
Call to Action: The Road to Inclusion and Equality for People with Disabilities
Government Accountability on the *Roadmap*
Choice, Equality and Good Lives in Inclusive Communities

Preamble

This report examines what actions Nova Scotia has taken to ensure the rights of persons with disabilities in the area of community based living are being respected, protected and fulfilled.

Following the ratification of the United Nations *Convention on the Rights of Person with Disabilities (CRPD)* by Canada in 2010, the Minister of Community Services authorized a joint community-government taskforce to address how to transform services for persons with disabilities to bring them into compliance with the *CRPD*.

Upon release of the taskforce report, the Nova Scotia government in October 2013, made a public commitment to implement the recommendations contained in that joint community- government report, entitled *Choice Equality and Good Lives in Inclusive Communities* (the “*Roadmap*”), to transform services for persons with disabilities, reduce reliance on institutions and to ensure that all people with disabilities in need have meaningful access to inclusive communities.¹ While the *Roadmap* itself called for full implementation over a five-year period, the Provincial Government promised full implementation in 10 years – by 2023.

In preparation for this Report, the Disability Rights Coalition (DRC) contacted the Department of Community Services to ask for updated data on waitlists and program capacity in order to track the government’s progress on the *Roadmap*. Sometime on or about May 11, 2021, after receiving our request, the government quietly without consultation or explanation amended its official Disability Supports Policy Manual to erase its commitment to limit institutional placements for

¹ *Choice Equality and Good Lives in Inclusive Communities: A Roadmap for Transforming the Nova Scotia Services to Persons with Disabilities Program (“Roadmap”)* June 2013, pages 3, 4, 5, 18, 45-46

https://novascotia.ca/coms/transformation/docs/Choice_Equality_and_Good_Lives_in_Inclusive_Communities.pdf
Should the report not be accessible on the government website, the Report can be accessed on the Disability Rights Coalition website:

<https://www.disabilityrightscoalitionns.ca/wp-content/uploads/2019/03/VI-A-32-Choice-Equality-and-Good-Lives-in-Inclusive-Communities-Roadmap-for-Transforming-SPD-2013-06.pdf>

And here:

See also 2013 Mandate letter of Stephen McNeil https://novascotia.ca/exec_council/pdf/letters/2013-DCS.pdf: The Nova Scotia government has repeatedly reaffirmed its commitment to the *Roadmap* “transformation” see ARC/RRC Moratorium on Long Term Placements Effective June 30, 2016, May 2016, under heading, “Impact of moratorium on wait times” item # 20,

<https://www.disabilityrightscoalitionns.ca/a-selection-of-documents-from-the-human-rights-complaint/>

people with disabilities; policy it had relied upon in preparation for closure of these same institutions.²

Report Overview

This Accountability Report assesses the status of these key government commitments to persons with disabilities in need, those who require lifetime access to supports and services to manage the activities of daily living due to the long term nature of their different needs. They are among the most vulnerable; socially and economically disadvantaged in Canada. For those eligible for social assistance, meeting those different needs is the core responsibility of the Department of Community Services' Disability Supports Program.

The government commitment to the *Roadmap* to transform services and create inclusive communities for persons with disabilities includes a timeframe, benchmarks and indicators. It identifies ten separate elements that require transformative change. Having extended the timeframe for implementation of the *Roadmap* from 5 to 10 years, the government's 2023 due date on making good on its promises is fast approaching.³

How has the government acted to address the discrimination that the *Roadmap* meant to address, and to respect, protect and fulfill the rights of persons with disabilities?

This report will focus upon the government's progress in implementing two key elements of the *Roadmap*:

1. Reduced Reliance on Adult Residential Centres (ARCs), Regional Rehabilitation Centres (RRCs) and Residential Care Facilities (RCFs);
2. Transformed Community-based Residential Service System.

Given the interaction between all ten different elements of the services, it is hoped that this report will result in a full independent review of the government's implementation of the remaining eight elements of its services for persons with disabilities in order to assess the full extent to which action is needed to realize the goals and objectives of the *Roadmap* to inclusive communities and non-discrimination.

² The DSP policy (s. 5.4.3) as it existed before May 10, 2021:

https://www.disabilityrightscoalitionns.ca/wp-content/uploads/2021/07/Pages-from-Disability_Support_Program_Policies.pdf

The current DSP Policy Manual Updated May 10, 2021: note DSP policy 5.4.3 no longer appears as of July 16, 2021 https://novascotia.ca/coms/disabilities/documents/Disability_Support_Program_Policies.pdf

³ See *Roadmap*, Footnote 1, at pp 42-51

Highlights

- Contrary to its commitment to the *Roadmap* and the principle of inclusion of people with disabilities in community, the Nova Scotia government, through its Disability Supports Program, is **assisting fewer people with disabilities in 2021 than in 2013/14 when it committed to the *Roadmap*, dropping from 5,184 to 5,033 people.**
- At the same time, more people with disabilities face longer delays in accessing supports and services as evidenced by the sharp increase in numbers on Disability Supports Program waitlists, going **from 1099 in 2014 to 1,915 in 2021, an increase of more than 74%.**
- While the freeze on the funding of new small options homes appears to have ended, growth continues at a glacial pace, leaving more than **1,691** people with disabilities in immediate need, **536** of whom have no access to services and **1,915** people waiting for supports and services for independent living options in the community, with no timeframe or indication from the Province as to when they will make those services available.
- While the number of people with disabilities placed in DCS funded institutions decreased slightly in the eight years since 2013/14, closures of DCS funded institutions have not been implemented, and the official Disability Supports Program Policy Manual restricting admissions to institutions in preparation for the closure of institutions has been recently removed from official government policy in May 2021.
- DCS continues to exclude people with disabilities from receiving supports and services based on their disability and the government continues to institutionalize those people with disabilities in other institutions like hospitals and nursing homes as their only option; hidden behind the waitlist numbers disclosed by DCS are those they have excluded from their waitlist;
- Nova Scotia continues to send people with disabilities to institutions as their only available option for accessing social assistance.

The *Roadmap* Commitments: where do we stand?

There is a fundamental mismatch between government rhetoric towards the inclusion of persons with disabilities and the reality.

The government's pledge of "transformation" of their social assistance programs for people with disabilities, including closing institutions, addressing the unwarranted and excessive delays in accessing vital community based supports and services, and enacting the necessary legislation and policy to support inclusive communities and fulfill the rights of persons with disabilities to decide their futures, remains unrealized.

No, it is actually worse. And given that the situation has gotten worse in many ways, the Province's promise of 'equality and inclusion' is in tatters.

Rather than making the system more accessible, according to the government's own statistics,⁴ the Disability Supports Program is in fact serving *fewer* people now than in 2013/14; the total number of 'participants' (as the Province labels them) has dropped from 5,184 to 5,033 people.⁵ Despite the fact that demand for the Disability Supports Program has increased sharply over the same period of time, fewer people have meaningful access to supports and services.⁶

More people with disabilities in need are facing longer delays in accessing supports and services and *waitlists have increased sharply* going from 1099 on the waitlist in 2014 to 1,915 in 2021.⁷ The government makes no attempt to provide people with disabilities an estimate of the length of the delay they face in accessing vital supports and services while they are on the waitlist and their policy actively discourages new applicants from joining that waitlist. Fully 536 people with disabilities who are eligible for services and waiting for access to Disability Supports Programs are receiving **no** supports or services.⁸

Instead of a "transformation" in services, people with disabilities continue to face (i) indefinite and years long delays in accessing supports and services (ii) unnecessary institutionalization, segregation and exclusion in hospitals and correctional facilities, and (iii) inadequate care options, all of which plague people with disabilities in their interaction with a government system that continues to fail people with disabilities in need.

While the number of persons residing *in institutions* has dropped by between 15%- 24% since the 2013/14 *Roadmap* commitment was made for the closure of these institutions,⁹ progress is slow

⁴ The data relied upon in this report is based on unaudited statistics provided by the Department of Community Services (DCS), Disability Supports Program, in response to formal and informal requests for information. Attached to this report as Appendix A is an updated DCS table that tracks the number of people with disabilities served by programs provided under the *Social Assistance Act* from 1998-2021. Appendix B contains the table of statistics provided by DCS to the DRC in response to its March 2021 request for statistics to update Appendix A. Appendix C contains 2021 statistics concerning the "Service Request List" (in 2014 DCS adopted this name for their DSP waitlist) maintained by DCS for the Disability Supports Program; these statistics were used to update previous waitlist statistics.

⁵ Appendix A, page 2, under "total." Appendix B, under "total".

⁶ In assessing demand for DSP Programs, we have relied on the unaudited statistics provided by the Department of Community Services in the form of the number of people with disabilities waiting to receive supports and services; See Appendix C, Service Request List.

⁷ Appendix C, 2021 Service Request List Data; See also *Service for Persons with Disabilities Waitlist, DCS Briefing Book*, Fall 2014, found on the DRC website at para 19 under the heading "Impacts of the Moratorium and Waiting times" <https://www.disabilityrightscoalitionns.ca/a-selection-of-documents-from-the-human-rights-complaint/>

⁸ Appendix C, 2021 Service Request List Data

⁹ The government of Nova Scotia has made repeated commitments to the Roadmap and to closing institutions for people with disabilities; see for example Premier McNeil's 2013 mandate letter

https://novascotia.ca/exec_council/pdf/letters/2013-DCS.pdf;

DCS *Accountability Report 2015-16*, at page 17 <https://novascotia.ca/government/accountability/2015-2016/2015-2016-Community-Services-Accountability-Report.pdf>

and as the spiking waitlists make clear, there has been a failure to match decades-old facility closures with adequate and meaningful access to community based options.

Alarming, some community based programs have actually shrunk, providing services to fewer people, while others have seen only very slow growth that has not kept pace with the need for services.¹⁰

Community Supports Shrinking

Moreover, fewer families are receiving assistance to provide supports for adult children in their own home (*Flex at Home*) now than in 2013/14, despite the fact that this is the only disability supports program for which there is no waitlist.¹¹ The government has cynically chosen to make this program option available on an immediate basis, in the full knowledge that it is inappropriate for most adults with disabilities, who either lack the informal supports necessary to make this option accessible or who wish to live independently. As a result, many aging parents despair over the future that awaits their adult children with disabilities who are being denied meaningful access to independent living options in the community.

In addition, since the government of Nova Scotia endorsed the *Roadmap*, the Department of Community Services has quietly resumed a practice of excluding people with disabilities who are otherwise eligible for assistance under the *Social Assistance Act* from its programs, justifying this exclusion based on the nature and degree of their disability. This discriminatory exclusion affects more than 300 people with disabilities who have been institutionalized in nursing homes by the Department of Health and Wellness and hundreds more who remain in hospital for no medical or legal reason: for no reason other than their disability and poverty.

Small Options Homes

Among a handful of community based options the Department of Community Services offers are “small options homes.” The Department continues to place more eligible people with disabilities on the waitlist for a small option home than any other category.

The *Roadmap* identified the extreme shortage in these homes that resulted from an almost 20 year government imposed freeze on the creation of new small options homes as well as the hardship on individuals and their families caused by the freeze. In endorsing the *Roadmap*, the government pledged to end it.

¹⁰ Appendix A, Update 2021 DCS-DSP Capacity Residential Support Options from 1998; see Independent Living Support/Supervised Apartments; 703 in 2009/10; 677 in 2013/14; and 741 in 2020/21; Alternate Family Support/Community Residences/Associate Families has dropped from 203 to 149.

¹¹ See Appendix A; The DSP provides an allowance to a family or support person who provides housing and supports to an adult with disabilities to reside with them. There were 1,918 participants in this program in 2013/14, dropping to 1,795 participants in 2020/21. DCS changed the name of this program from the “Direct Family Support” to the “Flex Individualised Funding-Home” program in 2016; thus the same program appears in Appendix A in different years under these two headings.

Since the *Roadmap* endorsement in 2013, government support for small options homes *appears* to have grown from 619 to 723 places for people to live in small options homes between 2013/14 and 2020/21.¹² This is an average increase of 13 small option home places per year. Appearances, however, can be deceiving. It appears government has achieved this goal in part by reducing the number of residents in larger settings like group homes and development residences; enabling the government to rename and reclassify these same residences as “small options homes” without increasing capacity or the numbers of people receiving DSP services.¹³ It may also be the case that while small options homes are licensed for 3 or 4 people, some, in fact, house fewer than the approved maximum number of people. Government has also moved people from institutional settings to “small options homes” built on the grounds of the institutions in Sydney River and Riverview. For the most part it appears that the 104 “new” places in small options homes have been occupied by a majority of people who were already being served by the Disability Supports Program.¹⁴

For the overwhelming majority of people on the Disability Supports Program waitlist, this change in small options numbers has merely shifted the seats on the lifeboat, rather than making more seats for more people on the lifeboat. To reiterate: despite the increase in number of available places in small option homes, the government is providing assistance to fewer people than when it endorsed the *Roadmap* 8 years ago while the number of people waiting for services has ballooned by more than 74% over the same period.

Despite this government strategy, the reality is that, as of March 31, 2021, the Department of Community Services has added fully **806 eligible applicants** (people with disabilities) on their DSP **waitlist** for a small option home.

At the current rate of increase in Small Options places (104 places in 8 years, or roughly 13 per year), if the government began to offer people on the Disability Supports Program waitlist a place in a small option home, it will take more than **50 years** for enough spaces to house just the 806 people *currently* in immediate need on the waitlist. Many of those currently waiting for a Small Option home will likely not be offered a place in their lifetime not to mention those who will be added to the waitlist in years to come.

¹² Appendix A, see “Total Small Options Homes”

¹³ Small options homes are defined under the *Homes for Special Care Act* regulations as a community-based residential facility and by policy as having 4 or less residents

¹⁴ See Appendix A, Groups Homes/Developmental Residences, and Alternative Family Support/Community Residences/Associate Families.

Call to Action: The Road to Inclusion by 2023

The Nova Scotia government has a window of opportunity to meet its 2013 historic commitment to people with disabilities, endorsed by all parties, as well as its human rights obligations, if it takes the following actions:

1. Commit to a firm, 3 year budget, on an immediate basis, in order to end wait times so that all eligible Disability Supports Program applicants will receive immediate access to appropriate supports and services to meet their needs under the *Social Assistance Act*, in accordance with the *Roadmap*, including 806 new independent living options in the community by December 31, 2023;
2. Provide all persons with disabilities in need who are financially eligible meaningful access to community based services within three years and end the discriminatory practice of *excluding* some people with disabilities from access to independent living options in the community;
3. End institutionalization of people with disabilities now and close all institutions for people with disabilities by 2023;
4. As it has in other priority areas, provide funding for enhanced, ongoing, training and education, professional development and employment for residential care workers to further build sufficient community based capacity and ensure that wages and benefits are adequate to recruit and retain workers.

Tracking the *Roadmap* Commitments:

1. Reduced Reliance on Institutional Settings

Nova Scotia continues to have the highest dependence on institutional settings for adults with disabilities of any province in Canada. Institutions are defined as congregate settings where people with disabilities are grouped together solely by virtue of their disability.

Nova Scotia taxpayers fully fund congregate care facilities that require people to live together based solely on the fact that they have some type of disability and require supports and services. While the number of people Nova Scotia places in Department of Community Services funded institutions has dropped since 2013, it remains high at almost 900 individuals in such facilities.¹⁵

The Nova Scotia government still institutionalizes almost 20% of the people with disabilities it assists – or in other words to get access to supports and services many people with disabilities are still forced to accept living in an institution.

The flagrant discrimination by government against people with disabilities, in the form of lengthy and indefinite delays in providing access to vital supports and services, must stop.

¹⁵ Appendix A, Residential Rehabilitation Centres, Adult Residential Centres, Residential Care Facilities.

Lack of transparency in government policy regarding closure of institutions¹⁶

Despite its commitment to close institutions, none have in fact been closed since the government made this commitment in 2013/14, although it has announced that it will close the Harbourside Adult Residential Center in Yarmouth by mid-year 2022.

In May 2021 the government quietly amended its official Disability Supports Program Policy Manual to *remove* its transition plan to close institutions – essentially erasing any limit on the Province’s indefinite reliance on institutions as a way of warehousing persons with disabilities in segregated institutions.¹⁷ This secret change in government policy was conducted without consultation or explanation with or to the people affected. It flies in the face of its [media release in October 2020](#) which references the Roadmap and its commitment to “discontinue the use of large institutional settings.”¹⁸

Government funded institutions for people with disabilities

There are currently 7 Adult Residential Centres (ARCs) operating in Nova Scotia located for the most part in rural areas of the Province in Waterville, Bridgetown, LaHave, Yarmouth, Riverview, Pugwash, and Sydney River, with approximately 350 beds (not including ‘respite beds’) ranging in size from 33-70 beds. Some are physically attached to other institutions like hospitals and Residential Rehabilitation Centres, which together make them in fact far larger than their actual number of beds reveal.

There are 3 Residential Rehabilitation Centres (RRCs) in Nova Scotia for a total of 155 beds ranging in size from 24-103 bed institutions. Despite the word “rehabilitation” in its name, RRCs

¹⁶ The information that follows concerning institutions in NS is drawn from the Department of Community Services, Disability Support Program, Directory of Licensed Residential Support Options, February 2021. The Directory should not be confused with program capacity: it reflects the size of the facilities licensed under the *Homes for Special Care Act* rather than the number of people with disabilities receiving DSP services. For the number of people receiving DSP services see Appendix A.

¹⁷ The DSP Policy Manual was amended in May 2021 to remove the following transition plan towards closure of institutions:

- 5.4.3 Transition Plan for ARCs/RRCs

As of June 30, 2016, all ARCs and RRCs may accept participants on a temporary basis as outlined below:

o July 1, 2016 to June 30, 2019 – a temporary placement is no more than three years in duration with a discharge plan completed within 6 months of the placement;

o July 1, 2019 to June 30, 2023 – a temporary placement is no more than 18 months in duration with a discharge plan completed within 3 months of the placement;

o July 1, 2023 - and until closure of all ARCs/RRCs – a temporary placement is no more than 6 months in duration with a discharge plan completed within 1 month of the placement. Upon placement in an ARC/RRC, the participant and service provider will complete Transition Plan as per the timeframe outlined above. The Care Coordinator will provide input and approval. The repealed DCS policy can be found here:

https://www.disabilityrightscoalitionns.ca/wp-content/uploads/2021/07/Pages-from-Disability_Support_Program_Policies.pdf

¹⁸ See DCS Media Release “Province Phasing out Harbourside Adult Residential Centre in Yarmouth” October, 2020 <https://novascotia.ca/news/release/?id=20201021002>

are not historically designed to prepare residents towards community reintegration but rather provide residents with indefinite, long term warehousing in congregate and often isolated settings on County Home Road in Waterville, Kings County, in Quest, located at the junction of Highway 101 and the Cobequid Road in Lower Sackville, and the Breton Ability Center in Sydney River.¹⁹

The third type of institutional setting for people with disabilities funded by Nova Scotia are the “Residential Care Facilities (RCFs)” that so far the government has ignored in its plan to close institutions. There are about 21 DCS funded RCF facilities located across Nova Scotia ranging in size from 13-31 beds. In 2020/21, they had 382 residents, compared to 450 residents in 2013/14 when the *Roadmap* commitment was made. This report will restrict its review to RCFs funded by the Department of Community Services, not including the RCFs funded by the Department of Health and Wellness.

Impact of government announcement of a ‘freeze’ on new admissions to Institutions?

In 2016, the Nova Scotia government announced a freeze on new admissions to two types of institutions – the RRCs and ARCs. However, the government policy included an exception for new “temporary admissions.”²⁰ As noted above, in 2021 the government quietly amended its Disability Supports Program Policy Manual on institutional admissions, leaving open once again indefinite, long term admissions to institutions.

Since the announcement 4 years ago, the number of residents in the ARCs has seen a modest drop from 461 to 350 residents. The number of residents in RRCs has dropped to 155 – still a long way off the low of 130 residents in RRCs achieved in 2001/02.

Since the freeze on any new indefinite institutionalizations was announced, and after an initial drop, the number of residents in the ARCs actually increased from 357 to 362 before settling at the current number of 350 residents. Due to a lack of government transparency the reasons for the drop in numbers in the ARCs is unknown, whether it was because of death or transfer to some other facility or a community based option.

¹⁹ A fourth five bed “RRC” facility on Pleasant Street in Dartmouth, NS was established in 2008 exclusively to meet the need of patients discharged from the East Coast Forensic Hospital.

²⁰The government described the freeze on new admissions to institutions as a “moratorium”; not to be confused with the original “moratorium” on the creation of new small options homes; see ARC/RRC Moratorium on Long Term Placements Effective June 30, 2016, May 2016, “Impact of moratorium on wait times” item # 20, <https://www.disabilityrightscoalitionns.ca/wp-content/uploads/2021/07/VI-A-68-ARC-RRC-Moratorium-on-Long-Term-Placements-Effective-June-30-2016-slide-deck-May-2016.pdf>
For repealed policy restricting admissions see: <https://www.disabilityrightscoalitionns.ca/wp-content/uploads/2021/07/Pages-from-Disability-Support-Program-Policies.pdf>

Steps towards closing the Regional Rehabilitation Centres (RRC) 2013-2021

The number of those in RRCs has seen a gradual decrease from 189 in 2013/14 to 155 in 2020/21, a decrease of about 17%. However, it should be noted that this is simply a return to the number of RRC placements last seen in 2006/7. We have not yet returned to the 2002/03 numbers when only 130 persons with disabilities were housed in RRCs. Again, due to a lack of government transparency the reasons for the drop in numbers in the RRCs is unknown, whether it was because of death or transfer to some other facility or a community based option.

Steps towards closing the Adult Residential Centres (ARC) 2013-2021

The 7 ARCs have seen a 24% decline in the number of residents over the same period for a total of 350 residents currently.

Since an initial decrease in 2017/18 post the government imposed freeze on new admissions, the number of people with disabilities living in Adult Residential Centres (ARCs) has gone up and down with no obvious downward trend.

The government has announced the plan to close one Adult Residential Centre, the “Harbourside” located in Yarmouth, Nova Scotia, in 2022.

Steps towards closing the Residential Care Facilities (RCFs)

The most numerous among the institutional settings funded by Nova Scotia are the RCFs. Nova Scotia committed to the need to reduce reliance on these institutional settings identified in the *Roadmap*.

Despite this commitment, the number of residents in RCFs has decreased over the same period by a about 15%, from 450 to 382 residents. Again, due to a lack of government transparency the reasons for the drop in numbers in the RCFs is unknown, whether it was because of death or transfer to some other facility or a community based option.

2. Fulfilling equality rights for people with disabilities through access to inclusive community based options

The government of Nova Scotia committed to inclusion of people with disabilities through person directed, inclusive living options within the community and to lift the government’s moratorium on new small options homes as part of its endorsement of the *Roadmap*.

The *Roadmap* committed to a complete transformation of the way in which people with disabilities, who are eligible for social assistance, access the supports and services they need. It recommended “person directed planning” rather than a system based on pigeonholing people tied to government classification and limited service categories as well as contractual arrangements between the Department of Community Services and service providers that leave out people with

disabilities, practices that are still reflected in the current system. It remains a risk management system not a rights based system.

Legislation and policy to effect this change towards person directed planning has failed to materialize and the Department of Community Services continues to “fill vacancies” or fund placements in much the same way as they have always done.

Access to community based options must be meaningful in order to fulfill the equality rights of people with disabilities. Indefinite and years-long wait times in accessing community based supports and services have been shown to be discriminatory and represent an example of providing programs on paper but not in reality.²¹ The status of the provincial waitlist for supports and services is an important indicator of Nova Scotia’s failure to meet its commitment to non-discrimination in its provision of services.

Disability Supports Program Waitlists

Waitlists for services for persons with disabilities, eligible for social assistance, began almost at the same time as the Province imposed a moratorium on new small options homes, starting in 1996. While the Department renamed the Disability Supports Program waitlist as the “service request list” in 2016, the lengthening and indefinite delays in accessing supports and services faced by persons with disabilities in need has been continuous year over year.

According to a Department of Community Services briefing book in 2014, the escalation in the Disability Supports Program waitlist over the 18 year period between 1996-2014 was directly tied to the Department’s failure to build community capacity and fund more community based options after closing and reducing hundreds of beds in institutions.²² The Departmental briefing identified the need for strategic planning and investment to reverse this trend.

In 2014, there were 1099 people on the waitlist for supports and services. On March 31, 2021 the Department identified 1,691 people with disabilities in need waiting for supports and services under the *Social Assistance Act*.²³

Since endorsing the *Roadmap*, the Department changed its waitlist policy to create essentially two waitlists based on whether the need for services was more or less than two years in the future.

In 2021, when the two waitlists are added together, it tops 1,915 people – a staggering increase in the number of people with disabilities waiting for supports and services since 2014 at a time when

²¹ *MacLean et al v Nova Scotia* (on appeal to the Nova Scotia Court of Appeal) where the Human Rights Board of Inquiry found the government of Nova Scotia was responsible for discrimination in the case of three individual complainants when the Province denied them meaningful access to services through prolonged wait times. https://humanrights.novascotia.ca/sites/default/files/editor-uploads/maclean_et_al_decision.pdf

²² *Service for Persons with Disabilities Waitlist, DCS Briefing Book*, Fall 2014, DRC website item #19, “Impacts of the Moratorium and Waiting times” <https://www.disabilityrightscoalitionns.ca/a-selection-of-documents-from-the-human-rights-complaint/>

²³ See Appendix C

the government had pledged to transform its services to make them more inclusive and accessible to people with disabilities.²⁴

These are people with disabilities living in poverty who require supports and services to meet their everyday needs. All of them have been found eligible for assistance under the *Social Assistance Act*.

More than 536 of those people on the waitlist currently, who are eligible for and qualify for social assistance, are receiving *no assistance*. They live alone or with often aging family members, detained in hospitals or nursing homes or in homeless shelters.

In addition, the government acknowledges that those on the waitlist who *are* receiving some form of services qualify for and have an immediate need for a service that they are not receiving.

The continuous growth in the wait times over the period since 2013 reflects a failure to implement the crucial “strategies and investment” identified by the Department of Community Services in 2014.

This staggering growth in the waitlist (74% since release of the *Roadmap*) reflects Nova Scotia’s abject failure to meaningfully implement measures to ensure the community inclusion of people with disabilities. The road to inclusion by 2023 lies in a renewed commitment to people with disabilities through immediate budgetary commitments to implementation of the *Roadmap*.

Exclusion of Persons with Disabilities from DSP Programs

The staggering growth in DSP waitlists, however, may be the tip of the iceberg. In 2021, the DSP is rejecting applications from otherwise eligible people with disabilities, simply on the basis of their needs.

In addition to the discriminatory nature of this disability-based exclusion, it leaves hundreds of people with disabilities – some as young as 20 – with no long term options, forcing them to accept placement in a nursing home or long term care facility.

This government DSP policy deprives people with disability with access to the kind of community based living that the *Roadmap* endorsed. The growing exclusion of people with disabilities in need from receiving supports and services under the *Social Assistance Act* is a human rights outrage that must stop.

²⁴ See Appendix C, Service Request List 2021; the DSP now maintains essentially two waitlists in the form of the “Service Request List” and the “Future Planning Registry”