

RESIDENTS' COUNCILS

FINANCES

Ontario Long-Term Care Homes

OARC worked closely with various partners, including the Ministry of Long-Term Care, as well as residents of Long-Term Care homes themselves, to be able to provide legislative clarification and informed guidance about managing Residents' Council (RC) Finances. We aim to provide guidance as to who is best suited to be a signing authority, including situations where residents are not able to do so.

The *Fixing Long-Term Care Act (FLTCA), 2021*, is silent on issues around banking and management of Residents' Council funds. Ontario Long-Term Care home Residents' Councils are equipped with specific powers within the *FLTCA, 2021*. One of those powers is to plan and sponsor activities for residents. (63. (1) 4, *FLTCA, 2021*.) This means that Council members have the right to plan activities for residents over and above what the home already offers and, if there is a cost involved, Council can use its Residents' Council funds to pay for the activity. Therefore, in order to bring Residents' Council powers to life, Residents' Council must have access to, and authority over, their funds.

CHALLENGES TO MANAGING RC FINANCES

Increasing restrictions from financial institutions are creating great challenges for Residents' Council financial management. The majority of banks do not provide door to door service, which requires that residents leave their LTC home and travel to the bank to sign paperwork to become signing authorities. Furthermore, many residents do not have valid photo ID such as a driver's license which is required by the bank to become signing authorities. These conditions present as significant barriers for residents to become signing authorities for the Residents' Council bank account.

COGNITIVE CHANGES

Increasing numbers of residents are experiencing cognitive changes resulting in fewer residents able to become signing authorities. According to Health Quality Ontario's "Measuring Up 2018", report 63.6% of residents in 2016-17 have a form of dementia such as Alzheimer's disease.



OARC's research found that the following promising practices offer guidance with a framework that can assist and support long-term care home Residents' Councils.

SCENARIO 1: ONLY RESIDENTS SIGNING AUTHORITY

In this scenario there may be at least two residents listed as signing authorities who may be on the Leadership Team. However, there are no staff members listed as signing authorities.

SCENARIO 2: ADMINISTRATOR SIGNING AUTHORITY

With this scenario, only the Administrator has signing authority. This brought up the question of whether this might be viewed as interference on the part of the Administrator. The legislation clearly states that there will be no interference by the licensee with Residents' Council meetings or the operation of the Residents' Council. (71. (a) to (d), *FLTCA, 2021*.) Interference, simply stated, is considered to be any action that is taken contrary to what the Residents' Council directed. After a lengthy discussion with our Ministry of Long-Term Care, it became clear that having the Administrator as signing authority on the Residents' Council bank account was NOT considered interference if it was the Residents' Council that decided when and how their money will be spent.

SCENARIO 3: COMBINATION OF RESIDENTS, RC ASSISTANT/ADMINISTRATOR

In this scenario the signing authorities would include both resident representation and a team/staff member. Team/staff members could include the Residents' Council Assistant or Administrator. Both residents and staff are documented as signing officers.

OARC encourages Residents' Councils to endeavour to fully understand their Council's financial processes to clarify and seek transparency. Residents' Council owns the decision to choose who they feel is best suited to be listed as signing authority(s). **The issue isn't so much about who is the signing authority but that the Residents' Council feels confident that their money is being managed as the Residents' Council wishes it to be.** OARC recommends that it is in the best interest of the Residents' Council to ensure that their agreed upon arrangement is well documented in minutes and/or a statement of conditions (like [Bylaws](#)) which outlines their collective decision.

For Residents, By Residents

Ontario Association of Residents' Councils

T 905-731-3710 x 220 | Toll-free 1-800-532-0201

F 905-731-1755 | info@ontarc.com | www.ontarc.com

4261 Highway 7 East, Suite #A14-360. Markham, ON L3R 9W6



OARC is funded by the Ministry of Long-Term Care, membership dues and sponsorships. The views expressed in this publication are the views of OARC and do not necessarily reflect those of the Province.