



**BC Association
for Community Living**

Supporting people with developmental disabilities and their families

**Written Submission to the Select Standing Committee
on Finance and Government Services**

October 15, 2010

The Right to be Included

Making investments to protect the rights and dignity of children and youth with special needs, adults with developmental disabilities and their families.

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SUMMARY

The BC Association for Community Living (BCACL) is a provincial non-profit federation that includes thousands of individuals, families, volunteers, and over 70 community-based agencies dedicated to making sure that people with developmental disabilities are able to enjoy their right to lead active and productive lives in their communities. Our member agencies deliver a wide range of support services throughout the province, including early intervention, family support, residential services and other kinds of individualized supports and services.

SUMMARY OF RECOMMENDATIONS

1. Make a significant financial investment that will provide adequate funding for the expected growing caseload of individuals and families needing supports and services from Community Living BC as youth with special needs transition to adult life.
2. Make a significant financial investment that will address the needs of those who are waiting for the supports and services they need to live independently and be included in the community.
3. Make a minimum investment of \$40 million to address the thousands of children and youth and their families who are waiting for urgent therapy services, infant development programs, supported child development programs and respite care.
4. Set in place a three-year strategic initiative to address the needs of children and youth with special needs and their families that includes real community partnerships and input.
5. Protect funding to ensure high quality education plans that allow for transition between high school and post secondary for students with special needs.
6. Provide new funding to improve supports that help students with special needs be included in regular classrooms.
7. Invest in pre and post professional training and development for educators so they can teach students with varying abilities in inclusive settings.
8. Enhance funding of the Customized Employment Demonstration projects through Community Living BC's Community Inclusion fund.
9. Provide extra funding from the Labour Market Development Agreement (LMDA) and the Labour Market Agreement (LMA) for Community Living BC to continue this work.
10. Improve income assistance programs in terms of raising the asset limits, increasing the earnings exemption, raising the basic rates or indexing these benefit rates to annual increases in the cost of living of British Columbia.
11. Ensure that all new or continuing funding is allocated with a clear vision of inclusion based on full participation, citizenship and the unique needs of the individual with a developmental disability.

BACKGROUND

Two years ago the BC Association for Community Living – with our community partners - launched a campaign to end waitlists for supports and services for people with developmental disabilities and their families in B.C. Thousands of individuals, families and groups from across the province came forward asking the provincial government to make a significant investment to address the needs of children and youth with special needs, adults with developmental disabilities and their families who are on waitlists for community living supports.

We presented to the Finance Committee in October, 2008 and told you our stories and the stories of other families who were waiting for services. You listened, and recommended to Treasury Board that it make a significant financial investment to end waitlists. Thank you for that.

We were thrilled when, in February of 2009, the provincial government made a \$73 million new investment for adults with developmental disabilities. We, along with our community partners, applauded the government for taking the first step needed to begin to address the crisis faced by individuals and families across BC. Unfortunately, as we later learned, crucial subsequent steps would not be made.

In March of this year we learned that that Community Living BC's budget would be flat-lined, effectively meaning a return to waitlists. Without any budget increase to cover its growing caseload, CLBC is faced with a \$22 million deficit, rendering them once again unable to provide the supports and services so desperately needed by individuals and families in BC.

As you may know, on March 11 of this year, with the support of all provinces, Canada ratified the **UN Convention on the Rights of Persons with Disabilities**. As Canadians and as British Columbians, we have committed to making rights a reality for people with disabilities. Specifically outlining areas where people with disabilities have been discriminated against, the Convention renders state parties legally obligated to realize the human rights of people with disabilities.

ISSUES AND RECOMMENDATIONS

Our Recommendations

- 1. Make a significant financial investment over the next three years that will address the growing caseload of individuals and families needing supports and services from Community Living BC (CLBC).*
- 2. Make a significant financial investment that will address the needs of those who are waiting for the supports and services they need to live independently and be included in the community.*

Article 19 of the UN Convention on the Rights of Persons with Disabilities guarantees the right of persons with disabilities to live independently in the community with the support they need to do so. Every time that a family or individual is denied these supports or services, their human rights are being violated. The Convention does not guarantee the right to at least one service. It guarantees a person the right to the level of service they require to live independently and be included in the community.

In November of 2008, the Select Standing Committee on Finance and Government Services recommended:

“That adults with developmental disabilities and their families should be able to access the necessary services, and encourages government to ensure that sufficient resources are available to provide these services.”

“The facilitation of a seamless transfer of services for children with special needs transitioning into adulthood.”

In its 2009/10-2012/13 budget, the provincial government announced an investment of \$73 million over three years to address adults with developmental disabilities who were on waitlists for supports or services from Community Living BC. The intent of the initial \$45.5 million investment for the 2009/2010 year was to provide new and expanded adult services for people meeting the existing eligibility criteria and on the waitlists for that year.

The Minister of Housing and Social Development Rich Coleman clarified in the legislature that every person or family who was not receiving any services as of January 31, 2009 would receive at least one service from Community Living BC by the end of October, 2009. The Minister assured us that the subsequent investments of \$27 million for the next two years would be enough to cover the expected 6.8% caseload growth on 12,000 services and keep people off of waitlists.

While the investment was urgently needed, it was not enough to keep families out of crises.

One mother describes her situation:

My son is categorized through Community Living BC (CLBC) as level 5 with two flags (extra areas of concern). He is completely dependent and considered to need a high level specialized care. I have single-parented my son since his birth and had individualized funding for him from the time he was three years old.

When he transitioned to adult services in January, 2010, our budget for his supports was cut over 60%. This has left us with only 3.25 hours per day of Community Inclusion Support. I am not able to work with that limited amount of support and continue to advocate with CLBC and the Ministry of Housing and Social Development for more realistic supports. One person would work with my son for eight hours at \$18 / hr and another person would be there overnight with

a 12 hour shift for \$100 and CLBC would pay for the remaining and four hours at \$18/hr. So my cost for 24-hour care for my son is \$244.

I have only managed five days off in five months and will try everything to keep those costs down.

Hundreds of parents across B.C. are coming together to share stories and form strategies to fight this assault on our children, classmates, coworkers, friends. The meetings are getting bigger and more frequent; the phone calls are coming in once again from families across B.C. who are asking for our help.

A large scale survey of families receiving or eligible to receive services from CLBC was conducted by the Community Living Research Project at the UBC Centre for Inclusion and Citizenship (*See attached Appendix A for detailed results of the study*). The study (which had 852 respondents) found:

- A quarter of participants indicated that they had requested paid supports, which had not yet been received at the time of the study. Of those who were waiting for paid supports, participants, on average, reported they had been waiting for 1 to 2 years.
- Only 43% of respondents indicated that their family member always gets the services and supports they need while a further 36% said they sometimes get the services and supports they need. 20% indicated that they seldom or never get the services and supports they need.

Community Living Research Project (2010) *The Survey of Family Members of People With Disability Who Are Receiving Services From Community Living British Columbia*.

Vancouver: UBC. <http://www.cic.arts.ubc.ca/research-knowledge-exchange/community-living-research-project/reports-publications.html>

Our Recommendations

- 3. Make a minimum investment of \$40 million to address the thousands of children and youth who are waiting for urgent therapy services, infant development programs, supported child development programs and respite care.*
- 4. Set in place a three-year strategic initiative to address the needs of children and youth with special needs and their families.*

The Preamble to the UN Convention on the Rights of Persons with Disabilities states, “the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with

disabilities.” Article 7 further states that, “State Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.”

The 2009/10 – 2011/12 budget included an investment of \$38 million for children and youth with special needs. \$11 million was allocated for the 2009/2010 year, with \$13 million for the next year and \$14 million for the year after that. While this investment was appreciated, it was not enough.

In 2010 we asked for an immediate further investment of \$19 million to address the needs of children and youth with special needs and their families who were on waitlists for urgent therapy services, infant development programs, supported child development programs and respite care. Despite this Committee’s recommendation, to “*...improve resourcing to address delays for services and programs for children with special needs,*” we did not see that increase.

As Canadians, we have a legal obligation to protect and empower the thousands of children and youth with special needs and their families who are on wait-lists for services for assessment and intervention.

Our Recommendations:

5. *Protect funding to ensure high quality education plans that allow for transition between high school and post secondary.*
6. *Provide new funding to improve supports that help students with special needs be included in regular classrooms.*
7. *Invest in pre and post professional training and development for educators so they can teach students with varying abilities.*

Article 24: Inclusive education is an internationally recognized human right guaranteed in the UN Convention on the Rights of Persons with Disabilities and state parties are legally obligated to ensure that students with special needs have “access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live,” with the supports and accommodations they need to do so (Article 24).

We know that as a direct result of budget cuts made in school districts throughout the province, students with special needs are being segregated in classrooms where they are totally isolated from the rest of the school, unable to attend regular classes with the supports that they need.

You may have read a story that was recently published in the September 13, 2010 issue of the Vancouver Province:

Cecilia Araya Diaz said her 14-year-old son, Christopher Diaz, was looking forward to taking classes in Spanish and physical education in the regular

curriculum, but came home disappointed last week when he was not allowed to participate because the classes were full and priority was given to mainstream students.

"They're putting him aside in the basement, he's being isolated from other kids," said Diaz. "He's not interacting with the other mainstream students, which I think is very important for the development of my child."...

However, given the \$17.2-million budget shortfall at the Vancouver school district for the school year, Bacchus said she knew students would be affected negatively and shares parents' concerns...

The budget shortfall has been the centre of a very public argument between Bacchus and Education Minister Margaret MacDiarmid, whose ministry provides funding to school districts.

This is not an isolated incident. There is no doubt that the education system – especially as it applies students with special needs – is in crises. We know this because of the increasing number of calls we are receiving from desperate parents and educators.

Funding cuts to education in this province are threatening the rights of children with special needs to be educated in their neighbourhood schools, alongside their peers.

Our Recommendations:

- 8. Enhance funding of the Customized Employment Demonstration projects through Community Living BC's Community Inclusion fund.*
- 9. Provide extra funding from the Labour Market Development Agreement (LMDA) and the Labour Market Agreement (LMA) for Community Living BC to continue this work.*

Article 27 of the UN Convention on the Rights of Persons with Disabilities Guarantees the right of persons with disabilities “to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.”

A small but growing number of people with developmental disabilities are receiving the training and support they need to find and keep jobs through the Customized Employment Demonstration Project contracts that began in 2008 and the subsequent contracts for specialized employment services in 2009. The projects have proven that when appropriate and adequate supports are in place, people with developmental disabilities are at least four times more likely to maintain employment. However, we still have a long way to go.

Employment projects funded by the Ministry of Housing and Social Development within Community Living BC's Community Inclusion budget have been successful in finding

employment for people with developmental disabilities. We encourage the provincial government to continue funding this initiative through Community Living BC as well as providing extra funding from the LMDA and LMA for CLBC to continue this work with this population.

Our Recommendation

10. *Improve income assistance programs in terms of raising the asset limits, increasing the earnings exemption, raising the basic rates or indexing these benefit rates to annual increases in the cost of living of British Columbia.*
11. *Ensure that all new or continuing funding is allocated with a clear vision of inclusion based on full participation, citizenship and the unique needs of the individual with a developmental disabilities.*

Article 28 of the UN Convention on the Rights of Persons with Disabilities reaffirms the right of persons with disabilities to “an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions.” State parties have a legal obligation to “take appropriate steps to safeguard and promote the realization of this right without discrimination on the basis of disability.” Keeping people with developmental disabilities poor is a clear violation of their human rights.

In the fall of 2008, the Standing Committee recommended, *“that government consider changing the earnings-exemption rule and providing increased support for shelter for our most vulnerable citizens: income assistance recipients and people with disabilities.”* Unfortunately, we did not see any increased support or changes. We ask you to make the same recommendation again today.

Levels of dental, medical and income support are currently inadequate and leave people with disabilities in poverty and poor health. An equitable rates system should reflect the cost of living and should be adjusted quarterly, based on inflation.

Current policy requires people with disabilities to liquidate their assets to \$3000 in order to qualify for assistance. We need to increase asset limits, and exclude the value of a primary residence.

The current system punishes people on assistance who want to work. B.C. allows PWD recipients to keep only \$500 of the money they earn every month, yet other provinces allow up to \$1200. Policies should encourage people to work by allowing them to keep more money.

The last provincial budget lacked the vision and new investments required to protect the rights and dignity of children and youth with special needs, adults with developmental disabilities and their families. We need your help today to push our province back on

track. As a civil society we have have a legal, moral and financial responsibility to invest in the future of people with developmental disabilities in B.C.

Investments today in disability supports, employment, income security and education will save millions of dollars in future crisis intervention costs. Keeping children and youth with special needs, adults with developmental disabilities and their families strong and supported has real economic benefits in terms of health, independence and inclusion.

Policies and programs must respect the unique and individual needs of people with developmental disabilities is essential. We know that supports and services driven by the needs and wishes of the person receiving them are cost effective, meaningful and lead to the development of innovative options and models of service.

We were headed in the right direction when the provincial government made a significant investment two years ago. We cannot let that vision and investment go to waste.