

Dec. 10, 2009

To: Honourable Members of Cabinet

Subject: Imminent Ontario Cabinet vote on a Lieutenant Governor In Council Regulation related to - *Services and Supports to Promote Social Inclusion of Persons with Developmental Disabilities Act, 2008.*

Recommendation: If the proposed Regulation does not allow for residential programs to be accessed by direct funding, then Cabinet should reject the proposed Regulation and send it back to the Ministry of Community and Social Services for revision. The Regulation must reflect the Ministry of Community and Social Services' promise that *"supports are equitable and people with similar situations receive similar supports"*

The following pages outline the position of concerned families in Ontario who object to a Regulation that would enforce unfair discrimination against people who desire to buy their own supports rather than use the services of an agency.

Last summer, the Ministry of Community and Social Services proposed a new regulation that would govern developmental services for adults in Ontario.

Consider the following scenario based on the consequences of this regulation becoming law:

George and Alice, two adults with developmental disabilities each need a place to live and disability supports. Their needs are identical and their families are in crisis. They are both at the very top of the priorities list for residential supports when the government of Ontario designates some new funding earmarked for residential programs.

George wants a group home and the Ministry allocates \$80,000 per year to the agency that will operate his group home. George is successful in obtaining the supports that he sought.

Alice, with the help of her family and close friends, wants direct funding to plan and direct her supports. Alice's parents are highly committed. They are prepared to help her find an apartment or to contribute a down payment on a house for her. It turns out that Alice is not eligible for a penny of the new funding. Alice gets zero because the regulation clearly excludes residential programs from direct funding.

Here is what the Ministry promised–

1. ***“With the new Act, we can build a system of services and supports that is fair, so that everyone gets treated the same way”***. (Ref. 3)
2. The new legislation will ensure ***“supports are equitable and people with similar situations receive similar supports across the province”***. (Ref. 4)
3. Ontario's system of developmental services will be transformed ***“to create a more accessible, fair and sustainable system of community-based supports”*** and ***“to give families more choice and flexibility in how they care for their family members”***. (Ref. 5)
4. One of the ***“key features of the [new] legislation”*** is ***“direct funding options that would enable people with a developmental disability and their families to buy their own supports.”*** (Ref. 6)

- Many families have already written to the Ministry of Community and Social Services (MCSS) to voice their concerns about the unfair Regulation that was proposed– [*“Families feel betrayed by Ministry’s proposed regulation”*](#).
- Families saw the draft regulation but will only see it again after the regulation becomes law. The draft regulation was unacceptable. Families have no assurance that the Ministry has listened to their concerns.
- The residential program is by far the largest one in the developmental services budget. Since 2004, the Ministry has allocated new monies totalling \$366 million to residential programs and agency infrastructure that is primarily for residential programs (Ref. 7). In comparison, only \$47 million of new funding has been allocated to Special Services at Home, and \$26 million to the Passport Program. It is unjust discrimination to exclude equally deserving people from the largest program. For more about equity, see [*“Fair Access for Everyone”*](#).
- Families are deeply concerned about this huge equity issue. The consequences would be devastating for many years to come.

References

1. *Families feel betrayed by Ministry’s proposed regulation*
<http://www.family-alliance.com/regulations09-response.html>
2. *Fair Access for Everyone*
<http://www.family-alliance.com/fair-access.html>
3. *Developmental Services Home Page*
<http://www.mcass.gov.on.ca/mcass/english/pillars/developmental/>
4. *Spotlight on Transformation, April 2007*
<http://www.mcass.gov.on.ca/NR/rdonlyres/D4A83580-96F0-4F68-9CCC-FD1BD28606F9/1267/engSLAPR17.pdf>
5. *Spotlight on Transformation, April 2008*
http://www.mcass.gov.on.ca/NR/rdonlyres/D4A83580-96F0-4F68-9CCC-FD1BD28606F9/2189/Spotlight_ENGWEB.pdf
6. *Spotlight on Transformation, July 2008*
http://www.mcass.gov.on.ca/NR/rdonlyres/D4A83580-96F0-4F68-9CCC-FD1BD28606F9/2872/Spotlight_ENGPRINT.pdf
7. *Spotlight on Transformation, January 2009*
http://www.mcass.gov.on.ca/NR/rdonlyres/D4A83580-96F0-4F68-9CCC-FD1BD28606F9/4473/SpotlightICCweb_ENG.pdf