

ATTN: NEWS EDITOR

**FOR IMMEDIATE RELEASE:**

## **Ontario's most vulnerable are losing out**

**TORONTO, Ontario** (May 31, 2006) – Ontario's disabled have lost out on disability benefits to the tune of at least \$6 million, as a result of delays in processing their applications for support by the Ministry of Community and Social Services' Ontario Disability Support Program and the impact of a provincial regulation, which limited retroactive benefit payments to four months. "Thousands of Ontario's most vulnerable citizens have become losers in a cruelly insensitive and intensely bureaucratic waiting game" Mr. Marin notes in his latest report titled "Losing the Waiting Game."

The Ontario Disability Support Program provides income support, health and other benefits for people with disabilities who are in financial need. The Ombudsman's investigation was launched after the office received 71 complaints of delays of up to 10 months at the Ontario Disability Support Program's Disability Adjudication Unit, which is charged with determining whether or not an applicant for financial support meets the stringent definition of a "person with a disability" as set out in the *Ontario Disability Support Program Act, 1997*. During the Ombudsman's investigation, an additional 74 complainants came forward and upon reviewing Ministry statistics it was found that at least 4,630 individuals and probably many more, were affected during the period from April 1, 2004 to December 31, 2005 alone.

To add insult to injury, Mr. Marin found that once an applicant was deemed to be entitled to financial support, they were limited by regulation, to receiving four months of retroactive benefits, regardless of how long it may have taken for the Ministry to process their application and even though the delay was through no fault of their own.

"Since the inception of the Ontario Disability Support Program, it appears thousands of individuals found entitled by reason of disability to social assistance have cumulatively contributed millions to the coffers of the Ontario government through technical disentitlement caused by the governments own failure to process their claims on time.

"It is unfair if even one person is disentitled to benefits retroactively because of Ontario Disability Support Program delays. It is nothing short of shameful when the program is responsible for thousands of vulnerable individuals losing out on benefits" Mr. Marin said in his report.

The Ombudsman's report contains seven recommendations aimed at curbing delays at the Disability Adjudication Unit and improving service standards. "The time has come to

change the rules of the Ontario Disability Support Program waiting game. The Ministry must go back to first principles and remember why the Program exists in the first place; it is to serve low income Ontarians with disabilities,” Mr. Marin commented in his findings.

The report also recommends that the regulation under the *Ontario Disability Support Program Act, 1997* be changed to eliminate the four-month restriction on retroactive benefit payments and that those individuals who lost out on retroactive benefits because of Ministry delays be repaid.

“I believe the only way to make this situation right is for those who have lost the waiting game to receive the benefits they would have otherwise been entitled to if it were not for the Ministry’s delay. But for the Ministry’s delays, these individuals would have had funds to improve the quality of their lives, to buy food, do laundry and buy clothing for their children. They have been denied these funds through no fault of their own,” Mr. Marin noted.

The Ministry, in its response to the Ombudsman’s recommendations, pledged to address the need for improved service standards and noted that the necessary regulatory change had been filed to ensure that applicants would now receive benefits back to the date of their applications. It also indicated that it would consider the Ombudsman’s recommendation for restitution but made no formal commitment.

The Ombudsman urged the Ministry to act quickly to find the necessary means to repay those individuals affected, noting that, “although it is understandable that the Ministry may require time, particularly given the challenges posed by the way in which its statistics have been kept... I would urge the Ministry to deal with this question with the sense of urgency that it rightfully deserves,” Mr. Marin concluded in his report.

“My investigation has found that thousands of individuals with disabilities were deprived of benefits, which they were otherwise rightfully entitled to... Many of those affected faced months of undeserved financial hardship and in the end lost out on much needed monies, which should have been in their pockets to pay for food, shelter and other necessities of life. I would urge the Minister to act quickly and to find the necessary means to repay these individuals the monies which they should have received in the first place, had it not been for the Ministry’s delay.”

This press release is available in French

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*The Ombudsman is an officer of the Legislature and is independent of both the political process and government administration. Generally an office of last resort, the Ombudsman investigates and resolves complaints about provincial governmental organizations and recommends corrective action. Services are free and confidential. Other languages can be arranged. For further information, call 416-586-3300, TTY 1-866-411-4211 or visit our website: [www.ombudsman.on.ca](http://www.ombudsman.on.ca)*

For further information contact:  
Gail Scala  
Manager, Communications  
Office of the Ombudsman  
Tel: 416-586-3402  
Email: [gscala@ombudsman.on.ca](mailto:gscala@ombudsman.on.ca)



## “Losing the Waiting Game”

### **Backgrounder on: Ombudsman investigation into unreasonable delay at the Ministry of Community and Social Services’ Disability Adjudication Unit**

#### **The Ontario Disability Support Program**

- In June 1997, the then Minister of Community and Social Services introduced the *Social Assistance Reform Act, 1997*. The Act created a separate income support program for people with disabilities under the *Ontario Disability Support Program Act, 1997*. The Ontario Disability Support Program provides income support, including health and other benefits for people with disabilities, and their families, who are in financial need. Individuals with disabilities may apply for Ontario Disability Support Program benefits through either a local Ontario Works or Ontario Disability Support Program office. Once financial eligibility is determined, the individual is required to file medical and other information. The Ontario Disability Support Program’s Disability Adjudication Unit is responsible for deciding whether or not an applicant meets the definition of a “person with a disability” set out in the *Ontario Disability Support Program Act, 1997* such that they will be eligible for financial benefits.

#### **The Ombudsman’s Investigation**

- From March 1, 2005 – February 28, 2006, the Ombudsman received 71 complaints from individuals who had waited for up to ten months to receive a decision on their applications to the Ontario Disability Support Program and who, as a consequence of this delay, lost out on benefits due to a regulation limiting their retroactive entitlement to four months.
- On March 1, 2006, the Ombudsman notified the Ministry that the Special Ombudsman Response Team would be investigating the issue of whether there were unreasonable delays at the Ontario Disability Support Program’s Disability Adjudication Unit, and whether these delays are leading to individuals with disabilities being deprived of benefits they would otherwise be entitled to.

## **The Ombudsman's Findings and Recommendations**

- On May 9, 2006, the Ombudsman provided the Minister of Community and Social Services and the Deputy Minister with his Preliminary Report. The Ombudsman found that thousands of individuals with disabilities had been deprived of benefits because of Ministry delays and the impact of a regulation limiting retroactive entitlement to benefits to 4 months. Based on the Ministry's statistics, the Ombudsman estimated that the total amount of benefits these persons would have otherwise been entitled to if it were not for Ministry delay was in the range of \$6 million and potentially higher.
- The Ombudsman made 7 recommendations to address his findings, including repealing the 4 month regulated limit on retroactive benefits and paying restitution for those who had been denied retroactive benefits as a result of Ministry delays.
- On May 17, 2006, the Minister and Deputy Minister responded to the Ombudsman's Preliminary Report. The Ministry committed to take action on 5 of the Ombudsman's 7 recommendations and to report back to the Ombudsman within six months time. However, the Ministry made no commitment with respect to making restitution for benefits lost because of the Ministry's delay, stating only that it would consider the Ombudsman's recommendations. The Ombudsman did not find this to be an adequate or appropriate response.
- On May 19, 2006, the Ombudsman issued his Final Report to the Ministry. On May 25, 2006, the Minister responded to the Ombudsman's Final Report, confirming that the 4 month limit on retroactive benefits was repealed but still making no firm commitment whether restitution would be paid to those unjustly deprived of benefits because of the Ministry's delay.