

**CITY WIDE
IMPLICATIONS**

CITY OF HAMILTON

***PUBLIC WORKS DEPARTMENT
Transit Division***

Report to: Chair and Members, Public Works, Infrastructure and Environment Committee	Submitted by: Scott Stewart, C.E.T. General Manager
Date: April 15, 2005	Prepared by: Don Hull Extension 1860 Paul Thompson Extension 1862

**SUBJECT: Accessible Transportation Services Policy
Trip No Shows, Late Cancellations and Excessive Cancellations
(PW05051) - (City Wide)**

RECOMMENDATION:

That Council authorize Transit staff to implement the policy outlined in Report PW05051, and included as Appendix "A", regarding trip no shows, late cancellations and excessive cancellations as they relate to the transportation of persons with disabilities on DARTS.

Scott Stewart, C.E.T.
General Manager
Public Works

EXECUTIVE SUMMARY:

As part of the 2004 settlement approved by Council with the Ontario Human Rights Commission (OHRC) and Complainants under the Ontario Human Rights Code, Accessible Transportation Services (ATS) staff of the Transit division have completed development of a new policy dealing with "no shows" and "late cancellations" by passengers using DARTS service, attached as Appendix A to this report.

Staff reviewed similar policies implemented in Ottawa, Toronto, and Peel Region and developed a framework for consultation with the City's Advisory Committee for Persons with Disabilities (ACPD). The ACPD resolved the following motion:

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That the Advisory Committee for Persons with Disabilities (ACPD) endorse Accessible Transportation Services (ATS) Policy No. 2005-01, Trip No Shows, Late Cancellations and Excessive Cancellations, subject to the following conditions:

- i) that a relevant training program be developed and the training be a requirement for all individuals involved in the administration of the appeal process;
- ii) that a steering committee be established to assist with and evaluate the implementation of the policy, and to monitor the process and its impacts;
- iii) that the Trip No Shows, Late Cancellations and Excessive Cancellations Policy be re-evaluated at 6 months and 12 months.

The ACPD resolution also noted the following:

The Advisory Committee for Persons with Disabilities discussed the policy. There was acknowledgement that the policy is not meant to penalize users but to focus on possible abusers of the system. However, because it will apply to all users, there were concerns and questions raised about the policy. The committee questioned the way the policy will be implemented; possible impact on users who are not able, due to their disability or circumstances, to meet the requirements of the policy; whether or not a person would be at risk of being permanently removed from the client list; who is responsible for interpreting the policy; and at whose discretion clients are placed in the system. Concerns expressed included the concern that a language barrier, low literacy or mental disability barrier could be the reason behind the no show or frequent cancellation, and that persons who use the system for transportation to and from work would be possibly caught in the penalties due to a vacation period or a change in work schedule. A suggestion was made to allow a doctors note certifying an inability to meet the requirements of the policy as sufficient to waive the penalties. Recommendations proposed include training for anyone involved in the appeal process to ensure they are aware of the impacts of suspensions of service on the users, for a steering committee and for frequent evaluation of the impacts of the policy.

The policy conforms to the terms of the settlement with the Ontario Human Rights Commission (OHRC) and Complainants. The policy addresses the principles agreed upon with the ACPD, namely that:

- No shows, late cancellations, and excessive cancellations by individual passengers have a direct impact on the effectiveness of the specialized transportation system in meeting the needs of all passengers, by limiting the general availability of trips and causing service delays.
- Providing the highest level of trip availability and fulfilment within existing resources is a principle that contributes to effectiveness and efficiency of the service, to the benefit of all passengers and the community.
- While personal circumstances of passengers outside of their control may contribute to occasions where a no show or late cancellation is unavoidable, each passenger

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is responsible for maintaining stated levels of no-shows, late cancellations, and cancellations, as defined within the Policy Conditions.

Key aspects of the policy include:

- a change in passenger requirements regarding advance cancellation of trips, such that a cancellation must be made by 4:30 p.m. of the day prior to the day of service (current policy allows cancellation up to one hour before the trip);
- the use of a progressive system of service sanctions where individuals exceed the conditions of the policy (current policy imposes a \$5 charge for no show, no sanction for late or excessive cancellations); and
- an appeal process which allows for evaluation of circumstances which individuals may experience and may have an effect on their ability to comply with the terms of the policy.

As part of the implementation process, staff will communicate the new policy to Registrants prior to commencement, and will work with members of the ACPD to address concerns through the use of a Steering Committee including staff and members of the ACPD, specific training, and consideration of policy modification after evaluation periods recommended by the ACPD.

It is expected that the new policy will encourage earlier trip cancellations by passengers, freeing up usable service availability for others who have been unable to get the trips that they need.

BACKGROUND:

The information/recommendations contained within this report have City wide implications and relate to matters/facilities/programming/property within the entire City.

Under the terms of the settlement approved by Council with the Ontario Human Rights Commission and Complainants under the Code, the City had undertaken the following:

"In consultation with the City's Advisory Committee for Persons with Disabilities, the City will develop and implement a new policy regarding Registrants who are not available without having given prior notice for their scheduled trips ("no shows") and Registrants who are late cancelling their scheduled trips ("late cancellations"). Such policy may include progressive penalties, including suspension of DARTS service to a registrant. Upon implementation of such a policy regarding no shows and late cancellations, the City will eliminate the current no show fee for Registrants. The City will implement a new policy and eliminate the current no show fee for Registrants within 3 months of the date of this agreement."

In order to concurrently address the identified issue of individuals accumulating excessive cancellations, and thus affecting the availability of trips to other passengers, the policy as developed includes terms that will allow for monitoring of passengers who exhibit a pattern of abuse of this and other policy conditions.

The issue of trip cancellations has been an increasing concern. As illustrated in Table 1 below, in January and February 2005 over 23% of all trip bookings were not used by passengers for reason of cancellation or no show. Under the current policy of allowing

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passengers to cancel up to one hour in advance of the trip, these 17,000 cancellations were generally not usable in creating additional service availability for other passengers.

Table 1 Cancellations and No Shows on DARTS

2005	Trip Requests	Trip Cancellations	Trip No Shows	% Trip Cancellations & No Shows
January	39,928	8,841	726	24.0%
February	42,000	8,814	683	22.6%
Total	81,298	17,655	1,409	23.4%

ANALYSIS OF ALTERNATIVES:

Staff reviewed similar policies implemented in Ottawa, Toronto, and Peel Region and further consideration of “best practice” alternatives was expected to yield only variations on the essential elements of the policy. The policy as written represents a consensus of staff and stakeholders on the most effective means of dealing with the issues the policy is intended to address.

Maintaining the current policy is not an alternative, as the City’s settlement with the Ontario Human Rights Commission and complainants under the Act requires that a new policy be developed within the framework presented within this report.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financial implications to the recommendation.

There are no immediate staffing implications to the recommendation, although the requirements of the policy to closely evaluate individual passenger circumstances presented under appeal may necessitate the reconsideration of staff resource requirements once the policy has been employed for the initial 6 month evaluation period.

The recommended policy conforms to the terms of the 2004 settlement approved by Council with the Ontario Human Rights Commission (OHRC) and Complainants under the Ontario Human Rights Code.

POLICIES AFFECTING PROPOSAL:

The recommendation conforms to the City requirement to incorporate review, comment and recommendation by the City of Hamilton Advisory Committee for Persons with Disabilities (ACPD) on reports and proposed legislation which affect all persons with disabilities.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Consultation was undertaken between Transit staff, and key stakeholders including the ACPD, DARTS, and staff from Legal Services and Customer Service, Access and Equity.

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CITY STRATEGIC COMMITMENT:

Goal: A Great City in Which to Live

The recommendation supports the commitment to providing quality community services to residents and supporting people in need, with care, by ensuring sustainability of the transit service for persons with disabilities.

Goal: A City Where People Come First

The recommendation supports the commitment to providing opportunities for public input, through a consultative policy development process that is inclusive of persons with disabilities and other community stakeholders.

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APPENDIX "A"

CITY OF HAMILTON

**DEPARTMENT: PUBLIC WORKS
DIVISION: TRANSIT
SECTION: ACCESSIBLE TRANSPORTATION SERVICES (ATS)**

POLICY SUBJECT: Trip No Shows, Late Cancellations and Excessive Cancellations	POLICY NO.: 2005-01
EFFECTIVE DATE: 2005-05-01	LAST REVISION: 2005-03-30

GUIDING PRINCIPLES:

ATS and DARTS undertake to deliver a shared ride transportation service that is reliable, punctual and to the satisfaction of its passengers. In order to meet this standard, passengers have a responsibility to assist in making the service more effective by not booking trips that will not be taken, and by cancelling unwanted trips in a timely manner. No shows, late cancellations, and excessive cancellations by individual passengers have a direct impact on the effectiveness of the specialized transportation system in meeting the needs of all passengers, by limiting the general availability of trips and causing service delays. Providing the highest level of trip availability and fulfilment within existing resources is a principle that contributes to effectiveness and efficiency of the service, to the benefit of all passengers and the community. While personal circumstances of passengers outside of their control may contribute to occasions where a no show or late cancellation is unavoidable, each passenger is responsible for maintaining stated levels of no-shows, late cancellations, and cancellations, as defined within the Policy Conditions.

The policy for managing no shows, late cancellations, and excessive cancellations is intended to identify discernible patterns of abuse, and is designed such that:

- legitimate reasons for no shows and late cancellations are considered, as part of any investigation;
- progressive warnings and/or service suspensions are employed; and
- an appeal process is available to passengers.

Development of this policy is a result of the 2004 Agreement reached between the City of Hamilton, the Ontario Human Rights Commission, and complainants under the Human Rights Code; and has been undertaken with the participation and concurrence of the Advisory Committee for Persons with Disabilities for the City of Hamilton.

PURPOSE:

The purpose of the policy is to provide an appropriate mechanism for dealing with the management of no shows, late cancellations, and excessive cancellations by passengers in a consistent and understandable manner that fulfils the guiding principles of the policy.

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POLICY CONDITIONS:

The policy applies to any DARTS passenger who exceeds one or more of the following conditions in a calendar month period.

1. Maximum six (6) late cancellations.
2. Maximum three (3) no shows.
3. Maximum seven (7) combined late cancellations and no shows.
4. Maximum of 25% (with a minimum of 10 occurrences) of subscription and/or casual booking trips cancelled.

Cancellations and no shows are recorded on a single one way trip basis. A cancelled round trip is two trip cancellations. A no show will be recorded for the first of two trips in a round trip if the passenger is not in contact with DARTS; the return trip will be recorded as a cancellation.

POLICY ACTIONS:

Each of the below noted policy actions is subject to an appeal within the prescribed time frame, and the actions described are only taken if the appeal is unsuccessful.

1. After exceeding the policy conditions for the first time in a calendar month period, an initial advisory letter will be issued outlining the policy, and informing the passenger of further progressive action that might be undertaken.
2. Upon exceeding the policy conditions for the second time within a twelve month period from the date of the initial advisory letter, a second advisory letter will be issued notifying the passenger of a three (3) day suspension of service, and informing the passenger of further progressive action that might be undertaken.
3. Upon exceeding the policy conditions for the third time within a twelve month period from the date of the second advisory letter, a third advisory letter will be issued notifying the passenger of a ten (10) day suspension of service, and informing the passenger of further progressive action that might be undertaken.
4. Upon exceeding the policy conditions for the fourth time within a twelve month period from the date of the third advisory letter, a fourth advisory letter will be issued notifying the passenger of a minimum thirty (30) day suspension of service, and where subscription bookings are held, the loss of subscription booking privileges for a period of twelve months. Subsequent suspensions imposed will be for a minimum of thirty (30) days, until such time as a clear record is achieved by the passenger. Passengers who receive a service suspension of thirty (30) days or more may appeal to have medical trips excluded from the suspension. At the discretion of the Appeal Panel, a passenger who is granted this form of relief may have the suspension period extended by up to ten (10) days.
5. When the passenger has stayed free of violations for a twelve (12) month period following any of the above policy actions, the passenger's record will be re-established as clear.

Any no shows and late cancellations due to unusual circumstances beyond the control of the passenger may be deemed by ATS and/or the Appeal Panel to be a legitimate reason for failure of the passenger to cancel a trip within the time frames of the policy, and will **not** be used in determining if a passenger has exceeded the conditions of the

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policy. Some examples of unusual circumstances beyond the control of the passenger **may** include, but are not limited to:

- unplanned passenger hospitalization (certification may be required);
- caregivers failing to call on behalf of a passenger;
- incidental breakdown of a personal mobility device.

Circumstances which are automatically deemed to be beyond the control of the passenger and will **not** be used in determining if a passenger has exceeded the conditions of the policy include:

- program closures (e.g. Day Programs, etc.) for specific periods which are made known to ATS and/or DARTS in advance;
- arrival by DARTS, outside of the pick up window and/or more than thirty (30) minutes after the passenger's negotiated time, such occurrence being considered a "late" pick up;
- failure of DARTS to perform an agreed upon trip (missed trip); or
- cancellation of service by DARTS due to a snow emergency.

PASSENGER APPEAL PROCESS:

As it is not possible to document every circumstance which would constitute an exception to the policy as part of the policy itself, an Appeal Process is available to passengers.

1. For the **first advisory letter**, the passenger or their designate must telephone an ATS Customer Service Representative within ten (10) days, during regular ATS office hours (Monday to Friday, 8:30 a.m. to 4:30 p.m.), to present their appeal. The ATS Customer Service Representative, upon review and consultation with the Supervisor of ATS, will make a final determination on the appeal.
2. For the **second and subsequent advisory letters** and their associated policy actions, the passenger or their designate must appeal in writing to ATS Customer Service. A response by e-mail is considered an acceptable form of written appeal by the passenger. If, after review, a resolution cannot be achieved which is agreeable to the passenger, the appeal will be referred for the consideration of the Appeal Panel.

Where a passenger is unable to provide a written appeal due to their disability, an ATS Customer Service Representative will assist the passenger in filing a written appeal.

The Appeal Panel shall be comprised of one representative from each of ATS and DARTS, and a member appointed by the Advisory Committee for Persons with Disabilities (ACPD). The Appeal Panel will convene approximately once a month to resolve outstanding appeals.

3. All appeals in writing must be received by ATS within twenty (20) days of the date of the advisory letter. Appeals must be addressed to the care of:

Accessible Transportation Services
Attention: Passenger Advisory Appeals
2200 Upper James Street, R.R. # 2, Mount Hope ON L0R 1W0

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4. The appeal documentation provided by the passenger shall include:
 - passenger name;
 - passenger registration number;
 - address;
 - telephone number where the passenger may be reached during regular ATS office hours;
 - reason(s) for the appeal;
 - supporting documentation where required (e.g. certification of passenger hospitalization); and
 - the remedy sought.
5. Upon receipt of an appeal, ATS will contact the passenger by phone and will subsequently confirm receipt of the appeal in writing within ten (10) days, specifying the time frame for the appeal to be dealt with. From the time an appeal is received by ATS until a decision of the ATS Customer Service Representative or the Appeal Panel is issued, the passenger will continue to have access to the service.
6. Failure to appeal a policy action within the prescribed time frames will result in the automatic application of the identified policy action.

PROCEDURES:

- ATS and/or DARTS staff will accurately record no shows, late cancellations, and cancellations as defined by the policy.
- In the case of a no show, DARTS staff will inform the passenger of the no show by means of a contact notice ("Sorry! We Were Here For Your Scheduled Pick Up Time ...") left at the pick up point (where such contact notice may be reasonably employed with discretion that respects the dignity of the passenger), or directly where telephone contact with the passenger is subsequently obtained.
- In the case of a late cancellation, ATS and/or DARTS staff will inform the passenger at the time of cancellation, providing such clarification of the policy as may be requested by the passenger.
- ATS Customer Service staff will generate and review no show, late cancellation, and cancellation reports on a monthly basis, once completed DARTS manifests have been input to ensure accuracy.
- Passengers who are identified as falling outside of the acceptable number of incidents will be contacted by letter. The letter will identify the dates of the incidents, the level of action under the policy, and the opportunity for appeal.
- A statement regarding the privacy of passenger information provided under appeals will be included in the letter to passengers.

DEFINITIONS:

Cancellation

A trip cancellation occurs when a passenger books a trip, and cancels such a request no later than the required time of 4:30 p.m. of the day preceding the trip. Cancellations are recorded on a single one way trip basis. A cancelled round trip is two trip cancellations.

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Late Cancellation

A late cancellation occurs when a passenger books a trip, and fails to cancel this trip request by the required time of 4:30 p.m. of the day preceding the trip.

No Show

A no show occurs when a passenger books a trip, does not cancel ahead of time, and is not available at the time that the vehicle arrives within the pick up window and/or within thirty minutes after the negotiated pick up time. This includes any occurrence of cancelled at door, where the passenger refuses a trip at the door that is within the pick up window and/or within thirty minutes after the negotiated pick up time.

In all cases, a no show shall be recorded by the driver only after a period of five (5) minutes time has elapsed from arrival within the pick up window and/or within thirty minutes after the negotiated pick up time, and upon approval of the DARTS dispatcher.

No shows are recorded on a single one way trip basis, and a no show will be recorded for the first of the two trips in a round trip if the passenger is not in contact with DARTS; the return trip will be recorded as a cancellation.

Negotiated Time

The negotiated time for each trip is that time agreed upon by the passenger and ATS and/or DARTS for pick up, subject to the pick up window.

Pick Up Window

The pick up window is that period of time 15 minutes before to 15 minutes after the negotiated time, unless otherwise specifically agreed to by ATS and/or DARTS.

DARTS

Disabled and Aged Regional Transit System is the contractor to the City of Hamilton for delivery of specialized transportation services.

ATS

Accessible Transportation Services is the operational section of the City of Hamilton responsible for administration of specialized transportation services.
of specialized transportation services.