

Phase Two: Discussion Document

BACKGROUND

Between February 18 and March 14, a Consultation Team of representatives from the disability community and other community representatives led Phase One of the public consultation to gather Albertans' input on what keeps individuals with developmental disabilities safe in their homes. The focus was on listening to participants' opinions on safety and their experience with the Persons with Developmental Disabilities (PDD) Safety Standards Regulation, the role that various stakeholders play in supporting safety, as well as gathering ideas for how to address safety.

More than 750 people attended eight community forums and 1,300 questionnaires were completed online or by mail. Participants included Albertans with developmental disabilities, their families and guardians, service providers, health and safety professionals, landlords, and other stakeholders.

The Consultation Team drafted a Summary Report highlighting the following feedback from Albertans:

- The PDD Safety Standards Regulation was very confusing to stakeholders and often interpreted differently by various parties.
- Safety is much broader than that captured in the PDD Safety Standards Regulation.
- Safety is a shared responsibility.
- Appropriate education and on-going training for staff were identified as working well to support safety in the homes of individuals with developmental disabilities.
- A number of serious concerns about the then PDD Safety Standards Regulation were also identified, including cost and perceived discrimination.

Based on this, the Consultation Team proposed the following recommendations, which government has accepted:

1. Repeal the PDD Safety Standards Regulation in its entirety.
2. Implement a coordinated approach across relevant ministries, including working with municipalities, to ensure clarity, consistency and alignment in the repeal of the PDD Safety Standards Regulation; and
3. Extend the Consultation Team's mandate to oversee Phase Two of the Safety Standards Consultation.

PHASE TWO

The focus of Phase Two is to explore ideas for safety that will:

- Support the inclusion of individuals with developmental disabilities in their communities;
- Affirm the rights of individuals with developmental disabilities to live with dignity and opportunity while recognizing and respecting their need for safe, healthy and supported lives;
- Respect the integrity of home;
- Foster safety in the community; and
- Recognize the Government of Alberta's role in providing supports and services to individuals with developmental disabilities

GUIDING PRINCIPLES:

- Safety is valued by everyone and our approach to safety needs to consider individual circumstances and needs;
- People are safest when they are included in and connected to their communities;
- Safety is about more than just physical structures and elements;
- Having a sense of belonging and feeling comfortable in your own home are vital components of safety;
- Safety is increased when people are informed and aware of how to be safe;
- Safety and well-being is best supported when people have the necessary knowledge and skills;
- Ideas require creativity and this is best accomplished through collaboration and partnership; and
- Ideas will be more successful if implemented in a system that puts the individual first by providing a foundation of inclusion.

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CURRENT ROLES AND RESPONSIBILITIES

Individuals

Individuals play a central role in their safety. They have a responsibility to help identify safety risks and to communicate, as they are able, the things that make them feel comfortable and safe or unsafe in their home. Individuals should be supported to learn about safety in the home and how to be an active participant in making their home safe.

Families/Guardians

In some families, guardians have direct decision-making authority on behalf of an individual, while in other instances family members may support an individual in developing their own vision and outcomes. In many cases, the support of families and/or guardians is key to an individual achieving a fulfilling life. Families and/or guardians also play a role in identifying and bringing attention to safety risks.

Role of Service Providers

Services providers receive funding through contractual agreements with Human Services to manage the delivery of services to individuals. This is based on the outcome goals identified by PDD and the individual. Once an individual has been allocated funding, they can choose a service provider(s) to provide the support they need. Service providers also play a key role in supporting the safety in the homes of individuals with developmental disabilities through the development of operational policies and procedures demonstrating compliance with the Creating Excellence Together Accreditation Standards.

The *Protection for Persons in Care Act* requires all publicly funded service providers to protect the individuals they serve from abuse and prevent abuse from occurring, and requires all abuse be reported to Protection for Persons in Care, the police or another regulatory body.

Key elements of the Act are: Reporting Abuse (who to report to); Review of abuse reports (process to determine if need for further investigation); investigation (outlines process to investigate and final report to the Director); and Director's decision (determination on the case). The Act does not apply to Family Managed Services.

Role of Government

Human Services

Human Services is responsible for establishing policy for the provision of supports and services to adult Albertans with developmental disabilities under the authority of the *Persons with Developmental Disabilities Act* (the Act). Through application of these policies, Human Services through the PDD program determines eligibility criteria, resource allocation based on service and support needs, program outcomes and management of community service provider contracts.

Through a contractual relationship, Human Services provides funding to and sets out expectations for community service providers to deliver supports and services to individuals with developmental disabilities. Human Services is also responsible for monitoring the delivery of the supports and services it provides. This includes management of service provider contracts, monitoring of PDD Service Plans and working directly with individuals with developmental disabilities and their families or guardians.

Municipal Affairs

Municipal Affairs is responsible for the legislation regarding the safety of all Albertans under the authority of the *Alberta Safety Codes Act* (SCA). The SCA brings together a number of safety regulations including building and fire codes that keep the public safe in the places they live, work and play. Municipal Affairs establishes and communicates the Alberta building and fire codes which originate from the national codes. Municipal Affairs can provide guidance on how to interpret the fire and building codes through the creation of Standata guidelines.

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Other

A number of other government ministries provide services and supports to the Albertans with developmental disabilities including Health, Justice, and Education. Alberta Health Services also plays a role in providing mental health and home care services. The Office of the Public Guardian and Trustee helps with decision making about personal matters through a variety of options.

Municipalities

The SCA is enforced by municipal safety codes officers under the authority of municipal governments. Safety codes officers inspect buildings, among other things, to make sure the structures are meeting the requirements set out in the fire and building codes. Safety codes officers will also use Standata guidelines (when available) to interpret fire and building codes.

Municipalities also have the authority to develop bylaws unique to each municipality. Common bylaws include land use, licensing, business regulation, animal control, and management of public recreation areas.

PROPOSED IDEAS

The proposed ideas are a starting point for discussion and should not be interpreted as final. It is expected that feedback from Phase Two will further shape and define the Consultation Team's final recommendations to the Minister of Human Services.

PDD Program Review

Feedback in Phase One confirmed that individuals are safest when they are connected to their community. This is best achieved through a PDD system that supports inclusion, works to align services to achieve the best possible outcomes for individuals, and has the trust and confidence of the people it serves.

1. Undertake a review of the PDD program to enable safer lives in community for individuals with developmental disabilities
2. Develop a broader engagement model/means of open communication between PDD and the disability community that will build trust and support positive interactions.

Training and Education

Quality support services are an important contributor to the health and safety of individuals. Front-line staff provide a variety of supports to individuals with developmental disabilities. Currently, there is no provincial minimum educational or certification requirements for staff working with persons with developmental disabilities.

1. Require staff working with persons with developmental disabilities to possess post-secondary education that includes specific training in providing supports to people with disabilities.
2. Require staff working with persons with developmental disabilities to be professionally certified.
3. Staff salaries should be commensurate with position and required qualifications and experience.
4. Safety experts continue to provide information and materials to individuals with developmental disabilities, their families and service providers on how to take steps to live safely in their homes and communities.

Accreditation

Contracted service providers are required to obtain and maintain accreditation standards at least every three years through Alberta Council of Disability Services Creating Excellence Together (CET). The CET standards measure quality of service, organization, governance, and operational effectiveness and how these factors impact clients' reporting on quality of life

1. Strengthen accreditation standards in the areas of health and safety to reflect the critical individualized safety requirements in the homes of people with developmental disabilities. This could also include increasing the frequency of monitoring for compliance with those standards.

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Safety Code Interpretation

People receiving support through PDD have a wide variety of living situations with different legislative and regulatory rules that apply to those different situations. For example, some individuals rent, some own their homes, some live with family or roommates, etc. Some also live in residences that are licensed under the *Supportive Living Accommodation Licensing Act* (SLALA), which has its own specific inspection and licensing requirements. The following ideas are not intended to apply to residences approved and licensed under SLALA.

The Alberta safety codes apply to all buildings in Alberta, including those where individuals receiving PDD funded supports reside, but different interpretations and practices about how those codes should be applied have created significant concern and confusion for people with developmental disabilities and other stakeholders.

1. Withdraw the August 2015 Municipal Affairs Standata.
2. Apply the following principles relating to the interpretation and application of safety codes:
 - Residences occupied by individuals with developmental disabilities which lease or own are not “PDD residences” or facilities.
 - The starting point in relation to the homes of people receiving support from PDD should be that they are residential dwellings, in the same manner as any other home.
 - The source of financial or service support being received by a person living in a home should not be relevant to how the building codes are interpreted and applied to that home. That is, homes of people receiving support through PDD should be treated no differently from the homes of people not receiving public support, or receiving it from another source. Any change of use or alternative classification under the building code should be assessed as it would be for any Albertan living in similar circumstances.
 - Measures required under safety codes for all Albertans should be affordable, enforceable, and meaningful so that compliance can be achieved within the circumstances where people live.
3. Review the Safety Codes, as is normally done, and consider measures that would be of value to improving safety in the broad range of circumstances in which Albertans live consistent with the above principles. Any such measures should be implemented only after carefully consulting with all potentially impacted groups, for example seniors, people with disabilities, others with limited mobility or receiving in-home staff support.
4. That Municipal Affairs staff and municipal inspectors be offered education from Inclusion Alberta, Alberta Council of Disability Services (ACDS), and individuals with developmental disabilities in understanding the homes and residences of individuals with developmental disabilities.

In more simple terms:

- The places in which people with developmental disabilities live are homes first and should not be labelled by Government as facilities (this is not intended to apply to residences approved and licensed under *Supportive Living Accommodation Licensing Act*).
- Consider that people may have different safety needs based on their circumstances.

Other Ideas

1. Encourage municipalities to develop a tool similar to the voluntary Vulnerable Person Self-Registry in Calgary.

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2. Consider the creation of an independent Disability Advocates Office (or Ombudsmen) or the provision of additional supports to independent self-advocacy and family advocacy efforts.

Out-of-Scope Ideas

The Consultation Team heard a proposal during Phase One that, while outside the scope of the current project, should be highlighted for further consideration.

1. In partnership with other orders of government, take steps to address the lack of affordable housing options for all Albertans, including those with disabilities.