

## DRC Comments on Selected Indicators: Year 1 (April 1, 2023-March 30, 2024)

INDICATOR	COMMENT
1. Update as to status and work of Government Roundtable.	<ul style="list-style-type: none"> <li>• Province claims <i>exact compliance</i> but only held its first meeting in January 2024, even though the Order had called for this to happen in the Feb-June period (Feb-June #21).</li> </ul>
2. Complete transfer of DCS <i>Social Assistance Act</i> DSP intake function and Care Coordination staff to the Disability Support Program.	<p>Province claims a combination of exact and substantial progress</p> <ul style="list-style-type: none"> <li>• Care Coordination <i>not</i> in place by deadline—Province points to the delayed appointment of Director of DSP Service Delivery (May 2024)               <ol style="list-style-type: none"> <li>i. No documentation to substantiate this.</li> <li>ii. Re Director of DSP Service Delivery—not a role mentioned in Bartnik et al.; Province came up with this i.e., mentioned in the Annual Report but which is not a pre-condition set out in Bartnik or Order.</li> <li>iii. Re Province mentions that Care Coordination transfer is planned for completion by August 1<sup>st</sup>; <b>no</b> documentation in support.</li> <li>iv. No explanation or substantiation as to how timely completion within the five-year period can be met.</li> </ol> </li> </ul>
3. Transfer of Disability Support Program (DSP) current model care coordination functions to Local Area Coordination (LAC) and Intensive Planning and Coordination (IPSC) by regions; handover planning coordination support from current model of Care Coordinators to LACs and IPSCs.	<p>The Province claims '<i>substantial progress</i>'</p> <p>However;</p> <ul style="list-style-type: none"> <li>• The Province concedes that it is delaying this crucial step until November 2024, the Province blames Human Resources (“HR”) processes for this delay.</li> <li>• However, delayed HR processes are not beyond the Province’s control and, (<i>per</i> the terms of the Feb-June #4(c) obligation), any required recruitment was to be <u>prioritized</u> one year ago.</li> <li>• Indeed, some of the new managerial positions (‘leadership team’) have been created by the Province (see Province’s comment re #4, second bullet) even though they were not required by the Order and they appear to have been to</li> </ul>

	<p>the detriment of the carrying out of the steps actually Ordered under the Agreement.</p> <ul style="list-style-type: none"> <li>• Province claims that the five-year time frame will still be met but makes no attempt (as required by the Agreement &amp; Order) to show how the lost time (6-12 months) will be made up. For example, the Province claims that ‘the Remedy’s recommended time frame would not have allowed sufficient time to recruit &amp; train leadership team.’</li> <li>• The time frames for these hirings were those recommended by Bartnik and Stainton—the experts retained by the Province;</li> <li>• Also, the Province reviewed and accepted all of these time frames in advance – prioritization of recruitment ought to have been made in advance. <ul style="list-style-type: none"> <li>○ Interestingly, the Province did not obtain an opinion from either Bartnik or Stainton when attempting to justify its failure to comply with these crucial deadlines.</li> </ul> </li> </ul>
<p>5. Benchmark staffing ratios to be met: Ratios set 1:20 for Intensive Planning and Coordination Staff (IPSC) and 1:50 for Local Area Coordination (LAC) with 1 Supervisor for each 8 staff.</p>	<p>Province claims <i>exact compliance</i>;</p> <ul style="list-style-type: none"> <li>• But, in fact, none of the IPSCs or LACs are in place—accordingly any compliance with staffing ratios is theoretical.</li> </ul>
<p>6. Recruit and train 25 new LACs and 40 new IPSCs (including 15 transferred from Care Coordinators).</p>	<p>Province claims <i>exact compliance</i>;</p> <ul style="list-style-type: none"> <li>• However, the Province failed to cite any rationale or documentation that LACs &amp; IPSCs couldn’t have been hired ahead of time</li> </ul>
<p>13. Strengthen emergency response capacity.</p>	<p>Province claims <i>substantial progress</i>:</p> <ul style="list-style-type: none"> <li>• The key in understanding the requirements of this Year 1 indicator is that it was meant as an <i>enhancement</i> of the Emergency Response capacity from indicator #10 in the <i>Feb-June 2023 period</i>. (It is also closely related to the next indicator</li> </ul>

(#14) in Year 1 where the Order makes clear that the Emergency Response capacity was to be approved & implemented on a *priority basis*).

- In a purported excuse for *still* having no Emergency Response capacity in place as of June 2024, the Province claims that the availability of this service was contingent on having the Director of Allied Health Support (aka Clinical Director) in place to lead it.
- However, the Director of Allied Health Support only started working on May 21<sup>st</sup>, 2024 even though the Director of Allied Health Support (aka Clinical Director (ERT)) was to be in place *on a priority basis* in Feb-June (See #s 10, 13, 15).
- Even as of May 2024, and apart from re-naming certain managerial positions, the Province only claims to be at the stage where: ‘strategy development is underway’.
- The Province has failed to make *any* attempt to rationalize/explain and document the reasons for the delay in the appointment.
- This vital step in the implementation of the Remedy (i.e., Emergency Response capacity), appears to be delayed by at least 12 months.
- The failure to implement #13, (‘strengthened emergency response capacity’) in a timely way has the inevitable consequence that persons with disabilities will continue to be admitted to damaging and human rights violative institutionalizations—potentially, for several years.
- The Province failed to make any effort made at the required explanation or substantiation as to how timely completion of the Remedy within the five-year period can still be accomplished.

<p>14. Approve and implement on a priority basis an emergency response strategy and Emergency Response Team:</p> <p>(a) Provide enhanced resources necessary to implement the strategy;</p> <p>(b) Emergency Response Team to be 50% operational.</p>	<p>Province claims <i>substantial progress</i> and cites its responses to #13 above.</p> <ul style="list-style-type: none"> <li>• See the DRC response to #13 above.</li> <li>• The fact that the Agreement &amp; the Board of Inquiry’s Order called for the Emergency Response capacity to be fully 50% operational by the end of Year 1,<sup>1</sup> and yet is currently only at the ‘strategic development’ stage is an indication of just how far the Province is in violation of the Order at this point.</li> </ul>
<p>15. Province to set dates for policy for firm prohibitions on any new admissions (“No new admissions policy”) to the following DSP funded facilities: RRC, ARC, RCF, Group Homes and Developmental Residences.</p>	<p>The Province claims <i>exact compliance</i>—</p> <ul style="list-style-type: none"> <li>• The Province only recently (end of May 2024) set dates for ‘no new admissions’ policy, under the Order, this was to have been done by end of March 2024;</li> <li>• The Province appears to effectively add pre-conditions to the Bartnik Report/Board of Inquiry Order pre-requisites for the ‘no new admissions’ policy to be announced and implemented: <ul style="list-style-type: none"> <li>“The policy is going into effect January 1, 2025, to ensure the resources required for successfully [sic] implementation are in place, specifically Regional Hubs including: Regional Closure Teams, EFACs, IPSCs and LACs and Emergency Response/Crisis Prevention Capability.”</li> </ul> </li> <li>• The key in understanding the requirements of this Year 1 item is that the Province seeks to justify this delay by stating that other hires needed to be in place—but there is no indication that other hires were required either by the terms of the Order or by <i>Bartnik et al.</i> to be in place in order to at least start the able to start Emergency Response Teams. That is, Bartnik did not require these other roles as pre-requisites for ‘no new admissions’</li> </ul>
<p>16. Province implements policy for firm prohibitions on any new admissions (“No new admissions policy”) to the following</p>	<p>Province claims <i>substantial progress</i>:</p>

<sup>1</sup> In fact, *Bartnik et al.* expected the Emergency Response Teams to be at least 50% operational by November 2023 ([Bartnik](#), page 86).

DSP funded facilities: RRC, ARC, RCF, Group Homes and Developmental Residences.

- Read together, #s 15 & 16 of the Board's Order make clear that the 'no new admissions' policies were to be both adopted *and* implemented no later than March 30, 2024. On their face, the Province is in violation of this obligation.
- In its comments, the Province seeks to avoid this important milestone in both the [Bartnik Report](#) and the terms of Appendix A derived therefrom. That is, while the terms of the Order contemplate that at least some Emergency Response Capacity would be in place as of Feb-June along with the implementation of the 'no new admissions' policy (see #10), both the *Bartnik Report* and the terms of the Order explicitly called for both the Emergency Response Team and the 'no new admissions' policy to be "*implemented*" no later than the end of Year 1.
- However, even now the Province claims that the Emergency Response Teams "is under development" and plan to have it in place in "late 2024" to allow for January 2025 implementation of the 'no new admissions policy for ARCs, RRCs and RCFs'.
- The Province's comments re #16 fail to address why Emergency Response Teams were not at least partially in place in time.
- Lastly, the Province's response simply chooses to ignore why smaller institutions (e.g., Group Homes and Developmental Residences) will have an *even later* 'no new admissions' date i.e., January 2026. No effort is made to provide reasons nor address what, at that point, would be an almost two-year period of non-compliance with the Order.
- Similarly, under the Order, where the Province has claimed 'substantial progress' with the requirements of #16, the Province has an obligation to explain and demonstrate how it can still remedy the discrimination within five years. No attempt is made here to meet this obligation.

<p>17. Work with SLTC and review and revise the policy on admissions to LTC (for young people) and ensure no admissions to LTC occur due to DSP failure to provide appropriate community supports.</p>	<p>The Province claims <i>compliance in substance</i>;</p> <ul style="list-style-type: none"> <li>• The Province cites deletion of DSP Policies 9.3 and 9.4 attempting to demonstrate compliance with #17.<sup>2</sup> For the record, these deletions only took place in January 2024<sup>3</sup> but under the Order, were to have taken place in Feb-June 2023.</li> <li>• The Province fails entirely to address the additional requirement in #17, that it “ensure that no admissions to LTC occur due to DSP failure to provide appropriate community supports”; it simply does not address this requirement—at all.</li> <li>• Yet, in the <a href="#">Metric Report</a> filed with the Annual Report, we actually see a small increase in ‘young persons’ living in long term care homes. It is incumbent on the Province to address the <i>increase</i> in these numbers in terms of its compliance with the obligations in item #17.<sup>4</sup></li> </ul>
<p>19. Commence and complete new Individual Funding (IF) policy development and administrative infrastructure planning (including IT and data capability for new IF system.)</p>	<ul style="list-style-type: none"> <li>• While the Province claims ‘exact compliance’, a review of the Province’s compliance statements appears that, in fact, the planned completion of the obligations will not be achieved until November 2024. This item was to have been completed by October 2023 (<i>per</i> Bartnik, page 86). The Province provides no reason for what amounts to a one-year delay.</li> </ul>
<p>20. Complete and implement new assessment model and resource allocation tool.</p>	<ul style="list-style-type: none"> <li>• See DRC comments regarding #21 below.</li> </ul>
<p>21. Develop needs assessment that includes supported decision-making supports.</p>	<p>Province claims <i>exact compliance</i>:</p> <ul style="list-style-type: none"> <li>• At the core of obligation #21 is that the Province’s needs assessment tool for persons with disabilities <i>must</i> also include allowance for the critically important</li> </ul>

<sup>2</sup> The DRC notes that it appears that [DSP Policy](#) 6.3.4 still needs to be amended to reflect the deletion of DSP Policies 9.3 and 9.4.

<sup>3</sup> See [Interim Progress Report](#), Appendix A (January 2024)

<sup>4</sup> See Appendix B: Remedy [Metrics Report](#) ‘Long Term Care’

	<p>supports for supported decision making itself—in order that the person’s needs can be properly determined and accommodated.<sup>5</sup></p> <ul style="list-style-type: none"> <li>• While the Province points to InterRAI assessment tool in its report, the accompanying documentation makes absolutely no mention that supported decision-making has itself been included in the needs assessment tool and the resulting ‘funding bands’.</li> </ul>
24. Establish Eligibility and Assessment coordinators.	<ul style="list-style-type: none"> <li>• The Province claims ‘exact compliance, yet even on its own terms, the roles will not begin until November.</li> </ul>
30. Commence early focus on Supported Decision-Making practice enhancement.	<p>Province claims <i>exact compliance</i>:</p> <ul style="list-style-type: none"> <li>• See the DRC response set out in #21 above.</li> </ul>
31. Implementation commences including new ILS plus and Flex Independent expanded programs.	<p>The Province claims <i>exact compliance</i>:</p> <ul style="list-style-type: none"> <li>• While the requirement is that ILS+ implementation will have actually commenced during Year 1, it is evident from the cited document #68 “ILS+ Policy”, that it is, at best, a draft or “proposed policy” and is, in any case, certainly <i>not</i> part of the current <a href="#">DSP Policy Manual</a> as of June 2024.</li> <li>• The Province states that, in the absence of the ILS+ Policy called for in the Order, it is offering ILS+ to participants currently in large institutions (e.g., RRCs, ARCs and RCFs), however, <i>Bartnik et al</i> make no distinctions/differentiation as to who may be eligible for ILS+. Indeed, the draft policy itself contemplates no differentiation as to who can be eligible for ILS+.</li> </ul>
32. Commence new policy development for Homeshare expansion, new ILS plus, Flex, IF strategy, new TSA/Innovations,	<ul style="list-style-type: none"> <li>• See DRC narrative.</li> </ul>

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<sup>5</sup> As [Bartnik & Stainton](#) stated: “The question is not if the person has capacity it is “What do they need to show us what they want?” (page 60)

School leaver and Waitlist (no current service) Support.	
33. Allocate 200 new ILS plus/Flex Independent places.	<p>The Province claims <i>exact compliance</i>:</p> <ul style="list-style-type: none"> <li>• However, the Province’s Appendix B <a href="#">Metrics Report</a> makes clear that in Year 1, <b>not a single person</b> is receiving ILS+. Not only is this far from exact compliance, but the Province has also not set out the required reasons for non-compliance nor explained how it nonetheless expects to meet the ultimate Remedy timeframe.</li> <li>• Moreover, even if one were to consider only <i>Flex</i>, the Metrics Report indicates that only 131 additional places have been created from baseline—a <b>35% shortfall</b> from the obligation in the Order. Again, not only is there a significant gap from ‘exact compliance’, but the Province has also not set out the required reasons for non-compliance nor explained how it expects to meet the ultimate Remedy timeframe given its failure to comply here.</li> </ul>
35. Expanded ILS program as alternative to Small Options Homes.	<p>The Province claims <i>substantial compliance</i>:</p> <ul style="list-style-type: none"> <li>• For context, it is important to understand that the expanded ILS program, (<i>aka</i> ILS+ or ILS Plus) was conceived as a way of ‘bridging the funding gap between ILS program and the full 24/7 supports of the Small Option program’.<sup>6</sup></li> <li>• The Province’s entire status report for #35 is: “See item 31”. The fact that the Province claimed ‘exact compliance’ in item 31, but only ‘substantial compliance’ for this obligation raises questions as to whether it has arbitrarily assigned compliance statuses in its compliance reports.</li> </ul>

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<sup>6</sup> [Bartnik et al.](#) pages 52 &125, Recommendation 1.2: “Bridge the funding gap between Independent Living Support (ILS), Flex Independent and SOH [Small Option Home program] where people can get an individual funding allocation for a share of SOH costing and incentives/support to find a local more personalized solution.”



	<ul style="list-style-type: none"> <li>• The DRC critiques set out re item #31 apply equally here. In short, despite the Province’s assertions in its compliance reports, the <b>ILS+</b> program is yet to get underway. For example, in its Annual Report on this topic (page 15 of the <a href="#">AR</a>), the Province states that it has “Increased the number of participants in ILS by 70.2% (304) over baseline.” However, the ‘<u>Expanded ILS</u>’ program is supposed to ‘bridge the funding gap between the historic ILS program and Small Options support levels’. Therefore, to cite an increase in traditional “ILS” take-up tells us nothing about the Expanded ILS+ which the Metric Report confirms has yet to be offered.<sup>7</sup></li> </ul>
<p>36. Implement discretionary Funding for DSP Waitlist (SRL) Baseline of 589 “eligible but not receiving support” n=208 (needs slight deduction for TSA).</p>	<p>The Province claims <i>substantial progress</i>:</p> <p>To substantiate its claim of ‘substantial compliance’, the Province cites: i) 273 people<sup>8</sup> are on the waitlist but not receiving support are eligible for the Income Assistance Disability Supplement, and ii) the Province “will be implementing” an ILS+ program which “may support some” of the people on the Service Request List.</p> <ul style="list-style-type: none"> <li>• For context, <a href="#">Bartnik &amp; Stainton</a> discussed the situation of the 589 people referenced in #36 in their Report.<sup>9</sup></li> <li>• The DRC observes re i) above, the recent “Disability Supplement” simply represents a rate increase in the Province’s main social assistance program<sup>10</sup></li> </ul>

<sup>7</sup> This is further confirmed by the Province’s own admission in its notes regarding indicator #36 where it claims that a version of the intended ILS+ “will be available” in June 2024 even though it was to have been available no later than end of March 2024.

<sup>8</sup> While the Province states that 273 people are on the DSP waitlist but are eligible for Income Assistance, it is noted that this figure stood at 275 people in July 2022 (see [Bartnik](#) at page 34).

<sup>9</sup> They state: “589 individuals are on the service request list with no DSP support which breaks down further to 275 individuals receiving financial support through income assistance from DCS and 314 people with no such support.”

<sup>10</sup> As the [NS Court of Appeal discussed at length in its decision](#) in this case, Nova Scotia has two parallel and occasionally intersecting social assistance programs. The main program (with some 35 thousand recipients and dependents) is the ‘Income Assistance’ program under the [Employment Support and Income Assistance Act](#). The recent ‘[Disability Supplement](#)’ is simply a rate increase for

	<p>and has <i>nothing</i> to do with the DSP—it certainly is not the “discretionary funding” referenced by <a href="#">Bartnik et al.</a><sup>11</sup> Thus, people on the DSP waitlist have always been available to apply outside the DSP for social assistance under the Province’s Income Assistance Program.<sup>12</sup></p> <ul style="list-style-type: none"> <li>• The DRC observes that this is simply <i>not</i> the discretionary funding which Bartnik &amp; Stainton intended (see page 67 of <a href="#">Bartnik</a>). See footnote 11 below.</li> <li>• Most importantly, the obligation on the Province in #36 is to reduce the number of ‘people on the waitlist and receiving no <u>DSP</u> service’ (n = 589) by <b>208</b>. There is simply no indication from the Province that this has happened nor are there any reasons, let alone plan set out as to how this non-compliance will be made up in the future.</li> </ul>
<p>38. Young Persons in LTC: Shared services program: increase of 25 new Shared Services spaces in community of choice by March 2024 for a total of 29 Shared Services spaces.</p>	<p>The Province claims <i>substantial progress</i>:</p> <ul style="list-style-type: none"> <li>• In the documentation cited (i.e., Public documentation doc. #48) regarding the expansion of shared services, the Province states that this service is <b>not</b> for persons with disabilities “requiring 1:1 24/7 support”.<sup>13</sup> Not only is this an unjustified exclusion from Shared Services, completely unauthorized and un contemplated by anything in <i>Bartnik</i> or the Board of Inquiry’s Order, it is discriminatory on its face.</li> </ul>

Income Assistance recipients with disabilities. The DSP, on the other hand, is legislatively authorized and required by the [Social Assistance Act](#). In short, the disability supplement has nothing to do with the DSP.

<sup>11</sup> The ‘discretionary funding’ referenced in [Bartnik](#) (pages 67, rec. 8.1) is entirely different than the entitlement funding in the ‘disability supplement’. See, for example, Public document #17 “LAC Discretionary Funding Framework Workshop”.

<sup>12</sup> See footnote above re people on waitlist eligible for Income Assistance ([Bartnik](#) at page 34).

<sup>13</sup> See: ‘[48 - Shared Services Expansion Presentation September 2023](#)’. More recently, the Province’s Updated documented re Shared services (doc. # 50, Feb 2024) states that to be eligible, the person’s CPS scores on the RAI assessment tool and that they must have “capacity to make support decisions”. (page 11)

	<ul style="list-style-type: none"> <li>• In its <a href="#">Metrics Report</a>, the data indicate that the Province failed to create <i>any</i> of the <b>25</b> legally required additional spaces by end of March 2024.</li> <li>• Indeed, the Province entirely fails to state/explain/give reasons as whether any of the 15 persons who have expressed interest in moving have been offered spaces and, if not, why not.</li> <li>• As importantly, the outreach by way of written four-page letters<sup>14</sup> to the approximately 476<sup>15</sup> ‘young persons’ with disabilities currently living in long term care/nursing homes appears to have been very questionable/problematic. On their face, the letters do not use plain language. More importantly, Bartnik &amp; Stainton emphasized throughout their Report, the crucial role<sup>16</sup> of Supported Decision-Making for persons with disabilities’ interaction with the DSP program (e.g., see also item 17 in Feb-June 2023 and items 21, 30 &amp; 57 in Year 1 obligations on the Province). There is simply no indication that this accommodative approach was adopted.</li> <li>• The Province provides no reasons why the approach adopted in seeking the choices of persons currently in long term care could not have been one which relied on genuine supported decision-making.</li> </ul>
39. New Homeshare options (n=50) in community of choice.	<p>The Province claims <i>substantial progress</i>:</p> <ul style="list-style-type: none"> <li>• In contrast to the 50 new Homeshare options required under the Order, the Province’s <a href="#">Metric Report</a> indicates that are, in fact, <b>no</b> new Homeshare options created in Nova Scotia. Instead, by referencing its #32 response, it can be seen that the Province’s Homeshare design is only “underway”.</li> </ul>

<sup>14</sup> See [Annual Report](#) at page 13 and Public Document ‘49 - Shared Services Indication of Interest for potential participants’

<sup>15</sup> It is noted that this figure is actually up from 474 at the end of December 2023 ([Metric Report](#), May 2024).

<sup>16</sup> In their Report, the authors state: “The right and support to make decisions is a fundamental component of Individualized Funding and to have control and choice in your life.” (page 21)

	<ul style="list-style-type: none"> <li>• The Province has made no effort to provide reasons for its non-compliance let alone provided an explanation as to what measures it is planning on taking to make up for this non-compliance.</li> </ul>
<p>41. Continue work to remove waitlist for eligible applicants and participants by establishing a human rights compliant client pathway that ensures timely access to accommodative assistance.</p>	<p>The Province claims <i>exact compliance</i>:</p> <ul style="list-style-type: none"> <li>• The Province claims a reduction in the waitlist, but the <a href="#">Metrics Report</a> (March 2024) actually records a slight <i>increase</i> in the first three months of 2024. In addition, both the average and median wait times have also <i>increased</i> in this same time period.</li> <li>• In particular, the Province also points to: <ul style="list-style-type: none"> <li>○ Introduction of Interim Intake process to clear DSP Intake backlog <ul style="list-style-type: none"> <li>▪ From the cited documentation, it is unclear how an Interim Intake process will serve to reduce a waitlist or, if so, how much of a reduction it will mean.</li> </ul> </li> <li>○ Introduction of the Income Assistance ‘Disability Supplement’ <ul style="list-style-type: none"> <li>▪ See the DRC response re obligation #36 re the inapplicability of this to the DSP Program. Continued access to Income Assistance by people on the DSP waitlist does not serve to reduce the DSP waitlist.</li> <li>▪ In addition, the Income Assistance Disability rates (even including the recent Disability Supplement) can simply <i>not</i> be treated as accommodative of the needs of persons with disabilities, that is, ‘meeting the different supports &amp; services needs of persons with disabilities’.<sup>17</sup></li> </ul> </li> <li>○ Implementation of ILS +: <ul style="list-style-type: none"> <li>▪ As discussed in relation to #31 above, the ILS+ program is not even in place yet. This is clearly not ‘exact compliance’.</li> </ul> </li> </ul> </li> </ul>

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<sup>17</sup> See *Welfare in Canada* (Maytree July 2023), [Nova Scotia section](#). For the definition of ‘accommodative assistance’, see indicator #15 in February-June 2023.

<p>42. Develop and implement new program policies including arrangements for triage and “immediate assistances” once found eligible.</p>	<p>Province claims <i>substantial compliance</i>:</p> <ul style="list-style-type: none"> <li>• Province claims that IF backbone work has to be done first and is only <i>planned</i> for November 2024. In addition, the Province cites:</li> <li>• Introduction of interim intake process: See DRC comments above.</li> <li>• ‘IA Disability Supplement’: See the DRC comments re #36 above. In addition, the Disability Supplement is not designed to provide “immediate assistance” from DSP that is contemplated by this obligation; interestingly, the Province does not purport to state that it does.</li> <li>• Implementation of ILS+: See DRC critique in #31 above. In addition, ILS+ is not the “immediate assistance” that is contemplated by this obligation.</li> <li>• Given that this is far from exact compliance, it is incumbent on the Province to provide: reasons for its failure to comply as well as setting out a plan for how it can still meet its five-year Remedy timeframe. It has not even attempted this.</li> </ul>
<p>43. Regional review of “eligible but not receiving support” group to examine demographics and determine priorities.</p>	<p>Province claims <i>substantial compliance</i>:</p> <ul style="list-style-type: none"> <li>• The document cited by the Province fails to make clear whether the group of persons analyzed and who are “not currently receiving supports” are nonetheless receiving Income Assistance or not (see comments in relation to #36 above).</li> </ul>
<p>44. Complete review and update of DSP eligibility policy in accordance with the <i>Social Assistance Act</i>, including rescinding Eligibility policy sections 9.3 and 9.4 (a) Review and address situation of individuals previously denied (n=8).</p>	<p>The Province claims a combination of exact and substantial compliance:</p> <ul style="list-style-type: none"> <li>• However, a crucial part of this obligation is to “<i>Complete review and update of DSP eligibility policy in accordance with the Social Assistance Act</i>”. That is, over and above rescinding Policies 9.3 and 9.4 which were inconsistent with the broad eligibility created by the <i>Social Assistance Act</i>, none of the materials cited relate to the legal requirement in this item to revise the DSP eligibility policies to make them accord with the extremely broad and human rights compliant eligibility of the <i>Act</i>—to revise the historic DSP Policies and update them with a</li> </ul>

modern approach that is inclusive and accommodative of all persons with disabilities.<sup>18</sup>

- With respect to the revised DSP Policies cited, the DRC has two concerns:
  - Many of the revised policies indicate a change from certain groups of persons with disabilities having been formerly “ineligible”, to proposed changes where they will be subject to “collaboration” with “partner agencies” (often Long Term Care). These proposed changes are concerning in that they fail to make clear that, in future DSP Policies, they **will** in future DSP Policies be clearly eligible and entitled to support under the *Social Assistance Act*.
  - Many of the materials cited in its compliance report make reference to planned DSP eligibility criteria that fail to make clear that a human rights compliant eligibility criteria must be fully inclusive and accommodative of all persons with disabilities:
    - Confidential Document #51 makes reference to current (“original”) eligibility criteria: (see [DSP Policy Manual](#) section 4.1 that have historically been used as a basis for eligibility exclusions e.g., autism).
    - Public Document #87, page 17, re eligibility refers to what it references as the ‘three primary health conditions could be DSP participants’. The conditions fail to include, for example, persons with physical disabilities requiring supports and services.
    - Public Document #50 (page 10): There are several eligibility criteria set out which have the potential to effectively exclude a range of persons with disabilities—thereby being inconsistent

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<sup>18</sup> For reference, the historic/current DSP eligibility Policies are found in the [DSP Policy Manual](#) at section 4.1 “General Eligibility Requirements: Disability Requirement”.

	<p>with the mandate of this indicator—to review and update DSP eligibility criteria to ensure consistency with the open-ended (vis-à-vis specific disability) scope of the <i>Social Assistance Act</i>.</p> <ul style="list-style-type: none"> <li>▪ Public Document #48 (page 9): The discussion of Shared Services includes the following problematic wording, that this service is <i>not</i> for persons with disabilities “requiring 1:1 24/7 support”.</li> <li>▪ The DRC wishes to remind all parties that eligibility under the <i>Social Assistance Act</i> (and leaving aside financial eligibility), is for <i>all</i> persons with disabilities who need some level of supports or services to live in community—without discrimination.<sup>19</sup></li> </ul>
<p>45. Develop new policy, operational policies and procedures including:  (a) triage and “immediate assistance” once found eligible  (b) local area coordination (LAC) and individual planning and coordination support  (c) intensive planning and coordination support (IPSC)  (d) emergency response team and referrals</p>	<p>The Province claims Substantial Compliance:</p> <ul style="list-style-type: none"> <li>• In stating, “New procedures won’t be implemented until new roles in place in November 2024”, the Province has unilaterally changed the terms of the Board’s Order. There has been no agreement by the DRC or the Human Rights Commission to such a change.</li> <li>• Moreover, the Province makes no attempt to either provide reasons or set out a plan as to what steps it will carry out in order to make up lost time and comply with the five-year Remedy timeframe.</li> </ul>
<p>46. New DSP program policies developed and implemented for planning and coordination functions, including specific principles and requirements regarding support in community of choice.</p>	<p>The Province claims Substantial Compliance:</p> <ul style="list-style-type: none"> <li>• Again, by delaying expected implementation until November 2024, the Province has unilaterally changed the terms of the Board’s Order. There has been no agreement by the DRC or the Human Rights Commission to such a change.</li> </ul>

<sup>19</sup> See section 4(d) of the [Social Assistance Act](#) and the NS Court of Appeal decision in this matter, [para. 219](#).

	<ul style="list-style-type: none"> <li>• Also, see the DRC’s response to #45 above re no reasons given nor explanation as to how the Province will make up for this lost time.</li> </ul>
47. Operational procedures and data to reflect updated DSP policy whereby all non-financial eligibility decisions are documented and reviewable.	<p>The Province claims substantial compliance:</p> <ul style="list-style-type: none"> <li>• The DRC observes that, essentially, the Province explains its non-compliance by stating that it required a new computer system which it hopes to “be implementing” in November 2024. It is submitted that there is no basis for concluding that being compliant would have been beyond the Province’s control.</li> </ul>
48. Provincially approved new governance structures in place, including design of Regional Hubs.	<p>Province claims <i>exact compliance</i></p> <ul style="list-style-type: none"> <li>• While the Province claims exact compliance, simply on the basis of its own statements and documentation, the government structures are clearly <i>not</i> in place, nor do they state when they will be in place—this is <i>not</i> exact compliance.</li> </ul>
50. Ongoing Government Disability Roundtable with TOR and Ministerial/Cabinet reporting and embedded in Remedy and ideally legislation.	<p>Province claims <i>exact compliance</i></p> <ul style="list-style-type: none"> <li>• The DRC observes that the Province relies on its response to Item #1 but: <ul style="list-style-type: none"> <li>○ This information cites no evidence of Ministerial and Cabinet reporting</li> <li>○ First meeting was just before Interim Report in January 2024, but, per Bartnik &amp; Stainton: this was supposed to happen in Feb-June (see item #1 above.)</li> </ul> </li> </ul>
55. Tender awarded for new programs delivery commencing April 2024.	<p>The Province claims <i>substantial progress</i>:</p> <ul style="list-style-type: none"> <li>• The Province’s response indicates, on its own terms, that it is still not close to compliance with this one.</li> </ul>
57. Decide best method for embedding HR principles and enhancing Supported Decision-Making practice, including build into planning and needs assessment re relational support.	<p>Province claims <i>exact compliance</i>:</p> <ul style="list-style-type: none"> <li>• The Province’s responses fail to address a core obligation in this item, Human Rights principles and enhanced Supported Decision-Making must also be incorporated in the foundational assessment stage: the Province’s needs assessment approach/tool for persons with disabilities <i>must</i> include critically</li> </ul>



	important supports for supported decision making itself—in order that the person’s needs can be properly accommodated. <sup>20</sup>
58. Policy engagement in current review of ACDMA Act Review.	<ul style="list-style-type: none"> <li>• While the Province cites its involvement in a 2022 report, based on the information cited, it appears to have done nothing since the 2022 report.</li> </ul>
67. Commence review of rental costs assistance policy as a key lever to increase housing supply.	<p>Province claims <i>exact compliance</i>:</p> <p>In particular, the Province states:</p> <ul style="list-style-type: none"> <li>▪ “Excess shelter allowances proposed for new IF policy.”</li> <li>▪ “DSP continues to approve Excess Shelter for people in programs such as ILS. This allows people to “top up” the Standard Household Rate they receive to access suitable housing.”</li> </ul> <ul style="list-style-type: none"> <li>• The Province has not cited any proposed IF policies that substantiate this position. However, the DRC supports these initiatives on the understanding that DSP Policies must provide shelter allowances sufficient to meet market rent—as required. Ultimately, assistance must be accommodative in that it ‘meets the different needs of persons with disabilities.’</li> </ul>

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<sup>20</sup> As [Bartnik & Stainton](#) stated: “The question is not if the person has capacity it is “What do they need to show us what they want?” (page 60)