
ACCESS DENIED: SHUT OUT OF BC'S WELFARE SYSTEM

Complaint to the Ombudsperson of British Columbia regarding service delivery at the Ministry of Social Development and Social Innovation

Filed by the

B.C. Public Interest Advocacy Centre (BCPIAC)

to the Ombudsperson of British Columbia

on behalf of

Together Against Poverty Society (Victoria)

Atira Women's Resource Society (Vancouver)

First United Church (Vancouver)

The Kettle Society (Vancouver)

Disability Alliance BC

Abbotsford Community Services (Abbotsford)

The Advocacy Centre (Nelson)

Upper Skeena Counselling and Legal Assistance Society (Hazelton)

Dze L K'ant Friendship Centre (Smithers)

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Table of Contents

OVERVIEW OF THE COMPLAINT	1
A. BACKGROUND TO THE COMPLAINT	6
1. Income Assistance Recipients.....	6
2. System Design Changes at the Ministry.....	6
(a) Features of the New Service Delivery Strategy	7
i. Integrated Case Management (ICM).....	7
ii. Centralized Intake and the “My Self Serve” Online Portal.....	8
iii. Centralized Queue for Telephone Services	8
iv. Reduction of Availability of Face to Face Services	8
(b) Goals of the Service Delivery Model	9
3. BCPIAC’s 2005 Complaint	9
B. BARRIERS TO ACCESS	11
1. The Automated Telephone Inquiry (ATI) Phone Line	11
(a) Access to reliable phone service.....	12
(b) ATI phone line navigation	13
(c) Wait times and disconnections on the ATI phone line.....	14
(d) Discomfort or difficulty with describing issue over the phone.....	17
(e) Lack of decision-making authority.....	18
(f) Call time limits.....	18
2. The Online Application	20
3. Reduction of in person services.....	24

C. IMMEDIATE NEEDS ASSESSMENTS – NEW SERVICE DELIVERY MODEL ADDS FURTHER DELAY	28
D. INEFFECTIVE POLICY AND PROCEDURE ON ACCOMMODATIONS	30
1. Specific Policies.....	31
(a) Duty to Accommodate.....	31
(b) Designated Workers	31
(c) Staff Assisting Clients	32
(d) Interpretation.....	32
2. Current service delivery design makes these policies ineffective in dealing with access	32
E. STEPS TAKEN TO ADDRESS SERVICE DELIVERY BARRIERS WITH MINISTRY	34
F. JURISDICTION AND SYSTEMIC NATURE OF COMPLAINT	37
1. Jurisdiction of Ombudsperson	37
2. The nature of the complaint is systemic	38
3. Service delivery failures require an investigation and report at systemic level ...	39

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OVERVIEW OF THE COMPLAINT

Individuals receiving income assistance have very little money. Many live in unstable housing and some are homeless. This means that many do not own a phone, and many that do own phones use “pay as you go” plans that run out quickly. Most income assistance recipients do not own a computer and many are not computer literate. For those that do have a computer, few can afford internet access.

Over the last five years, the Ministry of Social Development and Social Innovation (“Ministry” or “MSDSI”) has made radical changes to the way it delivers its services. Income assistance services are now delivered primarily through a centralized phone line and over the internet. Wait times on the centralized phone line are long, and when callers finally get through, the Ministry places limits on the length of the call. The initial application for income assistance is confusing, lengthy and must be done online, with no dedicated Ministry services available to assist applicants with its completion. While local Ministry offices still exist, in-person, face to face services have been dramatically reduced. Fourteen Ministry offices have been closed completely since 2005, and in September 2014, 11 more offices across the province reduced their hours to only three hours per day, making it impossible for many in communities in the North and Interior regions to be able to speak to Ministry staff in person. Unsurprisingly, these offices often have long lineups.

At the heart of this complaint is the incongruence between the changes to the Ministry’s service delivery and the lives of the people that the system is purportedly designed to serve. This complaint sets out how the current administrative design of income assistance services creates serious barriers for the most vulnerable people in the province to access essential funding for their basic needs.

BC Public Interest Advocacy Centre (BCPIAC), a public interest law office, is representing the following nine non-profit advocacy and social service agencies in this

systemic complaint to the BC Ombudsperson (the “Complainant Organizations” described at Appendix F):

- Together Against Poverty Society (Victoria)
- Atira Women’s Resource Society (Vancouver)
- First United Church (Vancouver)
- The Kettle Society (Vancouver)
- Disability Alliance BC
- Abbotsford Community Services (Abbotsford)
- The Advocacy Centre (Nelson)
- Upper Skeena Counselling and Legal Assistance Society (Hazelton)
- Dze L K’ant Friendship Centre (Smithers)

Collectively the Complainant Organizations provide services each year to thousands of low-income people who rely on income assistance and disability benefits as an income source of last resort pursuant to the *Employment and Assistance Act*, [SBC 2002] c. 40, and the *Employment and Assistance for Persons with Disabilities Act*, [SBC 2002] c. 41, and the respective regulations. The Complainant Organizations serve some of the most vulnerable people in our communities. Many people who access services through these organizations have disabilities, mental illnesses, speak English as a secondary language, have limited education, have dependent children, and cannot afford computers and telephones.

The Complainant Organizations serve individuals in all five of the Ministry’s service regions: Region 1 - Vancouver Island (Together Against Poverty Society), Region 2 - Vancouver Coastal (Atira Women’s Resources Society, First United Church & The Kettle Society), Region 3 - Fraser (Abbotsford Community Services), Region 4 - Interior (The Advocacy Centre), and Region 5 - North (Upper Skeena Counselling and Legal Assistance Society & Dze L K’ant Friendship Centre). Members of the Complainant Organizations have repeatedly raised service delivery issues with Ministry representatives at the local, regional and provincial levels.

The nature of issues raised in the complaint requires systemic review. Individual remedies will not address the serious barriers to access that all Ministry clients currently face. An individual who has not been able to reach Ministry staff because of the wait times on the phone line may see the issue resolved if the Ombudsperson intervenes and has Ministry staff contact that person. Someone who has been turned away from a Ministry office and referred to the phone line, but feels uncomfortable discussing an issue on the phone, would likely be given an opportunity to speak to Ministry staff in person if the Ombudsperson intervened. A person who is unable to complete the online application and is told that the Ministry does not assist with it would likely get such assistance if the Ombudsperson intervened. Such resolutions may assist the particular

individual with respect to the particular interaction, albeit after some delay, but leave behind the many Ministry clients that never make a formal complaint but are still subject to the same service delivery model.

This complaint sets out how these examples of service delivery failures are not isolated outlier events, but rather are to be expected given the centralized technology on which the Ministry relies. The Ministry's changes in service delivery are fundamentally flawed in that they disregard the circumstances of the very people who are attempting to access Ministry services. The unfairness described in this complaint is the very type of unfairness that the Ombudsperson is required to report on following an investigation. The Complainant Organizations are asking the Ombudsperson to investigate and report on the barriers to accessing Ministry services set out in this complaint, and to provide recommendations to address the gap between service delivery design and the needs of the users of the income assistance system.

LINE UPS, WAITING ON HOLD, AND GIVING UP

Scott's Story – Complaint filed with the Ombudsperson Office on May 11, 2015

May 5, 2015

My name is Scott Simpson. I want to make a complaint to the Ombudsperson about my inability to access services at the Ministry of Social Development and Social Innovation. I live just outside of Nelson. I have been trying for approximately one year to get the answers to questions I have with my disability assistance. For example, I wanted to find out if my trailer pad rental was being included in my shelter costs and if there were any other supplements available through the Ministry to help me. I have not been able to speak face to face with a Ministry staff person to get the answers I need to these issues.

I am physically disabled and use a scooter. I am not able to sit, walk, or even stand for a long period of time. It is extremely uncomfortable for me to even sit for 10 minutes. I have to rest in a lying position when I am at home. When I have managed to get to the office to speak to someone in person about my questions, there has always been a line up. The local Nelson office is only open from 1PM to 4PM. As soon as I see the line up, I leave as I know that there is no way I will be able to wait.

Approximately three months ago, I did, as I routinely do, go to check the line up at the Nelson Ministry office. On this occasion there was only one person in front of me. I still had to wait approximately 10 minutes before I could speak to a staff person. I was not able to speak very long with the staff person as I had to get to another appointment. I did, however, explain to the staff person the difficulty I was having in accessing services at the Ministry and asked to file a complaint. The worker did feel bad for me, and also said how frustrated Ministry workers were with all the changes that have happened and how it's affected everyone (them included), and their resulting inability to help everyone anymore. The worker suggested that I contact the Advocacy Centre in Nelson for assistance. I had not heard of the Advocacy Centre before. After that conversation I did contact the Advocacy Centre and heard back from Amy Taylor. Amy has been assisting me in getting some of my questions answered.

The staff person assured me that a supervisor would be contacting me in the next few days in order to sort out my difficulties in accessing Ministry services. I never received this call

I mentioned the same problem a second time on April 9th when I went into the Nelson Ministry office to drop off some paperwork for reimbursement for medical travel. I chose that day, as I had continued to check in to the office to see if there was ever less of a line-up. On April 9, over 10 people were waiting, and as usual, there was only one staff member assisting the people in line. I couldn't wait, so I tried to get the attention of the other staff person in the back corner of the office. When she came over, I told her I was only dropping off paperwork for medical travel reimbursement. I also asked her to mention that I was still waiting for a phone call from a supervisor that I had been promised weeks earlier. The worker was reluctant to accept my paperwork, and told me that she would make a note, but unless I waited in line, she couldn't guarantee anything would get done.

I have in the past tried to use the Ministry's phone line. I found it very frustrating. I had to wait on hold for a long period of time and then the person on the line could not answer my question or would tell me to either go online to find my answers or go to my local ministry office (and we know how impossible that is now). I found the online system very difficult to understand. I have not been able to access services in that way. Going into a Ministry office in person is the only way I can access its services.

I still have not received a call from a Supervisor, nor have I received reimbursement for my Medical Travel, which used to happen within a week.

I am happy that I found the services of an advocate at the Advocacy Centre but do not think I should have to rely on her in order to get the answers to my basic questions answered.

Thank you for listening.

Scott Simpson

WAITING AND WAITING...AND TURNED AWAY Shiraz's Story*

April 30, 2015

My name is Shiraz. I am a woman who receives disability assistance. I live in the Downtown Eastside. I have mental health issues. I heard about the complaint being filed with the Ombudsperson about service delivery at the Ministry of Social Development and Social Innovation. I wanted to provide some of my experience for the complaint. I did not want my name identified as I know this will be a public complaint and do not want to suffer any personal consequences for making this statement.

The local Ministry offices that serve my area are the Kiwassa and Dockside offices. I often find it very difficult to get answers to my questions from the Ministry of Social Development and Social Innovation. It is really hard to get in to speak to someone face to face. The office is now only open from 9AM to 10AM and then 1PM to 2PM for drop-in appointments. There is usually a line up to speak to someone. Sometimes when I have managed to get to the front of the line and speak to someone, I have been told that I need to check online or that I should call the general call centre.

I don't call the call centre on my own anymore. I find it too frustrating. I have done it in the past and have had to wait a very long time and then don't feel like I can explain what I need or that the person on the other end has the information that I need. Now if I need something, I often wait to get an appointment with the advocate at Atira Women's Resource Society who then will call the Ministry with me. It can take some time to get an appointment with the advocate.

There are some things I don't even bother asking for even though I know that I should be given certain subsidies. For example, I know I could apply for the clothing allowance but the whole process is so burdensome and difficult, that I would rather not even try and go without instead.

* The name of the complainant has been changed in order to keep their identity anonymous

A. BACKGROUND TO THE COMPLAINT

1. Income Assistance Recipients

In thinking about the administration of income assistance services, it is critical to consider the circumstances of the users of those services. The Complainant Organizations, which collectively work with thousands of individuals on income assistance and disability assistance each year, describe their clients' circumstances in the following way:

- Many do not own a phone
- Many that do own a phone rely on “pay as you go” phone plans that frequently run out of minutes
- Most do not own a computer
- Those that do own a computer cannot afford internet service
- Many are not computer literate
- Most live in unstable housing
- Some are homeless
- Many do not have a high school education
- Many or most have physical and/or mental disabilities
- Many have suffered from abuse and/or trauma

The provincial government frames income assistance and disability assistance as “programs of last resort.”¹ To be eligible for income assistance or disability assistance, one must have exhausted all other potential income sources and may only have very limited assets. A single person with no dependents who receives regular income assistance from the Ministry relies on a monthly income of \$610, or \$906 if that person receives disability benefits. The amount allocated for shelter costs (including utilities) for both is \$375/month.²

2. System Design Changes at the Ministry

Over the last number of years there has been a shift in how the Ministry delivers services to people receiving income assistance and disability assistance. This shift has been variously referred to in Ministry publications and presentations as the “Ministry’s channel strategy,” “virtually delivered services,” and “a standardized technologically-enabled approach.”

¹<http://www.newsroom.gov.bc.ca/ministries/social-development-and-social-innovation/factsheets/factsheet-bcs-family-maintenance-program-and-income-assistance.html>

² http://www.gov.bc.ca/meia/online_resource/verification_and_eligibility/payassist/policy.html.

(a) Features of the New Service Delivery Strategy

We have identified several key features of the Ministry's new service delivery strategy: a centralized intake system through the online Self Serve Assessment and Application and an online portal for recipients (called "My Self Serve"), a centralized queue for telephone services, and a reduction in the availability of in-person services. These changes have been introduced alongside the implementation of the Ministry's new data system, the Integrated Case Management system ("ICM"). To provide some context for the complaint, we describe each of these features below, beginning with the ICM.

i. Integrated Case Management (ICM)

A significant part of the new service delivery strategy and "integrat[ion] with other ministries" has been through the implementation of the \$182 million³ ICM system. The ICM is a data system used in partnership by MSDSI, the Ministry of Children and Family Development ("MCFD"), and the Ministry of Technology, Innovation and Citizens' Services ("MTICS"). Implementation of the ICM began in November 2010, and involved four phases, the last of which was completed in November 2014.⁴

The new software has significantly altered how Ministry staff make eligibility decisions, and how they save and locate client documents. In 2014, the BC Government and Service Employees' Union ("BCGEU"), the union representing front-line workers at both MSDSI and MCFD, undertook a survey with its members about the conditions of their work, resulting in a report entitled *Choose Children: A Case for Reinvesting Child, Youth, and Family Services in British Columbia*.⁵ (the "Choose Children report"). In the *Choose Children* report, the ICM system came up frequently as a source of workers' frustration. More specifically, Ministry workers reported that the ICM is causing inefficiency and increased workload, lost or incorrect/incomplete information, frequent errors, and system crashes.⁶ Intake workers also specifically identified "negative service

³Auditor General of BC, *Integrated Case Management System*, March, 2015, online: http://www.bcauditor.com/sites/default/files/publications/2015/Other/report/OAGBC%20Integrated%20Case%20Mgmt%20System_FINAL.pdf at p. 24. Note that \$182 million was the budgeted capital funding; MSDSI has deemed the ICM projected completed on time and on budget, however, only one third of the "inflexible, antiquated, fragmented and costly to maintain" legacy systems that were initially slated for replacement were actually replaced (*Ibid* at 24-24).

⁴ <http://www.integratedcasemanagement.gov.bc.ca/documents/icm-project-timelines.pdf>.

⁵ BC Government and Service Employees' Union, *Choose Children: A Case for Reinvesting Child, Youth, and Family Services in British Columbia* ("Choose Children"), November 2014, online: <http://choosechildren.ca/Choose-Children.pdf>.

⁶ *Ibid* at p. 16.

impacts for clients” resulting from ICM system implementation.⁷ The ICM system was also roundly criticized by the Auditor General in a March, 2015 report.⁸

ii. Centralized Intake and the “My Self Serve” Online Portal

An applicant for income assistance or disability assistance must complete the Self Serve Assessment and Application (the “SSAA” or “initial intake application”). This first step of the application is primarily, if not exclusively, done online. It is only available in English, and asks applicants for detailed information about their income, assets, and employment history.

“My Self Serve” is the name of the Ministry’s online portal, and is a fairly new service through which the Ministry is increasingly offering its services online. My Self Serve allows users to review their assistance file online (including monthly reports and annualized earning exemption limits), submit monthly report stubs, and upload documents to submit to the Ministry. Clients must have access to a scanner to be able to upload documents to My Self Serve. While this service is still in development and is currently presented as an option, we expect that the Ministry will increasingly be pushing its clients to register for and use this service in the coming months.

iii. Centralized Queue for Telephone Services

The Ministry refers to its “enhanced telephone services” as “telephony”. Practically, “enhanced telephone services” translates to increased automation of services, and centralizing the phone queue through use of provincial contact centres rather than having telephone contacts in the same region as the caller. All phone inquiries now go to the Automated Telephone Inquiry phone line (“ATI phone line”). The Ministry is ultimately moving toward a provincial intake process with a single queue.

iv. Reduction of Availability of Face to Face Services

Finally, the Ministry has significantly reduced its in-person services. Fourteen Ministry offices have been closed completely since 2005, and in September 2014, 11 more offices across the province reduced their face to face service hours from eight hours per day to just three hours per day (i.e. 1:00PM to 4:00PM).⁹ In addition, at least two

⁷ *Ibid* at p.17

⁸ Auditor General of BC, *Integrated Case Management System*, March 2015, online: http://www.bcauditor.com/sites/default/files/publications/2015/Other/report/OAGBC%20Integrated%20Case%20Mgmt%20System_FINAL.pdf

⁹ Email from Terri Archer (MSDSI) to Erin Pritchard, dated March 31, 2015 (“Terri Archer Email”) (Appendix A, p.7-9). The Terri Archer Email also notes an additional office closure at 1725 Robson Street in Vancouver; however, we understand that this office is actually still open.

Ministry offices in Vancouver have limited drop-in service hours to only two hours per day.¹⁰

(b) Goals of the Service Delivery Model

The Ministry has repeatedly articulated the underlying goal of the “channel strategy” as a way to *increase* client access to services. According to the 2012/13 BC Budget, the goals of the new service delivery model are “to broaden client access through multiple channels; maximize efficiency; integrate with other ministries and government priorities; and, ensure continuous service improvement.”¹¹ Although the service delivery project and “channel strategy” feature heavily in the Ministry’s annual service plans and annual reports, these reports make no mention of the concurrent changes to face to face service delivery—changes which include: i) the reduction of service hours for face to face services, and ii) Ministry workers’ active refusal to offer in-person services to clients, instead referring clients to online or telephone services.

This complaint is not about the availability of increased *options* for modes of service. The underlying basis of this complaint is that alongside the move to online services and centralized telephone services, the Ministry has dismantled its personalized face to face services. If the new modes of service co-existed with other *accessible* forms of service, their introduction would not result in the barriers outlined in this complaint.

3. BCPIAC’s 2005 Complaint

BCPIAC made a comprehensive complaint to the Ombudsperson in 2005 on behalf of several organizations concerning administrative fairness issues at the Ministry (then Ministry of Human Resources) (the “2005 Complaint”). The 2005 Complaint addressed procedural fairness issues related to the following:

- (a) Lack of legal representation for poverty law issues;
- (b) Three week waiting period;
- (c) Persons with Persistent Multiple Barriers designation;
- (d) Ministry home visits;
- (e) Medical and other documentation;
- (f) Reconsiderations, appeals and administrative reviews; and
- (g) Ministry office structures and practices

The issues raised in the 2005 Complaint were unified in being related to Ministry procedures that unfairly or unreasonably limited access to those in need of Ministry

¹⁰ Appendix B, Affidavit of Amber Prince (the “Prince Affidavit”) at para. 5.

¹¹ http://www.bcbudget.gov.bc.ca/Annual_Reports/2012_2013/pdf/ministry/msd.pdf

assistance. The Ombudsperson agreed to investigate all but two of the issues raised in the 2005 Complaint: namely, lack of legal representation for poverty law issues, and discrimination in Ministry practices.

The investigation led to a thorough report by the Ombudsperson in 2009 entitled *Last Resort: Improving Fairness and Accountability in British Columbia's Income Assistance Program*¹² (the “*Last Resort* report”) which made a number of important findings and 25 recommendations.¹³ The Ministry accepted all but one of those recommendations, and committed to implementing them.

The Ministry has made several positive changes as a result of the Ombudsperson investigation into the 2005 Complaint. For example, *inter alia*, Ministry workers no longer conduct home visits for the purpose of verifying the information provided by benefit recipients, Ministry workers have the legal authority to waive the two-year independence requirement in certain circumstances, and the Ministry has introduced exemptions to work search requirements. Meanwhile, progress on some other recommendations has not been made. For example, the Ministry is still failing to provide consistent and timely access to eligibility interviews for applicants who have an urgent need for assistance.

This complaint deals with new issues not raised in the 2005 complaint. The Ministry's new service delivery model was not yet implemented at the time of the 2005 Complaint, and was therefore not addressed in the *Last Resort* report and the Ombudsperson's subsequent monitoring of the Ministry.

Nevertheless, a central theme throughout the Ombudsperson findings in the *Last Resort* report was accessibility of the services. Unfortunately, as set out in the complaint below, the Ministry has failed in its implementation of new technologies to ensure that its services are accessible to the people who use them, many of whom are extremely vulnerable and marginalized. The massive changes in the Ministry's technology since 2009 have resulted in new institutional barriers. The Complainant Organizations, several of whom participated in the 2005 Complaint, submit that in the Ministry's implementation of new technologies, it has not carried forward the heightened awareness of fairness and access issues it gained from the Ombudsperson's *Last*

¹² https://www.bcombudsperson.ca/images/resources/reports/Public_Reports/Public_Report_No_45.pdf

¹³ In 2006 the Ombudsperson issued an initial report on some aspects of BCPIAC's 2005 Complaint, and it was at this early stage that MSDSI made some changes. See: *Ombudsman Investigation of the Public Interest Advocacy Centre's Complaints about the Ministry of Employment and Income Assistance* (Special Report No. 28 to the Legislative Assembly of British Columbia), March 2006, online: https://www.bcombudsperson.ca/images/resources/reports/Special_Reports/Special%20Report%20No%20-%2028.pdf.

Resort report, and as such, a renewed review of the accessibility of its services is required.

B. BARRIERS TO ACCESS

1. The Automated Telephone Inquiry (ATI) Phone Line

The ATI phone line is the Ministry's toll-free telephone service. Ministry staff at provincial contact centres answer calls from 8:00am until 4:00pm. Like a typical call centre, calls are not connected to a local office and callers cannot opt to speak with a particular staff person. It is very unlikely that a caller will be connected with the same staff person if they need to call the ATI phone line again.

Complainant Organizations uniformly had stories of clients who were turned away from local offices and were told that they instead had to call the ATI phone line with their questions. (Danielle) Didi Dufresne, legal advocate and Director of the Legal Advocacy Program at First United Church, describes this problem in her affidavit:

Another difficulty that I face regularly in my work as an advocate is with the increasing reliance on the Automated Telephone Inquiry line ("ATI phone line") by the Ministry. The Ministry office in the Downtown Eastside has limited in person services. Some clients who do go to the Ministry for in person services have reported that they are told that they have to call the ATI phone line instead.¹⁴

The standard practice now, even for time-sensitive issues like crisis supplements and immediate needs assessments, is to call the ATI phone line. Office closures, reduced in-person service hours at local offices, and Ministry workers' refusal to answer questions face to face in local offices mean that the ATI phone line has become the primary way that income assistance and disability assistance recipients can obtain information from Ministry staff.

In BCGEU's *Choose Children* report referenced above, front-line Ministry workers raised the ATI phone line as a significant problem in their work. Workers' concerns with the ATI phone line related to their inability to properly serve clients; their frustration mirrors the issues raised here by Complainant Organizations. BCGEU grouped front-

¹⁴ Appendix B, Affidavit of Danielle Dufresne (the "Dufresne Affidavit") at para. 7.

line Ministry workers' complaints about the ATI phone line into the following categories¹⁵:

- Callers cannot get through;
- Clients unable to understand the phone system; menus are unclear;
- Due to frustration with the phone system, clients often go directly to nearest office angry and hostile;
- Poor and inadequate [worker] training;
- Extreme call backlogs necessitating so-called "sweepers";¹⁶
- Incorrect information frequently provided to clients;
- Decreased morale; robotic and undignified mode of work;
- Often results in duplicative service requests; and
- Frequent information discrepancies between call centres and offices

The Complainant Organizations raise a number of similar concerns with the accessibility of the ATI phone line, as set out below:

- Lack of access to reliable phone service;
- Complicated "phone tree" on ATI phone line;
- Lengthy wait times and frequent disconnections on the phone line;
- Clients' discomfort or difficulty with dealing with complex issues over the phone;
- Limited scope of action that Ministry call centre staff can take during a call; and
- Time limits on the length of call.

(a) Access to reliable phone service

Many clients who receive income assistance or disability assistance do not have a phone. Others have cell phones with "pay as you go" plans that frequently run out of minutes. In the North region in particular, there are some areas where cell reception is poor, making it even more challenging to contact the Ministry through the ATI phone line.

Due to the lack of access to reliable phone service, income assistance recipients may have to contact the Ministry using a friend's phone or a phone at a community agency. A number of advocates spoke about the challenges clients face in having to rely on

¹⁵ Appendix C, BCGEU MSDSI (Component 6) Members Survey – BCGEU Choose Children report, November 6, 2014, p.4.

¹⁶ Staff at Ministry call centres are apparently required to 'sweep' calls during high call volumes; during this period, staff are pressured to complete call in two minutes, and must then end the call regardless of whether the caller's issues is resolved. This is discussed in detail in the "Call time limit" section below.

phones at community agencies. For example, Stephen Portman, Interim Executive Director of Together Against Poverty Society stated the following:

Many of our clients do not have a phone. Unless a client has an appointment with an advocate, there is only one courtesy phone in TAPS' waiting room available for client use. The courtesy phone is located in our waiting room, meaning that clients using this phone must sit on hold in a busy and public environment, and have no privacy when discussing very personal matters with Ministry workers. TAPS' advocates have extremely high caseloads, so the availability of advocates for walk-in appointments is very limited.¹⁷

Similarly, Amber Prince, an advocate with Atira Women's Resource Society describes the issue as follows:

Some of my clients do not have a phone. In order to deal with an issue with MSDSI they have to go to another social agency office to use their phone to call MSDSI. Sometimes they have to wait to use this phone. This practically means that they cannot use the "call back" option and have to wait on hold. Sometimes they have hang up before they have gotten through to a staff person at MSDSI because someone else needs the phone at the agency, or because they have other appointments to attend. For other clients that have a phone, they are often on pay-as-you-go cellphones, making waiting on hold very costly for them.¹⁸

Given the circumstances of income assistance recipients, requiring that they primarily contact the Ministry via the ATI phone line presents an access barrier from the outset. This is further exacerbated by the way the phone line is set up and managed.

(b) ATI phone line navigation

The ATI phone line is daunting to many clients from the first point of contact, in part because of the complicated phone tree a caller must navigate before being connected with a live person.

The automated greeting and initial options on the ATI phone line are provided in English only. At the first stage clients are asked to press "1" if they are receiving Ministry services and have an 8 digit Person ID (PID) number and a 3 digit Personal Identification Number (PIN) or a Social Insurance Number; they are asked to press "2" if they are receiving Ministry services and do not have a number, or for all other inquiries.

¹⁷ Appendix B, Affidavit of Stephen Portman (the "Portman Affidavit") at para. 9.

¹⁸ Appendix B, Prince Affidavit at para. 7.

Once an option is selected, the client is given an approximate wait time and is given the option to enter their phone number to be called back by a Ministry staff person.

Advocates who work with clients with cognitive disabilities and/or mental illness note that the setup of the automated phone service is particularly difficult for their clients to navigate:

Before clients even get to the point of being on hold, they first must navigate the automated list of options on the ATI Line (i.e. the “phone tree”). Clients with serious mental illness are often unable to concentrate or focus to be able to do this. Many clients will simply abandon their call once they encounter difficulty.¹⁹

Other advocates said that clients who do not speak English fluently also find it challenging to access the phone service.²⁰

(c) Wait times and disconnections on the ATI phone line

The length of wait times on the ATI phone line has long been a concern, but the problem has been steadily worsening. Data from the Ministry evinces a significant increase in wait times from 2012 to 2014, with wait times in December 2014 averaging 34 minutes²¹:

¹⁹ Appendix B, Affidavit of Kris Sutherland (the “Sutherland Affidavit”) at para. 7.

²⁰ Consultation meetings with community agencies serving English as a second language clients, January 27, 2015 and February 4, 2015.

²¹ Data is taken from the response to a request BCPIAC made to the Ministry under the *Freedom of Information and Protection of Privacy Act* regarding wait times and call time limits on the ATI phone line (the “FOI Response”). The Ministry’s complete FOI Response to BCPIAC’s request can be found at Appendix A, p. 3.

Average Speed of Answer (ASA)

	2012	2013	2014
Jan		0:04:34	0:08:48
Feb		0:06:14	0:11:19
Mar		0:07:43	0:11:13
Apr	0:13:24	0:07:07	0:10:16
May	0:11:15	0:08:14	0:14:36
June	0:09:00	0:09:23	0:16:17
July	0:08:01	0:10:26	0:22:49
Aug	0:06:49	0:09:58	0:23:28
Sep	0:07:21	0:09:15	0:21:35
Oct	0:04:59	0:06:14	0:20:09
Nov	0:05:09	0:07:59	0:33:16
Dec	0:04:12	0:08:28	0:34:01

Client and advocates consistently experience wait times well over those set out in the table above, and often report waiting over an hour on the ATI phone line to speak to a worker.²²

Given that Ministry services are now primarily delivered through its ATI phone line, the wait time is unsurprisingly a great concern for the Complainant Organizations and the clients with whom they work. A number of advocates described the frustration they and their clients feel due to having to regularly wait on hold for long periods to speak to a Ministry staff person about critical issues:

TAPS' advocates regularly wait with clients on hold on the ATI phone line to speak to a Ministry worker to resolve clients' issues and concerns. It is normal for advocates to wait on the ATI phone line from between 20-45 minutes. Two weeks ago, one of our advocates waited with a client in excess of an hour on the ATI before they were able to speak to a staff person at MSDSI.²³

...

The wait times on the Automated Telephone Line ("ATI phone line") are often long. I call the ATI phone line on an almost daily basis and I cannot remember the last time where I did not have to wait at least 20 minutes on hold. I do not find that the call back option is an effective solution. I often have clients scheduled back to back; I cannot deal with private client

²² Appendix B, Dufresne Affidavit at para. 8; Portman Affidavit at para. 7; Sutherland Affidavit at para. 5.

²³ Appendix B, Portman Affidavit at para. 7.

information while another client is with me in my office. When I have used the call back option, I often miss the call back and then have to call back again and wait all over again.²⁴

Some advocates talked about the impact the wait times have on their ability to assist their clients. For example, one advocate said:

The wait times on the ATI phone line make it extremely challenging for me to do my work for clients. I advocate on behalf of a large number of clients. I become very stressed when I have to spend an entire day assisting a single client navigate the online application process and ATI phone line. I become doubly stressed when, after an entire day of my time, I do not feel like anything has been accomplished.²⁵

Similarly, a review of posts to private email lists for community advocates hosted by PovNet²⁶ reveals a palpable level of frustration, and excessive wait times on the ATI phone line are frequently discussed.²⁷

Even after a lengthy wait on the ATI phone line, a number of advocates from Complainant Organizations state that calls are sometimes disconnected or dropped without the client or advocate ever speaking to a Ministry staff person.²⁸

Amber Prince, an advocate at Atira Women's Resource Society, an agency serving women who have experienced violence living in and around the Downtown Eastside, describes the particular impact wait times and dropped calls have on some of the women with whom she works:

It is very difficult for many of my clients to wait on hold. Some are single mothers who are looking after their small children full-time. Others have medical appointments and training programs they must attend. I have heard from clients that if you call before lunch your call can be dropped or the time you are quoted as having to wait goes up; others have said if you call even

²⁴ Appendix B, Affidavit of Angela Sketchley (the "Sketchley Affidavit") at para. 6

²⁵ Appendix B, Affidavit of David Dickinson (the "Dickinson Affidavit") at para. 10.

²⁶ PovNet is organization that provides online tools that facilitate communication, community and access to information around poverty-related issues in British Columbia and Canada. In addition to the large number of email lists it hosts, PovNet offers online courses to anti-poverty advocates, and provides news, information and resources on its website. For more information, see www.povenet.org.

²⁷ See Appendix D.

²⁸ Appendix B, Portman Affidavit at para. 8; Sutherland Affidavit at para. 5. See also: CBC News, "Wait times at BC Social Assistance Phone Line Triple," online: <http://www.cbc.ca/news/canada/british-columbia/wait-times-at-b-c-s-social-assistance-phone-line-triple-1.2962767>

45 minutes before the end of the day, that your call will be abandoned at the end of the day, without ever having spoken to anyone. I have personally called the ATI phone lines before the office closes, been put on hold for at least ten minutes, and then had my call simply disconnected. There is no way for a client, or advocate on their behalf, to leave a message on the ATI phone line.²⁹

As referenced above, the Ministry now offers a “call back option” on the ATI phone line whereby callers can register to leave a number on the automated system, and a Ministry worker will return calls in order of contact. It is a useful option for some clients, but obviously does not work for the many clients that cannot afford a phone and are relying on pay phones and courtesy phones in community agencies.³⁰ Moreover, the call back option requires that clients and advocates remain near the same phone for a lengthy period of time; if the Ministry’s call is missed, the caller must start from the beginning and call the ATI phone line again.

(d) Discomfort or difficulty with describing issue over the phone

Another concern with the Ministry’s reliance on the ATI phone line as the primary mode of service delivery is the discomfort some clients have with describing their issues over the phone. A number of advocates from Complainant Organizations described clients who are uncomfortable calling the ATI phone line on their own and felt unable to clearly communicate their concerns over the phone. For example, one advocate said the following:

Many of my clients have described to me the difficulty they have explaining their issue over the phone once they do get through to speak to someone at MSDSI. Many have physical and/or mental disabilities making it challenging in a variety of ways to be able to communicate their issues over the phone.³¹

Likewise, an advocate at the Kettle Society, an organization that provides support and services to people with mental illnesses, describes the difficulty some of his clients have in communicating over the phone:

Often our clients (and advocates) need to contact the Ministry to deal with complex issues concerning reporting requirements and monthly deductions – some of my clients tell me is very difficult for them to understand what is happening with their benefits without any visual aids (e.g. where the Ministry

²⁹ Appendix B, Prince Affidavit at para. 8.

³⁰ Appendix B, Portman Affidavit at para. 9; Prince Affidavit at para. 7; Sutherland Affidavit at para. 6.

³¹ Appendix B, Prince Affidavit at para. 6.

worker can write things down for the client or show them the computer screen).³²

(e) Lack of decision-making authority

Advocates and clients consistently note that even once a caller is able to get through to a Ministry worker on the ATI phone line, the worker is frequently not authorized to deal with the caller's request, and instead can only make a service request for some type of follow-up action. Advocates from the Complainant Organizations starkly juxtapose this with the situation a few years ago where advocates could attend a Ministry office in person and have an issue resolved on the spot.³³ This lack of decision-making authority for Ministry workers on the ATI phone line adds further delays.³⁴ As one advocate explains:

I used to find it much easier to access support for my clients when we were able to call a local office or attend a local office in person for assistance. There are delays in accessing basic services like crisis supplement requests. Sometimes it is very stressful when I am dealing with a client who is in an emergency and there is no way for me to access Ministry services for her. I often find that the person I speak to on the ATI phone line needs to make a service request for someone else to get back to me.³⁵

(f) Call time limits

Another common complaint is that Ministry workers can only stay on a call for a prescribed amount of time. The Ministry has said that the Contact Centre does not have limits on call duration, but that supervisors will be notified if a call exceeds 10 minutes.³⁶ We understand that after 10 or 11 minutes, a red "call termination" light will start flashing or that, in some cases, some type of notification or warning will flash on the computer monitor.³⁷

Our concern with this approach is that Ministry workers may want to stay within such time limits to avoid repercussions from their supervisor for having lengthier calls — whether or not the allocated time is adequate to meet the caller's needs.

³² Appendix B, Sutherland Affidavit at para. 17.

³³ Appendix B, Prince Affidavit at para 5; Affidavit of Amy Taylor (the "Taylor Affidavit") at para. 10.

³⁴ Appendix B, Sketchley Affidavit at para. 7; Taylor Affidavit at para. 10.

³⁵ Appendix B, Taylor Affidavit at para. 10.

³⁶ Appendix A, p.4-6.

³⁷ BCPIAC conversation with representatives from BCGEU Component 6.

Advocates from Complainant Organizations report that Ministry workers are telling advocates and clients that there is, in fact, a call time limit on the phone line, and that workers often end calls before clients' issues are resolved:

After a certain amount of time, even if the issue has not been resolved, Ministry workers often tell TAPS advocates or clients that they have to end the call, and that someone will call the client/advocate back. It is not consistent whether the call is returned on the same day or whether it is the same worker.³⁸

...

I often feel even after we have waited some time to get through to a staff person on the ATI phone line that we are being pushed to finish the call. On one occasion I was told by the staff person that the call needed to end as it had reached the 12 minute mark. It was particularly frustrating for myself and the client as the entire 12 minutes had been spent trying to locate the client information and we had not yet even begun talking about the issue that precipitated the call. The staff person insisted that we had to get off the phone and that she would register a call back. The call back came but I was not available to take the call. It ended up taking several days before I was able to speak to a staff member about the issue the client was facing.³⁹

A specified target time limit for calls (whether it is 11 minutes or any other set time) is arbitrary and unfair. A "one size fits all" time target does not correspond with the amount of time it takes to resolve the myriad issues for which clients may contact the Ministry. Many issues are complex and likely impossible to resolve in the short amount of time allotted. For example, the following types of issues generally require more time: requests relating to dental services, medical services, crisis supplements, and moving supplements; issues concerning income reporting; matters relating to BC Hydro; and intake issues including immediate needs assessments.

In the likely event that the call is cut off before the issue is resolved, the client is then required to wait for a call back (if offered) that will not necessarily be on the same day, or call back into the ATI phone line and (a) wait on hold again, and (b) speak to a different staff person.⁴⁰ For clients with mental health challenges and/or cognitive

³⁸ Appendix B, Portman Affidavit at para. 13.

³⁹ Appendix B, Sketchley Affidavit at para. 8.

⁴⁰ Appendix B, Portman Affidavit at para. 15.

disabilities, it can be particularly challenging to articulate concerns within such a short span of time.

In the BCGEU's *Choose Children* report, front-line workers identified call time limits as an issue, saying that they were being "directed to manage high volumes of work by reducing the amount of time they spend with clients."⁴¹ One Employment Assistance Worker describes how on high volume call days, workers are only allowed two minutes to complete the call:

Phone agents are required to 'sweep' calls when we experience high call volumes. We are allowed two minutes to complete the call, which means we have to be abrupt and sometimes almost rude to get the caller off the phone so we can meet the 'standard.' By the end of the day of 'sweeping', I feel soul sick. There is just no way to maintain my humanity and still meet the 'sweeping' expectation.⁴²

One step that the Ministry has taken in an apparent attempt to resolve some of the time limit issues on the ATI phone line is a three month pilot project called the "Provincial Contact Centre Advocate Pilot." The project started on March 9, 2015 and aims to manage advocate telephone queries that involve requests regarding multiple clients. This project is restricted to multi-client requests and therefore only applicable to service providers calling on behalf of multiple clients.

Under this pilot project, when an advocate calls into the ATI phone line with multi-client requests, the staff person will create a service request, and will then forward it to the Advocate Pilot Team; someone from the Advocate Pilot Team will then call the worker back (if possible, within 24 hours). This project, while addressing a concern of some advocates at least temporarily, does not address the problem of wait times and disconnections on the ATI phone line itself, nor does it address the call time limit problem for clients who are calling about their own complex issues. In some ways, it creates a two-tiered service whereby income assistance and disability assistance recipients who do not have an advocate calling on their behalf will have limited time to speak to Ministry staff, while those with advocates can have access to a special "Advocate Pilot Team" who are able to take longer on the phone.

2. The Online Application

The initial application process for income assistance and disability assistance begins with the completion of the Self Serve Assessment and Application ("initial intake

⁴¹ *Choose Children*, supra note 5 at p.6.

⁴² *Choose Children*, supra note 5 at p. 6.

application” or “SSAA”).⁴³ The initial intake application is lengthy, with over 90 screens⁴⁴ for an applicant to complete in order to receive a preliminary determination on their financial eligibility. The Ministry’s own website estimates that completion of the form will take between 30 to 90 minutes. The application asks applicants for detailed information about their income, assets, citizenship and immigration, and employment history. Specific questions include: whether the applicant has been homeless in the past 12 months, a description of current living arrangements, a description of any financial help the applicant receives with expenses, whether the applicant is currently looking for work (and if not, why not), and a description of all sources of income, any potential sources of income, bank accounts, and assets the applicant disposed of in the last two years.

The initial intake application is only available in English. Applicants must answer every question before they are able to click through to the next screen. In other words, the form cannot be submitted partially completed. There is no option on the form to request assistance with its completion. There are no specific questions relating to assistance an applicant may require for completion of this stage or the next stages of the eligibility assessment, such as whether an interpreter is needed or whether the applicant has a disability that could affect their ability to communicate with the Ministry.⁴⁵

The Ministry website indicates that applicants can apply for income assistance or disability assistance by completing the Self Serve Assessment and Application tool online. It also indicates that applicants with questions about applying can call the ATI phone line or visit a local office. The Complainant Organizations’ understanding is that the initial intake application must be completed online and that applicants who call or go into a local office for assistance with the initial intake application are turned away and asked to complete it online.

Requiring completion of a lengthy and complex online form as the first step to apply for income assistance creates a number of barriers to access. First, many of those applying for assistance do not own or have regular access to a computer, and those with a computer will not generally have internet access. This means that those applicants will have to use a computer in a public place (such as a library, community agency, or kiosk

⁴³ <https://www.iaselfserve.gov.bc.ca/HomePage.aspx>.

⁴⁴ Based on the online version of the SSAA.

⁴⁵ As of April 27, 2015, the Ministry has modified the application process so that once the online application is complete, the same Ministry worker will be tasked with assisting the client through both of the additional subsequent stages of the application process. We view this as an important improvement over the current process, where one Ministry worker does the Stage 1 interview, and a second worker does the final Stage 2 interview. The new system means that, at least for the application process, the client only has to tell their story once.

in a Ministry office) or borrow a friend or family member's computer.⁴⁶ Some public computers, such as those at public libraries, have limits on the length of time people can use them; further, we have heard that applicants using computers in public libraries regularly ask library staff for assistance with the application. The application process is time-consuming. Requiring it be done online may mean lengthy delays for some people who do not have regular access to a computer. Further, some applicants are uncomfortable dealing with matters as deeply personal and private as applying for income assistance on public computers—and in certain cases, that discomfort is directly related to (and exacerbated by) the applicant's disability.⁴⁷

Computer literacy is a further barrier to access related to the online initial intake application. Many people applying for income or disability assistance are not computer savvy, making it challenging for them to complete the lengthy application online on their own. The experience of the Complainant Organizations is that the Ministry does not provide consistent and accessible assistance with the initial intake application. In addition, none of the Complainant Organizations understand that the Ministry offers alternative means for filing the initial intake application other than the online form. Advocate Didi Dufresne states the following in her affidavit:

I understand the Ministry's position is that there are no Ministry workers available to assist clients with the online application. On a few occasions, I have written a letter to the Ministry on behalf of a client asking them to provide assistance for the client to be able to complete the online application as the client was not computer literate. I was able to follow up with one of the clients for whom I had written such a letter and learned that a security guard at the office was asked to help the client complete the online form.⁴⁸

Kris Sutherland, Manager of Advocacy Services at the Kettle Society, describes this issue as well:

The majority of our clients are not computer savvy and many are not even computer literate. In my work I have seen that the move toward the increasing use of online services has had detrimental impacts on clients who are older, have mental health challenges or cognitive disabilities, or are too poor to afford a computer and don't want to use public computers to work on such personal matters. This is particularly problematic with the initial income

⁴⁶ Appendix B, Sutherland Affidavit at para. 16; Taylor Affidavit at paras. 3 & 5.

⁴⁷ Appendix B, Sutherland Affidavit at para. 16.

⁴⁸ Appendix B, Dufresne Affidavit at para. 6.

assistance application, as it must be done online, and normally takes approximately 40 minutes to complete even with an advocate's help.⁴⁹

David Dickinson, an advocate working in the North region echoes the same complaint about inaccessibility of the online application:

The online application is also very difficult for my clients to navigate. I am astounded by the level of sophistication required to complete these applications. I feel that the online application system seems to be designed for wealthy people who own significant assets. About 90 per cent of the online application process is irrelevant to my clients.⁵⁰

Angela Sketchley, an advocate at Dze L K'ant Friendship Centre describes a recent interaction with a client who could not do the online application on her own:

Recently an older client was turned away from the Ministry office and sent to our office for assistance when she told a staff person that she could not fill in the online application. When we complained to the Ministry about this issue, a supervisor got back to us explaining that they didn't have staff people available to assist on site and it would have to be arranged and might take a few days.⁵¹

Ministry staff are aware of the difficulties applicants have with the application, and, as a matter of practice, refer people to community agencies for assistance. Referring applicants to community agencies for assistance with the online form is an inappropriate transfer of Ministry responsibility onto those agencies. Assisting clients with the application is extremely time consuming, and is a large burden on small, already overextended agencies—further, in some cases, the agencies to which clients are referred are not even resourced to offer such assistance.⁵² Amy Taylor, a legal advocate at the Advocacy Centre in Nelson explains the position her agency has taken in the face of increasing Ministry referrals for computer assistance:

Many of [my clients] do not have access to a computer. The Advocacy Centre decided that we would not provide access to computers to our clients to complete the Ministry's online forms principally because we view this as a further downloading of work from the Ministry onto community agencies. I feel that this puts me in a difficult position as an advocate as I meet clients

⁴⁹ Appendix B, Sutherland Affidavit at para. 16

⁵⁰ Appendix B, Dickinson Affidavit at para. 11.

⁵¹ Appendix B, Sketchley Affidavit at para. 9.

⁵² Appendix B, Dufresne Affidavit at para. 6; Taylor Affidavit at para. 5.

who have not been able to complete the online forms or have experienced delays in completing their forms because they do not have access to a computer.

Finally, as noted above, the online application itself is available in English only. During consultation meetings, service providers who regularly work with people who do not speak English fluently informed us that they assist applicants with the online initial intake application form as they needed to translate the questions to the applicants. It was the understanding of these service providers that the Ministry's interpretation service is not available to those completing the initial intake application.⁵³

3. Reduction of in person services

Concurrent with the enhancement of the telephone service and the development of the My Self Serve online portal, the Ministry has drastically reduced the availability of face to face time with individual Ministry workers. Many offices have closed, and there has been a significant reduction of service hours for offices across the province.

Since 2005, the following 14 offices have closed⁵⁴:

- 610 St. John's Street in Port Moody (2005)
- 5021 Kingsway in Burnaby (2006)
- 33 3rd Avenue in Burns Lake (2006)
- 1023 Davie Street in Vancouver (2006)
- 2100 Lableux Road in Nanaimo (2006)
- 7388 Vedder in Sardis (2007)
- 504 Cottonwood Avenue in Coquitlam (2009)
- 7953 Scott Road in Delta (2010)
- 828 West 8th Avenue in Vancouver (2013)⁵⁵
- 2484 Renfrew St, in Vancouver (2013)
- 60 Needham St, in Nanaimo (2013)
- 475 E. Broadway in Vancouver ("China Creek") (2014)⁵⁶
- 2280 Kingsway in Vancouver ("Killarney") (2014)

⁵³ Consultation meetings with community agencies serving English as a second language clients, January 27, 2015 and February 4, 2015

⁵⁴ Terri Archer Email, *supra* note 9.

⁵⁵ This office did not technically close but stopped providing face to face services to income assistance and disability assistance recipients; these recipients were transferred based on postal code to the China Creek, Mountainview, and Killarney offices. The Killarney and China Creek offices both closed the following year, with these clients then all being transferred to the Mountainview location.

⁵⁶ These clients were transferred to the Mountainview location.

- 10095 Whalley Blvd in Surrey (2014)

The Ministry has also reduced the number of hours that many offices in the province are open to assist clients face to face:⁵⁷

- As of May 2011, the Ministry office in Hope went from being open five days a week to two days a week⁵⁸
- In September 2014, the following 11 Ministry offices in the North and the Interior reduced office hours to only three hours a day from 1pm to 4pm Monday to Friday:⁵⁹
 - Nelson
 - 100 Mile House
 - West Kelowna
 - Oliver
 - Prince Rupert
 - Smithers
 - Trail
 - Grand Forks
 - Merritt
 - Dawson Creek
 - Fort St John
- The Kiwassa and Docksides Ministry offices in the Downtown Eastside have limited their drop-in hours to two hours per day from 9am-10am and 1pm-2pm
- The Grandview office in Vancouver has restricted when it will provide certain services to income assistance and disability assistance recipients. Photocopies of identification documents, issuing of recreation passes, confirmation of assistance, administering of cheques, and processing of release of information forms can only be done between 9am and 11am.

Conversely, over the same time period, the Balmoral Outreach Office in Nanaimo was the only Ministry office offering in-person services that opened. The Ministry also opened a Contact Centre in Surrey in October 2014⁶⁰; however, the Contact Centre provides no in-person services, and was created to service the ATI phone line.

⁵⁷ This list is not exhaustive. There may be other service restrictions at other Ministry offices.

⁵⁸ During the week in which cheques are issued the Ministry office in Hope is also open on Wednesdays.

⁵⁹ These offices are also open from 9:00am to 12:00pm on cheque issue weeks on Wednesday and Thursday.

⁶⁰ Terri Archer Email, *supra* note 9.

As set out earlier, advocates report that Ministry staff actively discourage clients from attending Ministry offices in person, and instead direct them to use the ATI phone line.⁶¹ This is particularly problematic for those clients that do not have an advocate.

Being turned away and told to call the ATI phone line is a problem for those who actually are able to make it into an office during its limited designated open hours and speak to a Ministry staff person. For some, it is challenging even being able to get to an office during the times which it is open, and where there is not a long line-up. Office closures and the reductions in office hours limit the availability of face to face Ministry services, which leads to line-ups at many offices. Advocates in the North, Interior and Vancouver's Downtown Eastside reported that there are regularly line-ups at their local offices.

The limited hours at the Ministry office in Hope and at those in the North and Interior pose particular barriers to service access, as those offices serve wide geographic regions, and some clients must travel quite far to make it in to the nearest office. For example, the Ministry office in Hope covers a vast area including Yale, Spuzzum and Boston Bar; the clients in this area have no access to public transit, and the next closest offices are in Chilliwack or Merritt, which are approximately 53km and 120km from Hope, respectively.

David Dickinson describes the difficulty his clients, who reside in and around Hazelton, face in getting to the nearest local Ministry office:

There is no Ministry office in Hazelton. The closest Ministry office is in Smithers which is approximately an hour car ride away. The bus only goes to Smithers two days a week. Many of my clients do not have enough money to afford the bus ticket. Some have to rely on hitch-hiking or catching a ride with friends or family members on the infamous "Highway of Tears." Even getting to the local Service BC office or our Hazelton office is challenging for many of our clients: I recently had a client desperate to get income assistance who was walking 7 kms one way to get to our office.

Recently, the hours were cut at the Ministry office in Smithers so that clients are only offered in person service from 1pm to 4pm on non cheque-issue days. The reduction of in person hours makes it even more difficult for our clients access Ministry services.

⁶¹ Appendix B, Portman Affidavit at para. 19; Sutherland Affidavit at para. 10; Dickinson Affidavit at para. 7; Dufresne Affidavit at para. 7; Sketchley Affidavit at para. 4.

Similarly, Amy Taylor, an advocate in Nelson, finds that the reduction of service hours for local offices in Nelson, Trail, and Grand Forks has resulted in increased line-ups at the Nelson office, as well as some client being unable to make it to the Ministry office at all due to the mismatch between transport schedules and the three-hour window the office is open:

Our local Ministry offices not only serve Nelson, Trail and Grand Forks, but also the surrounding areas. I have heard from some people who travel in from the surrounding areas that the reduced in-person hours makes it very difficult for them to be able to make it into the office due to bus schedules or their transportation through friends or community agencies.

The drastically reduced availability of in-person Ministry services has a very real impact on clients, and increases the workload of already overburdened community agencies – clients that require face-to-face services either seek out assistance from community agencies to navigate the Ministry’s ATI phone line or the online services for them, or give up trying to access assistance at all.

Reductions in in-person services have also meant delays in accessing income or disability assistance for many people. As an advocate from the Kettle Society explains, fewer in person services has meant delays in determining eligibility as well as delays in assessing whether applicants have immediate needs:

Since the process of evaluating eligibility for Income Assistance has been removed from the purview of workers located in Ministry offices and assigned to “virtual eligibility review teams” who communicate only by phone, I have noticed a significant change in the time required for our clients to receive their first cheque. Once a client completes an application for Income Assistance online, they must wait until a Ministry worker calls them to participate in the eligibility review interview. If a client does not have a phone, or if they miss the call, their benefit payment can be substantially delayed. Reduced in-person office service has also meant that Immediate Needs Assessments are not being done in a timely way. I have worked on a number of Immediate Needs Assessment cases that were not processed within the required service standard of one day.⁶²

While the Ministry has consistently said that it will continue to provide face-to-face services to clients, and that the phone and online services are only options to enhance client convenience and flexibility, the reduction of face to face services through office

⁶² Appendix B, Sutherland Affidavit at para. 13.

closures and drastic reductions in hours of service mean that face to face in-person service is not actually a viable option for many.

C. IMMEDIATE NEEDS ASSESSMENTS – NEW SERVICE DELIVERY MODEL ADDS FURTHER DELAY

Delays in providing immediate needs assessments (“INA”), formerly called “Emergency Needs Assessments” were one of the issues raised in BCPIAC’s 2005 Complaint. The Ministry is to conduct INAs where an applicant for income assistance or disability assistance has an immediate need for food, shelter or urgent medical attention. The Ministry’s Service Standards state that immediate need requests for food, shelter and/or urgent medical attention will be addressed within the same business day.

Since 2009, the Ombudsperson of BC and the BC Auditor General have issued reports documenting delays related to MSDSI immediate needs assessments.

The Ombudsperson recommended in the *Last Resort* report that “[t]he Ministry continuously improve compliance in providing eligibility appointments within one business day to individuals with immediate needs”⁶³—a recommendation that the Ministry accepted on February 12, 2009.⁶⁴

As of a March 24, 2014 “Update on Status of Recommendations” by the Ombudsperson (the “March 2014 Update”), the progress on the recommendation was listed as “ongoing”, with the Ombudsperson commenting that there had been “[n]o progress since last update.”⁶⁵ As of the March 2014 Update, the Ministry had also failed to conduct any file reviews or audits evaluating compliance with its policy on INAs, although it had accepted the recommendation that it do so.⁶⁶

In its May 2014 report entitled *Disability Assistance: An Audit of Program Access, Integrity and Results*⁶⁷, the Auditor General found that the Ministry is unable to show that it is meeting its service standard of conducting INAs within one business day, and recommended that the Ministry report on the timeliness of eligibility decisions by measuring and reporting results against the service standards.

⁶³ https://www.bcombudsperson.ca/images/pdf/investigations/Last_Resort_Update_Table_June_2014.pdf at p. 4.

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ http://www.bcauditor.com/sites/default/files/publications/2014/report_18/report/OAG%20Disability%20Assistance-FINAL.pdf.

Minister for MSDSI Hon. Michelle Stilwell recently said in the Legislature that INA service standards are being met.⁶⁸ This is simply not the case. Advocates confirm that the Ministry is not processing INAs within one business day.⁶⁹

Ministry policy and procedure regarding immediate needs assessments require the following steps to be taken, many of which are proactive steps on the part of Ministry staff:

- a) At the beginning of the Stage 1 application process, Ministry staff will be proactive in determining whether an applicant has an immediate need for food, shelter or urgent medical attention.
- b) If it is determined that an applicant has an immediate need, their eligibility will be determined on an urgent basis. An applicant will be assessed as to whether they are exempt from the requirement to complete a work search. An applicant who is exempt from this requirement will proceed directly to Stage 2 of the application process. Recipients assessed as eligible for Hardship Assistance – Immediate Needs – Work Search Required will receive hardship assistance while they complete either a three- or five-week work search.
- c) Staff must ensure the applicant is provided with or informed of and directed to other available resources (e.g., food/sundries vouchers, bus tickets for local travel, shelter referral, providing funds for urgent medical attention such as transportation or referrals to medical centres or Medical Services Plan (MSP), etc.) until an intake interview can be held to determine eligibility. Meeting the immediate need in the interim does not mean the applicant no longer requires an expedited START review and eligibility interview.
- d) To obtain the information required to accurately assess whether an applicant has an immediate need, staff must proactively engage applicants in a discussion about their food, shelter and medical needs. Staff must record the decision of the assessment.
- e) There may be cases where an applicant will have an immediate need in the reasonably foreseeable future (e.g., eviction notice, disconnection notice, etc. in the next few days). In these cases, staff should determine

⁶⁸ British Columbia, Legislative Assembly, Official Report of Debates of the Legislative Assembly (Hansard) Vol. 21, No. 8 (March 11, 2015) at 6683-6684 (Hon. Michelle Stilwell).

⁶⁹ Appendix B, Sutherland Affidavit at para. 13.

whether an applicant will soon have an immediate need, taking into consideration the likelihood and timing of the immediate need arising.

- f) If an applicant has an immediate need, staff must take steps, including:
 - i. Proceeding directly to Stage 2 of the application process and providing the applicant with an expedited eligibility interview. Schedule the first possible eligibility interview.
 - ii. If an eligibility interview cannot be completed in time to meet the immediate need, then staff must ensure the applicant's immediate need is addressed within the same business day.

The reduction in the availability of face to face services may be the cause of further delays in processing these applications. Much of the work of determining whether there is an immediate need requires easily accessible face to face contact. There are numerous barriers in the new service delivery environment that would impede a proper and quick assessment of whether a person had an urgent need for support. Online initial intake applications, line ups at offices, referrals to the ATI phone line and online services from staff in Ministry offices, long wait times and call time limits on the ATI phone line all create a service delivery environment that is not equipped to process requests for urgent need. Moreover, the Ministry worker reviewing the immediate need relies on being able to contact the client via telephone—this is obviously unrealistic for clients that do not have phones, and particularly for those who are homeless. In our view, it is unacceptable that this Ministry has not designed its services in a way that it is able to process requests for urgent assistance without delay; this is squarely in the Ministry's mandate to do. It is particularly egregious that in the face of criticism from the Ombudsperson and the Auditor General on the processing of Immediate Needs Applications, the Ministry has made the situation worse by creating more barriers to access.

D. INEFFECTIVE POLICY AND PROCEDURE ON ACCOMMODATIONS

The Ministry has a few limited tools available to address the access issues we have identified. Namely, the Ministry has a number of policies and procedures that provide its front-line workers with some flexibility to accommodate clients and be responsive to their needs. Specifically, these include the Ministry's duty to accommodate policy, and

the related policies and procedures on designated workers, “staff assisting clients”, and interpretation services for clients with language barriers.⁷⁰

1. Specific Policies

The Ministry’s policy and procedures are set out in its “Online Resource”, which the website describes as being a “one-stop source for all BCEA [BC Employment and Assistance] policy, procedures and program information for eligibility for ministry employment and assistance programs.”⁷¹

(a) Duty to Accommodate

The Ministry’s online policy guidelines emphasize the Ministry’s commitment to BC Human Rights legislation, and acknowledge that the British Columbia *Human Rights Code* (the Code) prevails over Ministry policy and practice, as well as other legislation. Noting that discrimination is “contrary to the standards and values of the Ministry,” the policy guideline sets out the Ministry’s responsibility to accommodate to clients for needs related to the grounds protected under the Code.⁷² The Ministry has a legal duty to accommodate individual needs to the point of undue hardship where the need is based on a protected ground in the Code. The Ministry acknowledges that, “[g]enerally speaking, issues of cost, administrative difficulty or inconvenience will not be sufficient to excuse the ministry’s duty to accommodate the individual needs.” The policy requires Ministry staff must be proactive in determining whether accommodation should be offered as clients may not want to self-identify a need for accommodation, or may not know to ask.⁷³ Accommodation is context- and client-specific, but may, for example, involve putting requests in writing for clients who have difficulty with verbal information; assisting clients with cognitive disabilities or language barriers in gathering requested documents; providing access to interpretation services by telephone and in person.

(b) Designated Workers

In its discussion of the Ministry’s duty to accommodate, the policy guideline explicitly notes that it sometimes may be appropriate to assign a “designated worker” to a client—that is, a worker that will be solely tasked with managing the client’s file and requests. In cases where clients ask for (or are proactively offered) a designated worker, designated

⁷⁰ http://www.gov.bc.ca/meia/online_resource/.

⁷¹ *Ibid.*

⁷² http://www.gov.bc.ca/meia/online_resource/program_administration/indivcase/policy.html#5.

⁷³ *Ibid.*

workers provide clients with their direct line, and are consistently called back by the same front-line worker when they call they ATI phone line.⁷⁴

(c) Staff Assisting Clients

The Ministry's online policy guidelines also specifically include a section entitled "Staff Assisting Clients", which emphasizes that "staff are expected to provide courteous, professional, and consistent services that apply best practices, ministry standards and values."⁷⁵ This section of the policy guideline reiterates the Ministry's commitment to clients' needs, and again provides the examples of assisting clients in obtaining requested documents, providing Ministry requests in writing when asked, and proactively review each case individually to determine how a client can best be accommodated—and ask clients questions to assist in this determination.

(d) Interpretation

The Ministry's policy is that interpretation services should be available any time a person is requesting services from Ministry, including through the ATI phone line.⁷⁶ If someone calls the ATI phone line with a question and they are clearly having difficulty with English, the Ministry staff on the phone line should provide access to contracted interpretation services via 3-way call.⁷⁷ For regions that have a specified contract for interpretation services, if an immediate need for interpretation services is identified that cannot be met by local contracted interpretation services, Ministry staff can access Provincial Language Services (PLS) to acquire an interpreter for clients over the telephone or in person. As set out in the policy on the Online Resource, where appropriate services are not available or the client declines the interpreter offered by the ministry, the client is permitted to use an interpreter of their choice.⁷⁸ There is nothing specific in the policy about obtaining interpretation services to assist with completing the initial intake application.

2. Current service delivery design makes these policies ineffective in dealing with access

⁷⁴ http://www.gov.bc.ca/meia/online_resource/program_administration/indivcase/procedures.html.

⁷⁵ http://www.gov.bc.ca/meia/online_resource/program_administration/indivcase/policy.html#5.

⁷⁶ The interpretation services are set out in the "Interpretation Services for Clients with Language Barriers" policy and procedures, which are located under "Individual Case Management" on the Online Resource. See *supra* note 70.

⁷⁷ http://www.gov.bc.ca/meia/online_resource/program_administration/indivcase/procedures.html#3.

⁷⁸ *Ibid.*

These tools set out in Ministry policy and procedure and BC's *Human Rights Code* are available to ensure that services are designed in ways that are appropriate to clients' needs. Unfortunately, these tools are not consistently utilized. As set out in the complaint, clients' needs are not assessed when they seek face to face services at a local office and are told to use the ATI phone line instead. Similarly, we understand from advocates that the Ministry very rarely, if ever, offers or provides clients with a designated worker.⁷⁹ We have also learned about serious problems with the implementation of the interpretation policy including the following:

- delays in accessing welfare due to delays in scheduling interpretation both in regular cases and in immediate needs;
- failure to identify language barriers to ensure that applicants/clients understand their rights and obligations, including significant access to privacy and the possibility of sanctions/penalties;
- failure to use interpreters/identify language barriers for important meetings with Ministry staff about requirements to remain eligible for funding, resulting in the closure of files because of miscommunication;
- failure to flag a case as one that needs an interpreter if the client has requested/used one in the past;
- failure to promote the availability of interpretation services to welfare users or advocates;
- irregular access to immediate phone interpretation; and
- difficulties in accessing automated phone system and online forms.⁸⁰

The failure to put these accommodation policies into practice is not surprising given the way that the service delivery has been designed. Being aware of—and genuinely responsive to—clients' specific abilities and needs is difficult, if not impossible, where there are time limits to phone calls and reduced in-person services. Clients cannot even get to the point of requesting or being offered individual accommodation if they are unable to reach a front-line worker in the first place. In order for these accommodation policies to have any meaning there needs to be sufficient staff time available to do these types of assessments. Moreover, under the current service delivery scheme at the

⁷⁹ Appendix B, Dufresne Affidavit at para. 12.

⁸⁰ Consultation meetings with community agencies serving English as a second language clients, January 27, 2015 and February 4, 2015.

Ministry, providing certain clients with designated workers or materials in writing, does not remedy the system-wide barriers that are so prevalent to the entire system design.

E. STEPS TAKEN TO ADDRESS SERVICE DELIVERY BARRIERS WITH MINISTRY

An investigation by the Ombudsperson is urgently needed, as the Ministry is well aware of the concerns outlined above, yet has still failed to adequately address them.

Service delivery access issues are regularly raised on the quarterly regional teleconference meetings between Ministry representatives and advocates.⁸¹ These teleconferences are held in each of the five Ministry regions four times per year and are attended by community advocates and Ministry representatives, including the respective region's Manager of Community Relations and Service Quality. Wait times and call time limits on the ATI phone line, in particular, regularly appear on the meeting agendas.

Second, advocates have sent emails and formal letters of complaint about these issues directly to the Ministry. Appendix E is a letter from social worker Samuel Greenspoon to Jean Lofthouse, Region 2 Manager of Community Relations and Service Quality; a letter from advocate Amber Prince to the Ministry that Ms. Prince later posted to the PovNet list is at Appendix D.⁸²

Mr. Greenspoon's letter to Ms. Lofthouse chronicles specific problems he, in his capacity as a social worker working with people who have physical and cognitive disabilities, has encountered with the ATI phone line, including: long wait times, inadequacy of call back option as a solution to wait times, and Ministry workers referring clients to online services after they finally reach a worker on the ATI phone line. More generally, Mr. Greenspoon's complaint observes:

For people with physical and cognitive disabilities, calling 1-866-866-0800, following the numerous prompts, and then waiting 30 (thirty) minutes or more, does not work, and is often frustrating for the client.⁸³

The letters referenced above are only those complaints that have been specifically brought to our attention by their authors; given the level of frustration in clients and advocates alike, we expect that there have been other similar direct complaints to the Ministry about service delivery and access problems. Further, the BC Ombudsperson's

⁸¹ Appendix B, Portman Affidavit at para. 22.

⁸² Appendix D. p.16 & 17.

⁸³ Appendix E.

2013-14 Annual Report indicates that the Ombudsperson received more complaints about MSDSI than any other government ministry or other authority.⁸⁴

Members of the Official Opposition have specifically brought these service quality issues to the attention of the Minister for Social Development and Social Innovation, Hon. Michelle Stillwell, during legislative debates and questioned the wisdom of the move to more online and telephone-based services,⁸⁵ to which the Minister responded that the Ministry is moving in this direction to “offer better service and improve the service that clients currently receive.”⁸⁶ In one exchange, the Minister stated that the uptake of phone service has been really high, and Michelle Mungall, MLA for Nelson-Creston and Opposition Spokesperson for Social Development, pointed out:

What’s happening on the ground, is somebody will go to a ministry office and be told to call the 1-800 number or find that that’s the only option available to them...Then, when they get to an office, if they want to do an intake, it has to be online. They’re directed to a computer rather than doing something one-on-one with an intake worker, as it had been done in the past.⁸⁷

The BCGEU’s *Choose Children* report also demonstrates a concerning level of frustration and dissatisfaction amongst its Ministry worker members with respect to the conditions of their work.⁸⁸ A central problem workers identified in the report related to the lack of training front-line staff had received in the Ministry’s new and radically different service delivery model:

The province-wide centralization of services through local call centres was implemented without appropriate training and the required experience amongst employees working in these facilities. Many members reported a growing incidence of information errors, misdirected calls, unnecessary or duplicate requests, and an overall delay in service to clients.⁸⁹

Ministry front-line workers acknowledged problems with chronic understaffing and an expectation of unpaid overtime. Moreover, front-line workers identified both the ICM and

⁸⁴ https://www.bcombudsperson.ca/images/Ombudsperson_Annual_Report_WEB.pdf at p. 73 & 74.

⁸⁵ British Columbia, Legislative Assembly, Official Report of Debates of the Legislative Assembly (Hansard) Vol. 21, No. 8 (March 11, 2015) at 6682 (M. Mungall).

⁸⁶ British Columbia, Legislative Assembly, Official Report of Debates of the Legislative Assembly (Hansard) Vol. 21, No. 8 (March 11, 2015) at 6682 (Hon. Michelle Stilwell).

⁸⁷ British Columbia, Legislative Assembly, Official Report of Debates of the Legislative Assembly (Hansard) Vol. 21, No. 8 (March 11, 2015) at 6683 (M. Mungall).

⁸⁸ *Choose Children*, *supra* note 5.

⁸⁹ *Ibid* at p. 20

ATI phone line as acting as one of the central barriers to being able to effectively deliver services to clients.⁹⁰ Problems identified with the ATI phone line included: callers often cannot get through, clients unable to understand the phone system, incorrect information frequently provided to clients, and extreme call backlogs necessitating so-called ‘sweepers,’ where workers are limited to two minute calls.⁹¹ ICM was described by one Employment Assistance Worker as a “slow, ineffective, unreliable system” that “cannot handle the work we do.”⁹²

An Employment Assistance Worker in the Lower Mainland describes the daily desperation of clients navigating this new service model:

Clients having to wait months to be assessed for Income Assistance results in desperation. Delays in being assessed for assistance are creating homelessness. Inevitably, our clients scream, yell, swear, break things, and either verbally or physically assault staff. This problem weighs staff down and creates a stressful work site which over time affects everyone.⁹³

In addition to *Choose Children*, which is a public report, the BCGEU also provided the Ministry with a compiled report of the data it gathered from MSDSI front-line workers—data which set out the major barriers to access the Ministry’s new service delivery model creates.⁹⁴

The Ministry itself has solicited feedback on preferences about various service delivery channels (face-to-face, online, telephone, email, and mail) from its clients. Most recently, it did this through a Service Satisfaction Survey conducted from March 26 to May 26, 2014.⁹⁵ This survey was ostensibly open to all clients receiving Ministry services, but was available online only, and had an extremely low response rate (2.2% of entire Ministry caseload).⁹⁶ It is clearly problematic to exclusively use an online survey to determine clients’ comfort with online services: to state the obvious, clients who are uncomfortable or unable to use computers (and therefore rely on face to face

⁹⁰ *Ibid* at p. 9.

⁹¹ Appendix C, BCGEU MSDSI (Component 6) Members Survey – BCGEU Choose Children report, November 6, 2014 (“Component 6 Survey”), p.4.

⁹² *Choose Children*, *supra* note 5 at p. 18.

⁹³ *Ibid* at p. 15.

⁹⁴ Appendix C, BCGEU MSDSI (Component 6) Members Survey – BCGEU Choose Children report, November 6, 2014.

⁹⁵ MSDSI *Service Satisfaction Summary Report: Regional Services Division* (“Satisfaction Survey”), October 2014, online: <http://www.sdsi.gov.bc.ca/PUBLICAT/pdf/SDSI-Service-Satisfaction-Summary-Report-Oct-2014.pdf>.

⁹⁶ *Ibid* at p. 4.

services) were excluded from participating, and their feedback was not heard. The survey design was heavily criticized by Ministry clients who pointed out that they could not complete the questionnaire because they are too poor to afford the internet, and stated the Ministry denied them a printed copy when they requested one, citing privacy concerns.⁹⁷

Despite this major design flaw, the survey findings still indicated that a strong majority of clients prefer face to face services;⁹⁸ the findings also highlight problems with long wait times, inability to make appointments with workers, inaccessibility of offices (hours of service and physical layout), and clients' difficulty dealing with complex issues over the ATI phone line and online. Following this survey, and in an apparent complete disregard of the survey results, the Ministry concluded that it intends to continue moving "towards more technology-enabled and virtually delivered services."⁹⁹

The steps taken above demonstrate that the Ministry has been repeatedly informed, through various means, of the hardship its move toward more technology-enabled and virtually delivered services is causing its clients. Despite this, the Ministry continues to refuse to take these concerns seriously. In the meantime, these access barriers continue to deprive clients of critical, life-sustaining supports—supports to which they are legally entitled. In our view, as the Ministry continues to roll out Phase 4 of the ICM, and its "advanced telephony," it is critical that the Ombudsperson investigate the accessibility of the Ministry's services.

F. JURISDICTION AND SYSTEMIC NATURE OF COMPLAINT

1. Jurisdiction of Ombudsperson

The Ministry of Social Development and Social Innovation is a government ministry and therefore is defined as an "authority" that can be subject by review by the BC Ombudsperson as set out in s.1 and s. 35(1) of the *Ombudsperson Act*. The subject matter of the complaint relates to the policy and practices of the Ministry, all of which are matters that properly fall within the jurisdiction of the Ombudsperson pursuant to s. 11 of the *Ombudsperson Act*.

⁹⁷ At the following link is the Ministry's response to a request under the *Freedom of Information and Protection of Privacy Act* for client responses to the online survey: http://docs.openinfo.gov.bc.ca/D52437114A_Response_Package_MSD-2014-00507.PDF. See also: Vancouver Sun, "Online government survey 'insulting': welfare recipient," online: <http://www.pressreader.com/canada/the-vancouver-sun/20141008/281500749490312/TextView>.

⁹⁸ *Satisfaction Survey*, *supra* note 95 at p. 8.

⁹⁹ *Ibid* at p. 26.

Section 10 (b) and (c) of the *Ombudsperson Act* apply, providing that the Ombudsperson can investigate, with respect to a matter of administration, an act done or omitted, or a procedure used by an authority that aggrieves or may aggrieve a person.

2. The nature of the complaint is systemic

Section 12(1) of the *Ombudsperson Act* provides that a complaint to the Ombudsperson can be made by a person or a group of persons. We are asking the Ombudsperson consider this complaint on behalf of a group of complainants primarily due to the systemic nature of the complaint. The Complainant Organizations are eight non-profit organizations that work directly with individuals in receipt of income assistance and/or disability benefits. Their experience with Ministry is very relevant as they assist thousands of individuals each year in navigating the Ministry's service delivery system.

The issues that are at the heart of this complaint are not ones that lend themselves to individual complaints. The remedy to an individual complaint does not address the widespread flaws in the Ministry's system design. The Ombudsperson's website highlights a number of complaints relating to service delivery issues at the Ministry that have been successfully resolved.¹⁰⁰ While the issue was resolved for each individual complainant, the overall flawed system design remained. For example, while the Ombudsperson may be able to assist one complainant in getting through to a worker on the ATI phone line, this resolution will not prevent the next person from being on hold for an excessive period of time.

While assistance with access issues from either the Ombudsperson or community advocates is very useful, many of the most marginalized Ministry clients are those that are unaware of such resources or are unable to access them for a variety of reasons. This creates a hierarchy of access to critical services, as the Ombudsperson and advocates have access to supervisor phone numbers, and can circumvent the ATI phone line for urgent matters, which is not available to individual clients. As one advocate stated:

The problem I'm seeing is women who have already been desperately trying the 1-800 numbers before they come to see me. They don't have the direct numbers to the supervisors and often cannot wait until they can meet with me next. It is not accessible or transparent for the average person to contact a CRSQ every time they face a barrier.¹⁰¹

¹⁰⁰ <https://www.bcombudsperson.ca/investigations/case-summaries/income-a-community-supports>.

¹⁰¹ Appendix D, p. 7.

The subject matter of the complaint relates to fundamental structural design flaws in how the Ministry has designed its service delivery system. As set out in the complaint, the Ministry has been made aware of these problems on a number of levels and has not engaged in an adequate review of the serious degradation in providing these critical services to some of the most marginalized people in the province. Lorne Sossin, an administrative law academic, has written extensively about the difficulty of addressing the insidious nature of the injustice of bureaucratic and technological barriers vulnerable clients face in trying to access basic necessities.¹⁰² Sossin writes:

Disentitlement is not always a clear-cut experience of losing or failing to obtain benefits. It is often the accumulation of subtle, difficult to pinpoint ‘discouragement practices.’ For one applicant, it might be the physical location of a welfare office, for another it might be the inability of welfare officials to cope with demand, leading to long lines, frayed nerves and exhausted staff and applicants, while for still another any one of these could be overcome but together they represent a simply insurmountable barrier.¹⁰³

This complaint relates to these “discouragement practices,” which are individually and collectively substantial barriers to accessing assistance – and in many cases, effectively disentitle clients from receiving any assistance at all.

3. Service delivery failures require an investigation and report at systemic level

Income assistance and disability assistance are programs of last resort. These are critical benefit programs must be accessible and designed for the people who use them. As set out in the complaint, the radical changes the Ministry has made in recent years to its service delivery design have created numerous barriers to access at each stage and within every different channel of delivery:

- Local offices have been shut down or their hours have been drastically reduced. This leads to line ups in some offices.
- For some in outlying communities, it is impossible to arrange transportation to ensure that they can meet the three hour window when Ministry staff are available.

¹⁰² L. Sossin, “Boldly Going Where No Law Has Gone Before: Call Centres, Intake Scripts, Database Fields, and Discretionary Justice in Social Assistance” (2004) 42:3 Osgoode Hall Law Journal 363.

¹⁰³ *Ibid* at 372.

- Even when one speaks to a Ministry worker in the office, clients are routinely turned away and asked to call the ATI phone line or use the online services.
- Some clients are comfortable or are unable to explain their issues on the ATI phone line.
- The ATI phone line has long wait times.
- Many clients do not have reliable access to phones; this coupled with the long wait times on the phone line make it impossible for them to get through.
- Even when a client gets on the phone line, they may be subject to a call time limit – not giving them adequate time to explain their question.
- Applicants are forced to apply for assistance online when most don't own computers and many are not computer literate. There are no interpreters available to assist with the online application.

Section 23 of the *Ombudsperson Act* requires that the Ombudsperson make a report following an investigation where an act or omission that was subject to the investigation is found to be “unjust, oppressive or improperly discriminatory,” or where it is “related to the application of arbitrary, unreasonable or unfair procedures”

It is the Complainant Organizations' position that the facts as set out in the complaint demonstrate that the current service delivery scheme at the Ministry is “unjust, oppressive and improperly discriminatory.” There can be no doubt that the scheme results in serious barriers to access for a vulnerable group of people who are attempting to access critical services to meet their basic needs. Moreover, these barriers are also discriminatory in that particular groups of recipients, like those with mental illness or cognitive disabilities, have greater difficulty in accessing Ministry's services. The service delivery scheme is also discriminatory on the grounds of place of origin and race due to failures to properly implement the Ministry's language interpretation policy, resulting in those who cannot communicate in English being shut out of receiving some Ministry services.

The issues raised in this complaint relate to the Ministry's “application of arbitrary, unreasonable, and unfair procedures.” The increasing reliance on the centralized phone line with long wait times and arbitrary time limits for calls, an initial intake application which practically is only able to be completed online, together with the reduction in the availability of face to face services, results in barring or unreasonably delaying access to Ministry services for many.

The service delivery changes at the Ministry are fundamentally flawed in not considering the circumstances of the very people who are attempting to access their services. The kind of unfairness described in this complaint is very type of unfairness that the Ombudsperson is required to report on following an investigation. The complainants are asking the Ombudsperson to investigate the barriers to access at the Ministry set out in this complaint, make a report, and provide recommendations to address the gap between service delivery design and the needs of the users of the income assistance system.

Thank you for your consideration of this complaint.

Sincerely,
BC Public Interest Advocacy Centre

Lobat Sadrehashemi
Staff Lawyer

Erin Pritchard
Staff Lawyer