

Specialized Provincial Services Programs - Legislation, Policies and Procedures Related to the Assignment and Recovery of Debt by Program

Program	Program Specific Legislation	Policies and Procedures
Child Care Subsidy	<i>Child Care Subsidy Act</i> section 7 http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeseide/00_96026_01#section7	See attached brochure outlining the Reconsideration and Appeal process.
Child Care Operating Funding Child Care Capital Funding	<i>Child Care BC Act</i> section 7 http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeseide/00_01004_01	As outlined in the Funding Agreement: Pursuant to s.7(2) of the <i>Child Care BC Act</i> , the amount of any overpayment or repayment is a debt due to the Province and may be recovered by it in a court of competent jurisdiction or deducted by it from any subsequent child care funding.
Autism Funding	<i>Supply Act</i> <i>Financial Administration Act</i> section 17-20 http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeseide/00_96138_01#section18 Core Policy and Procedures Manual 7.2.21-7.2.28 http://www.fin.gov.bc.ca/ocg/fmb/manuals/CPM/07_Revenue_Mgmt.htm	As outlined in following documents: <ul style="list-style-type: none"> Autism Agreement – Invoice Payment: http://www.mcf.gov.bc.ca/autism/pdf/cf_0907.pdf Autism Agreement – Extended Family Program: http://www.mcf.gov.bc.ca/autism/pdf/cf_0909.pdf Autism Funding Ages 6-18 Direct Payment Agreement: http://www.mcf.gov.bc.ca/autism/pdf/cf_0945.pdf Direct Funding Agreement (See Attached PDF) A Parent's Handbook: Your Guide to Autism Programs, Appeals or Complaints page 21 - http://www.mcf.gov.bc.ca/autism/pdf/autism_handbook_web.pdf
At Home Medical Benefits	<i>Supply Act</i> <i>Financial Administration Act</i> Core Policy and Procedures Manual 7.2.21-7.2.28 http://www.fin.gov.bc.ca/ocg/fmb/manuals/CPM/07_Revenue_Mgmt.htm	Program Guide: http://www.mcf.gov.bc.ca/at_home/pdf/ahp_guide.pdf

Reconsideration and Appeals

Your Right to Reconsideration and Appeal

If you feel a decision resulting in a refusal, reduction or discontinuation of your request for Child Care Subsidy (CCS) is in error, you may request a review of that decision. You are encouraged to first discuss the issue with a CCS Adjudicator. If you and the Adjudicator still disagree, you may request a reconsideration. The Reconsideration Decision is a new and final Ministry decision. If you disagree with the Reconsideration Decision, you may appeal that decision to the Employment and Assistance Appeal Tribunal.

The Appeal Tribunal is an independent, arms-length body that is responsible for the overall management and administration of the appeal process.

Child Care Subsidy while awaiting the outcome of a Request for Reconsideration

You may be eligible to continue to receive subsidy while you are awaiting the outcome of your reconsideration request if you were already in receipt of subsidy.

If a reconsideration request is initiated about a decision that resulted in a discontinuation or reduction of CCS, the subsidy is reinstated at the previous rate until a decision is delivered.

If a reconsideration request is initiated about a decision that resulted in a refusal to pay CCS, no subsidy is paid until a decision is delivered.

People who apply for or receive Child Care Subsidy (CCS) have a right to quality service, fair access, and transparent decision-making.

Reconsideration and Appeals

Overview of the Reconsideration and Appeal Process

How the Process Works

When making decisions about an individual's eligibility and entitlement, Ministry staff are bound by the provisions of the legislation and regulations that govern the British Columbia CCS Program.

Deadlines are important, so remember to record the dates you submit your paperwork and Request for Reconsideration form.

Reconsideration

A decision that results in the refusal, reduction or discontinuation of CCS can be reconsidered.

Every effort is made to resolve these issues at the Child Care Subsidy Service Centre (CCSSC).

Step by Step Instructions

Step 1 – Reconsideration

You can request a reconsideration of a Ministry decision by obtaining and completing a Request for Reconsideration form. You can obtain this form at the CCSSC.

Advise a CCS Adjudicator that you wish to seek reconsideration of a decision. The Adjudicator will complete sections 1 and 2 of the Request for Reconsideration form, describing the decision made by the Ministry and citing the legislation under which the decision was made. You must complete sections 3 and 4 of the form and return it, along with any additional documentation you feel may be relevant, to the CCSSC within 20 business days of being notified of the original decision. You may include additional documentation or information with your Request for Reconsideration form. No new evidence can be submitted after a Reconsideration Decision has been made. You may wish to ask an

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advocate to assist you in completing the Request for Reconsideration form. Your submission will be reviewed and a decision made by a Reconsideration Officer based on the act and regulation. This decision will be made within 10 business days of the Ministry receiving the completed Request for Reconsideration form.

Step 2 – The Appeal Tribunal

If you disagree with the Reconsideration Decision, you may appeal to the Appeal Tribunal. Reconsideration Decisions that refuse, reduce or discontinue CCS under the Child Care Subsidy Act, may be appealed.

The Appeal Tribunal will decide whether the Ministry reasonably applied the legislation, and whether the Ministry decision was reasonably supported by the evidence submitted.

You will be required to submit a completed Notice of Appeal form within seven (7) business days of being notified of the Reconsideration Decision, or you will be legally

deemed to have accepted the Ministry decision and you will not be permitted to file an appeal after that date.

Once the Appeal Tribunal has received your notice of appeal, the Appeal Tribunal will appoint a panel of three (3) Appeal Tribunal members to hear your appeal. A hearing will normally take place within 15 business days after you deliver the appeal form to the Appeal Tribunal.

The appeal panel will review the Reconsideration Decision, along with the information and documentation used to make this decision and any supporting oral or written testimony.

You are responsible for presenting your side of the case. You will only be permitted to address the information or documentation that was before the Ministry at the time of reconsideration and to present oral or written testimony in support of that information.

You may have someone represent you or assist you in clarifying or making your case for the appeal. You may request the appeal be heard in

writing, by teleconference (allow one hour), or in person (allow two hours).

A Ministry representative will present the Ministry's case and is not in a decision-making capacity.

The appeal panel will either confirm or rescind the Ministry decision.

A majority decision will normally be made within five (5) business days of the hearing. The Appeal Tribunal will send you and the Ministry a copy of the written decision of the appeal panel within five (5) business days of it being received by the Appeal Tribunal.

For more information:

Contact the CCSSC by calling:
1-888-338-6622

Or visit the Ministry website at:
www.mcf.gov.bc.ca/childcare



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**Child Care Subsidy
Service Centre
(CCSSC)**



Ministry of
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