From: Amanda B
Sent: Monday, 14 July 2008 10:52 PM
To:
Subject: ipart - OPC submission

Dear Madam,

Thank you for the opportunity to submit comments on the OPC prices structure and related matters for consideration.

Background

As for many OPC clients my involvement began when my mother had a serious stroke and had no current Power of Attorney. I was appointed her Guardian (along with my sister) and her Financial Manager. My sister and I have worked together on this response.

***** We had **no choice** in whether or not to be involved with the OPC. If we wanted to care for our mother and her financial affairs we *had* to accept their involvement and their charges, or have the OPC manage our mother's affairs entirely, a slow, costly and unnecessary solution.

***** Family decisions were no longer acceptable: we had to seek the permission of the OPC in matters such as the sale price of the house etc

***** We **strongly object** to the "guilty until proven innocent" attitude which is apparent in our dealings with the OPC. We are trying to help our mother, not take advantage of her situation to further our own ends. But the presumption is that we must be continually checked up on (at considerable expense) to make sure we are trustworthy.

Dealing with the OPC

During the past 18 months I have **not** found the OPC easy to deal with in regards my mother's affairs. They have been extremely slow to respond to my communications on several occasions. For example during the sale process for my mother's house I needed to seek permission regarding accepting an offer on the property. I could not get an answer to my emails because my Customer Service Officer was off on sick leave. I called and explained the urgency of the request, but no-one else could access his emails because he had a private password. He ended up on sick leave for several weeks and then apparently left the position. (My sympathies for the individual do not change the necessity for getting answers in a timely manner!) I was given a temporary CSO who was trying to deal with his own case load and the previous CSO's as well. Then a new CSO took over... Each one has told me different things when I have telephoned or emailed. I do not find it easy to ring as I am a full time teacher and thus cannot take reply calls during work hours.

I submitted my annual accounts by the deadline. ***Four and a half months later*** I received a letter which read "The accounts have been examined and passed. Fees for this..."
I had contacted the OPC regarding the delay in any response to the accounts as I wanted to make sure I was doing them correctly before continuing the accounts for this year. I was told (after three months) that I should expect something in the mail the following week. When the letter finally arrived there was no feedback on the accounts themselves; no reason for the lengthy delay; nothing except Pay Up Now!

OPC Fee Structure

IPART's determination to establish a Fee Structure which is **"clear, fair and transparent"** is to be commended.

Fees levied by the OPC are:

Unavoidable - its clients have no choice about paying the fees
Unrealistic - they do not reflect the work done by the OPC
Unreasonable - this can be clearly seen by their own example of the % income fee "capped at $50,000pa" What service are they supplying for this $50,000? Is it a reasonable Fee for Service? I think not!

The degree of civilization of a society is sometimes judged by how well it cares for its most vulnerable members. It must be remembered that the people under consideration here are some of the most vulnerable in our society. They cannot (in most cases) speak up for themselves. Most of them will never be able to work again. Therefore the finances they have must be carefully managed so the value of their investments is maintained in the long term. I cannot see that the OPC's fees meet this vital requirement.

The people under consideration here may also have extensive, on-going medical and accommodation fees to meet.

The OPC is dealing with the estates of clients many of whom have been tax-paying citizens for the bulk of their working lives. We believe that in considering the need of these people the activities of the OPC should be publically funded.

However, if the OPC cannot be government funded, we would support the notion that the OPC should adopt scales of fees that:

- are different for OPC managed and privately managed clients
- reflect the time and resources the management consumes, and offers real value for service
- recognise that often there is little required of the OPC other than supervision, and the fees should reflect that and be lower in those instances
- are not damaging to the long term value of the clients' estates, especially for privately managed clients
- recognise that OPC costs are not the only management costs a client has to bear

Capacity to pay the fees should be assessed in a similar way to other government funded iniatives. For example income minus costs, medical and care expenses etc.

OPC Performance Indicators

These should include feedback from the private managers with whom the OPC deals, regarding customer satisfaction, or otherwise. If the OPC were competing with other private companies for its business it might become more cost effective!
The OPC should document the time it spends on the case and provide a breakdown of costs on the invoice presented for payment. That way the clients and their families can see where the costs are incurred.

To improve OPC responses transmission of business between officers needs to become an entrenched policy, so that cases are not left 'in limbo' if an officer is not available for more than a day or two. Timely responses to private managers queries and communications is essential. If we must be supervised then let it at least be done in a way which does not make the job considerably more difficult, as dealing with the OPC does now!

We strongly urge IPART to consider that changes be made to OPC protocols and practices to allow the relationship between the Private Manager and OPC to become a partnership dedicated to serving the best interests of the client, rather than the oppressive, overlegal and paternalistic ethos the OPC currently espouses. To this end we suggest staffing the

OPC with officers who have a range of backgrounds less directly related to legal matters, and more dedicated to promoting an equal and positively alligned partnership with private managers, recognising that most are relatives and friends motivated purely by a desire to assist the client.

Your Sincerely,

Amanda Boyce