



Direct Funding Consultation Responses January 2011

One of the core principles of the Transformation Process is Citizenship. Citizenship means membership in a community. The UN Convention on the Rights of Persons with Disabilities, which Canada has ratified, speaks clearly to the recognition of voice and choice of individuals with disabilities. Promoting the social inclusion of individuals includes the recognition of that voice in whatever method an individual communicates and chooses to have that voice heard.

The new legislation is being enacted to promote the social inclusion of persons with developmental disabilities, therefore, individuals must be enabled to pursue and enjoy their own dreams, interests and activities. Beyond safety and security, the only outcome required is that the person feels fulfilled as a valued member in our society.

The values of choice and self-determination are key to promoting a full participating life in community. Therefore, direct funding, an option under the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008, must be available to all who choose this option.

Special Services at Home, a form of direct funding, has over the past 20 years proven individuals and their families/support networks to be extremely responsible in their use of funding to provide for necessary service and supports. This history provides the basis of trust and integrity upon which the development of policy for direct funding must be built.

In order to best meet the needs of the individual, free choice of how to access supports and/or services is essential. Having access to available resources to assist individuals and their support networks in the development of and the actualization of their dreams; to easily manage funding; successfully hire and maintain support workers; and other resources needed to guarantee easy accountability for direct funding will ensure that direct funding is a desirable option for provision of services and supports to promote a meaningful life in community.

Qualifying for Direct Funding

1. Is anyone who is eligible for DS services and supports able to receive direct funding?

Family Alliance Ontario believes that every eligible individual must be given the opportunity to receive direct funding.



2. How might capacity be assessed? (E.g., demonstrating the ability to take on the role of an employer)?

Clearly, not every eligible individual will be able to manage their direct funding personally. It is imperative that provision is made for a person or entity to support decision making of, and/or act as representative of, the eligible individual. Assessments should not negate eligibility, but rather inform the need for capacity building strategies. Assuming this situation, capacity may be assessed on the following criteria:

- Full understanding of the principles of direct funding
- Ability to communicate a coherent plan on which to base a direct funding proposal
- No criminal record for financial crimes.

Managing Direct Funding

1. What kind of information would the parties to a direct funding agreement (i.e., the person[s] who sign(s) the contract) need to provide about how they would manage direct funding if they choose to arrange for their own services and supports?

We believe that the following information should be provided, depending upon the degree of administration that is assumed by the person, and categories of personnel- self employed contractors and/or employees:

- An outline plan for how funding will be used, allowing for flexibility
 - An annual budget
 - A description of types of support, sources of support
 - Typical work schedules
 - Employment contracts
 - Separate banking information
 - Employer registration details with Revenue Canada, WSIB as required
2. How might people who choose direct funding be supported to manage their direct funding allocation?

The following funded supports could assist in the management of direct funding:

- Access to trained and skilled independent facilitators
- Services of a funds administrator
- Brokerage services
- Payroll processing services
- Book-keeping services
- Provision of appropriate forms and documentation
- Mentor
- Examples of successful methods of managing direct funding
- Help line



- Education courses (in person or on-line)
 - Step-by-step guides
 - Have free optional access to an accounting system (manual or computer-based)
 - Plain language information
 - Access to worker pool Database
 - Information regarding hiring procedures
 - Choice of funds disbursement on regular basis (with one month in advance) rather than on a reimbursement basis
3. How might individuals who choose direct funding build their capacity to take on the responsibilities of an employer and/or purchase support services from a self-employed contractor? (E.g., hiring staff, training, scheduling etc.)
- The following may help build capacity:
- Access to resources to learn interviewing, hiring, training and scheduling skills
 - Step-by-step guides
 - Pre-printed, or on-line scheduling forms
 - Mentors/examples
 - Training programs (on-line or in person)
 - Workshops in local areas to provide networking opportunities
4. At higher funding levels, what are some options for helping people manage their direct funding? (E.g., working with a service provider that acts as a fiscal intermediary and manages funding-related activities such as payroll, maintaining financial records etc.)
- FAO does not believe that individuals or their representatives automatically become less able or less trustworthy at higher amounts of support funding. We know of families who successfully manage six-figure support packages themselves.
- For those who may want support:
- Funding of, and access to, fiscal intermediary of the individual's choice to manage payroll, record keeping, contract development and negotiations;
 - Funding of, and access to, independent source for information, advice and assistance as required-such as brokerage
- Note that choice of and independence of intermediary is important so that individuals are free of manipulation, intimidation, and pressure.

Accountability

1. What kind of accountability arrangements need to be in place for anyone who receives direct funding to manage their allocation? (E.g., separate bank account, a designated funds administrator.)



The following should provide adequate accountability:

- Separate bank account may be needed, if managing disbursed funds. (Some families have a separate company)
- Electronic invoicing by support workers, and validation by the person responsible prior to payment
- Services of designated funds administrator (if desired)
- Copies of relevant documentation to track expenditures.
- Records available for review upon request
- Audit program
- Criminal reference check to ensure there have been no previous financial crimes
- Easy to use accounting system.

Note that record keeping should not be onerous and take away from quality time spent supporting the individual.

2. What kind of business practices and procedures would help ensure funding is spent appropriately?

- The accountability procedures mentioned in previous question.
- List of acceptable funding expenditures with examples
- List of inappropriate expenditures with examples
- Access to a welcoming entity (Help Line) that would provide guidance in the event of any questions
- Recognition that life circumstances change unexpectedly and the need to be flexible, especially in times of crisis;
- Not second-guessing types of expenditures that may in the best interest of the client
- Monitoring function with alerts if funding appears to be spent inappropriately, too fast (may run out of budget), too slow (may not be paying staff) according to approved plan.

3. What kind of expenditure reporting system could be developed to provide appropriate information about spending and outcomes that does not place an onerous administrative burden on people who receive direct funding?

FAO notes that expenses should not be tied to specific outcomes. Direct funding is about quality of life, not therapy or education. People must be given the freedom to pursue and enjoy their own dreams, interests and activities. Beyond safety and security, the only outcome required is that the person feels fulfilled as a valued member in our society.

Expense tracking could be:

- Reporting system similar to SSAH with column to indicate expense type
- Package of all potential forms in tabulated (electronic) binder (e.g. budget; spreadsheets; tax calculation software; Regular



(monthly/quarterly) expense statement; Annual report of what opportunities the direct funding has made possible

4. What restrictions and requirements, if any, might be placed on the use of direct funding with respect to the individuals providing services and supports? (E.g., family members and or neighbours; training and qualifications such as CPR/first aid, criminal reference checks.)

We believe that there should be very few restrictions. The skills needed to support individuals are as individual as the people themselves. We strongly oppose specific training and qualifications or characterization of who is a 'right' or 'wrong' support worker. MCSS must be able to trust the judgement of those responsible especially since most of us have been organizing support for many years.

- Families must be able to hire and train according to the needs of the individual
- Neighbours and family members may be ideal support workers and should be paid for their time.
- Paid use of parent support should receive prior approval. (Note: Recent upheld Human Rights decision in BC Court of Appeal providing for parents to be paid for providing support in certain circumstances)
- Courses should be available for CPR/First Aid
- Criminal reference checks may be recommended for paid support workers
- Worker certification may be desirable, but by no means mandatory.

5. What kind of flexibility could be built into individualized budgets and allocation use so that direct funding can best meet the person's support needs and/or resources available in the community? (E.g., purchasing community participation supports if formal respite supports are lacking.)

We assume a great deal of flexibility through the use of direct funding budgets.

- Plans must be flexible to accommodate change and new opportunities
- Permit plan changes at certain intervals without prejudice. Ideas may not always work out as expected.
- Allow requests for reassessment due to changed circumstances
- Funding for facilitation of community inclusion- someone to identify the resources existing in community
- Appeal mechanisms

6. The *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008* and its regulation set out the supports that may be purchased with direct funding (i.e., community participation, activities of daily living, respite and person directed planning services and supports). Within these categories, what kind of guidelines or information would help people understand what they can use direct funding to purchase?



The following information would be useful:

- General overview
- List of types of acceptable purchases and uses of funds (these would need to be extensive to cover multiple needs and situations)
- List of unacceptable expenditures
- Mechanism for negotiation of a disallowed expense
- Examples of individualized plans showing approved expenditures
- Clarification of where different types of support start and stop – for example, using funds for residential supports and the overlap with ODSP shelter allowance, using funds to buy food if ODSP has run out – could this be called an ‘activity of daily living’ if it helps the person survive? How would such expenditures be viewed?
- Recognition of individualized home living support expenditures in the existing categories, or adding a new class of supports. (FAO/ SSAHPC request March 2010)
- Phone Help Line to call for clarification

Considerations for DS Agencies

1. What roles could agencies play with regard to direct funding?

Only at the choice of individuals and their representatives, progressive agencies (who believe in the values and principles of individualized funding, and understand what a full life in community looks like) could be used as resources to assist individuals and their support networks. However, we regard this approach with some scepticism that families will be drawn back into organization-biased services. In the UK, where direct funding and personalized budgets are mandated, newly formed agencies offer fully unbundled services where individuals may opt for as many, or as few services, including none, that they require. These unbundled services include such things as helping find workers, helping develop contracts, acting as mentors, acting as financial intermediaries, offering training courses, hosting a support worker pool, providing temporary or emergency help when needed.

2. What concerns do agencies have about direct funding?

FAO is in no position to provide a response to this question.

3. What suggestions do agencies have to support direct funding and its implementation so that direct funding promotes the principles of the transformation (i.e., citizenship; fairness and equity; accessibility; safety; accountability; and sustainability)?

FAO is in no position to provide a response to this question.



4. What could the Ministry do to enable agencies to support direct funding?

The first step is for the Ministry to instil a culture for change by mandating that the needs of the individual supersede the needs of the agency.

If true citizenship is to be achieved, then each and every individual, who is eligible for supports and services under the Social Inclusion Act, will receive the funding that is necessary to enable them to be a fully participating member of their chosen community. This will involve dismantling current programs which segregate individuals. No longer will individuals be 'placed' in group homes; they will choose where they wish to live.

Mandate that the budgets of every individual that an agency currently serves be individualized and personalized to enable full portability for that individual.

Provide workshops and forums for the sharing of experiences of individuals who are successful using individualized funding to provide for a full life in community.

Progressive agencies could support other agencies to dismantle sheltered workshops and segregated settings and demonstrate engagement of formal and informal supports to access services used by other citizens in their communities.

If transformation is to be successful, the Ministry needs to help agencies move from providing services to offering optional, unbundled services that truly help facilitate a life deeply rooted within community.

To enable full inclusion, today's barriers must be broken down. Segregation and congregation only serve to reinforce these barriers. It is a simple matter of ensuring that individuals have the supports that enable them to be fully participating members of their community.