



**SOCIAL BENEFITS TRIBUNAL OF ONTARIO (SBTO)
New Common Rules of Procedure and Practice Directions Consultation**

**K-W Poverty Free Action Group
Submission**

February 20, 2015

Purpose: The Social Benefits Tribunal of Ontario (SBTO) has invited public input on the new rules of procedure on February 1, 2015ⁱ. This submission is provided by the Kitchener-Waterloo Poverty Free Action Group and focuses on the accessibility of the consultation process itself.

We have to repeat all the points we have made during the Social Justice Tribunal consultation in June 2013 regarding the accessibility of the current 20-day Social Benefits Tribunal consultation. Please refer to the full submission from 2013 we have attached.

Our assessment of the SBTO consultation process is as follows:

- People directly affected by the appeal process did not participate in preparing for the public consultation.
- Local players have not been informed in due time or due manner about the consultation.
- The format and the structure to prepare and provide input were limited to documents posted online and there were no face-to-face opportunities for people to give input.
- The language used was legal jargon; there were no adapted documents or efforts made to educate and inform direct service providers and service recipients that we are aware of in our community.
- Broader participation of diverse groups was not facilitated or encouraged.
- There is no encouragement or support provided to have people with lived experience to be involved in the consultation, either directly or through mediated support.
- People with lived experience do not seem to have any role in the further steps in the process after the consultation itself.

Due to the shortcomings regarding accessibility of this consultation, we were not able to provide any deeper input regarding the actual rules and regulations.

ATTACHMENT 1

**SOCIAL JUSTICE TRIBUNAL OF ONTARIO (SJTO)
New Common Rules of Procedure and Practice Directions Consultation**

K-W Poverty Free Action Group

Submission

June 14, 2013

Purpose: The Social Justice Tribunal of Ontario (SJTO) has invited community input on the new common rules of procedure and practice directions for the SJTO. This submission is provided by the Kitchener-Waterloo Poverty Free Action Group and focuses on the accessibility of the consultation process itself.

The Kitchener-Waterloo Poverty Free Action Group includes individuals with lived experience and representatives from community organizations and poverty reduction advocacy groups in Kitchener-Waterloo and area. The Poverty Free Kitchener-Waterloo Action Group has mobilized voices as a part of the Poverty Free Ontario, mostly recently in consultations during the Ontario Social Assistance Review. Through this work, the criteria was developed for measuring successful outcomes of social assistance reform that are meaningful to the local Kitchener-Waterloo communityⁱ. This set of criteria has proven to be a useful tool to analyse and review a range of reports, plans and policies to assess how well these might support of our most vulnerable community members. The following summarizes the results of applying this framework to the consultation process itself.

Process

Members of the KW Poverty Free Action Group have met to discuss the recent announcement made by the Social Justice Tribunal of Ontario inviting input on the proposed changes to the Common Rules of Procedure that govern the SJTO cluster. Key questions are whether the consultation process and time frame provided a meaningful opportunity for public feedback on these important issues: the rules governing the legal process and representation before the STJO. The group wanted to support less advantaged community members in giving input and influencing the rules that guide the appeal processes for Ontario's most basic support programs.

We have applied the Local Criteria for Successful Social Assistance Outcomes Framework to assess the accessibility of the consultation process for members of the public. We wish to comment on the manner in which the review process has taken place with specific reference to the adherence of the SJTO to the *Guiding Principles of Clustering*ⁱⁱⁱ in carrying out the consultation process.

We support the SJTO in opening the consultation process to the public. The input provided by the people that have been before the tribunal or people that are the likely participants in an appeal process would ensure the design of a process that is more accessible, understandable and respectful. This increased focus on inclusivity would aid in the effectiveness of the tribunal process and further promote the core values of *Professionalism and Public Service*ⁱⁱ.

The following conveys the discussions held by the KW Poverty Free Action Group and reflects areas where our criteria relate closely to the values of the SJTO.

Criteria: There are accessible and meaningful ways to participate in the planning, decision making and assessment process

The broader community, specifically individuals who would find themselves before the tribunal, need the SJTO to follow its commitment to *Professionalism and Public Service*ⁱⁱ as outlined within the *Our Value*ⁱⁱ section under *Guiding Principles of Clustering*ⁱⁱ. Specifically, the commitment to being “responsive to stakeholder needs by engaging in meaningful outreach and consultation” is not emphasized in the current consultation. Group members found that by not making an effort to get the feedback from service recipients in a direct way, the SJTO was not respectful of their needs and concerns.

The SJTO’s commitment to receiving stakeholder feedback would have been enhanced if there was more inclusive community engagement during the consultation process and if materials were provided that were more accessible to lay people. Materials written in less technical language would encourage a wider range of respondents to review, discuss and submit feedback on the proposed amendments.

The limited promotion of the SJTO’s consultation suggests that input was expected only from the legal community. Only provincially based legal networks were aware that the consultation was taking place. The limited time frame for the consultation made it even more difficult to give meaningful input. For example, with more time and support, local service providers and advocacy groups could have taken steps to facilitate the inclusion of voices, concerns or needs of the broader community.

The conclusion of the Poverty Free K-W Action Group is that the SJTO consultation process and accompanying information did not speak to the broader community. Of greater concern is that the consultation process neglected those who may require assistance in having their voices heard, namely those who are likely to find themselves needing to use the tribunal process

ATTACHMENT 2

The Criteria for accessible and meaningful ways to participate:

- 1) Importance of an issue, topic, or system change identified in collaboration with those directly impacted**
 - a. Issue of greater community impact
 - b. Issue that has not been resolved
 - c. Tying threads of common activities
 - d. Clear vision stated for the collaboration/consultation process

- 2) Accessible format & structure for all impacted groups to participate and share their ideas**
 - a. Welcoming environment
 - b. Accessible locations and infrastructure
 - c. Materials accessible in different formats
 - d. Simple language and translation available
 - e. Information in clear language and with sufficient detail and background information
 - f. Material distribution face to face, not only on the Internet or in the media
 - g. Participatory structure/format for the meetings and small groups
 - h. Enough time provided for input
 - i. Multiple opportunities for input
 - j. Ensure a secretarial role for complete reporting

- 3) Information and education provided to all the impacted groups**
 - a. Adapted documents and learnings for different audiences
 - b. Enough time to discuss and understand the issues
 - c. Supportive facilitation available locally
 - d. Lived experiences shared and valued
 - e. Decision-makers present to participate in local conversations

4) Diverse participation or all impacted groups ensured

- a. Broad communication and invitation to participate
- b. Intentional inclusion of different stakeholders
- c. Multiple perspectives encouraged looking beyond formal and high level input structures
- d. Broad/right questions asked

5) Shared leadership and power with those directly impacted by decisions

- a. Agenda created with multiple stakeholder input
- b. Lived experience recognized as stakeholder perspective
- c. Resources and time allocated for stakeholder participation
- d. Ongoing collaboration made possible
- e. Stable staffing to allow for relationship building with institutions

6) Clear future action stated with all impacted groups

- a. Immediate report/communication created reflecting back what was heard
- b. Action items and deadlines for action/implementation provided
- c. All directly impacted groups will be involved or informed of the actions/implementation
- d. Clear outcomes stated to assess achievement
- e. Decisions will be public with adequate resources allocated for supports needed for ongoing contributions of groups impacted by the decisions
- f. Ongoing direct reporting to all the stakeholders

** The six headings for the Check-list points were created in the Capacity for Inclusion Project of the Social Planning Council of Kitchener-Waterloo – a review of 2003/2013 community engagement initiatives and their characteristics leading to successful outcomes.*

ⁱ *What's New* – Social Benefits Tribunal. Retrieved on February 1, 2015 from:
<http://www.sbt.gov.on.ca/page38.aspx>

ⁱⁱ Social Planning Council of Kitchener-Waterloo, *Local Criteria for Successful Social Assistance Outcomes Framework*

http://www.waterlooregion.org/sites/default/files/Resolutionfor2013_Report.pdf

ⁱⁱⁱ Social Justice Tribunals Ontario. Policies. *Mission, Mandate, and Values*. Retrieved on June 11, 2013, from:

<http://www.sjto.gov.on.ca/english/Resources/Policies/index.htm>