |
| Highest paid executive salary | 115-120 | 105-110 |
| Lowest paid staff member salary | 20-25 | 15-20 |
| | £ | £ |
| Lower quartile salary | 22,940 | 21,775 |
| Lower quartile total remuneration | 22,940 | 21,775 |
| Median quartile salary | 22,940 | 21,775 |
| Median quartile total remuneration | 25,017 | 23,602 |
| Upper quartile salary | 27,250 | 25,827 |
| Upper quartile total remuneration | 28,613 | 26,055 |
| | Ratio ¹⁴ | Ratio |
| Lower quartile | 5.6:1 | 4.9:1 |
| Median quartile | 5.1:1 | 4.6:1 |
| Upper quartile | 4.5:1 | 4.1:1 |

In 2023 to 2024 and 2022 to 2023 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.

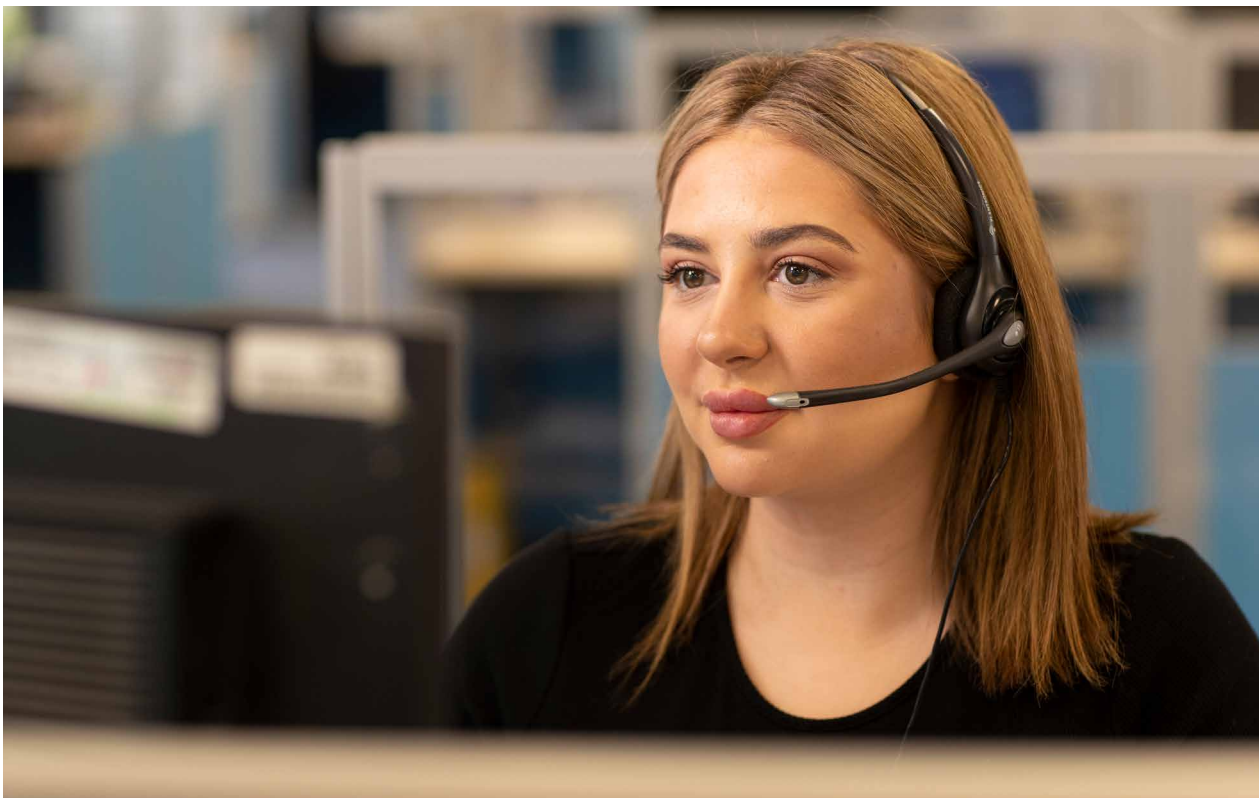
14 Between the highest paid director's total remuneration and the total remuneration at the lower, median and upper quartiles.

Annual percentage change in total remuneration and bonuses

| | Salary and allowances % | Bonuses % |
|-----------------------|----------------------------|--------------|
| Staff average | 10.9 | 161.0 |
| Highest paid director | 7.9 | n/a |

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 ran from 1 August 2020 until 31 July 2023. The implementation of the pay award increased average staff remuneration. A further pay award was agreed from 1 August 2023. Additionally, across the Civil Service staff below Senior Civil Service grades received a non-consolidated payment of £1,500 in 2023 to 2024.

The highest paid director received a bonus in 2023 to 2024, but did not receive one in 2022 to 2023.



Staff report

Staff costs and numbers (subject to audit)

Staff costs

| | | | 2023-24 | 2022-23 |
|-----------------------|----------------------------------|--------------|---------------|---------------|
| | Permanently employed staff | Others | Total | Total |
| | £000 | £000 | £000 | £000 |
| Salaries and wages | 49,169 | 6,041 | 55,210 | 44,761 |
| Social security costs | 4,599 | - | 4,599 | 3,528 |
| Pension costs | 10,567 | - | 10,567 | 9,209 |
| Gross costs | 64,335 | 6,041 | 70,376 | 57,498 |

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 2023 to 2024 there were one exit package paid, as disclosed in the remuneration of executive board members table (2022 to 2023: none). This exit package related to an MOJ employee, and all costs were met by MOJ. During 2023 to 2024, there were no ill-health retirements (2022 to 2023: one).

Off-payroll engagements and consultancy costs (subject to audit)

During 2023 to 2024, OPG reviewed off-payroll engagements where we are required to consider intermediaries, legislation (IR35) using HMRC's 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. Off-payroll disclosures for OPG are included in the MOJ Group annual report and accounts.

During 2023 to 2024, £0.618 million was incurred for consultancy costs (2022 to 2023: £0.096 million). The majority of spend in 2023 to 2024 related to OPG's transformation programme, and the Modernising Lasting Powers of Attorney programme.

Staff numbers (subject to audit)

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

| | 2023-24 | 2022-23 |
|----------------------------|--------------|--------------|
| Permanently employed staff | 1,629 | 1,422 |
| Others | 177 | 204 |
| Total | 1,806 | 1,626 |

Staff composition

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

| | 31 March 2024 | 31 March 2023 |
|--------------|------------------|------------------|
| Male | 789 | 718 |
| Female | 1,037 | 930 |
| Total | 1,826 | 1,648 |

Senior civil servants (SCS)

During the year we had five roles at SCS grade:

- SCS2 (chief executive)
- SCS1 (chief operating officer)
- SCS1 (two full-time job-share deputy directors for strategy and central services)
- SCS1 (deputy director for legal and information assurance)

As of 31 March 2024, the above five staff comprised four females and one male.

Sickness absence

The average number of working days lost this year was 8.6 days (2022 to 2023: 8.9 working days).

Staff turnover

In 2023 to 2024, staff turnover was 10.2% (2022 to 2023: 9.8%). 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 the staff experience at OPG. Our engagement score was 64%, up from 63% during 2022 to 2023. Of our nine core engagement themes, we increased our scores on eight themes, and remained static on the remaining ninth theme on which we already had a high score.

Staff policies applied during the 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 2023 to 2024 | 11 |
| 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 | (a) 2, (b) 9 |
| Percentage of the total pay bill spent on facility time | 0.02% |
| Time spent on paid trade union activities as a percentage of total paid facility time hours | 0% |



Amy Holmes
Public Guardian and Chief Executive
16 July 2024

Parliamentary accountability and audit report

The purpose of the parliamentary accountability and audit report is to meet Parliamentary accountability and audit requirements.

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 2024 to 2025 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 |
| LPA's | 102,557 | 79,103 | 58 | 23,454 |
| EPA's | 457 | 799 | 58 | (342) |
| Supervision of deputies | 10,347 | 23,010 | 399 | (12,663) |
| Appointment of deputies | 990 | 4,061 | 340 | (3,071) |
| Office copies | 536 | 800 | 31 | (264) |

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

Fees remitted (subject to audit)

106,661 cases were remitted or exempted. The total value was £8.279 million (2022 to 2023: 98,218 cases – £7.039 million as described in Note 2). Fee waivers are not included in these numbers.

Cost recovery

We achieved a cost recovery position of 106.9%, an increase from 97.8% last year. This is outlined in Note 4 of the financial statements. This over-recovery was achieved after under-recovering for the previous three consecutive years.

106.9% is outside our 5% tolerance target, and this is in part due to the higher number of LPAs that have been registered, but also because a proportion of LPAs will have been worked on and the costs incurred in 2022 to 2023 and the income recognised in 2023 to 2024. For the next financial year we are expecting to over-recover, and this is mainly due to an increase in LPA applications, which then impacts on our income.

Losses and special payments (subject to audit)

| | 2023-24 | | 2022-23 | |
|--------------------|---------------|--------------|---------------|--------------|
| | Volume | £000 | Volume | £000 |
| Special payments | 51 | 4 | 59 | 5 |
| Fee waivers | 7,249 | 910 | 7,246 | 902 |
| Write offs | 8,036 | 1,049 | 4,550 | 546 |
| Ex gratia payments | 327 | 7 | 259 | 7 |
| Total | 15,663 | 1,970 | 12,114 | 1,460 |

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 of 31 March 2024, there are no remote contingent liabilities (31 March 2023: none).



Amy Holmes
Public Guardian and Chief Executive
16 July 2024

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 2024 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 2024;
- 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 2024 and its net operating surplus 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 issued 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 issued 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;
- preparing financial statements which give a true and fair view and are in accordance with HM Treasury directions issued under the Government Resources and Accounts Act 2000;
- preparing the annual report, which includes the Remuneration and Staff Report, in accordance with HM Treasury directions issued 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, key performance indicators and performance incentives;
- 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, bias in management estimates and the impairment allowance for supervision receivables. 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 Government Resources and Accounts Act 2000, Managing Public Money, Supply and Appropriate (Main Estimates) Act 2023, employment law and pensions legislation, tax legislation, data protection laws and the Mental Capacity Act 2005.

I considered the risk assessment procedures performed relating to fraud, non-compliance with laws and regulations, and regularity.

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, the Audit and Risk Committee and legal counsel 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
- I addressed the risk of fraud through management override of controls by testing the appropriateness of journal entries and other adjustments; assessing whether the judgements on estimates are indicative of a potential bias; and evaluating the business rationale of any significant transactions that are unusual or outside the normal course of business.

I 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
17 July 2024

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

Financial statements



Statement of comprehensive net (income)/expenditure for the year ended 31 March 2024

| | | 2023-24 | 2022-23 |
|--|------|------------------|-----------------|
| | Note | £000 | £000 |
| Revenue from contracts with customers | 2 | (115,046) | (85,245) |
| Total operating income | | (115,046) | (85,245) |
| Staff costs | 3 | 70,376 | 57,498 |
| Other operating costs | 3 | 30,806 | 25,348 |
| Depreciation, amortisation and impairment charges | 3 | 6,457 | 4,302 |
| Total operating expenditure | | 107,639 | 87,148 |
| Net operating (surplus)/deficit | | (7,407) | 1,903 |
| Other comprehensive expenditure | | | |
| Net gain on revaluation of intangibles | 5 | (87) | (234) |
| Net gain on revaluation of property, plant and equipment | 6 | (58) | (149) |
| Total comprehensive net (income)/expenditure | | (7,552) | 1,520 |

There was no other comprehensive expenditure incurred during the year.

All income and expenditure are derived from continuing operations.

The notes on pages 95 to 117 form part of these financial statements.

Statement of financial position at 31 March 2024

| | | 31 March 2024 | 31 March 2023 |
|--|------|-----------------|-----------------|
| | Note | £000 | £000 |
| Non-current assets | | | |
| Intangible assets | 5 | 8,163 | 8,570 |
| Property, plant and equipment | 6 | 2,453 | 2,797 |
| Right-of-use assets | 7 | 6,113 | 7,185 |
| Total non-current assets | | 16,729 | 18,552 |
| Current assets | | | |
| Trade and other receivables | 9 | 12,584 | 11,337 |
| Cash and cash equivalents | 10 | 8,889 | 14,108 |
| Total current assets | | 21,473 | 25,445 |
| Total assets | | 38,202 | 43,997 |
| Current liabilities | | | |
| Trade and other payables | 11 | (44,578) | (41,448) |
| Other financial liabilities | 12 | (2,973) | (2,707) |
| Total current liabilities | | (47,551) | (44,155) |
| Total assets less current liabilities | | (9,349) | (158) |
| Non-current liabilities | | | |
| Other financial liabilities | 12 | (2,144) | (4,203) |
| Provisions | 13 | (3,400) | (2,622) |
| Total non-current liabilities | | (5,544) | (6,825) |
| Total assets less liabilities | | (14,893) | (6,983) |

| | 31 March 2024 | 31 March 2023 |
|--------------------------------|-----------------|----------------|
| Note | £000 | £000 |
| Taxpayers' equity | | |
| General fund | (15,338) | (7,420) |
| Revaluation reserve | 445 | 437 |
| Total taxpayers' equity | (14,893) | (6,983) |

The notes on pages 95 to 117 form part of these financial statements.



Amy Holmes
Public Guardian and Chief Executive
16 July 2024

Statement of cash flows for the year ended 31 March 2024

| | | 2023-24 | 2022-23 |
|--|-----------|-----------------|-----------------|
| | Note | £000 | £000 |
| Cash flows from operating activities | | | |
| Net operating surplus/(deficit) | | 7,407 | (1,903) |
| Adjustments for notional and non-cash transactions | 3 | 17,876 | 14,696 |
| Increase in trade and other receivables | 9 | (749) | (250) |
| Increase in trade and other payables | 11 | 3,137 | 6,466 |
| Decrease in other financial liabilities | 12 | (1,793) | (2,471) |
| Less movement in lease liabilities not passing through the Statement of comprehensive net (income)/expenditure | 7 | 1,793 | 2,471 |
| Net cash inflow from operating activities | | 27,671 | 19,009 |
| Cash flows used in investing activities | | | |
| Purchase of property, plant and equipment | 6 | (364) | (926) |
| Decrease in capital accruals | 11 | (7) | (1,236) |
| Net cash outflow used in investing activities | | (371) | (2,162) |
| Cash flows used in financing activities | | | |
| Surrender of surplus cash to MOJ | | (29,952) | (8,758) |
| Repayments of principal on leases | 7 | (2,567) | (2,471) |
| Net cash outflow used in financing activities | | (32,519) | (11,229) |
| Net (decrease)/increase in cash and cash equivalents in year | 10 | (5,219) | 5,618 |
| Cash and cash equivalents at the beginning of the year | 10 | 14,108 | 8,490 |
| Cash and cash equivalents at the end of the year | 10 | 8,889 | 14,108 |

The notes on pages 95 to 117 form part of these financial statements.

Statement of changes in taxpayers' equity for the year ended 31 March 2024

| | | General fund | Revaluation reserve | Total |
|---|------|-----------------|---------------------|-----------------|
| | Note | £000 | £000 | £000 |
| Balance at 1 April 2023 | | (7,420) | 437 | (6,983) |
| Net operating surplus for the year | | 7,407 | – | 7,407 |
| Surrender of surplus cash to MOJ | | (29,952) | – | (29,952) |
| Non-cash adjustments | | | | |
| Notional recharge from MOJ | 3 | 12,071 | – | 12,071 |
| Notional external audit fee | 3 | 81 | – | 81 |
| Asset transfer from MOJ | 5 | 2,338 | – | 2,338 |
| Net gain on revaluation of | | | | |
| Intangible assets | 5 | – | 87 | 87 |
| Property, plant and equipment | 6 | – | 58 | 58 |
| Revaluation transfer | | 137 | (137) | – |
| Balance at 31 March 2024 | | (15,338) | 445 | (14,893) |

Financial statements

| | | 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) |

The notes on pages 95 to 117 form part of these financial statements.

Notes to the financial statements for the year ended 31 March 2024

1. Statement of accounting policies

These financial statements have been prepared in accordance with the 2023-24 Government Financial Reporting Manual (FReM) issued by HM Treasury. The accounting policies contained in the FReM 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 FReM, 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, other than the revaluation of assets.

The financial statements, together with the notes on pages 95 to 117, have been prepared on an accrual basis in accordance with the accounts direction issued under the Government Resources and Accounts Act 2000.

OPG is primarily funded from fees and charges from external customers, but also receives funding for capital investment from MOJ, from its parliamentary supply, and, if necessary, funding to meet any deficit generated. 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

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.

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 2023.

New standards, amendments and interpretations issued but not effective for the financial year beginning 1 April 2023 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 2025-26, and it should be included in the 2025-26 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 within 5% of full cost recovery. 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 therefrom 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.

1.9. Intangible assets

Initial recognition

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.

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.

Estimated 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 twelve 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.

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.

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.

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.

Estimates and judgements

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.

1.12. 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 reflect the best estimate of the expenditure required to settle the obligation. OPG's estimated provisions cashflows are not discounted, as the effect is not material.

2. Income

| | 2023-24 | 2022-23 |
|----------------------------------|----------------|----------------|
| | £000 | £000 |
| Gross fee income | | |
| Lasting powers of attorney | 109,390 | 79,434 |
| Enduring powers of attorney | 462 | 522 |
| Supervision of deputies | 12,495 | 11,636 |
| Appointment of deputies | 1,193 | 1,029 |
| Other | 695 | 565 |
| | 124,235 | 93,186 |
| Remissions and exemptions | | |
| Lasting powers of attorney | (5,924) | (4,646) |
| Enduring powers of attorney | (5) | (10) |
| Supervision of deputies | (2,148) | (2,222) |
| Appointment of deputies | (202) | (161) |
| Discretionary fee waivers | (910) | (902) |
| | (9,189) | (7,941) |
| Total | 115,046 | 85,245 |

3. Staff and other costs

| | 2023-24 | 2022-23 |
|--|---------------|---------------|
| | £000 | £000 |
| Staff costs | | |
| Wages and salaries | 55,210 | 44,761 |
| Social security costs | 4,599 | 3,528 |
| Other pension costs | 10,567 | 9,209 |
| | 70,376 | 57,498 |
| Other operating costs | | |
| Visitor services | 2,362 | 2,770 |
| Postage | 7,571 | 5,134 |
| Shared services | 1,646 | 1,485 |
| Accommodation, maintenance and utilities | 3,419 | 2,531 |
| Low value and short-term leases | – | (1) |
| Lease interest | 60 | 67 |
| Office consumables | 218 | 466 |
| Professional services | 811 | 437 |
| Training and other staff related costs | 371 | 262 |
| Travel, subsistence and hospitality | 139 | 129 |
| Write off of trade and other uncollectable receivables | 1,049 | 546 |
| Other costs | 1,741 | 1,128 |
| Non-cash costs | | |
| Notional recharge from MOJ | 12,071 | 11,079 |
| Notional external audit fee | 81 | 74 |
| Decrease in bad debt provision | (498) | (759) |
| Movement in provision for legal costs | (235) | – |
| | 30,806 | 25,348 |

Financial statements

| | 2023-24 | 2022-23 |
|--|----------------|---------------|
| | £000 | £000 |
| Depreciation, amortisation and impairment charges | | |
| Amortisation of intangibles | 2,832 | 1,674 |
| Depreciation of property, plant and equipment | 766 | 406 |
| Depreciation of right-of-use assets | 2,859 | 2,301 |
| Revaluation reversal of prior impairments | - | (79) |
| | 6,457 | 4,302 |
| Total | 107,639 | 87,148 |

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.

| | 2023-24 | 2022-23 |
|--|----------------|--------------|
| | £000 | £000 |
| Income | (115,046) | (85,245) |
| Expenditure | 107,639 | 87,148 |
| Net operating (surplus)/deficit | (7,407) | 1,903 |
| | % | % |
| Cost recovery | 106.9 | 97.8 |
| (Outside)/inside 5% tolerance | (1.9) | 2.8 |

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 pages 79 to 80.

5. Intangible assets

| | Software | Assets under construction | Total |
|--|---------------|---------------------------|---------------|
| | £000 | £000 | £000 |
| Cost or valuation | | | |
| At 1 April 2023 | 19,693 | – | 19,693 |
| Transfer from MOJ | – | 2,338 | 2,338 |
| Reclassifications | 2,338 | (2,338) | – |
| Disposals | (31) | – | (31) |
| Revaluation | 247 | – | 247 |
| At 31 March 2024 | 22,247 | – | 22,247 |
| Amortisation | | | |
| At 1 April 2023 | 11,123 | – | 11,123 |
| Charged in year | 2,832 | – | 2,832 |
| Disposals | (31) | – | (31) |
| Revaluation | 160 | – | 160 |
| At 31 March 2024 | 14,084 | – | 14,084 |
| Net book value at 31 March 2024 | 8,163 | – | 8,163 |

All intangible assets are owned by OPG.

| | 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 |

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 2023 | 2,394 | 1,426 | 918 | – | 4,738 |
| Additions | – | (45) | – | 409 | 364 |
| Reclassifications | – | (65) | 65 | – | – |
| Revaluation | (710) | 17 | 36 | – | (657) |
| At 31 March 2024 | 1,684 | 1,333 | 1,019 | 409 | 4,445 |
| Depreciation | | | | | |
| At 1 April 2023 | 154 | 1,223 | 564 | – | 1,941 |
| Charged in year | 604 | 33 | 129 | – | 766 |
| Disposals | – | – | – | – | – |
| Revaluation | (757) | 16 | 26 | – | (715) |
| At 31 March 2024 | 1 | 1,272 | 719 | – | 1,992 |
| Net book value at 31 March 2024 | 1,683 | 61 | 300 | 409 | 2,453 |

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 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 |

7. Leases

Right-of-use assets

| | 2023-24 | 2022-23 |
|-----------------------------------|---------------|---------------|
| | £000 | £000 |
| Cost or valuation | | |
| At 1 April | 10,591 | 10,255 |
| Additions | 1,787 | 336 |
| At 31 March | 12,378 | 10,591 |
| Depreciation | | |
| At 1 April | 3,406 | 1,105 |
| Charged in year | 2,859 | 2,301 |
| At 31 March | 6,265 | 3,406 |
| Net book value at 31 March | 6,113 | 7,185 |

OPG's right-of-use assets are leases on offices in Nottingham and Birmingham.

Lease liabilities

| | 31 March 2024 | 31 March 2023 |
|---|------------------|------------------|
| | £000 | £000 |
| Not later than one year | 3,014 | 2,754 |
| Later than one year and not later than five years | 2,152 | 4,233 |
| Gross liabilities | 5,166 | 6,987 |
| Less interest element | (49) | (77) |
| Present value of obligations | 5,117 | 6,910 |

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 (income)/expenditure

| | 2023-24 | 2022-23 |
|------------------|--------------|--------------|
| | £000 | £000 |
| Amortisation | 2,859 | 2,301 |
| Interest expense | 60 | 67 |
| Total | 2,919 | 2,368 |

Amounts recognised in the Statement of cash flows

| | 2023-24 | 2022-23 |
|--|--------------|--------------|
| | £000 | £000 |
| Repayment of principal on leases | 2,567 | 2,471 |
| Interest expense within operating cost | 60 | 67 |
| Total | 2,627 | 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 2024 | 31 March 2023 |
|---------------------------------|------------------|------------------|
| | £000 | £000 |
| Cash and cash equivalents – GBS | 8,889 | 14,108 |
| Trade and other receivables | 12,033 | 11,155 |
| Trade and other payables | (41,472) | (40,278) |
| Other financial liabilities | (5,117) | (6,910) |
| Total | (25,667) | (21,925) |

Included within trade and other payables is £31.015 million of contract liabilities, representing power of attorney income that has been deferred as OPG has not yet processed the related applications (31 March 2023: £31.858 million).

9. Trade and other receivables

| | 31 March 2024 | 31 March 2023 |
|---|------------------|------------------|
| | £000 | £000 |
| Trade receivables | 4,212 | 4,907 |
| Contract assets | 11,649 | 11,327 |
| Impairment for bad and doubtful debt | (4,830) | (5,746) |
| | 11,031 | 10,488 |
| VAT receivable | 182 | 81 |
| Staff receivables | 402 | 490 |
| Amount due from MOJ | 551 | 182 |
| Amounts due from other government departments | 112 | 29 |
| Prepayments | 306 | 67 |
| Total | 12,584 | 11,337 |

All OPG's receivables are collectable within one year.

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

| | 31 March 2024 | 31 March 2023 |
|-------------------------------------|------------------|------------------|
| | £000 | £000 |
| Bad and doubtful debts | 3,830 | 4,392 |
| Fee cancellations provision | 29 | 132 |
| Remissions and exemptions provision | 971 | 1,222 |
| Total | 4,830 | 5,746 |

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 at 31 March 2024 and 31 March 2023 are as follows:

| | More than three years | Between two and three years | Between one and two years | Less than one year |
|-------------------------|--------------------------|-----------------------------------|---------------------------------|-----------------------|
| | % | % | % | % |
| Live cases | | | | |
| Lay | 65 | 25 | 25 | 7.5 |
| Professional | 50 | 10 | 10 | 5 |
| Public body | 65 | 30 | 30 | 12.5 |
| Terminated cases | | | | |
| 31 March 2024 | 90 | 80 | 80 | 70 |

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.

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 | 1.2 |
| Terminated cases | (0.3) | (0.1) | 0.1 | 0.3 |
| Total | (1.2) | (0.7) | 0.7 | 1.5 |

*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

| | 2023-24 | 2022-23 |
|-----------------------|--------------|---------------|
| | £000 | £000 |
| At 1 April | 14,108 | 8,490 |
| Net change in balance | (5,219) | 5,618 |
| At 31 March | 8,889 | 14,108 |

All OPG cash is held with the Government Banking Service.

11. Trade and other payables

| | 31 March 2024 | 31 March 2023 |
|--------------------------------------|------------------|------------------|
| | £000 | £000 |
| Trade payables | 925 | 316 |
| Taxation and social security payable | 993 | 776 |
| Amount due to MOJ | 3,106 | 1,170 |
| Other payables | 1,771 | 1,576 |
| Accruals | 6,768 | 5,752 |
| Contract liabilities | 31,015 | 31,858 |
| Total | 44,578 | 41,448 |

All OPG's payables fall due within one year.

Contract liability movements throughout the year were as follows:

| | 2023-24 | 2022-23 |
|---|---------------|---------------|
| | £000 | £000 |
| At 1 April | 31,858 | 25,838 |
| Power of attorney income recognised in year | (103,923) | (75,300) |
| Power of attorney income deferred | 103,080 | 81,320 |
| At 31 March | 31,015 | 31,858 |

12. Other financial liabilities

| | 31 March 2024 | 31 March 2023 |
|---------------------------------|------------------|------------------|
| | £000 | £000 |
| Lease liabilities – current | 2,973 | 2,707 |
| Lease liabilities – non-current | 2,144 | 4,203 |
| Total | 5,117 | 6,910 |

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 2023 | 2,387 | 235 | 2,622 |
| Provided in year | 1,013 | - | 1,013 |
| Reversed unused | - | (235) | (235) |
| At 31 March 2024 | 3,400 | - | 3,400 |
| 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 |

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 | 3,400 | - | 3,400 |
| At 31 March 2024 | 3,400 | - | 3,400 |
| Not later than one year | - | - | - |
| Between one and five years | 2,387 | 235 | 2,622 |
| At 31 March 2023 | 2,387 | 235 | 2,622 |

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.

14. Commitments

At 31 March 2024, OPG had no material commitments under other non-cancellable contracts (31 March 2023: nil).

15. Contingent assets and liabilities

At 31 March 2024, OPG had one contingent liability of £235,000 in respect of a legal case, and no contingent assets (31 March 2023: nil). The contingent liability was previously classified as a provision, but the likelihood of economic outflow has become more remote.

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.

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.

None of the members of the board of OPG, key managerial staff, or other related parties have undertaken any 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 2024 |
|---|--|--|--|
| <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 receipt 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 76 working days (for LPAs and EPAs) against a target of 40 working days.</p> |

Customer service indicator: customer contact centre

| Purpose | Calculation method | Data source | Achieved to 31 March 2024 |
|--|--|---|---|
| This indicator measures timely and accurate support and guidance for all of OPG's services, and signposting to Court of Protection (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 2024 |
|--|--|--|---|
| 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 85% for our 'use an LPA' service, 87% 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 2024 |
|--|---|------------------------------------|---|
| 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 76%. |

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 2024 |
|--|---|---|---|
| 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 72%. |

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 2024 |
|---|---|---|---|
| These indicators help us to ensure that we provide proportional and appropriate support for all deputies. | <p>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.</p> <p>b) The average number of working days between the date an annual report is received and the date it was reviewed.</p> <p>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.</p> | OPG's internal case management systems. | <p>a) Average time to obtain annual reports was 33 working days.</p> <p>b) All annual reports were reviewed within 15 working days, at an average of 11 working days.</p> <p>c) 2.26% of annual reports were outstanding over 98 calendar days.</p> |

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 2024 |
|---|---|---|--|
| <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) 99% of concerns were risk assessed within two working days.</p> <p>b) 93% of concerns reached final outcome within five working days.</p> <p>c) Average time to conclude investigations was 93 working days.</p> <p>d) Average time to conclude all recommendations where court action has been deemed necessary was 44.2 working days.</p> <p>e) Average time to conclude all recommendations where court action has not been deemed necessary was 17.8 working days.</p> |

| Purpose | Calculation method | Data source | Achieved to 31 March 2024 |
|---|--------------------|-------------|---------------------------|
| <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 2024 |
|---|--|--|--|
| This indicator plays an important part in helping OPG understand to what extent we are achieving our customers' expectations. | <p>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').</p> <p>The indicator is calculated with the help of the following formula:</p> <p>Complaints completed in target/complaints due x 100.</p> | Management information from each individual business area. | 69% of complaints were responded to within 10 working days of receipt. |

Customer service indicator: LPA applications completed online

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 2024 |
|---|---|---|---|
| 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. | <p>Percentage of digital intake:</p> <p>Number of online LPAs received in the reporting period/total number of applications received in the reporting period x 100.</p> | OPG's internal case management systems. | 35.3% of LPA applications were completed using online services. |

People indicator: Staff engagement

- a) The target is to achieve a staff engagement score of 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 2024 |
|---|---|--|--|
| 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 people survey and smart survey. | <p>a) Staff engagement score was 64%.</p> <p>b) 10% of staff experienced bullying and harassment.</p> <p>c) 10% 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 2024 |
|--|---|--|---|
| 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 10.2%.</p> <p>b) Average working days lost was 8.6 working days.</p> |

People indicator: average time to recruit

The aim is 52 working days.

| Purpose | Calculation method | Data source | Achieved to 31 March 2024 |
|---|---|---|---|
| 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 72 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 Court of Protection (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 to support the safeguarding of 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 systems.



E03135396

ISBN 978-1-5286-4958-2