



Developmental
SERVICES

Improving Compliance Together

September 2021



Purpose

- To inform you of compliance improvements being implemented to further strengthen compliance inspections and enforcement actions with respect to recurring compliance issues, including bathing and showering requirements, in order to help mitigate potential risks to the safety of individuals receiving services and supports from ministry funded adult developmental service agencies.
- Enhanced compliance expectations will be effective as of September 27, 2021.



Rationale

In a December 2020 report, the Office of the Auditor General (OAGO) found that the Ministry identified recurring compliance issues during its inspection of ministry-funded service agencies and made the following recommendation:

“To improve Service Agency compliance with regulatory requirements for services provided to adults with developmental disabilities, the Ministry of Children, Community and Social Services take enforcement action against Service Agencies where its inspection identify significant recurring issues.”

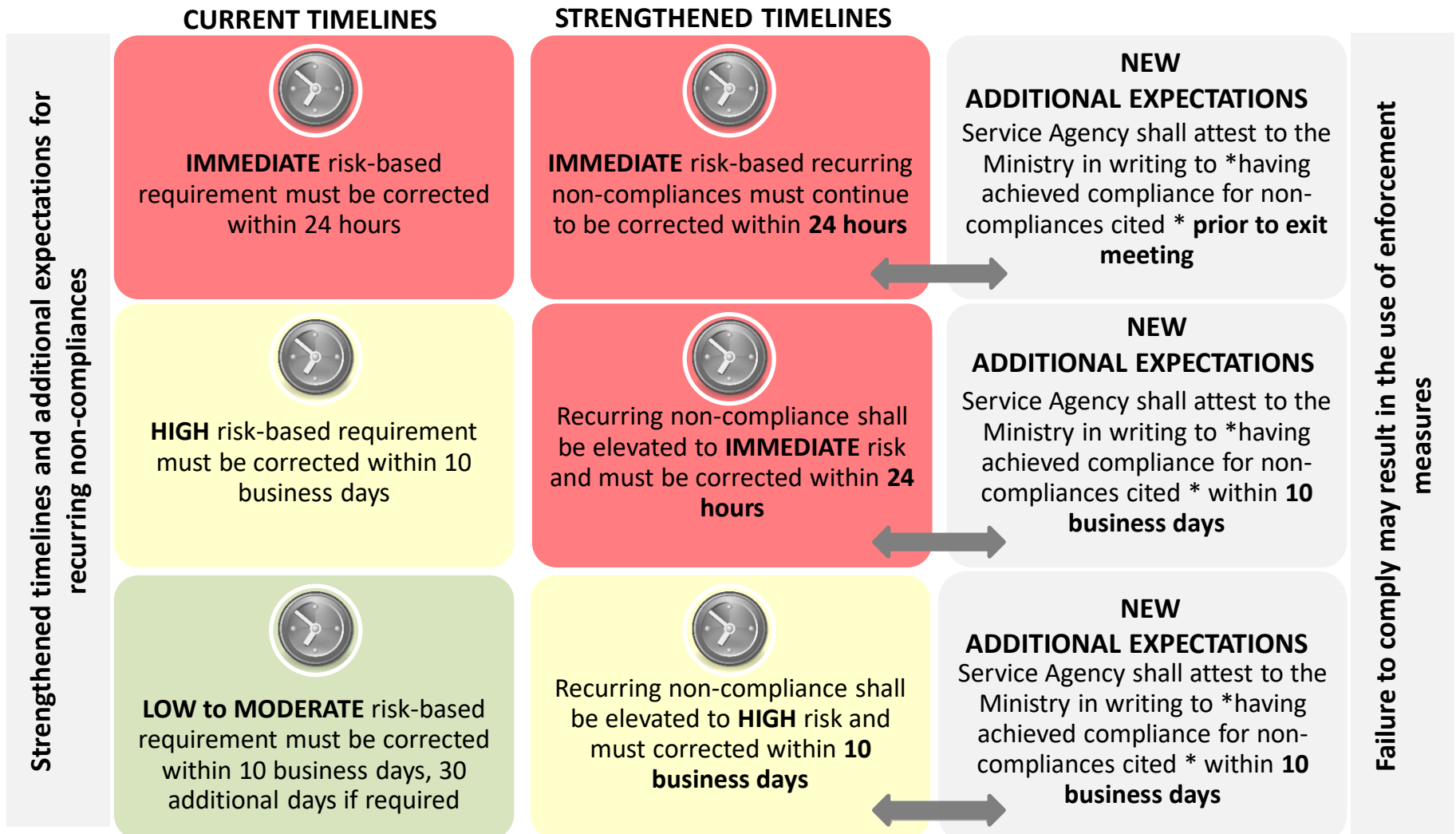
In response, the Ministry:

- has developed additional expectations and strengthened timelines for corrective action resulting from **recurring non-compliances cited since the most recent agency inspections conducted by the ministry** based on the severity of risk; and,
- will continue to take enforcement action as deemed necessary and appropriate for continued non-compliance.

ADDITIONAL CONCERNS- The Ministry, in consultation with the sector, has also been actively working on enhancements to the existing compliance process to help mitigate the potential risks and improve the safety of individuals while bathing and showering.

Enhanced Expectations

These enhanced compliance expectations will apply to recurring non-compliances cited within your entire agency from time of the last inspection conducted by the Ministry



Failure to comply may result in the use of enforcement measures

* Service agency shall attest to the Ministry in writing to having achieved compliance with any non-compliance for which they have been cited, including across all of the service agency's operations as appropriate and in accordance with SIPDDA*

Enhanced Expectations Related to Bathing

The most commonly recurring non-compliance observed by Ministry staff during service agency inspections since the introduction of the compliance framework in 2016 relates to insufficient direction to staff regarding appropriate supervision to help ensure a person's safety needs are met during bathing and showering.

These enhanced compliance expectations will be applied to recurring non-compliances with requirement related to bathing cited within the entire agency from the time of the last inspection.

PRIOR TIMELINE



HIGH risk-based requirement must be corrected within 10 business days

NEW RISK RATING AND STRENGTHENED TIMELINE



Non-compliance with requirements regarding supervision during bathing and showering has been updated to **IMMEDIATE** risk and must be corrected within **24 hours**

NEW ADDITIONAL EXPECTATIONS

Service agency will have up to **10 business days** to attest to the Ministry in writing that they have reviewed (and updated, if necessary), **all** bathing supervision protocols within **all SGLRs and ISRs**

Where there are **RECURRING** non-compliances relating to bathing supervision, the service agency will be required to attest in writing to the Ministry, that they have reviewed (and updated, if necessary), all bathing supervision protocols within all SGLRs and ISRs **prior to the exit meeting.**



Enforcement and Follow-up Inspections

ENFORCEMENT:

- In alignment with the existing compliance inspection framework, the Ministry will assess any situational circumstances that may prevent the completion of corrective measures relating to recurring non-compliance and, in appropriate circumstances, may provide an extension letter setting out a timeline for compliance based on the situational circumstances.
- In the event the agency fails to meet the strengthened timeline and additional expectations, the Ministry will consider the information in the Compliance Action Template (if any) and may issue a Notice of Compliance Order. The Notice of Compliance Order will identify what is required in order to achieve compliance and by what date this must be completed.
- The service agency will have 14 calendar days or other time period specified in the notice (e.g., 10 business days) to respond with evidence of compliance or provide a written submission before a compliance order may be issued.

FOLLOW-UP INSPECTION:

- Enhanced compliance process may include follow-up monitoring inspections through the use of either announced or unannounced inspections to validate the information contained within the agencies' Compliance Action Template to confirm compliance. The Ministry will take enforcement action as deemed necessary and appropriate if compliance issues are identified during follow-up monitoring inspection.
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REMINDER- Issue Dialogue and Resolution Mechanism

- The agency must continue liaising with their Program Advisor and Program Supervisor to address any issues/concerns that may arise during the compliance inspection process.
- DSCCompliance@ontario.ca is an informal issue dialogue and resolution mechanism for agencies to directly contact the ministry's developmental services compliance team to:
 - Address any issues that may arise during the compliance inspection process; and/or,
 - Clarify the intent of the QAM requirements and Policy Directives under SIPDDA.
- Issue dialogue and resolution inquiries must be submitted in writing by the service agency to DSCCompliance@ontario.ca
- Inquiries should have a clear objective (e.g., the purpose is to clarify directions for compliance or provide feedback on the requirements and policy directives).
- Your agency may also request that the Director reconsider any non-compliance findings and/or response(s) of the compliance team.
- A request for the Director to reconsider any inspection non-compliance findings and/or compliance team responses is distinct from, and is in addition to, the process for making a submission in response to a Notice of Compliance Order that the service agency may subsequently receive.

UPDATED- Compliance Action Template

The Compliance Action Template (CAT) has been revised to include strengthened timelines and the new additional expectations.

D	E	F	G	H	I	J	K
Regulation (outlined in Summary Report) (i.e. Regulation 299/10, 4(1)(1))	Risk Rating/Recurring	Observed Non-Compliance (outlined in Summary Report) (i.e. The policies and procedures did not include a mission statement that promotes social inclusion.)	Compliance Requirement (outlined in Summary Report) (i.e. The agency shall submit final/approved policies and procedures that are: in writing; dated; reviewed and/or approved.)	Action Plan Actions/Steps to address non-compliance undertaken by the service agency, to include: who is involved; what will be done; completion Date; or Compliance requirement met within 24 hours	Compliance Requirement met within 10 Business Days	Compliance Requirement met within 30 Business Days	Attestation to adherence throughout entire agency (as per applicability under SIPDDA) Clearly describe actions undertaken by your agency, including completion date.
Staff-Volunteer Records							
(Policy Directives for Service Agencies: 2.0 Supporting People with Challenging Behaviour)	High/Recurring 	The agency did not provide evidence of the behavior intervention refresher training course for staff and/or volunteers.	Recurring non-compliance cited during consecutive agency inspections. A letter and/or documentation confirming completion of corrective action within 10 business days. In addition, your agency shall provide written attestation to adherence with this requirement throughout entire agency (as per applicability under SIPDDA) within 10 business days.				Suggested Response: All staff training files were reviewed to confirm completion of behaviour intervention refresher training. As of (date), refresher training related to behaviour intervention are current and up to date. As per our policies and procedures, volunteers are not permitted to use behaviour intervention strategies.

Risk rating will escalate and indicate recurring status

Compliance Requirements updated to reflect strengthened timelines and additional expectation for recurring non-compliance

HOW TO FILL OUT COMPLIANCE ACTION TEMPLATE

Risk Rating		New Rating	During inspection		24-hour submission post exit meeting		Compliance Requirement Met		Attestation
Existing	Recurring		Corrected within 24 hours	Attest prior to exit meeting	Steps taken/ Confirm compliance	Action Plan	10 Business Days	30 Business Days	within 10 business days
Low to Moderate								X	
Low to Moderate	X	High				X	X		X
High						X	X		
High	X	Immediate	X		X				X
Immediate			X		X				
Immediate	X		X	X	X				
Immediate (BATHING)		Immediate	X		X				X
Immediate (BATHING)	X	Immediate	X	X	X				