




Hamilton

# INFORMATION REPORT

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| <b>TO:</b>                | Chair and Members<br>Public Works Committee   |
| <b>COMMITTEE DATE:</b>    | September 16, 2024  |
| <b>SUBJECT/REPORT NO:</b> | Accessible Transportation Services Eligibility Appeal Policy<br>(PW24051) (City Wide) |
| <b>WARD(S) AFFECTED:</b>  | City Wide   |
| <b>PREPARED BY:</b>       | Michelle Martin (905) 546-2424 Ext. 2765  |
| <b>SUBMITTED BY:</b>      | Maureen Cosyn Heath<br>Director, Transit<br>Public Works Department                   |
| <b>SIGNATURE:</b>         |     |

## COUNCIL DIRECTION

On December 8, 2020, the former Advisory Committee for Persons with Disabilities (ACPD) recommended the following motion to the General Issues Committee (Item 6 of ACPD Report 20-007):

- “... (a) That the Advisory Committee for Persons with Disabilities respectfully requests that City Council direct HSR and ATS staff to work directly to review and amend the full slate of existing policies, and compose a full slate of new policies in compliance with AODA requirements;
- (b) That these policies upon their completion be forwarded to City Council for review and adoption;
- (c) That HSR and ATS staff fully assist the Advisory Committee for Persons with Disabilities in this policy review and composition including staffing and resource allocation; and
- (d) That these policies be reviewed by the HSR and ATS staff in consultation with the Advisory Committee for Persons with Disabilities regularly, and at the very least every 5 (five) years in order that these policies remain current.”

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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The General Issues Committee then directed staff to report back to Public Works Committee respecting the above (Item 3(d), General Issues Committee Report 21-003) and this report is targeted for Q4 of 2024. Accessible Transportation Services has begun the work of addressing the policies prioritized for update with the Accessibility Committee for Persons with Disabilities (as the ACPD is now known). While there are a number of policies to review, the Eligibility Appeal Policy has been completed and is before Committee today.

As per GIC Report 21-024 Recommendation 8, regarding ACPD Report 21-012 (Item 10.1), this Information Report PW24051 is being posted approximately two weeks earlier than the usual date of posting by Clerks to allow time for the Advisory Committee for Persons with Disabilities to review and provide comment ahead of Public Works Committee review.

## **INFORMATION**

The Accessible Transportation Services (ATS) Eligibility Appeal Policy has been updated, as Accessible Transportation Services continues to implement the recommendations outlined in the Accessible Transportation Services Eligibility Audit (Appendix “B” to AUD20009, December 7, 2020; see also Appendix “B” to Report PW21055(b)), and to accomplish critical steps to reform service delivery as part of the Accessible Transportation Services multiyear roadmap (Appendix “B” to Report PW24005, also ACPD meeting 24-002 Item 8.2).

On April 9, 2024 (ACPD meeting 24-003, Item 8.2), a summary of the Eligibility Appeal Policy updates, including recommendations collected from the Accessibility Committee for Persons with Disabilities Transportation Working Group, was presented to and received by the ACPD. The updated policy document (ACPD meeting 24-003, Item 8.2(a)) now explains the procedure to appeal if a person believes they have been incorrectly assessed for specialized services. It also defines the responsibilities of Accessible Transportation Services staff, including the Supervisor, Manager, and Appeal Panel members.

Disputes regarding eligibility may be subject to appeal. As such, and informed by feedback from the ACPD Transportation Working Group, Accessible Transportation Services has captured a section that is specific to training for members of the Appeal Panel to ensure they understand:

- the Accessible Transportation Services application process;
- functional barriers on transit;
- relevant Accessibility for Ontarians with Disabilities Act (AODA) sections (O. Reg. 191/11);
- privacy and confidentiality, including both relevant legislation and City policy; and

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- ethics (e.g., conflict of interest).

A plain language version of the Eligibility Appeal Policy has been posted in compliance with the AODA to ensure all applicants:

- understand there is an appeal process available;
- can access the process to dispute an eligibility decision; and
- can provide additional relevant information that may enable Accessible Transportation Services to revise an eligibility decision without the need to refer an application to the Appeal Panel.

AODA legislation allows for unconditional eligibility when an appeal decision is not rendered within 30 days of an appeal submission, so any delays in establishing the updated Appeal Panel will not result in unfair denials of service.

An Eligibility Appeal Panel, which has existed since 2012, consists of three (3) members:

- a member of the City's Advisory Committee for Persons with Disabilities (ACPD);
- an Orientation and Mobility Specialist or Occupational Therapist; and
- a staff member of the City's Talent and Diversity section.

Accessible Transportation Services followed City procedure to procure a vendor for an Occupational Therapist or an Orientation and Mobility Specialist to attend as a member of the Appeal Panel with clinical expertise. This was accomplished through the request for quotation process for a contract of less than \$10,000, at no impact to budget. Accessible Transportation Services continues to work with the ACPD and other City staff to provide one panel member as required for hearings and to explore the possibility of someone with lived experience from outside of ACPD to participate as a panel member.

As Accessible Transportation Services continues to respond to AUD20009 recommendations, there may be an increase in appeal requests if more conditions of eligibility are applied when applications for Accessible Transportation Services are processed. A clear and detailed Eligibility Appeal Policy and Procedure will support Accessible Transportation Services to ensure fair decisions, but most importantly, it will support applicants to ensure access to service when needed and provide a clear avenue to appeal decisions to a panel.

Related to the above paragraph, it should be noted that the Office of the Auditor General has not completed any work to validate the status of the Management response to AUD20009.

**APPENDICES AND SCHEDULES ATTACHED**

N/A