

Chapter 3

Section 3.05

Ontario Disability Support Program

Standing Committee on Public Accounts Follow-Up on Section 3.09, 2019 Annual Report

On November 4, 2020, the Standing Committee on Public Accounts (Committee) held a public hearing on our 2019 audit of the Ontario Disability Support Program. The Committee tabled a report on this hearing in the Legislature in April 2021. A link to the full report can be found at <http://www.auditor.on.ca/en/content/standingcommittee/standing-committee.html>.

The Committee made 17 recommendations and asked the Ministry of Children, Community and Social Services (Ministry) to report back by August 2021. The Ministry formally responded to the Committee on August 12, 2021. A number of the issues raised by the Committee were similar to the audit observations of our 2019 audit, which we followed up on in 2021. The status of each of the Committee's recommended actions is shown in **Figure 1**.

We conducted assurance work between May 21, 2021 and August 25, 2021, and obtained written representation from the Ministry that effective November 8, 2021, it has provided us with a complete update of the status of the recommendations made by the Committee.

Overall Conclusion

The Ministry of Children, Community and Social Services, as of August 25, 2021, has fully implemented 21% of the Committee's recommended actions. The Ministry has made progress in implementing 20% of the recommended actions. There has been little or no progress on 59% of the recommended actions.

Detailed Status of Recommendations

Figure 2 shows the recommendations and status details that are based on responses from the Ministry of Children, Community and Social Services, and our review of the information provided.

Figure 1: Summary Status of Actions Recommended in April 2021 Committee Report

Prepared by the Office of the Auditor General of Ontario

RECOMMENDATION STATUS OVERVIEW						
	# of Actions Recommended	Status of Actions Recommended				
		Fully Implemented	In the Process of Being Implemented	Little or No Progress	Will Not Be Implemented	No Longer Applicable
Recommendation 1	2			2		
Recommendation 2	4		2	2		
Recommendation 3	2	1		1		
Recommendation 4	3	3				
Recommendation 5	1			1		
Recommendation 6	2	1	1			
Recommendation 7	3	2	1			
Recommendation 8	5	2	2	1		
Recommendation 9	4			4		
Recommendation 10	3		1	2		
Recommendation 11	2		1	1		
Recommendation 12	1		1			
Recommendation 13	3			3		
Recommendation 14	2			2		
Recommendation 15	3			3		
Recommendation 16	1			1		
Recommendation 17	3			3		
Total	44	9	9	26	0	0
%	100	21	20	59	0	0

Figure 2: Committee Recommendations and Detailed Status of Actions Taken

Prepared by the Office of the Auditor General of Ontario

Committee Recommendation	Status Details
Recommendation 1 The Standing Committee on Public Accounts recommends that the Ministry of Children, Community and Social Services should: - determine and evaluate which ODSP policies and procedures and economic and social factors have led to ODSP caseload growth in Ontario; and - explore measures to reduce and/or eliminate the ODSP practices and procedures which have led to increased ODSP caseload growth (non-compliant with legislation and regulation), so that only individuals who are eligible for ODSP receive benefits from the program. Status: Little or no progress.	The Ministry has started to take action to address this recommendation. The Ministry analyzed the extent that its policies and procedures in the administration and delivery of ODSP have contributed to caseload growth between 1986 and 2019, and planned to conduct further analysis on the period from 2008/09 to 2018/19 to consider more operational factors, including how non-compliance with ODSP policies and procedures may have contributed to caseload growth. The Ministry indicated that it expects to complete this analysis by June 2022. Thereafter, the Ministry will determine applicable corrective action, and a timeline for taking such action.
Recommendation 2 The Standing Committee on Public Accounts recommends that the Ministry of Children, Community and Social Services, in order to ensure that the ODSP financial eligibility process is carried out in accordance with provincial legislation and policy, should: - strengthen third-party information sharing to streamline and automate the financial eligibility verification process as much as possible; Status: Little or no progress. - monitor and track instances where caseworkers are not adequately completing the financial eligibility process; Status: Little or no progress.	The Ministry indicated that it plans to automate the performance of third-party checks during the application process to ensure that third-party verifications checks are consistently completed on all applications prior to an eligibility decision. However, the Ministry could not provide a timeline for when it expected to implement all of the automated third-party checks for ODSP applicants and recipients. The Ministry has not made progress toward implementing this recommendation. The Ministry indicated that it plans to automate the performance of third-party verification checks during the application process to ensure that third-party verifications checks are consistently completed on all applications prior to an eligibility decision.

Committee Recommendation	Status Details
- provide mandatory and regular training for caseworkers on third-party data sources and how to identify discrepancies; Status: In the process of being implemented by March 2022. - review information in the Social Assistance Management System and ensure information is regularly maintained and up-to-date. Status: In the process of being implemented by March 2022.	The Ministry has developed a course for interpreting third-party verification reports. The Ministry informed us that the course would be mandatory for all front-line ODSP staff, and that all front-line staff will have to complete the training by March 31, 2022. The Ministry developed a new report in its Social Assistance Management System to capture clients for whom a Social Insurance Number (SIN) is missing. The Ministry advised us that it began sending this report to ODSP field staff in January 2021 and directed staff to follow up with ODSP recipients to obtain their SIN and to perform the mandatory Canada Revenue Agency (CRA) verification check. The Ministry expects to have obtained missing SIN numbers, or to have taken action where a recipient has not provided their SIN, such as suspending the case, by March 2022.
Recommendation 3 The Standing Committee on Public Accounts recommends that the Ministry of Children, Community and Social Services should improve the financial eligibility process of clients transferring from Ontario Works to ODSP by: - providing clear directives and communication to municipalities and staff administering Ontario Works regarding their responsibilities for performing third-party checks prior to transferring recipients to ODSP, and ODSP caseworker responsibilities in instances where these checks have not been performed; Status: Fully implemented. - monitoring Ontario Works caseworkers' compliance with completing financial eligibility requirements and putting accountability measures into place in instances of non-compliance. Status: Little or no progress.	The Ministry updated its directives and communicated them to Ontario Works and ODSP staff in March 2021 to indicate that Ontario Works was responsible for performing mandatory third-party Equifax Canada Inc. (Equifax) and CRA checks prior to transferring recipients to ODSP, and that such checks have to have been completed within 12 months of the date the recipient's file is transferred to ODSP. The updated directives also state that ODSP caseworkers are responsible for ensuring these third-party verification checks have been performed – in instances where they have not been performed, ODSP caseworkers are responsible for performing them. The Ministry has not made progress in implementing a process to monitor compliance with the updated requirements for completing third-party verification checks, or to put in place mechanisms to hold Ontario Works service managers accountable in instances of non-compliance with requirements to complete mandatory third-party verification checks. The Ministry advised us that it planned to undertake a quality assurance review to assess compliance with updated requirements, and that the results would be used to make decisions on future monitoring activities. The Ministry also indicated that it would be working to design a strengthened accountability model for Ontario Works by January 2023 that includes a new performance framework and an enhanced service agreement, and that as part of this process, the Ministry would explore including compliance requirements related to third-party checks.

Committee Recommendation	Status Details
Recommendation 4 The Standing Committee on Public Accounts recommends that the Ministry of Children, Community and Social Services should strengthen the adjudication process by: - evaluating the number of disability application reviews it expects its triage adjudicators to complete and reassessing the target, if necessary; Status: Fully implemented. - monitoring trends and differences in the rates that adjudicators approve applicants as disabled and take steps to facilitate corrective actions where differences are determined to be unreasonable; Status: Fully implemented. - implementing a formal process and adequate information tracking for adjudicators' rationales for accepting or rejecting applications and review the appropriateness of decisions to approve and reject applicants as disabled. Status: Fully implemented.	The Ministry, in consultation with its adjudicators, reviewed the reasonableness of its target for the number of disability applications it expects its triage adjudicators to complete, and established a new target range in September 2020 of between 13 and 16 applications each day. The Ministry developed an ongoing process to monitor and investigate significant differences in the rates that adjudicators approve applications as disabled, and to take corrective action when necessary. The Ministry analyzed adjudicator approval rates over a one-year period to determine the median approval rate and selected those adjudicators that were furthest from the norm for review. Based on its review of the decisions of 15 adjudicators, the Ministry concluded that overall adjudicator decision-making was reasonable and in compliance with the <i>Ontario Disability Support Program Act, 1997</i> (ODSP Act) and its regulations. Although the Ministry indicated that it did not observe overall trends that required corrective action for all adjudicators, it provided feedback to adjudicators to change their decision in some specific cases. The Ministry developed and implemented an adjudication quality assurance framework in July 2020 to regularly review the appropriateness of disability adjudication decisions. By May 2021, the Ministry had reviewed 226 decisions, and made changes as a result of these reviews to 11 of the 226 decisions it reviewed. The Ministry indicated that it plans to review approximately 270 decisions annually.
Recommendation 5 The Standing Committee on Public Accounts recommends that the Ministry of Children, Community and Social Services should update the Ministry's handbook and triage guidelines on a regular basis to reflect current medical information. Status: Little or no progress.	The Ministry had replaced its handbook and triage guidelines with an updated handbook in 2020. The Ministry advised us that the intent of the new handbook was to reflect advances in treatment associated with medical conditions. The Ministry also indicated that it planned to work with the Ministry of Health and external HIV stakeholders regarding a potential update to the HIV adjudication guideline to take into consideration medical advances over the last 15 years. However, the Ministry could not provide a time frame for doing so.

Committee Recommendation	Status Details
Recommendation 6 The Standing Committee on Public Accounts recommends that the Ministry of Children, Community and Social Services should: - record information about health care professionals who complete disability applications in its IT system and monitor any discrepancies; Status: In the process of being implemented by April 2022. - review, assess and address the appropriateness of applications completed by physicians who complete an atypical number of disability applications. Status: Fully implemented.	The Ministry identified that it is in the process of undertaking technological enhancements to its Disability Adjudication Database to add the functionality for recording the names and addresses of health-care professionals who complete disability applications, as well as any concerns identified in these applications. In addition, the Ministry noted that it is developing a process for health-care professionals to submit disability applications online, which will include the name and address of the health-care professional who completes the application. The Ministry plans to implement these changes by April 2022. The Ministry identified that in 2020, it had put in place an annual process to analyze and identify trends related to disability applications and the health-care professionals who complete them, and a process for taking corrective action on quality issues identified in the completion of disability applications. In the fall of 2020, the Ministry completed an analysis for the 2018/19 and 2019/20 fiscal years of disability applications, utilizing data from the Ministry of Health, and identified 95 health-care professionals who had completed a disproportionate number of disability applications. The Ministry noted that it assessed a 10% sample of the disability applications completed by each of these health-care professionals to identify quality problems in their completion. The Ministry indicated that its assessment did not identify any irregularities or concerns that required corrective action.
Recommendation 7 The Standing Committee on Public Accounts recommends that the Ministry of Children, Community and Social Services should strengthen the medical review process by: analyzing the increase in the proportion of cases it does not assign a medical review by disability type and assess whether the increase is reasonable, and if not, action change; Status: In the process of being implemented by March 2022.	The Ministry completed an analysis by disability type of the assignment of medical review dates to disabled applicants and determined that the increases in the proportion of cases that it did not assign a medical review were reasonable based on the demographic changes of ODSP applicants and as a result of improved mental health information provided to the Ministry. In addition to this analysis, in February 2021, the Ministry implemented a quarterly adjudication file review process. This process will include assessing the appropriateness of whether a medical review date is assigned, and where a medical review date is assigned – the appropriateness of the time frame for the review. The Ministry expects to have completed a sufficient number of file reviews to help determine whether the increase in the proportion of cases not assigned a medical review is reasonable by March 2022.

Committee Recommendation	Status Details
- reviewing and updating the requirements for obtaining evidence in support of medical review decisions and adequately documenting the rationale; Status: Fully implemented. - regularly updating the Adjudication Framework with up-to-date policies and practices. Status: Fully implemented.	In July 2021, the Ministry updated its requirements for obtaining evidence in support of medical review decisions and documenting the rationale for such decisions so that they are clearly supported and consistent with the regulations under the ODSP Act. In 2020, the Ministry updated its ODSP adjudication framework to be consistent with the regulations under the ODSP Act. The updated framework requires adjudicators to set a medical review date unless the adjudicator is satisfied that the person's condition, impairment and restrictions are not likely to improve.
Recommendation 8 The Standing Committee on Public Accounts recommends that the Ministry of Children, Community and Social Services, along with the Social Benefits Tribunal, should work together to: - review the impact of Ministry attendance on the outcome of Social Benefits Tribunal hearings and determine the optimal number of hearings caseworkers should attend; Status: Fully implemented. - evaluate the Ministry's written submissions to the Social Benefits Tribunal when caseworkers are absent from hearings to determine if the submissions could be improved; Status: Little or no progress. - review whether the high overturn of Ministry decisions at the Social Benefits Tribunal could be reduced; Status: In the process of being implemented by May 2022. - explore best practices and alternate models for appeals in other jurisdictions for lessons to enhance consistency in disability decision making between the Ministry and the appeals body; Status: Fully implemented.	The Ministry completed a review and analysis of the impact of Ministry attendance on the outcome of Tribunal hearings and determined that the Ministry should attend all of the hearings. The Ministry indicated that because the Social Benefits Tribunal (Tribunal) is an independent body, to preserve its independence in decision-making, the Tribunal was not involved in addressing the action items in Recommendation 8. The Ministry set a target in January 2021 to attend 90% of Tribunal hearings pertaining to disability adjudication based on the volume of scheduled hearings and taking into consideration that there would be hearings that officers would not be able to attend on short notice. The Ministry noted that it will continue to monitor the volume of Tribunal hearings and assess the Ministry's resources to continue to attend the majority of Tribunal hearings. The Ministry has not yet taken steps to address this recommendation. The Ministry indicated that it plans to independently evaluate the Ministry's written submissions to the Tribunal to determine if the submissions can be improved by December 2022. The Ministry completed an independent review and analysis of the impact of Ministry attendance on the outcome of Tribunal hearings and set a target in January 2021 to attend 90% of Tribunal hearings pertaining to disability adjudication to help reduce the rate at which the Tribunal overturns the Ministry's decisions. The Ministry plans to independently review the impact of its increased attendance at Tribunal hearings by May 2022. The Ministry independently completed a scan of the appeals frameworks in other jurisdictions to understand and assess alternative appeal mechanisms and potential lessons learned for social assistance.

Committee Recommendation	Status Details
jointly provide the government with sufficient information to make a decision on system/appeal process improvements. Status: In the process of being implemented by December 2022.	The Ministry indicated that it consulted with the Ministry of the Attorney General regarding options and improvements to the social assistance appeals process and proposed alternatives to the government for an appeals framework that could increase consistency with the ODSP Act. The Ministry advised us that it is in the process of refining its proposed alternatives to the government and expects to provide the government with additional information by December 2022.
Recommendation 9 The Standing Committee on Public Accounts recommends that the Ministry of Children, Community and Social Services, in order to ensure only eligible recipients continue to receive ODSP benefits, should: - require proactive communication between caseworkers and clients; - establish a risk-based timeframe for ODSP caseworkers to review the ongoing eligibility of all ODSP recipients; - conduct eligibility reviews in accordance with the risk-based timeframe to avoid creating a backlog of cases; Status: Little or no progress. - determine the optimal number of eligibility verification reviews the Ministry should complete on an annual basis in order to ensure entitlement and fairness in the provisions of ODSP funds. Status: Little or no progress.	The Ministry has not made progress toward implementing these recommendations. The Ministry indicated that in the future, it plans to implement a risk-based eligibility determination process to monitor the ongoing eligibility of all ODSP recipients. The Ministry has yet to complete a cost-benefit analysis to determine the optimal percentage of reviews the Ministry should complete on an annual basis. The Ministry indicated that it plans to complete such an analysis by January 2022.
Recommendation 10 The Standing Committee on Public Accounts recommends that the Ministry of Children, Community and Social Services, in order to strengthen the eligibility verification process, should: - enhance its system and processes to confirm the causes that lead to undetected changes in recipients' financial eligibility and share findings with caseworkers; - take action to address and reduce the causes that lead to undetected changes in recipients' financial eligibility; Status: Little or no progress.	The Ministry has not made progress toward implementing these recommendations. The Ministry advised us that it planned to make system enhancements to fully capture all eligibility verification review outcomes so it can better analyze the causes that led to undetected changes in recipients' financial eligibility, and to develop and implement a formal process to communicate observations from these reviews by December 2021. Thereafter, the Ministry plans to establish a process to take action to prevent the causes that led to undetected changes in recipients' financial eligibility.

Committee Recommendation	Status Details
explore measures to increase uptake of MyBenefits for clients to report changes in personal circumstances. Status: In the process of being implemented by March 2022.	Through promotion strategies that include emails to recipients and social media posts, the Ministry advised us that it increased the number of ODSP recipients registered for MyBenefits from approximately 31,400 in December 2020, to 41,000 in May 2021. The Ministry is targeting to have 52,000 ODSP recipients registered for MyBenefits by the end of March 2022.
Recommendation 11 The Standing Committee on Public Accounts recommends that the Ministry of Children, Community and Social Services, in order to reduce unintentional overpayments to ineligible recipients and intentional fraud by ineligible recipients, should: - enhance its systems and processes to determine and record the cause of overpayments and take action to reduce the total number; Status: Little or no progress. - explore additional measures to reduce the number of undetected eligibility changes or instances of intentional fraud. Status: In the process of being implemented by December 2021.	The Ministry has not yet taken steps to address this recommendation. Although the Ministry has not established a timeline for addressing this recommendation, the Ministry indicated that it plans to assess and analyze potential system enhancements to better document overpayment creation reasons and identify root causes in order to take preventative action. The Ministry noted that it revised its process for assessing and investigating allegations of fraud, and that it was introducing the revised process to its local ODSP offices in phases throughout 2021. The Ministry indicated that it expects to provide training on the new process to all caseworkers, as well as administrative support clerks and managers involved in assessing and investigating fraud allegations by the end of 2021. In addition, the Ministry indicated that by the end of 2021, it plans to implement a process and tools to monitor the performance of the revised process for assessing and investigating allegations of fraud.
Recommendation 12 The Standing Committee on Public Accounts recommends that the Ministry of Children, Community and Social Services should complete medical reviews on a timely basis. Status: In the process of being implemented by December 2021.	The Ministry has taken steps to reduce the backlog of overdue medical reviews from 19,000 in March 2019, to 12,450 at the end of April 2021. The Ministry informed us that it expects to complete the remaining overdue medical reviews by December 2021.

Committee Recommendation	Status Details
Recommendation 13 The Standing Committee on Public Accounts recommends that the Ministry of Children, Community and Social Services, to improve the employment outcomes of non-disabled adults on the Ontario Disability Support Program, should: • review its process for adult dependent referrals to Ontario Works employment assistance to improve their ability to obtain timely employment; • monitor whether all adult dependents have been referred to Ontario Works employment assistance or have a valid waiver in place; Status: Little or no progress. • put in place mechanisms to confirm that local ODSP offices, managers, and caseworkers comply with legislative and policy requirements for ODSP and employment support programs. Status: Little or no progress.	The Ministry has made little progress toward implementing these recommendations. In February 2019, the Ontario government announced a plan to transform employment services. The plan includes a new service delivery model to integrate social assistance employment services into Employment Ontario under the Ministry of Labour, Training and Skills Development (MLTSD). MLTSD selected three service system managers for three different catchment areas where the prototype for the new employment services model began to be provided in January 2021. The Ministry identified that the transformation of employment services is targeted to be rolled out across the province by the end of 2023. In the meantime, the Ministry noted it planned to enhance ODSP caseworker awareness of Employment Ontario's suite of training and employment supports and to review the ODSP non-disabled caseload in order to refer them to employment assistance activities or to ensure that a valid waiver from participating in employment assistance activities is in place. The Ministry has made little progress toward implementing this recommendation. The Ministry identified that by January 2023, the Ministry would design a strengthened accountability model for Ontario Works that includes a new performance framework and an enhanced service agreement. As part of the new accountability model, the Ministry indicated that it will explore including compliance requirements related to participation in employment assistance activities for non-disabled adults on ODSP.
Recommendation 14 The Standing Committee on Public Accounts recommends that the Ministry of Children, Community and Social Services, in order to effectively manage staffing caseloads, should: • identify and implement measures to improve the efficiency and effectiveness of caseworkers' work and enable caseworkers to spend more time on high-impact client work; Status: Little or no progress. • take steps to reduce inefficiencies. Status: Little or no progress.	The Ministry released its Vision for Social Assistance Transformation in February 2021 that outlines plans for a new social assistance delivery model where municipalities provide life stabilization support for ODSP recipients. The Ministry identified that as part of its design of a new delivery model it will also develop a staffing model to define the roles and responsibilities of caseworkers, and that the staffing model will factor in workloads and caseloads. The Ministry expects to complete the design of the new delivery model by June 2022 and to implement the model by June 2024. The Ministry had not yet taken steps to address this recommendation. The Ministry indicated that it intends to complete the implementation of the new social assistance delivery model, including the associated staffing model, by June 2024.

Committee Recommendation	Status Details
Recommendation 15 The Standing Committee on Public Accounts recommends that the Ministry of Children, Community and Social Services, in order to ensure employment support programs benefit ODSP recipients, should: - regularly assess the needs of the population of ODSP recipients and identify those who may benefit from appropriate employment supports; Status: Little or no progress. - regularly provide the information on employment supports to those ODSP recipients who may benefit from them; Status: Little or no progress. - track and analyze the employment outcomes by employment service provider (for-profit and non-profit) and monitor if ODSP recipients receive long-term employment. Status: Little or no progress.	The Ministry has not made progress toward implementing this recommendation. In February 2019, the Ontario government announced a plan to transform employment services. The plan includes a new service delivery model to integrate social assistance employment services into Employment Ontario under the Ministry of Labour, Training and Skills Development (MLTSD). The Ministry identified that the transformation of employment services is targeted to be rolled out across the province by the end of 2023. With the transformation of employment services, the Ministry indicated that it will obtain more information from ODSP recipients interested in employment services. ODSP recipients interested in employment services will complete the Common Assessment tool – an employment readiness assessment tool, shared between the Ministry and Employment Ontario. The Ministry has not undertaken specific steps to address this recommendation. The Ministry has not made progress toward implementing this recommendation. The Ministry identified that social assistance employment services are being integrated into Employment Ontario under MLTSD. The transformed employment services are targeted to be rolled out across the province by the end of 2023. The Ministry noted that the scope of the transformation of employment services includes the development of a monitoring and evaluation framework that is intended to ensure that recipients' needs are met.
Recommendation 16 The Standing Committee on Public Accounts recommends that the Ministry of Children, Community and Social Services should work with the Ministry of Labour, Training and Skills Development to put in place processes that prevent payment to two different service providers for the same employment outcomes. Status: Little or no progress.	The Ministry identified that it has not made progress toward implementing this recommendation. As described in Recommendation 15, social assistance employment services are being integrated into Employment Ontario under MLTSD. The transformed employment services are targeted to be rolled out across the province by the end of 2023. The Ministry identified that the scope of the transformation of employment services includes the development of a monitoring and evaluation framework that is intended to ensure that value-for-money is achieved.

Committee Recommendation	Status Details
Recommendation 17 The Standing Committee on Public Accounts recommends that the Ministry of Children, Community and Social Services, in order to make informed and publicly transparent decisions using outcome-based information, should: • design and implement performance indicators and targets for the program and recipient outcomes; • regularly monitor the performance of the program against performance metrics; and • report publicly on program performance against performance metrics. Status: Little or no progress.	The Ministry had made little progress in implementing these recommendations. The Ministry has developed a performance measurement framework for ODSP and designed performance indicators to measure program and recipient outcomes. However, the Ministry has not set targets for all its indicators and has not yet established a time frame for doing so. The Ministry indicated that following the release of the performance measurement framework, it will develop a set of monitoring reports to establish and report on performance against outcome targets.