

Review of the Family and Community Support Services Regulation in Alberta

Backgrounder

March 2016

Introduction

The *Family and Community Support Services Act* and Regulation provide the mandate and requirements for the Family and Community Support Services (FCSS) Program. All provincial regulations currently include expiry dates to ensure periodic review for ongoing effectiveness, currency and relevancy.

The last FCSS Regulation review was conducted in fall 2002 and the subsequent amendments came into effect on June 24, 2003 (Alberta Regulation 199/2003). A review of the Regulation was initially started in 2012; however this review was suspended in 2013 and the Regulation expiry date was extended to June 30, 2015. With the change in provincial government in May 2015, a second two-year extension was requested and approved. The current expiry date is June 30, 2017.

Building on the work that was completed in 2012, we will validate the initial input and recommendations, as well as consider new and current information to support the ability of FCSS programs to build capacity and respond to preventive social service needs and priorities in their respective communities.

This Background document will serve to provide a summary of the proposed amendments and the subsequent draft recommendations.

Background

Broad consultation on the FCSS Regulation was held in conjunction with the 2012 FCSS spring regional meetings. A summary of the input gathered at the regional meetings was compiled and used by the FCSS Regulation Review Working Group in their subsequent review of the Regulation.

The Regulation Review Working Group was established in June 2012 and consisted of the following representatives:

Susan Flowers, FCSS Director, Town of Cochrane
Varley Weisman, FCSS Director, City of Medicine Hat
Barbara Hill, FCSS Director, Town of Olds
Christine McWillis, FCSS Director, City of Cold Lake
Scott Cameron, Social Planning Manager, City of Red Deer
Kathleen Turner, FCSS Director, County of Grande Prairie
Sharlyn White, Executive Director, FCSSAA
Lisa Shankaruk, Public Affairs Officer, Communications, Human Services
Nela Afonso, Coordinator, Legislative and Branch Operations, Human Services
Shafana Mitha, Director, Business Operations, Human Services
Veronica Facundo, Program and Financial Officer, FCSS, Human Services
Debbie Trachimowich, Program and Financial Officer, Human Services
Joyce Mellott, Senior Manager, FCSS, Human Services

Review Considerations and Recommendations

Local Autonomy

A resolution submitted by the City of Grande Prairie and the County of Grande Prairie passed at the 2011 Family and Community Support Services Association of Alberta (FCSSAA) Conference urged the ministry to amend the FCSS Regulation to explicitly state the principle of local autonomy.

A resolution submitted by Parkland County and passed at the spring 2012 Alberta Association of Municipal Districts and Counties (AAMDC) urged the provincial government to consider greater flexibility and local autonomy in the use of FCSS funds to identify and address emerging local needs.

In considering the two resolutions, the legal advice provided was to focus on providing an explanation of the rationale for recommending change rather than focusing on the actual wording. The challenge lies in clearly describing the conditions one wants to achieve.

In the case of the FCSSAA resolution, communities wanted to ensure that their ability to allocate funding at the local level based on needs and priorities would not be lost. The Working Group discussed the intent of the FCSS principle of local autonomy/decision-making. While this principle is recognized and respected within the provincial/municipal FCSS partnership, it is not explicitly stated in the Regulation. The Regulation references the establishment, administration and operation of a program, so does imply local decision-making. After some discussion, the working group agreed that the principle of local autonomy/local decision making is already imbedded in the Regulation.

Regarding the AAMDC resolution, the Working Group felt that the Regulation already provides sufficient flexibility to address local needs and priorities and providing short-term crisis services is not within the parameters and intent of the FCSS legislation.

Definitions

Prevention

The Working Group considered recommending that a definition of prevention be added to the Regulation. Several definitions were discussed and debated. The legal representative advised that any definitions are taken from the dictionary and other precedents including Alberta and Federal law.

Other definitions considered were: *earliest opportunity*; *program*; *FCSS partnership*; and *municipal costs*. The Working Group was taxed with deciding if including definitions for these terms were needed to provide clarity to the Regulation and if so, what the agreed wording for each definition would be.

In the end, the Working Group decided that consistent definitions were better addressed within policy rather than the Regulation as there is the ability to use a definition that is relevant and specific. Definitions can be included in the FCSS Handbook.

Responsibilities – Section 2

Based on input received from FCSS programs, the Working Group felt that some parts of this section were vague and too prescriptive. Working Group representatives referenced changing times and current practices as the rationale for recommending a wording change. With limited funding available, municipalities and Metis Settlements should be able to choose the delivery mechanism and process that best supports effective and efficient resources. While the Working Group was in agreement that the intent of the section is to promote community engagement, maximize available resources and work in collaboration with community partners, they felt the requirements around the use of volunteers and not-for-profit organizations needed to be updated to reflect current realities.

Recommendation:

The Working Group recommends the following amendment:

“To enhance the social well-being of individuals, families and communities through prevention, services provided under each local FCSS program must contribute to the following:

- (a) Engage citizens in the planning, delivery, evaluation and governance of FCSS;*
- (b) Effectively and efficiently use resources; and*
- (c) Coordinate and cooperate with government and community organizations.*

Service Requirements- Section 2.1(1)

The FCSS Outcome Model is linked to the statements contained in this section. For consistency, and to recognize the focus on outcomes, the Working Group felt that the service requirement statements should be reworded to make them more outcome focused.

Recommendation:

The Working Group recommends the following rewording of this section as follows:

“FCSS enhances the social well-being of individuals, families and community through prevention. FCSS programs must achieve one or more of the following outcomes:

- (a) People are self-reliant, resilient and function in a positive manner;*
- (b) People have positive social relationships;*
- (c) People are socially engaged and contribute to their community;*
- (d) People are supported to remain active participants in their community; and*
- (e) People address social issues and influence change.*

Service Requirements – Section 2.1 (2)

FCSS input indicated the need to maintain flexibility, allow for local decision making and provide more clarification and/or definitions for some of the clauses. Two of the eight FCSS regions felt that general transportation services should be added to this section. The Working Group felt that this section was clear and amendments were not required. They felt that the issue of eligible FCSS transportation was best addressed through policy.

Prohibited Costs – Section 4

The Working Group discussed the need to provide clarification regarding capital expenditures (purchase of land, buildings or motor vehicles, or the construction or renovation of a building). They felt this section could be strengthened by clarifying that core operating costs or core funding not related to direct service delivery is not provided.

Recommendation:

The Working Group recommends the following amendments:

Section 4(a): “the purchase and development of land, buildings or structures”

Section 4(d): “any core operating costs required to sustain an organization that do not relate to direct service delivery under the program.”

Use of Money - Section 5

The Working Group felt that an amendment to 5 (a) was needed to reflect changing trends and a weakening of the volunteer sector. The rationale provided was that volunteer and/or non-profit organizations do not always provide the most effective and efficient provision of services. Municipalities and Metis Settlements should be able to give priority to the agency/organization that can deliver the best outcomes. The Working Group also felt that other clauses in the section should be amended to make them clearer.

Recommendation:

The Working Group recommends the following amendments:

5(a) “give consideration to funding services under the program that are delivered by non-profit organizations”

5(b) “contribute no less than 20% of the total FCSS budget as provided in the FCSS Funding Agreement”

5(b.1) “allocate the minimum 20% matching share referred to in clause (b) from the operating budget of the municipality”

5(c) “a municipality that receives funds from the Minister for a program shall not apply as a part of its matching share contributions made towards the program by agencies or by other municipalities, except where the other municipality’s contribution is made pursuant to an agreement under section 2(b) of the Family and Community Support Services Act”

5(e) “not use funding provided under the Agreement to obtain reimbursement of municipal costs not related to FCSS program delivery”

Additionally, the Working Group supported a recommendation to research and add a provision for surplus retention.

Note: A provision to carry forward a reasonable surplus, subject to approval by the ministry, was supported by the Minister and built into the FCSS Funding Agreement.

Payments – Section 6

A major focus of the Working Group discussions was the audit requirements and use of the municipal audit conducted under the Municipal Government Act. The issue of whether or not a qualified municipal employee could conduct the audit was also raised. These questions were referred to ministry financial staff for response. Separate audit reports are necessary to address the FCSS program separately from the municipal financial statements as a whole. The external auditor hired to conduct the municipal audit could also conduct a separate audit of the FCSS program possibly reducing audit costs. Audits must be conducted outside the municipality (external auditor) in order to have the applicable audit opinions generated and independence of the audit guaranteed.

As a result of changes to the Canadian Auditing Standards, it was discovered that reporting requirements for review engagement and audit thresholds would require adjustment. The current ceiling for review engagements is more than \$100,000 but less than \$500,000. The new audit requirements change the threshold for audits to anything above \$250,000.

Recommendation:

All references to payments of more than \$100,000 (sections 6.1 and 6.2) to be adjusted to replace \$500,000 with \$250,000.

Note: This provision was addressed through a revision to the FCSS Funding Agreement. It was removed for the 2016 FCSS Funding Agreements pending clarification of further changes to the Canadian Auditing standards. Changes to audit requirements and audit reports will be included when the review recommendations are finalized.

Agreements – Section 9

The Working Group proposed an amendment to this section to clarify that when municipalities enter into agreements with each other (multi-municipal program), they are required to develop written agreements between the partners of the multi-municipal program. The word “initially” was added to remind municipalities that these agreements are needed at the start of the multi-municipal arrangement.

Recommendation:

“When a municipality as defined in section 1(b)(i) of the Act initially enters into an agreement the municipality shall sign the agreement, on a resolution by the municipal council authorizing the agreement.”

Next Steps

As a starting point, we would like FCSS programs to review the recommended amendments resulting from the review work completed in 2012 and confirm whether or not the amendment is supported.

Next, we are asking FCSS programs to facilitate a conversation within each of the eight FCSS Regions to identify any other amendments as well as areas of the Regulation that do not provide enough flexibility to allow municipalities to address local preventive social needs and priorities. A discussion guide will be provided to help you with this process.

Each FCSS region will be asked to provide a coordinated response. The following tips are provided to assist you in the review and feedback process:

- Legislation is intended to provide the framework and is often kept at a high level to provide the most flexibility. Asking for specifics may limit the ability to use creativity and initiative in responding to unique needs.
- Consider if the requested amendment could be better addressed through FCSS policy.
- Focus on identifying why an amendment is needed rather than focusing on wording changes. If you are able to explain or clearly describe the condition you want to change or achieve, our legal writers are better able to draft the amendments.

We value your feedback and participation in reviewing the FCSS Regulation. Thank you for your time and commitment to this discussion.

Alberta Human Services

Attachment: *Draft Consolidation of the FCSS Regulation Amendments*