

**Manitoulin-Sudbury District Services Board  
POLICY & PROCEDURES MANUAL**

|   |                              |
|---|------------------------------|
| Section: H. Ontario Works               | Effective Date: July 1, 2009 |
| Topic: 9. Monitoring Eligibility        | Replaces: November 2004      |
| Subject: 9.6.ERO-Roles & Responsibility |                              |
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**POLICY**

**Authority**                    **OW Act: Sec. 57, 58 and 79**  
                                      **OW Directives: Sec. 9.7**

The Eligibility Review Unit ensures that an entitlement is being received in accordance with the Ontario Works legislation. Investigations are conducted when allegations of fraud are received by Manitoulin-Sudbury DSB. Eligibility Review Officers (ERO) shall be deemed to be engaged in law enforcement for the purposes of the Freedom of Information and Protection of Privacy Act.

**PROCEDURE**

**ALLEGATION REFERRALS**

Allegation Referrals may be received from:

- members of the public;
- Ontario Works staff;
- through information sharing agreements with various government agencies.

**REFERRAL PROCESS**

All allegations are entered into the SDMT on the Eligibility Review List so as to ensure that statistics are included in the provincial totals as well as to provide accurate statistics for Manitoulin-Sudbury DSB.

All allegations are to be recorded on **Form 1040**.

- These allegations can be received from members of the public and the following process should occur:
  1. A call is received from the ERO unit.
  2. SDMT is checked to determine if the complaint involves a case that is known to the municipality, and a Form 1040 is completed.

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3. The ERO records the information.
  4. The Case Manager (or ERO) completes the appropriate section of Form 1040 addressing the allegation and makes a notation in the SDMT notes.
  5. The Form 1040 is forwarded to the ERO for statistical entries, and if required, further investigation by the ERO will follow.
- Ontario Works Case Manager makes a notation in the SDMT notes and completes the Form 1040, and forwards to the ERO Unit. Steps 1 - 3 & 6 of the process are to be followed.
  - Information Sharing Agreements - information is received by the ERO Unit. The process is followed in the same way as stated above.

## **ASSESSMENT AND INVESTIGATION OF FRAUD**

### **Option (1)**

The Case Manager recommends the case be referred and it is sent to the ERO Unit for allocation to an eligibility review officer.

### **Option (2)**

If it is determined that the case does not merit further investigation, information is recorded in SDMT and the allegation results are forwarded to the ERO Unit for statistical purposes.

## **ERO PROCEDURE**

1. At this point, the case requires a comprehensive investigation. Information relating to the allegation is verified and any supporting documents are obtained. Investigative information is recorded in an ERO file. The report should be chronological and stress the information obtained which supports the conclusion regarding eligibility. Once the investigation is complete, a written report is compiled by the ERO recommending action. This report is then reviewed by the ERO supervisor. If an overpayment, term, charge or referral to police is recommended, it should be referred for approval by the ERO's supervisor.

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2. If the allegation is confirmed, the ERO will discuss whatever action should be taken with his/her supervisor. If the ERO concludes that no fraudulent event occurred, an overpayment will be placed on the participant's file if the participant received funds he/she was not entitled to receive.
3. A case may be referred to the police and/or may require an overpayment to be placed on the file. This is completed by the ERO. All information is then written in the SDMT notes and the Case Manager is informed of the outcome of the case.
4. Upon a conviction for fraud, the participant may be ordered to repay Manitoulin-Sudbury DSSAB. The amount ordered by the Judge will be noted in the file by the ERO. Sometimes a Judge will conclude that not the entire amount calculated by the ERO was a result of fraudulent actions, and may order restitution in an amount lower than requested. In such cases, Manitoulin-Sudbury DSSAB is still entitled to the entire amount of the overpayment as calculated by the ERO. This would usually be recovered through civil court action, or if the participant again becomes eligible for OW Assistance, by deducting the maximum amount allowable under OW legislation.
5. Shortly after a conviction for fraud is obtained, the Court will issue a certified copy of the **Certificate of Conviction**. Once received, the ERO shall place it on the participant's file and enter the overpayment amount in SDMT **and** the Welfare Fraud Control Database.
6. Eligibility Review staff must ensure that the status of cases under investigation are updated on the SDMT Database in accordance with the existing Directive of Operational Procedures.

## **SEARCH WARRANTS**

Eligibility review officers will be able to apply for and act under a search warrant. ERO's will only apply for a search warrant after all other means to obtain information critical to a fraud investigation have been exhausted. There must be reasonable and probable grounds to enter under a search warrant. This action must be authorized by the supervisor. A search warrant can be obtained from a Judge or Justice of the Peace. Search warrant powers must first be authorized by the director.

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Procedures concerning the authorization process will be provided by the Social Assistance Programs Branch of MCSS.

ERO's will have to successfully complete provincially sponsored training phased in over 1999 to support this activity.

### **LOCAL PROTOCOL**

Appropriate local business protocols must be established in consultation with local police services and the Crown Attorney's Office.

The protocol established will relate to:

- the collection of information as it relates to the case;
- the process for referring the case to the police;
- the preparation and vetting of the case file with the police and the Crown;
- the securing, documentation, storage and disposition of evidence;
- the preparation of the case for the Crown's brief.

The protocol should also identify local contacts for the purpose of the exchange of information and legal advice.