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ONTARIO WORKS PROGRAM INTERNAL REVIEW AND SOCIAL BENEFIT TRIBUNAL APPEALS 2002 AND 2003 DISPUTE RESOLUTION ACTIVITIES

The Community Services and Housing Committee recommends the adoption of the recommendation contained in the following report, April 28, 2004, from the Commissioner of Community Services and Housing:

1. RECOMMENDATION

It is recommended that:

1. This report be received for information by Committee and Council.

2. PURPOSE

The purpose of this report is to provide Committee and Council with information regarding eligibility appeals made by Ontario Works participants in 2002 and 2003 to the Social Assistance Division's Internal Review process and to the Provincial Social Benefits Tribunal (SBT).

3. BACKGROUND

In the course of administering the *Ontario Works Act*, staff assess and determine the initial and ongoing eligibility of clients on a daily basis. A client is provided with the right, by law, to appeal any decision that would refuse, terminate, or reduce an allowance or mandatory benefit. The appeal process begins with an internal review which is designed to ensure consistent and fair decisions and to employ a process aimed at resolving disputes whenever possible prior to proceeding to a formal appeal process. If the client does not agree with the outcome of the internal review, the client has the right to appeal further to a provincial Social Benefits Tribunal.

The process is as follows:

- A client receives written notification of any decision to deny, vary, suspend, or cancel financial assistance, and receives information on their right to appeal.
- The appeal process has defined time limits for appeal submissions of ten days for an internal appeal and thirty days for an appeal to the Social Benefits Tribunal, which, if missed without reasonable cause, will disallow further appeal by the Ontario Works client.
- Interim assistance may be paid to a client pending the outcome of a Social Benefits Tribunal appeal. If, through the appeal process the recipient is later determined to be ineligible, York Region may recover interim assistance as an overpayment.
- An Internal Review and Social Benefits Tribunal tracking system is in place for reporting and audit purposes.

4. ANALYSIS AND OPTIONS

4.1 Appeal Activities – Internal Review

An Internal Review is the first step in an appeal process that ensures a timely, fair and equitable application of Ontario Works rules and regulations. The internal review can result in the resolution of matters, making it unnecessary for recipients to appeal to the Social Benefits Tribunal.

York Region has established a comprehensive statistical system to capture internal review activity results.

Staff deny, vary, suspend or cancel financial assistance for a number of reasons. Legislative reasons include, but are not limited to: quit/fired, income/assets, non-compliance, spouse living as a co-resident, and information missing.

As noted in Table 1, the volume of reviews requested has declined from 135 in 2002 to 107 in 2003, an approximate 20% decrease. In addition, the number of initial decisions that were changed or varied upon review decreased from 55% of decisions in 2002 to 46% in 2003. These statistics reflect effective decision making and communication by staff on initial decisions, the positive impacts associated with fewer legislative and technology changes in 2003, and an effective internal review mechanism.

Table 1
Internal Review Activities – 2002/2003

Year	Reviews Requested *	Reviews Conducted	Decision Upheld	Decision Changes/ Varied
2003	107	95	51	44
2002	135	124	56	68

* Some requests were withdrawn or extensions were denied resulting in fewer reviews conducted.

It is important to note that while participants are always provided with a reasonable period to meet program requirements, staff are required to render decisions in limited time frames. After the decision is reached and clearly communicated, participants often respond with enhanced efforts at meeting expectations. If the client responds by providing the required information, the individual conducting the internal review is correct in altering the initial decision. This does not mean the initial decision was incorrect, but rather that the client has now met the eligibility requirement. This results in an internal appeal structure which supports a fair review process and responds to new information.

4.2 Appeal Activities – Social Benefits Tribunal

The basis for a formal appeal of the Administrator's decision is in accordance with specific sections of the *Ontario Works Act* or Regulations. The table below indicates the number of clients that have formally appealed to the Social Benefits Tribunal (SBT) in 2002, and 2003.

Table 2
Social Benefits Tribunal - Number of Appeals

Year	Appeals to SBT On Initial Decisions
2003	29
2002	23

The number of formal appeals in 2003 has increased by 6 over the 2002 figure but still represents a low number of formal appeals in relation to the thousands of appealable decisions made by Ontario Works staff each year. Appeal results for 2002 and 2003 are noted below.

Table 3
Social Benefit Tribunal - Appeal Results

Appeal Results	2003	2002
Appeals Withdrawn	3	9
Hearing/Decision postponed ⁺	0	0
Hearing/Decision pending *	20	4
York Region Decision Affirmed	4	9
York Region Decision Denied	2	1
Total	29	23

⁺ Postponed refers to cases where a hearing was originally scheduled but has not been completed due to rescheduling.

* Hearing/Decision Pending refers to situations where the hearing has yet to be scheduled or the hearing has taken place but the decision has not yet been rendered.

The increase in the number of decisions pending in 2003 is reflective of the increasing length of time for an appeal to be heard by the Social Benefits Tribunal. Hearing dates are currently being scheduled 8 to 12 months in advance. This is an increase from an average of 4 to 6 months in previous years.

An analysis of the data provided above indicates that in 2002 and 2003 combined, 13 of 16 decisions rendered (81%) supported York Region's decisions. These rates reflect both the efficiency of York Region's Internal Review Process and the overall effectiveness of staff decision making through the correct application of policy and legislation, which is communicated in a clear and understandable manner.

4.3 Relationship to Vision 2026

The Ontario Works Program Internal Review and Social Benefit Tribunal appeal process contributes directly to achieving goals outlined in Vision 2026 through the provision of a proactive dispute resolution process that meets the needs of our clients. This report indicates this process is working effectively.

5. FINANCIAL IMPLICATIONS

The Internal Review and Social Benefit Tribunal process ensures consistency of program application, service delivery and decision making. It assists in making sure that applicants who are eligible receive assistance while those who do not meet eligibility requirements do not receive assistance.

6. LOCAL MUNICIPAL IMPACT

There is no direct impact on local municipalities. However, lower Regional costs of assistance due to efficient eligibility decision making are of benefit to local municipalities.

7. CONCLUSION

The generally low number of formal Social Benefit Tribunal appeals, (23 in 2002 and 29 in 2003) combined with affirmation of York Region's decisions, indicates effective decision making, supported by an accessible and responsive Internal Review Process. These results have been achieved in an environment where staff are required to make thousands of appealable decisions each year.

The Senior Management Group has reviewed this report.