

## Chapter 15: Integrity Measures

### (i) Overview

<b>Intent:</b>	Program Integrity Measures cover a broad range of services that focus on ensuring, to the extent possible, that Income Support clients receive benefits and services they are entitled to under current legislation. Examples of some services provided by Integrity Measures include: investigation services, intake verification, various eligibility review processes and data matching.
<b>Act:</b> (if applicable)	<p>18. (2) The minister may designate an officer to perform investigations under this Act, and that officer may perform those investigations in the manner prescribed by the regulations.</p> <p>24. (2) An overpayment shall be calculated for a retroactive period not more than 6 years from the date of its discovery, but where</p> <p>(a) the income or employment support was fraudulently obtained, or</p> <p>(b) the income or employment support paid was agreed, in writing at the time the support was paid or in the course of its being paid, to be repayable, this subsection shall not apply.</p>
<b>Regulations:</b>	<p>46. (1) An officer shall, in determining continued eligibility for income or employment support, verify the information provided by the applicant or recipient as required under these regulations to assess eligibility.</p> <p>(2) Where a determination of eligibility is incomplete or unsatisfactory or new information regarding the eligibility of an applicant or recipient has come to the attention of and been verified by an officer, an officer may, under the authority of subsection 18(2) of the Act, perform those investigations that are necessary to determine an applicant's or recipient's eligibility for income or employment support.</p> <p>(3) An officer performing an investigation</p> <p>(a) may</p> <p>(i) access the applicant's or recipient's personal information that may be necessary to complete the investigation,</p> <p>(ii) contact third parties to obtain information about an applicant or recipient to complete an investigation,</p>

(iii) make visits to an applicant's or recipient's residence to obtain information to complete an investigation,

(iv) at the conclusion of the investigation, recommend that an applicant's or recipient's income or employment support be confirmed, denied, varied, suspended or cancelled

under the authority of these regulations, or

(v) make a referral for prosecution where there is evidence that an applicant or recipient has committed an offence under section 48 of the Act; and

(b) shall

(i) only conduct an investigation of a recipient on the approval of a manager,

(ii) identify himself or herself as an officer and describe the purpose of the contact,

(iii) interview an applicant or recipient personally where possible,

(iv) at all times provide the applicant or recipient with the opportunity to respond,

(v) complete the investigation within 4 months of it being assigned,

(vi) only disclose personal information to third parties for the purpose of obtaining facts related to an investigation, and

(vii) not disclose the identity of third parties without their permission to do so

and, in addition to the powers and duties prescribed in this subsection, an officer may, with the approval of the minister, do those other things necessary to complete an investigation.

(4) An officer who has received a recommendation from an officer performing an investigation under this section shall

(a) confirm, deny, vary, suspend or cancel the income or employment support of the applicant or recipient who was the subject of the investigation; and

(b) inform the applicant or recipient in writing of any action taken under paragraph (a) and of his or her right to request an internal review of that action and pending the outcome of the internal review, of his or her right to appeal under the authority of the Act and these regulations.

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<b>Overview:</b> (if applicable)	N/A
<b>Policy:</b>	<p><b>(a) Investigations</b></p> <ul style="list-style-type: none"> <li>• Duties of a Client Services Officer (CSO) performing an investigation are noted in <a href="#">Section 46(3) of the Income and Employment Support Regulations</a>.</li> <li>• Referrals for investigation are received from a variety of sources and must be approved by the Eligibility Assurance Unit (EAU) Client Services Manager (CSM) prior to being investigated.</li> <li>• Referrals are assigned a referral number. The referral number and referral information are entered into the "Investigator Tracking System (ITS)."</li> <li>• There must be a valid "Rights, Responsibility and Client Consent" form on file which covers the period for which the complaint was alleged to have occurred.</li> <li>• Investigators will not utilize sources indiscriminately and client confidentiality and privacy should always be protected.</li> <li>• An investigation must be closed within 4 months after it has been assigned.</li> <li>• There are various resources available to staff to help substantiate or negate an investigation referral, including social media. Social media can be used as one tool that can help support other information gathered by the investigator. It should not be the only source of verification, nor should it be the only grounds for starting an investigation.</li> <li>• Once a referral is received by the investigator, a letter is sent to the client regarding the allegation and they are given a period of time to respond. As a part of this response, clients are usually asked to provide information that may help in making a decision on the validity of the referral.</li> </ul>

- If the client does not respond in the specified time period, the investigator will likely hold the cheque until they are provided with the requested information.
- Regardless of the outcome of the investigation, clients must be advised, in writing, of the findings and of any action to be taken on the file.
- When an investigation results in recommending a change in financial eligibility, a detailed "Investigation Report" form must be completed and provided to the CSO responsible for making the changes.
- Serious fraud matters may be referred to the local police agency. This action will be taken by the EAU CSM but only after consultation with the Regional Manager.
- Clients must be advised, in writing, of their right to appeal any decision. The CSO who conducts the investigation may be requested to attend an appeal hearing.
- Once the investigation is concluded, the "Investigator Tracking System (ITS)" will be updated to reflect the outcome of the investigation.

**(b) Prosecutions**

- The primary purpose for conducting investigations is to assist in the identification of individuals who are suspected of misrepresenting their circumstances (fraudulently) to receive Income Support benefits and to take action to stop the abuse of the program. While in some cases this action may take the form of setting up overpayments and/or suspending income support benefits, in other cases, the Department may also consider criminal prosecution.
  - If as a result of an investigation, the CSO determines that a client has obtained income support through fraudulent means, they should discuss the case with the EAU CSM. The CSM will consider the possibility of pursuing criminal proceedings through the courts and, where appropriate, refer the case to the local police authority for follow up.
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- Once the EAU CSM has consulted with the Regional Manager and a decision made to forward a case to the police, an email must be sent to the Regional Director and the Director of Income Support to advise what action has been taken and the circumstances of the case.

**(c) Intake Verification-EDP**

- Intake verification is completed during the application process and its purpose is to assist in determining an applicant's eligibility for Income Support benefits.
  - There must be a "Rights, Responsibility and Client Consent" form signed by the applicant(s) prior to the verification process beginning.
  - Client confidentiality and privacy should always be protected.
  - The applicant should be contacted in the first instance, whenever reasonable and practical and requested to provide any required documentation. A referral to the EDP CSO should only occur if the intake CSO reviews the application and determines that information contained in the application warrants further examination.
  - The intake verification process should not take any longer than five working days.
  - A client must be notified of any action taken as a result of the verification process.
  - If the EDP CSO cannot reach the applicant in the five day turnaround time, they should change the application status back to In Progress and send a notification to the Intake CSO advising them that they were unable to reach the applicant.
  - If an EDP CSO has requested information from an applicant and the information has not been provided in the time period allotted, the CSO should select Ineligible-EDP in CAPS and advise the Intake CSO of the decision. The EDP CSO must send a letter to the applicant, with their decision and advise
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them of the right to appeal. The letter should also include the appeal brochure.

- If all the necessary documents have been provided and the EDP CSO determines that there is enough information to not assist, the CSO should select Ineligible-EDP in CAPS and advise the Intake CSO of the decision. A letter with the decision, along with the appeal brochure, must be sent to the applicant.
- The EDP CSO will make every effort to advise the applicant of their decision by telephone, prior to sending the letter.
- If the applicant decides to appeal, the EDP CSO may be requested to attend an appeal hearing.
- Information relating to the EDP assessment and outcome are captured in the "Investigator Tracking System (ITS)."

#### **(d) Eligibility Review Process**

- The Eligibility Review Process ensures that clients confirm their continued eligibility for Income Support benefits on a regular basis and provides an opportunity to update financial and non-financial information on their case file.
- When a client is due for a review, the client will be contacted by a worker to complete an eligibility interview. The interview is normally conducted over the phone, but there may be occasions when a client may be required to attend the interview in person.
- The interview consists of a series of questions that are intended to confirm and/or update information on the client's case file and verify a client's continued entitlement to Income Support benefits. It is also a chance to refer the client to other possible income and employment supports as required.
- Clients who fail to contact the Income Support worker to complete the review interview can expect future Income Support payments to be suspended.

#### **(e) Data Matches/Interfaces**

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- The Department performs a series of data matches with other federal/provincial departments and agencies to obtain financial information to verify continued eligibility for Income Support benefits.
  - The types of information and means by which data is exchanged are governed by various Memorandums of Understanding (MOU) and other types of information sharing agreements.
  - Authorization to obtain interface data on individual clients is obtained via the signing of the “Rights, Responsibilities and Client Consent” form. This form must be signed before any data matches are accessed and is valid as long as there is no break in assistance.
  - If a CSO requires further information regarding a data match, which necessitates contacting a federal department, it is likely that the Authorization to Communicate form for the specific federal department will be required i.e. CPP.
  - Once received, the data is distributed electronically for staff to review against the Income Support file. If there is any discrepancy between the interface information and the case file, the worker is required to make changes on the file to ensure the correct amounts are being deducted.
  - Depending on the income source and amount, this may result in reductions to the Income Support entitlement, overpayments for undeclared income, adjustments owing to the client due to too much income deducted or suspension of future benefits due to ineligibility.
  - Interface types generally include the following:
    - Employment Insurance
    - Canada Pension Plan (i.e. Retirement, Disability, Survivors, Children’s Benefits)
    - Canada Revenue Agency
    - Interprovincial Sharing Agreements
    - Student Aid
    - Department of Finance – Civil Service Payroll and Provincial Pension Payroll
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- Department of Justice and Public Safety – Provincial Correctional Facilities
- WorkplaceNL

**(f) Canada Pension Plan (CPP) Disability Project**

- The primary function of the project is to identify clients receiving Income Support who have potential eligibility for CPP Disability benefits and to guide them through the CPP Disability application process. A referral should be made to the CPP Disability CSO on any Income Support adult applicant or recipient who is not available for work due to illness and/or to any adult applicant or recipient that is listed in CAPS as having any of the following: “Challenges,” “Illness,” “Mental Illness,” or “Physical Illness.”
- Income Support clients who have potential eligibility for CPP Disability benefits are individuals who must have an illness that is both severe and prolonged. Based on Service Canada’s definition, “Severe” means that you have a mental or physical disability that regularly stops you from doing any type of substantially gainful work. “Prolonged” means that your disability is long-term and of indefinite duration or is likely to result in death.
- Applicants who are eligible for CPP Disability benefits must also have made sufficient contributions to the CPP plan in order to qualify for CPP Disability benefits. This means clients need to have had some work history.
- The CPP Disability CSO will liaise with Service Canada to determine if an Income Support client has potential to receive CPP Disability benefits and will assist the client in completing the required “Authorization to Communicate Information” and the “Consent to Deduction and Payment” forms.
- Once the CPP Disability application is finalized by Service Canada staff, the CPP Disability CSO will explain to the Income Support client the impact of the CPP approval.

**(G) Integrity Measures and Setting Up Overpayments**

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	<ul style="list-style-type: none"> <li>As per the Income and Employment Support Act (24 (2)), an overpayment can only be calculated for a retroactive period of no more than 6 years from the date of discovery. The only exception is if there had been a written repayment agreement at the time the amount was paid, or the income support was obtained fraudulently. However, in the latter case, evidence of fraud would need to have been determined as a result of a court ruling.</li> </ul>
<b>Procedure:</b>	N/A
<b>Authority Level:</b>	<b>Authority Level</b>  <u><b>Investigations/Prosecutions</b></u> Client Services Officer/Client Service Manager <ul style="list-style-type: none"> <li>Referrals</li> </ul> Manager of Eligibility Assurance Services <ul style="list-style-type: none"> <li>Approval of referrals, assignment of cases and referrals to police</li> </ul> <u><b>Intake Verification</b></u> Client Services Officer <u><b>Eligibility Review Process</b></u> Client Services Officer  <u><b>Data Matches</b></u> Client Services Officer <ul style="list-style-type: none"> <li>Review, assessment and follow up of data</li> </ul> Manager of Eligibility Assurance Services <ul style="list-style-type: none"> <li>Distribution of data</li> </ul> <u><b>CPP Disability</b></u> Client Services Officer
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