

**Developmental Services  
reform: regulate  
direct funding, expand  
supportive housing and  
implement a human  
resources strategy**

**OPSEU/SEFPO's  
recommendations to  
the Minister of Children  
Community and Social Services**



# Contents

April 1, 2021 .....	1
Introduction: Developmental Services reform .....	1
The making of a crisis .....	1
Implement a provincial regulatory framework for Direct Funding.....	2
Implement a Provincial Disability Advocate Office .....	4
Implement a province-wide Human Resources Strategy .....	4
Implement a province-wide Housing Strategy .....	6
Conclusion .....	7

## April 1, 2021

The Ontario Public Service Employees Union/ Le Syndicat des employés de la fonction publique de l'Ontario (OPSEU/SEFPO) represents 170,000 front-line members who work in the public sector across Ontario, as well as for private companies contracted to perform work in the public sector. More than 12,000 OPSEU/SEFPO members work in transfer payment agencies, including the Passport program, with children and adults in the developmental services sector.

OPSEU/SEFPO is pleased to offer its recommendations to the Minister of Children Community and Social Services on Developmental Services reform.

## Introduction: Developmental Services reform

OPSEU/SEFPO is concerned that the government has signaled it's considering expansion of the direct funding to families and individuals. We are concerned this expansion will result in a lack of oversight and exacerbate the shortage of skilled workers.

The agency service model has been the backbone of community services provision for individuals with developmental disabilities. OPSEU/SEFPO believes it must remain the central vehicle to service delivery to ensure that all individuals have access to quality services, even when they are not the immediate choice of some families under the direct funding model.

Reforms to Developmental Services must address the crisis facing individuals and families. The key issues are chronic recruitment and retention issues in the workforce, the need for a housing strategy that supports families and a regulatory framework for direct funding to ensure oversight and accountability.

## The making of a crisis

Parents and advocates for persons with developmental disabilities lobbied for direct funding for decades because of government's failure to keep promises to create integrated, and dignified services following deinstitutionalization. Agencies have adapted and have tried to deliver services that protect the dignity and independence of individuals by taking a person-centered approach. However, government funding for the sector never materialized to create a truly inclusive experience of community living for people with developmental disabilities.

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1. [https://www.ola.org/en/legislative-business/committees/developmental-services/parliament-41/reports/final-report#\\_Toc392244252](https://www.ola.org/en/legislative-business/committees/developmental-services/parliament-41/reports/final-report#_Toc392244252)

2. <https://www.ombudsman.on.ca/Media/ombudsman/ombudsman/resources/Reports-on-Investigations/NTT-Final-EN-w-cover.pdf>

Prolonged chronic underfunding and fragmentation of services triggered a decades-long crisis for individuals who need services and housing. Three reports documented the extent of the problem. In 2013 the Auditor General's report revealed a waitlist of 12,000 adults trying to be placed in residential services. In 2014 a report from the legislature's Select Committee on Developmental Services said the elimination of waitlists should be top priority.<sup>1</sup> As a result, the government at the time injected \$810 million over three years for developmental services. In 2016, a damning report by Ontario's Ombudsman documented more than 1,400 complaints from families of adults with developmental disabilities who were in crisis situations, including being abandoned, abused, unnecessarily hospitalized and jailed.<sup>2</sup> Four years later, the Ontario Ombudsman reported an additional 400 new complaints describing similar crisis situations.<sup>3</sup>

The housing crisis, in particular, has dramatically become worse. By 2017, 15,700 individuals languished on waitlists for residential services. In 2018, the Ontario Developmental Services Housing Task Force (HTF) made 13 recommendations to the government, calling for a 10-year budget plan to address immediate and long-term housing needs. The government must provide a clear commitment to make housing a priority and to work with families, front-line workers and experts to develop a comprehensive strategy.<sup>4</sup>

The crisis in Developmental Services has moved to the courts. A lawsuit has been filed against the province for arbitrarily making thousands of individuals wait indefinitely for government supports after they turn 18. It alleges the government is guilty of harm causing negligence. The class action, certified in 2018, is seeking \$110 million in damages.<sup>5</sup>

## Implement a provincial regulatory framework for Direct Funding

More funding was transferred to individuals (Passport program) than directed to service agencies in 2020, but the waitlists for services continues to grow. Ontario's Auditor General reported that ministry funding of adult developmental supportive services programs increased by 49 per cent in the past five years (from \$578.7 to \$859.4 million), but there has been a nearly 80 per cent increase in the number of people waiting for agency services.<sup>6</sup>

Transitioning to a direct funding model in the absence of a regulatory framework could destabilize the whole sector. Policies must be put in place to ensure agencies get adequate funding to provide the services expected of them. The policies must address workforce recruitment and retention and residential housing programs that allow individuals to live independently and with dignity.

Under the current direct funding Passport program, workers are guaranteed the minimum wage, like any retail worker. There is no required education or training. There is no central

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3. [https://www.ombudsman.on.ca/Media/ombudsman/ombudsman/resources/OntOmbud\\_AR-2020-EN.pdf](https://www.ombudsman.on.ca/Media/ombudsman/ombudsman/resources/OntOmbud_AR-2020-EN.pdf)

4. [https://cdn.agilitycms.com/partners-for-planning/htf-final-reports-pdfs/HTF%20Final%20Report%202018\\_Generating%20Ideas\\_Enabling%20Action\\_FINAL.pdf](https://cdn.agilitycms.com/partners-for-planning/htf-final-reports-pdfs/HTF%20Final%20Report%202018_Generating%20Ideas_Enabling%20Action_FINAL.pdf)

5. <https://pooranlaw.com/class-action-lawsuit-for-supports-gets-certified/>

6. [https://www.auditor.on.ca/en/content/annualreports/arreports/en20/20VFM\\_07supportive.pdf](https://www.auditor.on.ca/en/content/annualreports/arreports/en20/20VFM_07supportive.pdf)

registry of workers who have been screened to work with vulnerable populations. There is no system in place to report a failure to provide adequate service. There is no mechanism to ensure that families or individuals comply with tax requirements and Employment Standards legislation, which all employers must follow. There is no system in place to ensure that client use of Passport funding is aligned with the support needs identified by their needs assessments, as pointed out by the Auditor General. Finally, more vulnerable individuals who are living in poverty and without advocates or families to assist them, simply do not have access to this funding. This unregulated and unaccountable approach to providing care cannot be the central pillar to Developmental Services in Ontario.

The Developmental Services sector has 316 transfer-payment agencies across the province, the backbone of service provision. These agencies provide vital services and bedrock stability that the Passport program cannot deliver. These services include: vocational alternative supports to promote independence and community participation, community Networks of Specialized Care supporting those with high support and complex care needs, temporary supports for urgent need where natural, social or community supports are not available; and professional and specialized services involving clinical assessments delivered by regulated health professionals or service providers with appropriate training and experience.<sup>7</sup>

Service agencies have been struggling with inadequate funding for years. Since 2013, the sector has lost 46,000 staffing hours per week, 445 full-time positions, 4,848 program hours per week, and 30 programs. In the latest employer survey on operating cost pressures by the Ontario Agencies Supporting Individuals with Special Needs (OASIS), employers reported requiring stabilization funding to stay afloat to prevent further cuts.<sup>8</sup> A dramatic rise in demand for agency services has not been matched by an increase in funding to transfer-payment agencies to recruit more staff and expand programs. Funding has instead been applied to the Passport program, making a bad waitlist crisis even worse.

A direct funding model will create a parallel for-profit system in competition for “customers” who require services that agencies are currently providing. The disaster in Long-Term Care during the COVID-19 pandemic is a grim illustration of the damage the for-profit model can cause.<sup>9</sup> In Developmental Services it has the potential to make working conditions of an already precarious workforce even worse. In 2019, an overwhelming majority of agencies reported difficulties in recruiting staff in a sector where almost 50 per cent of the workforce is part-time.

There is no ready “marketplace” of services to absorb the demand for programs and residential housing. The marketplace cannot provide a strategic vision, regulate and train workers and ensure oversight and accountability. The government must lead in developing a strategy that protects people and guarantees a professional, skilled, and stable workforce.

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7. [https://www.auditor.on.ca/en/content/annualreports/arreports/en20/20VFM\\_07supportive.pdf](https://www.auditor.on.ca/en/content/annualreports/arreports/en20/20VFM_07supportive.pdf)

8. <https://oasisonline.ca/wp-content/uploads/2019-OASIS-Operating-Cost-Pressures-Survey.pdf>

9. <https://www.cmaj.ca/content/192/33/E946>

## **OPSEU/SEFPO recommends:**

- 1) Stabilize transfer-payment agency funding;
- 2) Set a minimum base wage rate of \$25 for all Developmental Services workers including Passport workers;
- 3) Create a central registry of vetted and trained workers;
- 4) Implement Standards of Care for service providers;
- 5) Require ongoing training, staff supervision and implementation of Core Competencies for all workers providing services;
- 6) Establish a rigorous inspection regime in residential and agency settings (for-profit and non-profit); and
- 7) Implement provincially-set workforce standards and an infection control specialist.

## **Implement a Provincial Disability Advocate Office**

If the government moves to a direct funding model it will further place the onus on the individual or families to arrange support. The government should ensure there is an independent advocate who can help people if they run into difficulties in accessing ministry-funded services.

Direct funding may be satisfactory for Ontarians with developmental disabilities who have strong support systems and have access to financial resources. However low-income and less supported individuals face a real danger of being left behind. A 2018 Canadian study of direct funding programs concluded direct funding like programs can result in inequities in access to health and social services.<sup>10</sup>

British Columbia established the Office of the Advocate for Service Quality in 1992 to support individuals with developmental disabilities and their families during the closure of the institutions. Today, it helps adults with developmental disabilities and transitioning youth with special needs and their families to access government supports and services. The advocate's office can help resolve issues or concerns related to services delivered by government ministries and service agencies in the community.<sup>11</sup>

## **Implement a province-wide Human Resources Strategy**

The Developmental Services sector has been plagued by chronic retention and recruitment issues, the lack of full-time work, and poor working conditions for many who work multiple jobs without a pension, or adequate benefits. The concern regarding working conditions

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10. <https://www.tandfonline.com/doi/full/10.1080/08959420.2020.1745736>

11. <https://news.gov.bc.ca/releases/2016SDSI0009-000439>



was also expressed at Ontario's first symposium on direct funding in 1998, "The key is adequate funding for people with disabilities to hire individuals and/or agency services at a rate of pay that is fair and respectful of their personal skills and attributes."<sup>12</sup>

The historic workforce challenges have been well documented. Without a stable, skilled, and dedicated workforce, meaningful Developmental Services reform cannot be achieved. In 2008, the Ministry of Community and Social Services, in partnership with Developmental Services (DS) agencies, launched the Developmental Services Human Resource (DSHR) 10-year Strategy, to examine the challenges of attracting, recruiting, retaining, and training the developmental services workforce in Ontario. Ten years later in 2018, the Developmental Services Human Resource Strategy Evaluation Project found that the most serious challenge facing the transfer-payment agency-based workforce remains the lack of full-time job opportunities, driving barriers to recruitment, high turnover rates and reducing entry to college DSW programs. The report cited tight labour markets and a funding arrangement that does not allow transfer-payment agencies to increase DSP wages to boost labour supply.<sup>13</sup>

The Ontario Agencies Supporting Individuals with Special Needs (OASIS), reported in 2019 that there continues to be a wide variation in wage rates from as low as \$15 per hour to as high as \$30 in key classifications of relief and casual staff (majority range 18-20), and most senior direct support employee (\$25- \$28). The majority of organizations reported that they were experiencing higher than normal turnover rates and retention of part-time staff is the largest issue, with more than one organization indicating that their part-time turnover rate was over 35 per cent annually. As previously stated, part-time staff in the province comprise almost 50 percent of the workforce. Under these conditions, 60 per cent of employers indicated that they would support a centralized bargaining process.<sup>14</sup>

## **OPSEU/SEFPO recommends:**

- 1) Keep pandemic pay applied to workers in transfer-payment agencies and establish a minimum base wage rate of \$25;
- 2) Implement tuition-free PSW and DSW programs in the public college system;
- 3) Implement province-wide Standards of Care to be implemented in legislation (education, expand mandatory training requirement, centralized documentation);
- 4) Create more full-time jobs with benefits, pensions, and promote career options;
- 5) Activate the ministry-funded Developmental Services Advisory Group; and
- 6) Initiate discussions on a central bargaining model to bring greater stability and cost savings to the sector.

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12. [https://individualizedfunding.files.wordpress.com/2014/07/individualized-funding-a-new-vision\\_report-from-1998-symposium.pdf](https://individualizedfunding.files.wordpress.com/2014/07/individualized-funding-a-new-vision_report-from-1998-symposium.pdf)

13. <https://www.queensu.ca/emprpgms/sites/mir.queensu.ca/files/research-projects/DSHR%20Strategy%20Evaluation%20Project%20-%20HR%20Leader%20Survey%20Report%20Final.pdf>

14. <https://oasisonline.ca/wp-content/uploads/2019-OASIS-Operating-Cost-Pressures-Survey.pdf>



## Implement a province-wide Housing Strategy

Housing is a human right and even more critical for vulnerable individuals who face systemic barriers including marginalization. Addressing the waitlist crisis in residential housing and lack of supports for individuals with developmental disabilities requires an aggressive strategy to build and create housing opportunities for individuals across the province.

The latest known numbers indicate that there were 15,700 individuals on the residential waitlist in 2017. More people are waiting – and waiting longer than ever – for housing opportunities that will allow them to live more independent lives in their communities. In 2018 the Ontario Developmental Services Housing Task Force outlined 13 recommendations, including the development of an Inter-ministerial Housing Task Force and recommended funding a 10-year budget plan to address immediate and long term housing needs for people with developmental disabilities in Ontario.<sup>15</sup>

The government must lead in the coordination and development of a province-wide housing strategy that is supported by dedicated funding, expertise and meaningful consultation with service users and families, supportive housing experts, professionals and transfer-payment agencies.

### OPSEU/SEFPO recommends:

- 1) An immediate funding commitment to transfer-payment agencies to develop residential options through a person-centered approach for clients on waitlists at respective agencies;
- 2) Fund transfer-payment agencies to purchase or build supportive housing and expand staffing opportunities to support Independent Living arrangements;
- 3) Liaise with municipalities and partner to fund the expansion of quality supportive housing infrastructure; and
- 4) Establish a government advisory table comprised a wide-range of stakeholders, including labour, to oversee the long term expansion of supportive housing for adults with developmental disabilities.

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15. [https://cdn.agilitycms.com/partners-for-planning/htf-final-reports-pdfs/HTF%20Final%20Report%202018\\_Generating%20Ideas\\_Enabling%20Action\\_FINAL.pdf](https://cdn.agilitycms.com/partners-for-planning/htf-final-reports-pdfs/HTF%20Final%20Report%202018_Generating%20Ideas_Enabling%20Action_FINAL.pdf)

## Conclusion

Publicly run agencies must remain the foundation of Developmental Services in Ontario. These agencies ensure access to services for all individuals with developmental disabilities regardless of the barriers they may face. Agencies provide training and oversight of the workforce, are directly accountable to the ministry and have the capacity to create new programs and expand residential services.

Any direct funding model should not come at the expense of the agency service model, and must be regulated to ensure that quality care is delivered by a stable and dedicated workforce that is well compensated, trained and accountable.

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