

HANSARD

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STANDING COMMITTEE

ON

COMMUNITY SERVICES

Thursday, October 14, 2004

Committee Room 1

Cost Recovery of Social Assistance Overpayment

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COMMUNITY SERVICES COMMITTEE

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Mr. Mark Parent
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Mr. Stephen McNeil
Mr. Leo Glavine

In Attendance:

Ms. Mora Stevens
Legislative Committee Coordinator

WITNESSES

Department of Community Services

Ms. Marian Tyson
Deputy Minister

Ms. Tracey Williams
Executive Director of Programs

Mr. Harold Dillon
Senior Director of Employment Support and Income Assistance and Housing

Ms. Janet Rathbun
Director of Income Assistance

Mr. Dave Ryan
Senior Project Director

Communications Nova Scotia

Ms. Vicki Fraser
Communications Advisor



HALIFAX, THURSDAY, OCTOBER 14, 2004

STANDING COMMITTEE ON COMMUNITY SERVICES

9:00 A.M.

CHAIRMAN
Ms. Marilyn More

MR. RUSSELL MACKINNON (Chairman): Welcome to today's Community Services Committee meeting. Today's topic is Cost Recovery of Social Assistance Overpayment. With us we have officials from the Department of Community Services. Perhaps we will allow them to introduce themselves.

MR. HAROLD DILLON: I will make the introductions. Good morning, everyone, I'm Harold Dillon. I'm the Senior Director of the Employment Support and Income Assistance and Housing Program at the Department of Community Services. With me today in presenting is Ms. Janet Rathbun. She is the Director of Income Assistance at the Department of Community Services. Also with us is Ms. Tracey Williams who is the Executive Director of Programs for the department and, as you mentioned, Marian Tyson, the Deputy Minister for the department, and also Vicki Fraser who is our communication specialist with the department.

MR. CHAIRMAN: Great. We will ask individual members if they would be kind enough to introduce themselves for guests of the committee.

[The committee members introduced themselves.]

MR. CHAIRMAN: I'm Russell MacKinnon, Cape Breton West, filling in as your Chairman until our Chairman, Marilyn More, arrives.

The general protocol is, we will allow our witnesses to make some opening remarks anywhere between 15 minutes, more or less, and then we will open up the committee for questions by individual members and we will proceed from there. The floor is yours, Mr. Dillon.

MR. DILLON: Mr. Chairman, the Department of Community Services is responsible for administering the Employment Support and Income Assistance Program which provides financial assistance to persons in need and also provides employment supports to encourage independence and self-sufficiency. As a brief outline of the program, Income Assistance Program expenditures last year totalled \$231 million and served approximately 33,000 heads of households across the province and their families. In addition to meeting the clients' basic needs and shelter requirements, we also provide, under the programs, special needs items such as prescriptions or Pharmacare, child care and transportation for employment-based activities and other special needs.

Through the Employment Support Program, we provide employability assessments to assist clients in determining their level of job readiness and also help them determine the supports that are necessary to assist with their action plan to move toward employment and sustainability.

In the delivery of the program, a small percentage of clients annually may wind up in a situation where they receive more money than they are entitled to which may result in an overpayment situation being created. We will be providing a brief description and presentation on the cost recovery of social assistance overpayments resulting from those overpayments and then we will open it up for any questions or discussion. Janet will be making the presentation.

[9:06 a.m. Mr. Mark Parent took the Chair.]

MS. JANET RATHBUN: Good morning. It is a pleasure to meet with you today to discuss aspects of the Employment Support and Income Assistance Program. We strive to balance meeting the needs of our clients with compassion and accountability for public funds. Good case management includes not only appropriate and respectful assessments but is essential for case planning to assist individuals in managing all aspects of their lives. This includes prevention of situations that could result in overpayments. Our programs are designed to foster self-reliance and achievement of their long-term goals which includes responsibility for their own financial management.

The topics noted in the overview are intended to provide more detailed information on client overpayments and how program changes are being developed. I thought I would just sort of start off with the definition of an overpayment. I am sure you all know what that is but this was taken from the Act and just defines an overpayment as a debt due by the recipient, or the estate of a recipient, to Her Majesty in right of the province.

I guess probably the main area of concern is why do overpayments occur in the first place? There are three ways that an income assistance overpayment is created. The first one is in an effort to meet the urgent needs of clients, they may be overpaid. One example would be the provision of emergency fuel or power arrears to ensure a family has the necessary shelter

requirements. If they had already received their full entitlement, the amount paid is charged as an overpayment and recovered in monthly instalments. Another example is the provision of assistance to individuals pending receipt of Canada Pension Plan benefits. The Income Assistance Program covers this time period until the Canada Pension Plan benefits are granted.

A second reason would be assistance paid to a client in error can result in an overpayment. The Employment Support and Income Assistance Act limits the recovery of these types of overpayments and that would be to \$45 a month. An example of that would be if the changes to their income or their situation are not calculated properly. The third reason would be misrepresentation by a client to obtain assistance for which they are not entitled, which can result in an overpayment. An example would be non-disclosure of income or other circumstances that would change the amount of their financial eligibility.

Just for your interest, in some of the areas the top figures for the overpayments would be the category "other", which encompasses a fair number of things. Included in that would be special needs, which was the first example I referred to. Other ones would be co-habitation, maintenance, earned income, income tax, changes in shelter number - that type of thing. I just wanted to give you a bit of flavour of what was included in that.

How Overpayments are Identified and Prevented. There are a number of ways this happens as well - through ongoing case management the income assistance caseworker maintains documentation relating to the client's circumstances, conducts home visits and interacts regularly with the client; they're usually able to identify and prevent overpayments from occurring. The intake process screens out potential situations where overpayments could result, such as other possible sources of income, or fraud.

The Early Detection and Prevention Program works closely with intake, and through this process new applicants are linked with the EDP for more extensive screening and/or investigation. If we do that upfront work in the very beginning, that helps to prevent an overpayment in the long run.

The Eligibility Review Program. Referrals are made by the income assistance caseworkers for follow-up and review, and it's based on information in administering the caseload. Again, I'm just going over this very briefly because there's so much information involved. Data matching is another method that we use, the records of common clients are reviewed monthly with EI and CPP through existing service level agreements.

To ensure quality assurance there are a number of control mechanisms that we have put in place, such as training is being implemented to assist field staff in the calculation of overpayments, which can be complicated due to program changes and policies since the transfer of social services to the province. Administrative reviews are held within the field offices to ensure fair and consistent interpretation of policy. Two controls that help detect

existing overpayments and prevent new overpayments are administered through the Revenue Recovery Program and are referred to the EDP and the eligibility review.

The EDP focuses on the application stage of the income assistance to confirm accuracy and completeness of the information provided by the applicants. The difference between that and the eligibility review is that it focuses more on the ongoing eligibility and involves the review of selected referrals to confirm the recipients remain eligible for assistance, and that the amount of assistance they receive is appropriate.

In order to ensure clients are aware of what their rights are in the information relating to this process, the appeal process applies to this as it does to any of our policies. The first step in the appeal process can simply be to request an administrative review which is to be conducted within 10 days, and that's usually conducted by a separate field supervisor who has not been involved in the case. If the outcome of the review upholds the original decision, the client can then request a formal appeal and is advised of the process by field staff. They have 30 days to file an appeal.

The appeal hearing is held within travelling distance of the client, or by phone if access is a problem. The hearing consists of the appeal chair, a representative from Community Services, the client, and a representative if they wish. A written decision is sent to all parties advising of the outcome.

We're trying to look at how to give you a snapshot of some of the activity. First we thought of calling these collections, then we ended up calling it the activity, because it's more than just the collections. I'm not going to repeat the figures, I'm just going to explain a little bit and then we can talk more about that after, if you like.

Eligible income assistance clients - which is the \$17.1 million figure - the recovery is obtained through either a lump sum payment, which has been reimbursed either through Canada Pension or the 45 monthly maximum payments. Former clients who are no longer eligible for assistance - that's the \$27.3 million figure - those are overpayments for individuals who no longer qualify for assistance and are transferred to Service Nova Scotia and Municipal Relations for collection. The overpayment is removed from Service Nova Scotia and Municipal Relations if the client becomes eligible for assistance at a later date.

Service Nova Scotia and Municipal Relations recovers monies on behalf of provincial departments, Community Services, Finance, Education and Justice. They work with former Community Services clients to assess their financial situation. This assessment ensures that an overpayment arrangement takes into consideration the client's financial capacity to make payments. So if a client is no longer able to make a payment at that time, they will discuss that until they're in a situation to make payment.

Service Nova Scotia and Municipal Relations will register an overpayment with the Canada Customs and Revenue Agency Refund Setoff Program if a client will not make arrangements with Service Nova Scotia and Municipal Relations for repayment, based on their ability to pay or if the client cannot be located. The Setoff Program allows the CRA to forward a client's income tax refund directly to Service Nova Scotia and Municipal Relations for application against an overpayment.

[9:15 a.m.]

The last slide, just to wrap up, is to talk about some of the things that we're trying to do to prevent overpayments from incurring in the first place. In addition to the steps I talked to before, I've just sort of listed them here, and I will give you just a brief overview of them.

The Workers' Compensation Board. We recently signed a service level agreement earlier this year to allow for data matching, again, with the intent to prevent overpayments and allow for recovery of existing payments. With Canada Pension Plan, we have an existing data matching agreement, and currently we're conducting process improvements, so that we can explore to improve our effectiveness and timeliness.

The Canada Revenue Agency. Currently negotiations are underway to expand potential areas for increased data matching. A project was taken, the child benefit adjustment unit, and savings were achieved in that. Again, what we've tried to do is focus on preventing, so we've now implemented new processes so a client knows upfront what their entitlements are, what their expectations are and are given some options.

The eligibility review. We had a particular project there, we haven't actually saved - it's not so much saving dollars as it is in preventing expenditures. The integrated case management, which you may have heard something about, is a new system, a new project that's underway, and the intent is that this will allow for improved tools to prevent overpayments, better tracking, better documentation, consistent information instead of what we've had up to date. Most importantly, staff training, providing staff with a better understanding of policy applications to prevent overpayment and skills to calculate accurately when they do occur.

This concludes the presentation. We would like to leave with you a copy of the ESIA handbook. Probably most of you have seen this. I've just sort of tabbed where there's sections to the overpayments. Also, I'll pass around a fact sheet, which we've also done up. You may or may not have them.

MR. CHAIRMAN: Thank you.

MS. RATHBUN: Thank you for the opportunity to present.

MR. CHAIRMAN: I apologize for being a bit late, I'm Mark Parent from Kings North, in case you didn't know me. We'll start with questions. We'll start with Mr. MacKinnon, the member for Cape Breton West.

MR. RUSSELL MACKINNON: Mr. Chairman, how much time do I have?

MR. CHAIRMAN: Ten minutes.

MR. MACKINNON: Great. My first question is with regard to the process that you use to collect overpayments. Does the department use collection agencies in an effort to collect overpayments?

MS. RATHBUN: No. The only outside source that we use would be Service Nova Scotia and Municipal Relations.

MR. MACKINNON: That's the only agency?

MS. RATHBUN: Yes.

MR. MACKINNON: What is the caseload per caseworker?

MS. RATHBUN: It varies, I can give you a number.

MR. MACKINNON: On average.

MS. RATHBUN: Probably about 150 on average.

MR. MACKINNON: I'm told in the Sydney office that it's much higher. Is that correct?

MS. RATHBUN: I'm giving you an average amount. It can vary in different offices.

MR. MACKINNON: What's the highest that it is per caseworker, that you know of?

MS. RATHBUN: The highest that I know of would probably be over 200.

MR. MACKINNON: Now do you think that's a feasible number for one caseworker to handle?

MS. RATHBUN: Those particular caseloads would be what was determined to be long-term static, so they wouldn't require a lot of interventions. Caseloads, like I'm thinking the youth workers, they would have much smaller caseloads of 30 to 40.

MR. MACKINNON: I'm concerned because you say 26 per cent is the percentage of clients who have been overpaid, correct? That's in your presentation.

MS. RATHBUN: Yes.

MR. MACKINNON: That seems extraordinarily high, that 26 per cent of all your clients are overpaid. Somebody is not, in my view, assessing each individual file comprehensively. Not that they're not able to, but either they're overworked or they don't have the resources or the ability to do a proper assessment of that file. Would you not agree that's a factor?

MS. RATHBUN: Our workers are definitely, there's certainly a heavy demand on their workload.

MR. MACKINNON: So you would agree that they're certainly taxed to the limit?

MS. RATHBUN: They are.

MR. MACKINNON: That's what I felt as well because, I'll give you an example, I have a predominantly rural constituency and constituents that are receiving benefits and if they're indicated that they're in an overpayment situation, then an appointment is set up for them to travel upwards of 20 kilometres to get there. Now if you're on social assistance, community services benefits, and you have to drive 20 miles for an appointment to discuss your overpayment, that comes out of your budget. It costs money to travel and I receive calls more often than not, when they get to the office the caseworker is not there because the caseworker has gone to work on another file. The inefficiency within the department is my concern. It's not only taxing on the workers, but also on the clients and is putting an insurmountable amount of pressure, psychological stress, particularly on single mothers. Has there been any analysis within the department or any type of an internal review on assessing the performance and the efficiency of this program?

MS. RATHBUN: Oh, absolutely.

MR. MACKINNON: Could you table that for members of the committee?

MS. TRACEY WILLIAMS: Mr. Chairman, I wonder as Executive Director of Programs, if I could also respond to the question around the 26 per cent?

MR. CHAIRMAN: Anyone in the department can.

MS. WILLIAMS: Thank you, I just wanted to respond to the 26 per cent and having been involved in the program for a number of years and having had a lot of contact with the federal government, the Employment Insurance Program, which is an income support type of program, they also experience a similar - and I don't have the percentage with me today to respond to that - challenge in terms of ensuring that people receive what they're entitled to, and when you look at that we are a program of last resort, and when you look at the situations

people find themselves in when they come to our door, they are often awaiting other income and sometimes by the time they get that income, when they are able to report it to us, when we're able to track it and we have a lot of mechanisms, as Janet has said, in terms of the tracking and monitoring of that, that's why we would have a number, which you might view as high, but we perhaps don't think it's that bad, and we monitor and follow that up very closely. So, I just wanted to offer that as a supplementary comment.

MR. CHAIRMAN: Thank you very much.

MR. MACKINNON: Well, I would certainly like to follow up on that line of thinking. What percentage of recipients do you feel are fraudulent? The department must be able to have some general assessment as to what percentage of your total clients are fraudulent.

MS. RATHBUN: I don't have the current statistics on that right at this time.

MR. MACKINNON: Your latest statistics. Whatever you have. What was the last set of statistics? Was it 5 per cent, 2 per cent, 10 per cent?

MS. RATHBUN: As I say, I don't have that information.

MR. MACKINNON: Does anybody in the department have it?

MS. RATHBUN: We would be able to . . .

MR. MACKINNON: Well, the deputy minister is here. Could she answer that?

MS. RATHBUN: We would normally get that information from . . .

MR. MACKINNON: Well, I know, but that's what we want.

MR. CHAIRMAN: You've made the commitment, you don't have the information, but you'll get it to us?

MR. MACKINNON: I need to know today, if anybody in the department has that information at their disposal now, current or . . .

MR. DILLON: I don't believe fraud specifically is kept track of statistically. Certainly fraud is unearthed through the eligibility review and some processes like that, but I don't know that we statistically keep track specifically of fraud as an item.

MR. MACKINNON: Do you have a general idea? Is it 5 per cent, is it 2 per cent?

MR. DILLON: Since we don't keep track of it statistically, I would simply be guessing. We can attempt to provide some kind of order of magnitude for you, through follow-up.

MR. MACKINNON: I asked that, because from the caseworkers I have spoken to, it's very small. That is the point I'm making. Would you agree with that?

MS. WILLIAMS: I would. Typically what we understand from other income support programs across the country, it's 4 per cent to 8 per cent. So it's very low, to respond to your question.

MR. MACKINNON: If we are dealing with overpayments, and looking at 26 per cent, and it would appear to me - I've dealt with one case in the Sydney area that the department has gone back 10 years after the fact, and demanded collection for an overpayment which was no fault of the client. I raised it in the House in the last session I believe. I'm just wondering, is there such a thing as statute of limitations and due diligence?

At what point are the clients going to stop being browbeaten for mistakes that are not of their making? They do the best they can, it's almost like we're hiring bean-counters and not social workers. That's my concern. Is it because we don't have sufficient caseworkers to do the job? What is the problem?

MS. RATHBUN: There's a combination of areas that we've been looking at. One, as I mentioned earlier, a lot of the outstanding overpayments are as a result of different systems that were in the past. We do have the revenue recovery unit and the early detection sections that are trying to sort through and identify the reasons, the amounts with improved tools. That one, we are focusing on the prevention but we're also trying to deal with any outstanding overpayments.

MR. DILLON: As a point of clarification on that, although 26 per cent of clients might find themselves in an overpayment situation in any given year, I think that we've estimated that the total of all those overpayments would probably be something in the order of 1 per cent of the total income assistance payments. Although 25 per cent sounds like a lot of clients, the overpayments themselves as a factor in the program are a small percentage.

MR. MACKINNON: Out of the 26 per cent, are you able to categorize what grouping? Would they be single mothers with children, are they individual recipients with no dependants?

MR. DILLON: We could probably do that exercise, we haven't - I'm not aware that we have but we . . .

MS. RATHBUN: We don't normally, but we may be able to do some checking of the system to look into it.

MR. MACKINNON: Are you able to determine what is generally the cause of the overpayment?

MS. RATHBUN: Yes, like I mentioned earlier . . .

MR. MACKINNON: Money coming from other sources, and not declared type thing, like they're waiting for their Canada Pension appeal case to be heard, that sort of thing. And I'd like to go there as well, because I've had occasion to represent constituents who have been receiving benefits that had gone through the appeal of Canada Pension, I've represented them only to find out there is a clawback requirement but not clearly delineated to them that they have to pay 100 per cent of that back, just that there has to be repayment.

[9:30 a.m.]

When the Canada Pension award comes in, they pay off medical bills, they pay off mortgage back payments and so on, only to be advised by the department that unless you pay us 100 per cent of that, you're cut off. They are left cold turkey. You can't survive in that type of environment. It seems like the sensitivity within the department is starting to evaporate in favour of bean-counters, and that's my concern and that's my experience and it could be isolated. I will let other members speak for their communities.

But there is a growing concern that there is a harsh corporate perspective there expecting people to manage their affairs as if they're all chartered accountants and certified managers. This is not the environment that we are dealing in. I wanted to put that on the table. My time is pretty well expired.

MR. CHAIRMAN: The next questioner is Mr. McNeil for Annapolis.

MR. STEPHEN MCNEIL: Thank you for coming in and making your presentation. How often do you audit clients? Is it on an ongoing basis?

MS. RATHBUN: Well, the caseworkers would review their financial situation once a year, that's what is laid out, but there is a monthly assessment. If somebody is working they send in an income statement and the budget calculation would be done monthly based on that. Officially, it would be once a year they would go out and do a home visit and then assess the situation.

MR. MCNEIL: When it comes to an overpayment and collection of an overpayment, how far back do you go in the client's history?

MS. RATHBUN: Currently, as I mentioned, what's on our books, that figure is what we were left with, with a combination of systems. That could be back from municipal days, whatever was put on the books and was transferred over, so it could go back to whenever those particular units had determined there was an overpayment.

MR. MCNEIL: So you could go back 10 to 15 - I'm not sure how long that was.

MS. RATHBUN: That would be 1996.

MR. MCNEIL: So there is no limitation on how far back you can go? It's not like Revenue Canada, they'll go back seven years.

MR. JERRY PYE: No, the only place is EI. Revenue Canada go back 25 years.

MR. MCNEIL: Okay.

[9:31 a.m. Ms. Marilyn More took the Chair.]

MR. DILLON: The overpayment, when it has been established and recorded in the records as an overpayment, becomes a debt owed to the province and the department does not have the ability to simply write those off based on some statute of limitations or some seven year or 10 year - it becomes a debt to the province and subject to the normal processes for . . .

MR. MCNEIL: Since it's a debt to the province - I guess I'll just make comment on that - we seem to write off a lot of debt at different times when it comes to owing to industry around the province and yet we're collecting from the people of the province who can least afford it.

I noticed in your presentation, when you were talking about the loss recovery, I think there was a figure of \$44 million at the bottom of that graph. What's the annual loss recovery that you have in your department?

MS. RATHBUN: We tried to work that out because we thought that was a reasonable question. What ends up happening is a lot of it is cumulative. We can tell you for certain areas what some of the recoveries are.

MR. DILLON: I think maybe, if I can interject, I believe the order of magnitude of the accumulated loss, say year to year, that might be what you'd call the new overpayment created and it would be something in the magnitude of a couple million dollars per year. That is the net result, it could be anywhere from \$5 million to \$10 million of overpayment situations that get created but then get satisfied through recovery from CPP or CRA or WCB . . .

MR. MCNEIL: A couple million dollars then.

MR. DILLON: So at the net end of the day when everything settles out, the current pattern could be \$1.5 million to \$2 million . . .

MR. MCNEIL: What is the average income assistance recipient's average income that they would receive?

MS. RATHBUN: I'm thinking maybe around \$800 to \$1,000, it really varies.

MR. DILLON: The average is a risky thing because some people get very little assistance and some people get the full array of assistance. Somebody who gets a full array of assistance, say a family with two or three children, could be getting \$1,500 to \$2,000 - \$1,500 a month perhaps is typical - including their basic needs: shelter and Child Tax Benefits; some in the magnitude of \$1,500 a month.

MR. MCNEIL: And as low as \$50 to \$500?

MR. DILLON: They might even get as little as \$100 a month if they only need a very small amount of assistance to meet their needs. The amount of assistance they get is based on their actual proven needs.

MR. MCNEIL: So annually what are you talking the average . . .

MR. DILLON: Well, we issue \$231 million in income assistance and we have 33,000 heads of households.

MR. MCNEIL: Would it be fair to say that the average would be \$12,000?

MR. DILLON: No. The average would be much lower than that, the average would probably be in the \$6,000 to \$7,000 range, if you took the whole caseload.

MR. MCNEIL: What's the average overpayment?

MR. DILLON: The average overpayment in the current year is about \$1,500, I think is the figure for the cases that are outstanding.

MR. MCNEIL: So the average payment - I don't want to put words in your mouth but what I think you said - is \$6,000 or \$7,000.

MR. DILLON: Yes.

MR. MCNEIL: And the average overpayment is \$1,500, right? We're going to try to collect \$1,500 from somebody receiving \$6,000 or \$7,000 a year and think that's not going to be causing undue hardship on them.

MR. DILLON: No, the arithmetic is certainly not going to work that way. First of all, the overpayment that we're going to collect cannot exceed \$45 a month, so based on 12 months the maximum we're going to recover in a full situation, if the client is still our client, would be \$45 times 12, about \$500 a year would be the maximum we would . . .

MR. MCNEIL: If you have a \$5,000 or \$6,000 income, \$500 a year, \$45 a month, \$45 a cheque is a considerable amount of money.

MR. DILLON: The second thing I would add is most of the overpayment situations are with clients who receive substantially more than the \$5,000 or \$6,000 a year from us. Most of the large overpayment situations of that magnitude would be for people who are getting the full service.

MR. MCNEIL: I can't speak for other MLAs, but in my constituency office and I represent a rural constituency, it's by far not a huge overpayment of collecting \$45 a month off somebody's income assistance who has - let's be realistic here, we're not talking about somebody who's living on a high-level income, this is somebody who is barely making it and thinking that you're going to be able to take - I don't care whether it's \$10 a month, when you're making \$6,000 a year, it has a tremendous impact on your ability to try to provide for your family.

MR. DILLON: Yes, the . . .

MR. MCNEIL: My next question is, what if the overpayment is deemed to be a mistake of the department, what happens? Do we still claw it back? If the mistake hasn't been in the paperwork that the client has provided, it's deemed that it was a mistake made in the department, what happens at that point? What's the protocol for this? Is it still deemed an overpayment and you go collect it or do you say, sorry, we made the mistake?

MS. RATHBUN: If there was a mistake on behalf of the worker in making a calculation - and that can happen - then the client is informed of what they're entitlement is; they would normally know that they have received over and above. In fairness to the client that doesn't always happen, but we do try to recover that because that was still money that they were issued.

MS. WILLIAMS: That's not your question, you were asking if it's an administrative error that we make, which is a different issue, then that's our fault. So it's in the regulations. We have a process for that. Normally, that's not . . .

MR. MCNEIL: Tell me, do you collect the money? Do you go back?

MS. WILLIAMS: I'll just check with Janet and Harold.

MR. DILLON: Yes, the regulations include the recognition that an error on behalf of the department is still an overpayment and is still subject to collection. Now, the actual process and the aggressiveness or the wherewithal with which we would approach collecting that might be different than we would, let's say, on a fraud situation or something else.

MS. WILLIAMS: That's understanding if it was an underpayment, but you're talking about an overpayment, they receive what they're entitled to and they would get that.

MR. DILLON: Although our limits are \$45 a month to collect from a client who is still with us, in an error situation which was no fault of the client, we may back down all the way to collecting nothing, until the client can afford to pay something. So it would be registered as an overpayment, but our collection activity may be anything down to zero during the period the client is with us as a client.

MR. MCNEIL: I'm just posing this, if the overpayment is deemed to be through an error by somebody in the department, why would you be asking somebody on an average income of \$6,000 or \$7,000 to make up that mistake?

MR. DILLON: I just want to clarify the \$6,000 average. If you use the \$6,000 average, a client who would receive \$6,000 of income assistance from us would, obviously, be in a situation where they have other sources of income. So, typically, if you have no sources of income and you're a family with two or three children, as I say, you would get \$1,500 to \$2,000 a month. So if you're only getting \$500 a month, which would be \$6,000 a year, that would suggest that you have perhaps a couple thousand dollars of income from other sources that is supplementing the income that we would be providing. So I just wanted to make that clarification.

As I indicated, regardless of whether the error is caused by staff inadvertently - and that can happen, because we deal with 33,000 cases a year and every one of those cases every month, so the chance of error can creep into the system. So when that happens, as I mentioned earlier, this is an overpayment, but we are very lenient in trying to deal with how that overpayment may be satisfied.

MADAM CHAIRMAN: First of all, I want to apologize for being late. It took me an hour and a half to go my usual 15 minutes and when I found the old bridge backed up, I unfortunately took the new bridge and there were two accidents, plus the strike on that bridge, so, my apologies, and I'm really sorry I missed your initial presentation and I'm hoping to catch up on some of that information during the questioning. So welcome, and I want to thank Russell and Mark for chairing in the interim.

MR. GORDON GOSSE: Madam Chairman, the gentleman at the back, he wasn't here when they were introduced.

MADAM CHAIRMAN: Oh, certainly.

MR. DAVE RYAN: Hello, my name is Dave Ryan, I'm with the Department of Community Services.

MADAM CHAIRMAN: Thank you and welcome.

MR. GOSSE: Thank you, it's just that you weren't here when we started.

MR. RYAN: I was in the same situation.

MADAM CHAIRMAN: Next on my list we have Jerry Pye.

MR. PYE: Madam Chairman, I want to say first at the outset that it's important to recognize some familiar faces here as presenters to the Standing Committee on Community Services. I have to say I'm somewhat surprised that we even have you here as individuals with respect to the issue of overpayment. I find it exceptionally galling to have an agency that is delivering services to people, who in fact know exactly the number of dollars that those individuals receive and live on, to even contemplate a collections' policy other than those who have fraudulently used the services, and that I will say upfront.

I particularly wanted to say with respect to Mr. Dillon's comment, that we know exactly the numbers of dollars and if I can phrase you correctly, Mr. Dillon, you said the amount of assistance they get is based on their proven need, and that's exactly what it is, it's proven dollar for dollar. Every single dollar that client receives is dollars that they actually need to exist. Community Services provides no more than the above minimum requirement for shelter. They provide no more than the minimum for personal use, and when you take away \$10, \$25, or \$45, you're taking away a very basic service, and one that complies, I believe, with Section 6 of the Act, which says that you as an agency are supposed to lessen, remove or prevent the causes and effects of poverty, and you're not doing it when you do that. You're subjecting those individuals not only to poverty, but you're placing them in an even further embarrassing role by having them go to food banks to supplement their incomes.

Now, I've been down this road for a number of years, you know that, and I've talked to you about this very important issue of overpayments. The very important issue of overpayments is something that has to be seriously looked at.

I know that some members have talked with respect to the statute of limitations. I go back to my council days. I have individuals who come into my office who say that they got this money during that time and talked to the social worker at the time and the social worker said, yes, there's no need for you to pay that money back and so on. Now, they can only go by word. Some of those dollars may be less than \$1,000, but they're expected to pay. Janet, I think I spoke to you once in your office and asked you if in fact you could speak with the legal department on the intent to provide a statute of limitations, whereby it would be the equivalent of that of unemployment insurance, where after seven years there is no payment, that the payment is erased.

I believe in the former municipality, and Tracey can correct me if I'm wrong, after x number of years, when in fact it came budget time, there was a write-off of a number of clients who couldn't be reached, who had overpayments. Here's the sad part of it. Talk about collecting money on overpayments where in fact you're meeting urgent required needs of a client, the

client needs that additional money for food, shelter or whatever and it's urgent. It comes in the basis of a voucher. It comes in the basis of filling the oil tank or whatever and then it's considered an overpayment because that's the amount you actually allotted for that client for the month.

There is no room. There is absolutely no room in your department for some flexibility with respect to providing those services that are needed to individuals. The amount of time and effort that has been put into the collection part of this I think could be better spent on providing exactly what your Act says, to lessen the poverty of people in Nova Scotia.

[9:45 a.m.]

I don't want to sit here and lecture because I find it extremely galling for an agency, once again - and I'll repeat myself - that's supposed to provide services to those most unfortunate citizens of our province to collect money from them. I can understand the fraudulent cases. The fraudulent cases, I understand, are some 4 per cent to 8 per cent. I don't know what that reflects in real dollars, but to collect from the Canada Pension Plan, you know the amount of dollars and it's collected from the gross - correct me if I'm wrong - portion of the Canada Pension Plan, not the net that they receive. So they end up paying the tax portion of that - not Community Services. So the gross portion of that money comes forward, you'll have to find that out. If they receive additional dollars - like \$500 more from Revenue Canada - two months before they go on social assistance and if those dollars are deemed to be dollars that would be counted for them to live on, then they're deemed as part of the income that they would have been receiving.

In my opinion, that is unconscionable - \$500. Many of the people, what happens is that when these cases come forward, I don't know about my office, but I know there are a number of MLAs here who deal with this very issue. It's a gut-wrenching issue to deal with because many of the clients who come to my office are people who don't have the wherewithal, the educational skills, to understand some of the things they do. When they see they're getting x number of dollars, they buy those kinds of things that they've never had in their life - a new bed or whatever the case may be. In order for them to do that, they've got to walk to Community Services, cap in hand, and say, I need this. Then they have to negotiate whether that comes out of the total allotment or not.

I guess I find it extremely difficult to deal with it. First of all, when you go to appeal these cases, the appeal cases on income assistance overpayments are never winnable. They're never winnable. It's in the hands of Community Services. I would say there might be the rare exception that they're winnable and now you have a board of one member who makes the final decision - you used to have a board of three and at least sometimes you could get some compassion on that, but you don't even get the compassion. The board of one makes the final decision and normally there are two or three representatives from the Department of

Community Services justifying the collection of the overpayment. Nobody looks at the total dollars that are coming in.

I guess I'm sitting here today in frustration because I see the kind of hardship that you, as a department of government, bestow upon the very people that you're supposed to help. I think there's a way to collect that money when someday through your employment, your income assistance and employment supports, when your program gets the individuals out there and they're generating the revenue, then when you see the dollars coming in by your access to Revenue Canada, then you can collect the money. I don't think it's appropriate nor cause to collect the money during a period of time that one is on social assistance.

MR. DILLON: We work very carefully with the individuals to ensure the amount they may pay back during the time they're with us as clients is what they can afford. We don't expect . . .

MR. PYE: They can't afford anything. Excuse me, Harold, for interjecting. You just said yourself and I'll rephrase it again, the amount of assistance they get is based on their proven needs. The actual dollars. They can't afford anything . . .

MADAM CHAIRMAN: Jerry, I think you've made your point. I understand 10 minutes has been allotted to each MLA to ask questions.

MR. PYE: Yes, I do apologize.

MADAM CHAIRMAN: We would like to get a response before your 10 minutes is up.

MR. PYE: Thank you.

MR. DILLON: So we don't expect them to pay more than they are able. That is perhaps why, on an annualized basis, we have overpayments that accumulate in the order of \$1.5 million to \$2 million, because it's our policy of accepting that many of these clients simply cannot afford to pay anything back. As a result of their inability to be able to afford to pay something back, at the end of the year we have an accumulated amount of overpayment that we haven't been able to recover from clients during the year.

That can lead to an accumulation of overpayments, year to year, simply based on our policy of not putting people in extreme difficulty or in any difficulty at all. We simply expect them to pay where they can, and where they can't pay, we don't expect them to pay. The system allows for that discretion in every individual client's case to determine whether they have any ability to pay or virtually no ability to pay. The caseworker is then entitled to make the decision based on that analysis.

MADAM CHAIRMAN: Next is Leo Glavine.

MR. LEO GLAVINE: Thank you very much for coming in today. Just one clarification, first of all. When you have the client receiving provincial assistance and they turn 65, and they are dealing with an overpayment, that will be clawed back from their Old Age Security? Is that what would then happen? In other words, they no longer need provincial assistance because they're going to be in a better position, in that their income will actually increase once they start receiving the Old Age Security. Is the clawback still in effect at that point in time, when they pass 65?

MS. RATHBUN: The overpayment is still on the books, regardless of their age. What happens is because they're no longer eligible for assistance, and if they haven't voluntarily paid that back, that account would be sent to Service Nova Scotia, who would be in touch with them. If they're able to afford, up to their ability to pay, whether it be \$10 a month or whatever, then they can pay directly to Service Nova Scotia. If they're in a position that they still don't have sufficient income to meet their needs, then there may not be any collection action at that time. It stays on the books, but it's not necessarily recovered because it would be based on what their circumstances were.

MR. GLAVINE: I just wanted clarification of that. I just wondered how we would be treating our seniors, in fact, if there were some of the pressures that I see exerted on a few clients who have turned up at my office. One of the things that I experienced early on, because I guess I eventually made the point strong enough, but if you get continuous calls about a particular caseworker who is putting enormous stress on the client, making demeaning and derogatory comments, and you report it to the office manager and a response is that well, this is a young caseworker, absolutely going by the policy book and it is perhaps creating some hardship, but I'm wondering, who do you go beyond, who should I as an MLA go to to report something like that? I reached an enormous point of frustration with one particular caseworker in my area.

MR. DILLON: We have four regions in the province, and the chain of command is headed by a regional administrator in each of the four regions, who then has district managers who he delegates the various work to across his particular region. Typically the district manager may then have a caseworker supervisor, who would then be the overseer of a particular caseworker. That's the chain of command. Depending on the seriousness of the issue, you might want to speak to the caseworker supervisor or the district manager, most likely, or in the ultimate situation, you may want to speak to the regional administrator.

MR. GLAVINE: So in other words, you can move it beyond the local . . .

MR. DILLON: By all means.

MR. GLAVINE: Thank you very much for that. Flexibility is a term that we've talked about today in terms of clawing back. When I look at that total income that a person's receiving, provincial assistance - and Jerry has very eloquently expressed this this morning - has the department looked at other possibilities? When you have a person getting \$184 a month - as the minister so said, the \$4 will put a little more pasta on the table - has the department looked at other ways of dealing with the clawback? Again, my colleague expressed the fact that if you take back nearly \$500 a year out of an income below \$10,000, the hardship is - I've been there, I've been in those homes. You feel the pulse of what's going on here.

Has the department really taken a serious look at dealing with this issue? Just to bring in the other factor, shouldn't you be lining up at the minister's door today to look at 26 per cent of clients with overpayments? There's an incredulous problem here. If this were going on in business, my goodness, we'd have a hearing, there would be auditors. What is wrong with one in four having to make overpayments? If the caseworkers are absolutely overburdened, you need to find out where the system is breaking down.

MS. RATHBUN: I guess there's two ways I can address that - then if you want to add to that as well. You first mentioned flexibility. Again, because we try to deal with compassion, but the accountability to balance those two. The first step in that would be at the field office with the caseworker to try to determine if there is an overpayment and how it can be dealt with so it doesn't have a negative impact on the client. That would be the intent and the hope that that would happen.

On the other level which you refer to, which is doing analysis and further work to look at the whole issue of overpayments, we are. It's huge, that's why we're here today, to look at it. It's an issue we've identified within and I've mentioned some of the areas that we've looked at that we are further developing.

MR. DILLON: The other comment I'd like to make is that the frequency of overpayments might be also perceived as a recognition that staff go out of their way to try to help people with their income needs. Staff are very compassionate. The caseworkers across the province are extremely compassionate and they understand the difficulties individuals and households on low incomes face in meeting their monthly needs and in meeting those needs, staff sometimes go beyond the call of duty to meet the person's needs, even though the staff may know it places the client in an overpayment position. But they would much rather place the client in an overpayment situation than have the client go with needs unmet.

So the 26 per cent can be seen two ways. Number one, the case of somebody not minding the store, or it could be seen as somebody very carefully minding the store and ensuring that the clients that are coming to see them get what they need. I think there's a real risk in assuming its 26 per cent, to use your analogy, in the ordinary business world would be looked upon as a dysfunction in the organization.

I think, quite to the contrary, it may very well be seen as a caring and compassionate caseworker, staff out there who are ensuring that clients' needs are being met and within the policy, are allowing overpayment situations to get created as allowed in the policy with the expectation that at some point down the road, maybe 10 years down the road, when the client's circumstances improve, the client may very well be in a position to pay back the debt they owe the province. In many ways, that's the nature of the business we're in. We're in the income assistance, income support business and I think the 26 per cent is just a consequence of being in that business.

[10:00 a.m.]

MR. GLAVINE: I'll move on. I'm upset at this point so I won't ask any more. This has been a most difficult area for me.

MADAM CHAIRMAN: I appreciate that. Mark.

MR. MARK PARENT: I want to thank you for appearing before us this morning. I guess, really, a comment and then a question. I find there are two problems here - one is that people on community services are very cognizant, and I don't know how they do this, sometimes their information is wrong and they think it's right, but they still seem to be cognizant of what other people are getting on community services. They're always complaining to me about fairness and justice and that so-and-so is getting this and they're not getting that. I think we need to have some form of overpayment recovery simply to satisfy those claims of justice. Otherwise, there's the sense that the system has been unfair.

At the same time, on the other side, a lot of the frustration you're hearing I think is that the rates are marginal for people to survive on. All of us as MLAs, I can't speak for the urban MLAs, but the rural MLAs, much of the work we do is with people who are in desperate need and trying to survive on what are fairly marginal rates and so you put those two together and it seems to me that when we're dealing with this issue, there has to be some form of overpayment recovery to satisfy the claims of justice. The rates are perhaps about as high as I would like to see them and I'm sure others would agree.

Is not the emphasis to be placed on prevention, on trying to make sure that we have as few overpayments as possible so that we're not put in the situation where we're trying to claw back money from people who really can't afford it and yet, as I said, with the first proviso, it's very important because they do check and make sure that they're getting the same as others and there's the same anger that I would feel, you know, if so and so MLA gets some benefit that I'm not getting, I mean there's a sense that it's not fair, it's not just.

MR. MACKINNON: The 3.8 per cent.

MR. PARENT: The 3.8 per cent, we all get it fairly, you see, and that's the point I'm making - as long as it's fair. So I guess really the emphasis has to be on prevention as much as possible and I'm wondering if you could speak a little bit further about what you're doing to strengthen the prevention so that this problem isn't there because I know you don't - I know the social workers in my area are fantastic. I mean I couldn't do their job, I couldn't deal with what they have to deal with and they don't like having to go after people. It's certainly not something they want to do. So could you talk a little bit about prevention and how we can seek to prevent as much as possible so that we're not faced with this situation?

MS. RATHBUN: Again, I guess the one that comes to mind first is the Early Detection Program and that does come under revenue recovery, but they're trying to change their focus more towards the whole preventive aspect and that is where there will be assigned staff to work with intake staff so that when a new person comes in the door, they've lost their job, or whatever their circumstances may be, and they make an application for assistance, that there's a thorough screening of that and additional supports through that other worker, that that worker may be able to ensure that there may be income from other sources that maybe even the client didn't know about, so to try to prevent an overpayment from occurring in the first place, and that that would, you know, provide other income for that individual that they may not have known existed. So that's probably the one area that we've put a lot of energies into lately.

MR. PARENT: It may be too early to tell, but do you feel it's being successful?

MS. RATHBUN: From the results that we're getting lately, it is. It's preventing, you know, referrals to the Eligibility Review Program because they're not existing. It's helping people to get back into the communities along with the employment supports. So they'll come into the system, they'll get the employment supports that they'll need. They will get the basic income that they need and whatever other resources they can tap into and then move back out and into the community.

MR. DILLON: There are three or four other things that we're doing on that angle. We circulated the handbook recently. The handbook, the ESIA handbook, is being provided to all our clients and that's a publication we completed in the Spring. It followed from a two-year series of workshops around the inclusion of individuals and out of that, the stakeholders widely indicated that for many IA and IE recipients, they have a difficulty understanding all the rules and regulations around the program.

So they solidly recommended we develop a user-friendly, clear-language handbook which distills this binder of the policy and procedure of the program into readable material the client will understand and part of the client understanding is that the client understands how overpayments can be created and that there is then an obligation to pay them back. It outlines the steps the client can take to ensure they don't get themselves in an overpayment situation,

assuming that they would prefer not to do so. So that's an important item, and it is an easy reference for the clients.

The second thing we're doing is, more training with staff, recognizing for staff as well that they need continual reminding of processes that they can go through, in addition to the manual, to prevent putting clients in overpayments. Things like filling out forms so that we can ensure that we get direct payment from agencies like CPP, so that the cheques don't wind up going to the client and then clients wind up in a massive large overpayment situation and have already spent the money. So we alert the caseworkers and the clients at the earliest possible stage. If the client sees that they're going to get retroactive benefits that could sometimes go back many, many months, that it's important for them to understand that could place them in an overpayment situation and they should make arrangements to settle that before they get these large amounts of funds.

The final thing we're doing of course is, as Janet mentioned earlier, we have an integrated case management program underway now which will totally overhaul the technology the department uses to deal with the caseload, and we're looking forward to that being a very good tool, to ensure, two things: first of all that clients receive all the entitlement they are entitled to, that clients receive the benefits they're entitled to, and also that system can then be used to try to minimize the potential for clients to receive entitlement that they're not entitled to, and therefore avoid overpayments. So the integrated case management system and the new technology we're hoping to have in place in the next year or two, should help in that regard.

MR. PARENT: Thank you for the answer. Two very quick follow-ups on this. I don't know if other MLAs have the same thing, but I find Nova Scotia Power, for example, they will cut somebody off on electricity or threaten to cut them off and a person comes to me in a panic wanting some help. I ask them how much they owe, it's \$600, and these are people oftentimes, on very low income and I wonder to myself, why in heaven's name do they not get involved sooner because, you know, I can find \$200 maybe from the community, but \$600 is very difficult. What is the maximum size of the overpayments? Do you have statistics on that, that clients owe, per client? What would be the highest, or do you have that information?

MS. RATHBUN: We probably can get that information.

MR. PARENT: I'd be interested in how high you let them go, because I think it goes back to the early detection, doesn't it? If we can keep these overpayments and catch them when they're about \$100 or \$200, that's one thing, but if they get, as I find - and I don't mean to dump on Nova Scotia Power, but I just dread those calls because how do you find the resources to help them? It's easier if it's kept small.

My last little follow-up, do you charge interest on these overpayments, on the amount that's owed?

MS. RATHBUN: No, it's the balance.

MR. PARENT: Just the balance? Well, that's a relief.

MS. RATHBUN: And I can respond to you about the Nova Scotia Power. This is something clients have identified to us as obviously being a problem, and we are working closely, we've had a number of meetings with them, to try to sort out a better communication process, basically to avoid anyone having their power cut off, so we know about it in advance, and can make arrangements with them if it got into that situation.

MR. PARENT: That's good, because it's heart-rending, you have a mother who phones you up with young children and power is not a luxury, it's a necessity, electricity's a necessity. Thank you.

MR. DILLON: On the issue of how large overpayments might be, there are two types of overpayments. I guess two types of categories of overpayments get created; what I call the incremental ones just grow slowly over time. You mention the power, settling up somebody's power arrears so that they can remain in their home and so on. So those can be a couple hundred dollars here, \$500, they might creep up to \$1,000 over three or four years, and then there are the lump-sum circumstances, somebody gets a large retroactive benefit from WCB, or CPP, and we're not aware of it and so it can suddenly put them in a \$10,000, or \$20,000 overpayment situation because in the meantime, we've been giving them benefits that at the end of the day, they've been effectively double paid by both our benefits and the benefits of the insurance or whatever.

So those kinds of things can suddenly just appear on their records immediately, and they're a fairly large number, and sometimes can lead to the client leaving the program because they are now getting benefits under, let's say, WCB. So those large overpayment situations would then be transferred to Service Nova Scotia to work with the former client to make arrangements to repay.

MADAM CHAIRMAN: Next, Gordie Gosse.

MR. GOSSE: I would like to say thank you for coming. This is a very touchy subject I guess. I represent the riding that has the highest unemployment per capita in the province, the highest sub-housing per capita in the province, in Cape Breton Nova. My colleague before me for 30 years was quite adept in dealing with Community Services over the years and I can imagine the thousands and thousands of letters that he had sent the department.

But in my case, I guess I've learned very quickly how it works with policy and I was interested to know, in the handbook that you handed out there, some of the policies that are in it. It makes it very difficult, you know, the cost recovery of a social assistance overpayment, to hear that topic, knowing the needs of the people who we represent in these cases, their needs are so great, and it makes it very difficult as an MLA, and also as a social worker or caseworker in the department, it becomes very stressful, but the only thing I find, like I said, with the new handbook, I guess the lack of communication between the client and the caseworker and what they're eligible to receive. They honestly sometimes don't know what they're eligible for.

I continuously write letters and I usually start about where in the policy does it state - and I constantly have to do that. I will give you an example of a case I worked on where a lady, her husband had left her, and the decision was made that he left her for convenience and I always wondered how a caseworker could judge and then ask the lady where her husband was living, and she doesn't have transportation to find out, but yet she was not eligible. So I just wanted to know where in the policy does it state that a caseworker can make that decision to put somebody in undue hardship by refusing to give them income assistance when their husband left. I looked everywhere in the policy and I couldn't find it, where they made that decision that, you know, she's not going to be eligible to receive income assistance because the department feels that he left for convenience. I mean who are we, as human beings, or MLAs, or people, to make that decision?

MS. RATHBUN: If you're referring to the policy, I guess it does come back to communication again and based on that individual's understanding, you know, was conveyed to them, we wouldn't refuse people for that reason. If we didn't know where a person . . .

MR. GOSSE: And if you didn't refuse them, they wouldn't be coming to our offices looking for us. That's the thing that I have a problem with, they wouldn't be knocking on my door in a panic with three children and two of the children are disabled. It makes it very difficult as an MLA to listen to those people in such a panic on a long weekend before Thanksgiving and knowing that they're not having turkey, they're having bologna. So I find it difficult.

In the book that you handed out, it says you treat the clients fairly, with dignity and respect. At times I wonder and I know that's a very good motto, but I wonder myself at times on that because I've dealt with youth over my years and there's another thing in the policy that I would like to just put on the record before I leave here. The child in care policy that you hand out, in the 16- to 18-year-old age group, it says to ensure the applicant has applied for benefits available for maintenance of the child from any other source. When a child is on the road and living on the streets, or whatever else, what other source would the department be looking for to receive income before they give that youth - it's a very sticky thing, the 16- to 18-year-old age group, and I mean what other source would the department be looking for income for that child?

MS. RATHBUN: Where they're under 19 years of age, if there's any parental income available, which in some cases there may be . . .

MR. GOSSE: But the cases that they're not is what I'm looking at.

MS. RATHBUN: The expectation would be that if it's available, that they would seek it. If it's not available, then that doesn't apply.

[10:15 a.m.]

MR. GOSSE: Okay, because it just says look for other sources and I keep reading that in the policy, and what other sources, grandparents, uncles, aunts?

MS. RATHBUN: Situations would vary. There may be difficulties within the family that the child can no longer live at home and needs to be away for a period of time.

MR. GOSSE: I've had quite a few of those.

MS. RATHBUN: In that case we may not get involved financially, we may just do some of the initial work, or there may be a situation where a parent can contribute partially but not totally. If that's available . . .

MR. GOSSE: I think maybe that's why we have a lot of young people living on the street. They possibly think that they are entitled to that and then they find out that they are not. I'd just like to ask one more thing, Madam Chairman, before I have to leave, and I'm sorry I have to leave at 10:30 a.m. When a client comes to the services and in the manual it says that your worker also looks after employment and training. In another place it says it may be the same caseworker, or two different workers.

In the Sydney offices, there's two different workers or the caseworker is in charge of the employment training or they have a special department within there that has that component in it.

MS. RATHBUN: It would be the same program. The reason that that option was left open is that some areas, particularly rural areas you may have one caseworker delivering a number of programs and the same caseworker could be delivering income assistance and employment support. Whereas in another office . . .

MR. GOSSE: Sydney office.

MS. RATHBUN: The Sydney office, my understanding is that there's two separate workers.

MR. GOSSE: Yes, see that's my point - there's a lack of communication knowing that the person that's on community services does not know that that other worker is available. Is that possible?

MS. RATHBUN: They should be able to have access to that information because what happens at the point when they apply, is they are asked basic employability questions, and then a referral is made if they are job-ready or if they've asked for employment supports. Then they'll be referred. It's only if there's a barrier to employment that they would not be referred and they may not know in that situation.

MR. GOSSE: Okay. Thank you, Madam Chairman.

MADAM CHAIRMAN: Mr. Langille.

MR. WILLIAM LANGILLE: Most of the areas have been covered of the few questions that I was going to ask, but one in particular that jumps out at me, over 25 years of accumulated overpayments are approximately \$62 million, of which \$44.4 million is considered to be recoverable. I guess my question is, if you have accumulated debt of \$62 million, and only \$44.4 million is recoverable, would it not be to your benefit to write off that \$17.6 million that you can't recover?

MR. DILLON: I suppose from the benefit of having to administer \$17 million or \$18 million worth of funding that has little likelihood of recovery, you could say administratively it would be to our benefit. Much of that \$17 million is very old accounts for which it's all paper records. We now have the unenviable job of going through that \$17 million and determining whether it is genuinely uncollectible, then determining a process to see that it is removed from the records. That process will be starting over the next year or two. We will probably be examining that money to determine that it is in fact uncollectible for varied and sundry reasons. In some cases the clients may be deceased, perhaps they have gone bankrupt, perhaps we've completely lost track of them and have no idea where they are. It could be any number of reasons. Since it is uncollectible, we're not taking any specific day-to-day actions trying to collect it, so it's sitting on the shelf.

MR. LANGILLE: I'm glad you're going to take some action. It would make common sense to me if you would be purging those files. I know that this is an ongoing issue and as a rural MLA, I know that outside complaints and concerns about our roads, the second highest amount of concerns that I have in my office is social assistance. Having said that, and I know that as MLAs around the table here today we deal with this issue often, there's not a week, not hardly a day goes by we don't get a call on this type of issue.

Thinking back I can think of one area of concern, one person who won a lawsuit and received a substantial number of dollars, and they did the clawback on this particular person, and she couldn't understand it, that she had received other income and yet she still had to pay

back. Well, I think she was cut off at that point, but she spent all that money, obviously because she couldn't manage that amount of money, so she went out and bought material things, thinking she was doing the right thing. She just didn't understand it, and I think in a lot of cases, and I know what Mr. Pye was saying about people going out to buy a bed, I've had cases where I've had people sell wood to get extra income and not report it, of course, and then once you people find out, they start the process of reducing their cheque.

I know it's a hard area and I know that some of the MLAs get revved up, but it's something as MLAs we'll be dealing with and I don't see anything in the future - when we have social assistance in place, in the society that we have, that this is going to go away anytime soon. I have an understanding of your people, what they go through, when they're in the field and I have an understanding of the concerns we get, the complaints we get, and when I frequently call your department, there always seems to be another side to the story. It's not just one, there's another side and I find that your people do a pretty thorough job in the field and I know that my working relationship with your department has been very good.

MR. DILLON: Thank you. I appreciate your comments.

MADAM CHAIRMAN: I'm going to ask the Deputy Chairman to take over. I'd like to ask a couple of questions.

[10:21 a.m. Mr. Mark Parent took the Chair.]

MS. MARILYN MORE: I apologize again that I missed the early explanation, so I'm going to ask a question just to clarify for my own part. Are there any cases where the special needs' payments, or advances for emergency situations are then called overpayments?

MS. RATHBUN: That, I guess, goes back to the phrase we used earlier, the flexibility. If the assistance has already been issued, and duplicate funds have to be issued for it, then that may be charged up as an overpayment. Special needs that are determined like for glasses or for other items, those would just be over and above their basic assistance. It would not be overpayments.

MS. MORE: So, there are some cases where . . .

MS. RATHBUN: There will be some, where there are duplicate funds issued.

MS. MORE: I feel that this whole issue is really just a symptom of a much larger issue, which is the inadequacy of the social assistance levels. I'm wondering if the deputy minister could come forward, so I could just ask a question about this generally. Thank you.

You may be aware, but in our briefing binder, for this particular topic, there was a copy of Welfare Incomes 2003, from the National Council of Welfare included, and I glanced

through this and was quite startled by some of the comments in that particular report, and just to remind members, this is a national body that acts as a citizens' advisory group to the federal government, and they advise the Minister of Social Development and they're appointed from across the country, by federal Cabinet, and I just want to quote some pretty startling statements.

They first of all admit that their report is about governments turning on the poorest of poor Canadians and they go on to say that single employable people are frequently vilified by governments. Another quote, "In 17th century England . . ." people with disabilities ". . . were labelled the 'deserving poor' and were supposed to be treated better than the 'undeserving poor' under the country's Poor Laws. In 21st century Canada, people with disabilities are all too commonly treated as undeserving by most provincial and territorial welfare systems and subjected to harsh treatment by welfare." Another quote, ". . . most governments also go out of their way to deprive families with children who have the bad luck to be on welfare."

Again, this is a sad report about the shameful behaviour of governments, governments of all political stripes from sea to sea to sea, and finally the sad reality is that there are few signs of remorse in government circles about the worst features of welfare, few inklings of welfare reform in the best sense of the word, and few harbingers to come for welfare recipients.

This is a very credible national organization and I'm just wondering how would your department respond to these charges? I don't mean for you to go through them one by one, but what is the policy in your department and the practices, such as the cost recovery of social assistance overpayments and the adequacy of rates, what is the philosophy, what are those based on in Nova Scotia?

MS. MARIAN TYSON: That's a very critical report as you point out. I think, to address a couple of the points, there is a reference in the report that you just quoted from of vilification of people who have low income. There were a couple of comments this morning I noted about criticisms of staff in their treatment of people with low income, clients who come through the door, and certainly the policy of the department, and I believe everybody here from the department, is that to treat any client with disrespect or rudeness is unacceptable. All clients should be treated with dignity and respect on all occasions.

Now, having said that, I think we realize that everybody might have a bad day from time to time and, if that happens on occasion, I think our response would be to talk to the staff member and try to help the staff member and coach the staff member. They have very difficult jobs, very stressful jobs. If that were to occur on a regular basis, I think that we would need to do some coaching, some training, and, if necessary, talk to the person about whether that particular role was a good fit, or whether there was another role within the department more suitable for that individual, because it is, in fact, unacceptable for staff to treat clients with less than the dignity and respect to which they're entitled. So I say that very strongly.

We have a very strong feeling and policy and any of us here would be willing to discuss any particular situation of difficulty, recognizing again that there is always the potential - we have a lot of staff, a lot of situations, and people do tend to have a bad day occasionally, for which I would hope that that person would apologize if something was said which was inappropriate.

In terms of treating people with overpayments and collections of overpayments, compassionately, I believe the comments this morning and the initial presentation, I believe, and some of the comments throughout have indicated that staff have a difficult job of balancing. I believe all staff attempt to treat clients as fairly as possible and not to collect where it's apparent to staff that the person cannot afford to pay for whatever reason. So they have a difficult job, they have to balance it. There is a requirement to collect overpayments. We are doing prevention work and will continue to do more prevention work, because it's in everybody's interests not to incur overpayments to begin with. The people who incur the overpayments, as everybody here has pointed out, are not in the best position to try to repay from their scarce funds.

MS. MORE: If I could just interrupt for a second. I think these comments, though, are not referring to how the front-line workers interact with clients, or how policy is particularly interpreted. I think it's getting more to the root causes of the overall policy and the levels of rates that are provided by governments.

MS. TYSON: As everybody knows, the government was able to increase the rates by \$4 this October. Minister Morse had indicated that he would like to have done more - that \$4 cost government about \$2 million. So a \$4 increase is about a \$2 million budget pressure which government was able to increase the budget by that amount to cover that \$4 increase and it is our hope that over time, with balancing the various needs that government has, we will continue to put forward these pressures to government and they will look at these pressures, among other pressures that they have from Health, Education and other departments. So I think our job as department staff is to make the situation known to government, but it's really, I believe, a balancing of the pressures on government as a whole which would or would not result in increases to the basic allowance.

MS. MORE: I think I will be pursuing this question then with the minister and Cabinet because I'm really not satisfied, and I share the frustration of everyone around the table because when you're sitting face to face and hearing the stories that people are telling us in our constituency offices, people are just hurting so badly and somebody has to take responsibility. We say we live in a have-not province, but we don't lack the resources to be able to look after our family and our neighbours. So I think this is something that we, as a committee and as individual MLAs, will be pursuing down the road.

MR. CHAIRMAN: We'll go to round two and we'll keep these fairly short. Mr. MacKinnon, Cape Breton West.

[10:31 a.m. Ms. Marilyn More resumed the Chair.]

MR. MACKINNON: Mr. Chairman, I will say I'm completely perplexed by the comments made by Mr. Dillon with regard to overpayment. The initial exchange that was made was that people are paid Community Services Income Assistance based on need and, of course, on Page 6 of this manual, it indicates: "Every person and every situation is different. The ESIA Program works with you as an individual who has an individual need." Then you go on to state, through you, Madam Chairman, that the caseworker has the ability to go beyond what the departmental policy allows in terms of the limit of what's required, or the need is.

There's nothing, absolutely nothing, in this manual that deals with the issue of overpayment. It doesn't speak to it for the client. You say it's supposed to be a user-friendly document for the client - there's absolutely nothing in here. You've stated, I think, a contradiction by saying, on one hand, they only receive what they need and, on the next hand, you're saying you're going to give them more than the policy allows, but then we're going to claw it back. You don't speak to this issue at all.

So my question to the deputy minister is, it seems to me that given the fact that you have 26 per cent overpayment - that's extremely high for any institution - would the deputy minister not agree there's some type of a systematic problem within the department on the assessment of this entire issue, given the fact that Ms. Rathbun has indicated that the caseworkers are in many cases taxed to the limit? There's a problem in that department that's not being dealt with and I want to know from a policy point of view what's being done at the highest level?

MS. TYSON: I would agree that some of the issues raised this morning are issues that the department does need to look into, and we are looking into some of the areas, we will continue to look at some of the areas, and I think that some of the issues that you have raised would warrant the department taking a look at giving them some priority.

MR. MACKINNON: Through you, Madam Chairman, has the minister or the deputy minister visited the various offices to meet with caseworkers to investigate some of these problems?

MS. TYSON: Yes.

MR. MACKINNON: And what has been the feedback? We've heard earlier that the caseworkers are worked to the bone. I mean, when they're handling over 200 cases a year - what's the average? About 135, acceptably? I would say between 105, 150 max, and some of them are dealing with over 200 cases.

MS. TYSON: You're right, it's necessary to get out to the offices. I recently finished going to all of the regions and meeting with all staff, any staff who wish to meet with me. We now are in the process of trying to summarize the comments and suggestions made by staff and the next step will be to develop an action plan, what suggestions can be implemented quickly, what suggestions require further work, and to try to prioritize because, as you might imagine, we did get a considerable number of suggestions from staff. So we very much appreciated that. It's only by going out and hearing from staff directly that you do hear some of the critical issues.

MR. MACKINNON: Very quickly, with regard to social workers or the caseworker, I've looked in the Act here at the definition of a caseworker, what are the minimum qualifications that are required for a caseworker before you put someone on the job to start dealing with these clients?

MS. RATHBUN: Do you mean job competitions? We usually request a bachelor's degree and two years related experience. Now, that could be in sociology, psychology, be in a variety of fields, and then we provide in-house training for them as well. We're currently in the development of core training for all of our staff and we're hoping to roll that out within the next year.

MR. MACKINNON: And what about in finance, in monetary, you know, like management of budgetary matters?

MS. RATHBUN: Some of our staff could have a commerce degree, but we don't specify the particular type.

MR. MACKINNON: So in other words, they really don't have any experience to deal with these types of issues?

MS. RATHBUN: Well, we would hire people knowing their academic credentials, but also . . .

MR. MACKINNON: So maybe that would explain why there's a 26 per cent overpayment because people who you're putting on the job don't have the sufficient skills, experience, to be able to deal with these types of matters. I mean when you're cutting a caseworker loose to say, okay, well, you have the ability to just ignore this policy and make overpayments but, don't forget, now, if you eat this loaf of bread this week because you need it, make sure you fatten up good because you're not going to get it next week, we're going to subtract it off your grocery budget. I mean it just doesn't make sense. There's a problem in there somewhere and I don't think it's fair to be blaming the recipients for somebody else's mistake and you've admitted that it's the caseworkers who make the mistake in most cases.

MR. DILLON: Not at all. I would say the prevalence of caseworker mistake leading to overpayments would be less than 1 per cent of the entire overpayment circumstances.

MR. MACKINNON: So you're saying, Mr. Dillon, 99 per cent of the overpayment is due to the clients, the recipients' responsibility?

MR. DILLON: Well, what I would prefer to say is that the caseworker, in trying to meet the clients' needs, may create situations where an overpayment occurs. If I use Mr. Parent's example where we may be giving a person income support to pay their power bill, for example, but for some reason perhaps they don't pay their power bill for perhaps several months in a row and wind up \$600 or \$700 in arrears with Nova Scotia Power because they perhaps have made decisions, and they are free to make their own decisions, and haven't paid the power bill. If the caseworker is confronted with a situation like that, they could simply go by the book and say, well, I'm not entitled to give you anything but, in fact, the policy does entitle the caseworker to look at that need and the special circumstances and decide whether to provide the person with funds to pay their power bill and record it as an overpayment, thinking that perhaps somewhere down the road the client may be in a position to repay that amount and I believe that specific example is not in the manual, but if you look at the . . .

MR. MACKINNON: I guess not, it's not even close to it.

MR. DILLON: If you look at the back of the manual, there is a section on overpayment or revenue recovery and it's intended in there to alert the client of their obligations as well. It's intended to alert the client that if anything changes in their circumstance that the caseworker should know that could affect the assessment of their need, it's important for the client to notify the caseworker as early as possible to avoid putting themselves in an overpayment situation.

For example, if they get a job midway through the month, or if they receive a settlement of some sort, or if they get a lump-sum payment of some sort, or if somebody moves out of their household, if there's anything that would change the process of assessing their need, we simply encourage the client to let their caseworker know as soon as possible so that the necessary adjustments to their entitlement can be made to avoid putting them in an overpayment situation. The caseworkers work very hard to try to ensure the client is aware of the need to do that and follow up with the clients to see that it happens, but through either oversight of the caseworker, or oversight of the client, or just the factors of time, sometimes that information does not get to the caseworker at the appropriate time and the cheque is issued. You can call it an error, but the cheque is issued, resulting in an overpayment. With 33,000 cases every month, those kinds of circumstances can occur on an infrequent basis.

MR. MACKINNON: I want to make a final statement. I know we have to move on, Madam Chairman, but for the benefit of all members of the committee, on Page 24, simply what it says with regard to the responsibilities: "There are things you must do" - and then the

third item down - "repay any overpayments that come to you". If that's as much detail as you expect a client to absorb and understand and deal with, then I think we really do have a problem in that department at a policy level, not with the caseworkers.

MADAM CHAIRMAN: I have two more questioners in round two, and we also have some committee business to deal with before 11:00 a.m., so Jerry, you're next.

MR. PYE: Madam Chairman, I'll be brief this time, I think I've let out all my passion and frustration in the first round. But I do want you to know that my communications with the Department of Community Services at the caseworker level and at the supervisory level and at the administrative level has always been very good, and I want you to know that at the start. I know that they're working within an environment where they're restricted because of the number of dollars that are available to them to deliver the programs and services to the client.

I just want to make sure that there are two areas your department looks at with respect to this overpayment issue: one is to create a statute of limitations so that you will look at that and seriously look at beyond the seven-year period of eliminating those individual clients from the right to pay to the Department of Community Services; and the other one is what Revenue Canada does and that is what's called a hardship test. There's a financial application form that you get, and even though you may owe Revenue Canada several thousand dollars and you happen, for some apparent reason, to go on social assistance and you fill out that hardship clause and you do not make the money, Revenue Canada will honour that and they will not collect, and they will review periodically, your ability to pay.

Yet the Department of Community Services claws it back immediately, and if it's a hardship and you've addressed the issue of a hardship, then I think that you should look at crafting a form that the clients can use to demonstrate that there is a hardship by you clawing back the overpayment amount - and that the clients have access to that and are aware. We can certainly, and our office has certainly completed the processes for them, through Revenue Canada, and I think that if Revenue Canada - an agency that leaves nobody behind in collecting the bill, even after you're dead - can do this, then I'm sure that the Department of Community Services can certainly look at some kind of a form in order to do this as well.

Those are the two areas that I would like for you to go back today and think about, because after all the Act spells out, perfectly clear, what the role and responsibility of the Department of Community Services is to those vulnerable Nova Scotians, and those Nova Scotians in poverty, and those Nova Scotians in need.

MADAM CHAIRMAN: Thank you, Jerry, those are very constructive recommendations. Leo.

MR. GLAVINE: I was wondering if there's a policy that directs the number of visits that a caseworker has or should be going out to visit clients receiving provincial assistance?

MS. RATHBUN: As mentioned earlier, they would be required to go on what we call the annual review, so that would be once a year that they would go out and . . .

MR. GLAVINE: So they have to physically go into the home once a year?

MS. RATHBUN: They don't always because of a lot of reasons, workload issues. It can be conducted in the office, it isn't necessarily in the home. Sometimes in rural areas they will go to homes because it's easier access for the clients.

[10:45 a.m.]

MR. GLAVINE: I know that, again, it is part of what I addressed earlier about the tremendous overburden, I guess, of workload and so forth that they have, but it is a bit disconcerting, and I personally have a problem with the announced visit. I think that in itself eliminates some of the real picture that caseworkers need to be seen, both positive and negative. So that's an area I have some trouble with. When people call me up with an issue and they haven't seen a caseworker in two, three years, several have been three years who I've come across just in the last few months. Once again, I think there is some immediate work in this whole area of provincial assistance that needs an infusion of new approaches and theory put into action to deal with some of the situations that we have.

I just want to finish off with one further quick question. Maybe I'll ask Ms. Williams, who I know has been a caseworker and is involved as a director now. I know, again, the deputy minister says she has been around to the offices in the province. Surely you heard a magnitude of requests to truly address and make recommendations to the minister about an adequate adult allowance. One of the groups of people who I hear the most depressing stories from is the single person on provincial assistance in this province. What would be your realistic recommendation to the minister for an immediate improvement in income assistance and, if you have to do just even that singular group, what would it be?

MS. TYSON: I think Minister Morse has been very publicly supportive of increases to the extent that the government overall budget allows. Our role is to put all of the information before the minister. I can tell you, internally, we are also looking at the single individual, in particular, in terms of the housing rates. There is a gap in some areas between the average rent in the area and the amount people receive, and we're looking at that in particular.

MR. GLAVINE: Thank you.

MADAM CHAIRMAN: Mark.

MR. PARENT: Just one quick suggestion from me. The overpayment eligibility review sheet that you give out to clients, I'm wondering if at the bottom before "want to know more", if there could be just a brief line about the appeal process? There is in the booklet that if you're

denied Community Services, there's a paragraph on how to appeal that and that there is an appeal process. On the overpayment there are very few comments, as my colleague has pointed out, and on the sheet that's handed out which does supplement that, there's not that line there, and I think that would help. I'm sure if they look up the ESIA policy manual on-line that they would find it, but a lot of people who are on community services don't have access to going on-line. I'm just wondering if that line could be put in, that would be my suggestion.

MS. RATHBUN: That's certainly a doable suggestion. The client handbook is sort of an overview. We have 18 different fact sheets on overpayments, on appeal processes, and we have them out so that individuals - the public and clients - can take them when they're in the waiting room, depending on which ones apply to them, and also so we can adjust them, change them and update them as things change, but that's certainly something that's doable.

MR. DILLON: We could add that. You notice it indicates - at the time that they're notified of an overpayment, they're also notified about the appeal process. So they are notified right at the earliest possible stage of their ability to appeal and what the process would be.

MR. PARENT: Sure, I'm just wondering if we could put it in print.

MR. DILLON: We could do that.

MADAM CHAIRMAN: Anyone else want a quick one, we really do need to move on. (Interruption) You spoke in round two already, I think.

MR. MCNEIL: I'll make an observation. Everybody has shown their frustration here today and I guess what I would say to the senior bureaucrats in this department is I don't know if a visit to an office is sufficient. I think perhaps you need to sit down with your caseworker and spend a couple of days answering the phone with them, recognizing that somewhere between what they're telling us and what we're experiencing is getting lost between my constituency and your department. I can't speak for the rest of them but I can't put into words what needs to happen. Some of you just need to go and spend time with your employees and sit down with them and go through what they have to go through. Thanks.

MADAM CHAIRMAN: Okay, I think that should finish round two. I'm sorry, Russell, but we do have to move on. I want to thank the deputy minister and Ms. Rathbun and Mr. Dillon for taking the brunt of the questions today and to all your other staff, we appreciate you coming and providing your comments and explanations. You're free to stay on, we're probably only going to meet for another five or 10 minutes or you can leave at this point. So, again, thank you very much.

As you can tell, this is a pretty emotional issue because it's one of the most heart-wrenching cases that we deal with as MLAs. When these people come to us and are looking for help, they're at their wit's end. So anything that can be done to improve the process and the

situation is certainly something that we would support. Thank you very much for your work and, again, thank you for coming.

Now, committee members, we have a letter in front of us from one of our members, Stephen McNeil, asking that the topic of autism be put on our agenda. Stephen, do you want to introduce the topic first?

MR. MCNEIL: If I could just speak to the letter. The purpose of the letter was because, as all of you are aware, October is Autism Month. We had a show of support for autistic families at the Legislature last week and I thought it was a good topic to bring to our committee. There's a Valley Autism Support Team that has approached me wanting to come before our committee to do a slide presentation.

Since I've sent this letter, I think what we should do, perhaps, is include the Nova Scotia Autism Society organization, who would be Vicki Harvey. I know she's fully supportive of the presentation that VAST is doing. It's not dealing with Valley autism, it's dealing with the autism issue and treatment across Nova Scotia and really, across Canada.

I think it would be a good gesture on behalf of our committee to show how seriously we take this issue, if we could bring them forward quickly - not put them off until next year.

Considering this is Autism Month, I would even recommend that we consider sitting later in October, if members were keen on that.

MADAM CHAIRMAN: Okay, so there are two issues here. You want to add them to our agenda, but you also want to fast-track their appearance.

MR. MCNEIL: I don't want much, Madam Chairman.

MADAM CHAIRMAN: No, no, I didn't mean that in any way except to state what we're discussing. Mark.

MR. PARENT: Two quick points. Always, if we can - I think Stephen mentioned this - if we could get the provincial representatives in so that we have the wider picture, I find that helpful. Although in this case, it would be very interesting because it's the Valley one. But what is our witness list? All the things we've put on are very important and so I'd just like to know what they are.

MADAM CHAIRMAN: Just to remind you, this was passed out a couple of months ago. We have, later in November - remember in June we had the forum in the Red Chamber on family violence? We had the representatives from the transition houses, women's centres (Interruption)

Yes, so that's trying to be scheduled towards the latter part of November. The follow-up meeting is actually with the deputy ministers of all the departments that deal with these issues. We're trying to move that agenda forward.

MR. PARENT: That's above and beyond our regular monthly meeting?

MADAM CHAIRMAN: Yes.

MR. LANGILLE: Let's , if you don't mind, Madam Chairman, you want your group in, and we cancel the other one out in November.

MADAM CHAIRMAN: That would be difficult because it's taken quite awhile . . .

MR. LANGILLE: Well, the thing is, I'm on quite a few committees and I go to quite a few meetings. Once a month we meet and that's been the standard ever since I was elected. I think bringing the autism group in is a great idea and I don't mind meeting again in October, but we'll not be meeting in November, I'll tell you, because I have to drive here, stay overnight and so on. I don't drive across the bridge to get here to these meetings. When the Legislature sits, you know, I have other commitments too. I don't mind coming again in October for this, but like I say, I'm not coming back in November.

MADAM CHAIRMAN: Well, one possibility is to have two meetings in November and probably we would not be meeting in December, so that would round out the schedule for this calendar year. Would anyone else want to comment?

MR. MCNEIL: Part of the urgency for this, for me, is obviously to try to get it in October because it's Autism Month, but also, if you listened to the Minister of Health in the House when the questions have been asked about autism, that autism is a very important issue for his department, it's one of those programs that they want to move forward. Considering the fact the federal government has brought new money to the table, I think it would be a good session for all of us to be brought up to speed on the issue of autism and support for families, and maybe out of this, we may be able to make a recommendation to the minister, but the longer we let this go, the further in the budget session we're going to get.

MADAM CHAIRMAN: Okay, well this has to be a committee decision. So I have Leo and Jerry and Mark to speak on this.

MR. GLAVINE: I guess, two points, certainly to have somebody representing the provincial body, as Mark has indicated, is important, but to support Stephen's request here, in the Middleton area, there are 15 to 20 families alone with autistic children because Annapolis East has become recognized as one of the schools in the province pioneering some of the work with autistic children, so that's why this Valley group is a little more prominent, perhaps, than what we would normally have in an area.

MADAM CHAIRMAN: Okay. I think there's agreement (Interruptions) Okay, if the comments could be directed through the Chair. I think we're in agreement that this topic should be added to our agenda. So the only thing we probably need to discuss is when we're going to invite them to appear. Jerry.

MR. PYE: Madam Chairman, I thought the honourable member for Annapolis made some very good points as to why we should bring this issue upfront very quickly. I believe that the last week of October would not be a bad time to bring this forward. As a matter of fact, I would suggest the last week in October if we have the time and space available here, the committee room, to bring, not only the Valley Autism Support Team, but the Nova Scotia Autism Support Team, Vicki Harvey, Executive Director, before us because I do know that the MLA for Cape Breton Nova, and the MLA for Cumberland - so I would so move, Madam Chairman, that the last week of October . . .

MR. MCNEIL: Madam Chairman, I'll second it.

MADAM CHAIRMAN: It would be October 28th, but we all understand that we have to make sure that the people you want to request as witnesses are available and that the room's available. Mark.

MR. PARENT: I still haven't got an answer to my original question. The transition houses are above and beyond, that's extra?

MADAM CHAIRMAN: Yes.

MR. PARENT: So what is the witness list for the regular meetings that we have, the future witnesses that we have scheduled? I didn't get an answer to that.

MADAM CHAIRMAN: Okay, I had started to and then we got onto something else. Continuing the forum in late November, the remaining topics include: continuing care, the future of small unlicensed seniors' homes; home care, generally; and the Children's Aid Society of Nova Scotia, the board of presidents, want to talk about their issues. Then we still have the Maritime advocates for children in need, a focus on children in care, and nutrition for learning, which has been broadened to include lunch and breakfast programs throughout all the school systems. Those are the carry-overs from last year.

MR. PARENT: One last thing for clarification. The continuing care, that's what I was thinking, in the back of my mind, that was the one I had put on and I think Wayne Gaudet was having the same sort of concerns I had, so I'd like that not to get bumped. So you're talking about an extra meeting in October, we'd still have our meeting in November on continuing care then, if it's the next one?

MR. MACKINNON: Is there a motion on the floor? Are we going to deal with that?

MADAM CHAIRMAN: Yes, but I think the member is trying to clarify, if we have this meeting in October, when is the next regular meeting?

MR. PARENT: Right.

MADAM CHAIRMAN: So it does relate to the motion and that's up to the committee, but because the next topic is continuing care, so the two options are to have it at the regular meeting time in November, in addition to the meeting with the deputy minister later in the month, or to make the deputy minister's meeting the regular meeting in November, and have this the topic in January.

[11:00 a.m.]

MR. MACKINNON: Have we decided we're meeting on October 28th?

MADAM CHAIRMAN: No.

MR. PYE: I made a motion, Madam Chairman, to meet on October 28th . . .

MR. MACKINNON: Why don't we deal with the motion, then we'll . . .

MADAM CHAIRMAN: Do you have enough information, Mark, without that decision?

MR. PARENT: Yes. Basically whatever the vote is on this, continuing care is not going to be affected. That's really my question, because I don't want that bumped by this -that would change my vote. But if it isn't going to be bumped by this - that's the question I'm asking.

MADAM CHAIRMAN: So any further discussion on scheduling autism for the last week of October?

Are you ready for the question? Would all those in favour of the motion please raise your hand. Contrary minded, raise your hand.

The motion is carried.

So we will meet the last week in October and then, once the date is confirmed with the deputy minister, do you want that to be your November meeting, the deputy minister's meeting?

MR. MACKINNON: Sure.

MADAM CHAIRMAN: Okay, and then we'll try to arrange for continuing care in January. A motion to adjourn?

MR. PYE: I so move, Madam Chairman.

MADAM CHAIRMAN: We are adjourned.

[The committee adjourned at 11:01 a.m.]