

# **ONTARIO DISABILITY SUPPORT PROGRAM - EMPLOYMENT SUPPORTS**

## **DIRECTIVE 6.1**

### **CLIENT PROGRESS AND CANCELLATION / SUSPENSION OF SUPPORTS**

#### **SUMMARY OF DIRECTIVE**

To describe the expectations regarding client progress and the circumstances under which a client's ODSP Employment Supports will be cancelled or suspended.

#### **LEGISLATIVE AUTHORITY**

[Sections 36 \(1\) and \(2\) of the ODSP Act](#)  
[Section 7 of the Regulation](#)

#### **INTENT OF POLICY**

To ensure Employment Supports clients are aware of the program expectations while they are working toward their competitive employment goal.

#### **APPLICATION OF POLICY**

##### **Progress Reviews**

Among other conditions, continuing eligibility for Employment Supports is conditional on the client making a committed effort toward achieving his/her competitive employment goal and using the employment supports provided in a manner consistent with the terms and conditions outlined in the Employment Supports Funding Agreement (ESFA).

In addition to the client progress/monitoring conducted by Employment Supports staff, service providers are also responsible for reviewing and monitoring client progress throughout the client's participation in Employment Supports. This includes working with the clients to resolve any problems that may arise as the client works through his/her employment plan.

Service providers should complete progress reviews for clients at regular intervals or at appropriate milestones as agreed upon with the client.

Clients must be able to demonstrate that satisfactory progress is being made toward competitive employment. In determining whether progress is being made, the following may be taken into consideration:

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- the nature of the employment goal;
- changes in the client's personal needs; and
- changes in the client's disability/health status.

Where the client is not making appropriate progress toward his/her employment goal and the client and service provider are not able to agree to a plan to resolve the issues, the client will be required to address the issues/concerns through the service provider's complaint process. If, after the internal complaint process has been completed, the service provider recommends the client should be suspended/cancelled, Employment Supports staff should be consulted. Employment Supports staff will review the situation with the client and service provider and determine what action may be required.

Progress reviews will result in *one* of the following:

- changes to the employment plan or alternative action to assist the client to make satisfactory progress toward his/her employment goal; or
- a determination that satisfactory progress is *not* being made and Employment Supports should be suspended or cancelled.

Progress is considered *unsatisfactory* when the client:

- repeatedly does not meet timelines set out in the employment plan as established between the client and the service provider;
- fails to participate in and/or withdraws from an employment activity without a valid reason;
- fails to meet the requirements of an employment activity;
- fails to report on progress, as agreed to, and/or provide agreed to documentation.

### **Suspension or Cancellation of Employment Supports**

Employment Supports staff may suspend or cancel Employment Supports where the client:

- ceases to be eligible for ODSP Employment Supports;
- fails to provide the service provider and/or Employment Supports staff with information required to determine continuing eligibility for Employment Supports;
- fails to use the supports provided in an appropriate manner according to the Terms and Conditions outlined in the ESFA;
- fails to use the funds provided in an appropriate manner according to the Terms and Conditions outlined in the ESFA (where funds are provided directly to the client); or
- fails to make satisfactory progress towards the competitive employment goal.

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Prior to making a decision to suspend or cancel Employment Supports, staff will first notify the client of the intention to suspend or cancel supports. Notification may be provided in writing, via telephone or face-to-face contact. If the intention to suspend or cancel supports was provided via telephone or face-to-face contact, this communication must be documented in the client file. The client will be invited to respond and work with Employment Supports staff and the service provider, if appropriate, in finding a solution other than suspension or cancellation. Attempts to remedy the matter will be documented.

If no solution is found, Employment Supports staff have the authority to suspend or cancel Employment Supports. Prior to the client being notified, the Employment Supports System Manager will review the decision.

The decision to either suspend or cancel Employment Supports will depend on the individual circumstances. For example, deliberately falsifying eligibility information may result in a cancellation of Employment Supports. Outstanding documentation or poor attendance in a job-training activity may result in a suspension of Employment Supports until the problem is rectified.

If the Employment Supports System Manager agrees with the decision to suspend/cancel, the client will be informed, in writing, of the decision to suspend or cancel supports. This notification must be made within 30 days of notification of the intent to suspend or cancel.

The notification letter will clearly state:

- the reason(s) for the suspension or cancellation;
- the date the suspension or cancellation is effective;
- the conditions upon which Employment Supports may be reinstated, if applicable;
- the obligation to repay the appropriate service provider for any funds directly provided by that service provider that were not used to purchase the approved employment support(s);
- that the client can request that the decision be reviewed by a local Dispute Resolution Committee;
- that the client has 30 days from the date of the notice to make a written request to the Employment Supports System Manager for the Dispute Resolution Committee to review the decision;
- that the recommendation of the committee will be forwarded to the ODSP Program Manager;
- that the ODSP Program Manager will make a decision based on the Dispute Resolution Committee's recommendation; and
- that the client must provide, in writing or another accessible format (e.g. cassette tape), the reasons for disputing the decision so that Employment Supports staff

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can prepare an appropriate response for the Dispute Resolution Committee and ODSP Program Manager.

Where there are reasonable extenuating circumstances, the Employment Supports System Manager may extend the period in which the client must request a review. Employment Supports can be suspended or cancelled once written notification has been sent to the client. Where warranted, the Employment Supports System Manager may allow supports to continue, notwithstanding the decision to suspend or cancel, until the Dispute Resolution process is complete.

### **Re-application after Suspension or Cancellation**

A client whose Employment Supports were cancelled or suspended may re-apply. ([See Directive 2.1: Program Eligibility](#))

If the applicant reapplies, they will be required to demonstrate that they have taken action towards resolving the problem that interfered with the completion of the original employment plan. The new employment plan can include conditions such as closer monitoring of progress, shorter timelines to achieve milestones, etc.

Where funds provided directly to the client were misused, clients will be required to repay the funds to the appropriate service provider prior to the signing of a new ESFA.

### **RELATED DIRECTIVES**

[2.1 Program Eligibility](#)

[3.2 Employment Information Session, Employment Supports Funding Agreement, and Selection of Service Providers](#)

[6.2 Dispute Resolution](#)