

March 2022

# Evaluation of the Disability Benefits Program Redress Process

Final

# Table of Contents

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## Contents

<b>Executive Summary</b> .....	4
<b>1.0 Introduction</b> .....	7
1.1 Redress Process Overview.....	7
1.2 Departmental Reviews .....	7
1.3 The Veterans Review and Appeal Board – Review Process .....	8
1.3.1 The Veterans Review and Appeal Board - Appeal Process .....	9
1.3.2 The Veterans Review and Appeal Board - Reconsideration Process .....	9
1.4 Judicial Reviews .....	9
<b>2.0 Scope and Methodology</b> .....	10
2.1 Evaluation Scope and Questions .....	10
2.2 Multiple Lines of Evidence.....	11
2.3 Considerations, Strengths and Limitations.....	12
<b>3.0 Need/Relevance/Reach</b> .....	13
3.1 To what extent is the Redress Process responsive to the needs of its targeted population? .....	13
3.1.1 Operational and Published Data related to Redress.....	13
3.2 Demographic Information and GBA Plus Analysis.....	15
3.3 Alignment with Government priorities and federal roles and responsibilities.....	16
<b>4.0 Performance and Efficiency/Economy</b> .....	18
4.1 To what extent is the Redress Process achieving its objectives and contributing to the overall objectives of the Disability Benefits Program? .....	18
4.1.1 Program governance.....	18
4.1.2 Review of current departmental guidance on redress .....	19
4.1.3 Performance Information .....	19
4.1.4 Collaboration and Trend Analysis .....	21
4.2 Are there opportunities to improve efficiencies and effectiveness with the redress process ....	23
4.2.1 Quality assurance within the Redress Process .....	23
4.2.2 File Review of Departmental Review applications.....	23
4.2.3 Information and Data Systems .....	24
4.2.4 Published Service Standards .....	25

4.2.5	Operating Costs and Level of Effort .....	25
4.2.6	Opportunities for Standardization .....	26
4.3	Are there any unintended impacts (positive or negative) of the redress process? .....	27
4.3.1	Impacts of the COVID-19 Pandemic.....	27
4.4	Are there modifications, alternatives, or best practices regarding redress processes that are being or can be adopted by VAC or VRAB?.....	28
<b>5.0</b>	<b>Conclusion</b> .....	<b>30</b>
<b>Annex A</b>	<b>– Management Response and Action Plans</b> .....	<b>31</b>

# Executive Summary

## Profile

Veterans Affairs Canada (VAC) offers a comprehensive set of benefits and services. The Disability Benefits Program (Disability Pensions, Disability Awards, and Pain and Suffering Compensation) serves as one of the main gateways to accessing many of the benefits and services offered.

The Disability Benefits Program provides recognition of service-related illness and injury. It awards over \$2 billion to clients annually, and completed over 25,000 first applications in 2019-2020.

Clients who are not satisfied with a Disability Benefit decision have recourse options. They can seek Departmental Review at VAC, or bring their decision to the Veterans Review and Appeal Board (VRAB), an independent, arm's length administrative tribunal.

With the increase in Disability Benefit applications received at VAC, the processing time for first applications (as well as Reviews) has grown. When Veterans are waiting a considerable amount of time for their initial or Review decision, this can significantly impact their ability to access benefits and services which could improve their quality of life and well-being.

Approximately 4,600 Reviews, Appeals and Reconsiderations were processed by VAC and VRAB in 2019-2020.

Redress is a key component of the Disability Benefits Program, and has not previously been evaluated specifically.

## Evaluation Purpose

The purpose of this evaluation is to ensure the Disability Benefits redress process is relevant and meeting Veterans' needs, while determining if there are opportunities to improve its effectiveness or efficiency.

It is anticipated that this evaluation will provide strategic and timely information to support program, policy and operational areas as they continue to improve the delivery of benefits and services to Veterans and their families.

## Methodology and Findings

Multiple lines of evidence have been used to support the evaluation findings. These include Departmental and non-Departmental documentation review, interviews, file review, and statistical analysis.

There is a continued need for Disability Benefit redress and it aligns with Government of Canada goals and priorities. It is reasonable to project that the demand for redress will increase with the projected increase in demand for Disability Benefits.

There are opportunities to improve the effectiveness and efficiency of the Disability Benefits redress process in the areas of governance, communication, performance measurement, quality assurance and standardization.

Governance of redress is challenging as there is not one specific area or even Department that is responsible for redress. VAC's Centralized Operations Division (COD), the Bureau of Pensions Advocates (BPA) and the Veterans Review and Appeal Board (VRAB) are all accountable for elements of the process. The Office of the Veterans Ombud (OVO) also contributes by providing information to Veterans, and by helping to resolve process related complaints.

Over time, there have been various working groups and consultative committees between the respective areas to discuss issues regarding redress. Currently, there are regular operations meetings between BPA/VRAB and COD/VRAB where issues, changes and trends are discussed. However, there is currently no formalized approach to communication and information sharing that encompasses the Service Delivery Branch, the Strategic Policy and Commemoration Branch, BPA and VRAB.

The Performance Information Profile for the Disability Benefits program does not include any indicators related to redress process. Departmental Reviews are not reviewed for quality control<sup>1</sup> (other than during an adjudicator's extensive initial training period), although coaching and support are available. Also, there is no formal process in place for VAC to review and analyse decision making trends in Departmental Reviews, VRAB Reviews and Appeals and Judicial Reviews.

There is variance across the country in cases sent for Departmental Review or to the VRAB. The Disability Benefit application inventory impacts the advice provided by BPA lawyers to their clients. For instance, BPA may advise clients that they can have a VRAB Review hearing in less time than a Departmental Review, or that their chances of success might be better in pursuing one method of redress over another due to the nature of their case.

Based on these findings, the following recommendations have been made.

## **Recommendations**

### **Recommendation #1**

It is recommended that the DG, Centralized Operations Division work in collaboration with the Director, Strategic and Operational Support at the Bureau of Pensions Advocates to modify the existing Disability Benefits Program Performance Information Profile to include performance indicators (expected outcomes, targets and indicators to

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<sup>1</sup> This is not unique to Departmental Reviews

measure achievement) related to Departmental Reviews and BPA's responsibilities in the VRAB Review, Appeal and Reconsiderations Processes.

#### Recommendation #2

It is recommended that the DG, Veterans Review and Appeal Board improve on the data collection at the Board, including the development of a standardized process and request required system changes (via VAC Systems Priority Committee) in order to improve tracking and reporting. Specifically, that the Board capture data on reasons for decisions and, upon availability of this data, share with VAC for potential opportunities for improved policies, processes, quality assurance, etc.

#### Recommendation #3

It is recommended that the ADM, Service Delivery work in collaboration with the ADM, Strategic Policy & Commemoration, the Chief, Bureau of Pensions Advocates, and the DG, Veterans Review and Appeal Board to establish a formalized approach to communication and information sharing, which could encompass: changes to Disability Benefits policies and processes; trends and decision reasons relating to Disability Benefit redress claims; information sharing on system/tool changes and associated innovative solutions; and consultation regarding internal and external reviews related to the Disability Benefits Program. In addition, it is recommended that the committee request regular updates from the Veterans Ombud for information related to Disability Benefits systemic reviews and complaints.

#### Recommendation #4

It is recommended that the Chief, Bureau of Pensions Advocates review the variance in cases sent for Departmental Review or VRAB Review/Appeal between regions to ensure standardized processes are in place across the country, where appropriate.

# 1.0 Introduction

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Veterans Affairs Canada (VAC) offers a comprehensive set of benefits and services, with the Disability Benefits Program (Disability Pensions and Pain and Suffering Compensation [formerly Disability Awards, etc.]) serving as one of the main gateways to accessing many benefits and services. The Department's legislation, regulations, and policies outlining the review and appeal mechanisms (redress) related to the Disability Benefits Program have evolved over the years as a series of program adjustments and new benefits have been added.

Disability Benefits are tax-free financial recognition for the impact a service-related injury or disease can have on a client's life. The payment amount depends on the degree to which the condition is related to service (entitlement) and the severity of the condition, including its impact on quality of life (assessment).

## 1.1 Redress Process Overview

Clients who have made an application for disability benefits from VAC and received a decision, and disagree with that decision, have the right to review or appeal it.

Clients who are dissatisfied with a Disability Benefits decision are encouraged to contact the Bureau of Pensions Advocates (BPA), a nation-wide organization of lawyers within Veterans Affairs Canada providing free legal advice and representation for this purpose. The BPA team will review the file and may recommend the client apply for a Departmental Review through VAC, or take their case to the Veterans Review and Appeal Board (VRAB).

The BPA assists clients with preparing Departmental Review applications and written submissions, and can represent the client at the VRAB. Clients may also choose to represent themselves, engage private representation (at the client's cost), or seek help from Veterans Organizations like the Royal Canadian Legion.

## 1.2 Departmental Reviews

Departmental Reviews are completed by VAC Disability Adjudicators within Centralized Operations Division (COD). In a Departmental Review, an adjudicator from VAC examines the submission, including any new evidence, to determine if a new decision should be issued.

One of the most common<sup>2</sup> reasons why first applications for Disability Benefits are not approved by VAC, or the assessment is less than the applicant expected, is due to a lack of sufficient evidence in the original application. If an applicant has new evidence that was not included in their application, they may request a Departmental Review and submit the new evidence.

If the applicant is dissatisfied with the Departmental Review decision (or they did not apply), they can take their case to the Veterans Review and Appeal Board.

### **1.3 The Veterans Review and Appeal Board – Review Process**

Established by an Act of Parliament in 1995, the Veterans Review and Appeal Board is an independent federal tribunal to which clients have the right to two opportunities to appeal a Disability Benefit decision from VAC.<sup>3</sup>

The first step is a Review hearing. A request for Review with the VRAB is normally initiated by the BPA lawyer (or in some cases the client, private representation, or Royal Canadian Legion). After the request is made, a statement of case is prepared and a hearing is scheduled.

Review hearings are held before a panel of not fewer than two Board Members<sup>4</sup>. Clients are encouraged to attend and testify. Prior to the COVID-19 pandemic, travel costs for the Veteran to attend were typically covered by VAC. However, since the pandemic, hearings are held virtually. The BPA lawyer will go through the evidence in the case with the Board Members; ask questions of the client or any other witnesses; introduce new evidence; and make oral arguments on the client's behalf. If the client is unable to attend, the BPA lawyer can represent the client's interests. The hearing is not an adversarial process and there is no lawyer or other representative of VAC who questions any piece of evidence provided. The VRAB Members may choose to ask questions to obtain clarifications that are required to make a decision.

Following the Review hearing, a decision is made by VRAB and a decision letter is sent to the client. If a client disagrees with the decision, they have the right to appeal it. This next step is an Appeal hearing.

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<sup>2</sup> This is taken from information on reviews and appeals on the [Veterans Affairs External Web Site](#). It should be noted that the evaluation team found that over half of the cases were originally unfavourable due to insufficient information such as the inability to link the condition to service or lack of a medical diagnosis.

<sup>3</sup> The Board also has the authority to render Review and Appeal decisions on other allowances related to Disability Benefits (i.e. Additional Pain and Suffering Compensation, Critical Injury Benefit, Attendance Allowance, etc). In addition, VRAB hears the final level of appeal for decisions under VAC's War Veterans Allowance program.

<sup>4</sup> VRAB Board Members are appointed for various terms and work on a full-time basis. They are mandated to provide fair, impartial quasi-judicial hearings and decisions on Disability Benefits.



### **1.3.1 The Veterans Review and Appeal Board - Appeal Process**

If the client is dissatisfied with the VRAB Review decision, they can request a VRAB Appeal. Appeal hearings are similar to a VRAB Review except they are heard before a different panel than the Review hearing, with no fewer than three Board Members.

For an Appeal hearing, the lawyer will either argue the client's case on their behalf in front of a panel or file a written submission to the panel. Applicants rarely attend Appeal hearings because the legislation does not allow for oral testimony. The BPA lawyer will go through the evidence in the case with the Board Members, introduce new evidence and make oral arguments on the client's behalf. Appeals may consider new evidence or focus on errors of fact or law.

The Board's decision at an Appeal hearing is final and binding. That said, there are provisions in the *Veterans Review and Appeal Board Act* that allow the Board to further reconsider the matter if there has been an error in fact or law or if new evidence becomes available. These reconsiderations are not routine.

### **1.3.2 The Veterans Review and Appeal Board - Reconsideration Process**

If a client is dissatisfied with a final-and-binding Appeal decision, they can apply to the Board for a Reconsideration (i.e. a reopening of the case) if new, credible, and relevant evidence comes to light at a later date, or if an error in fact or law is found in the Appeal decision.

If the client has exhausted all redress options at the Board and remain dissatisfied, they have the right to apply to the Federal Court of Canada for a Judicial Review of the decision.

## **1.4 Judicial Reviews**

In certain and specific circumstances, clients may be able to pursue a Judicial Review through the Federal Court of Canada. This approach is considered in situations where the client and their lawyer are certain that VRAB has made an error in law or in fact, or that VRAB overlooked significant facts that could impact other applicants for disability benefits. This usually involves an issue of interpretation of specific law(s). The Federal Court cannot make a decision on VAC Disability Benefits, rather they can direct VRAB to set aside the decision and rehear the matter.

Lawyers from BPA are not mandated to represent clients before the Federal Court. They can advise clients if their case has merit, but in order to proceed, clients must hire their own legal counsel or represent themselves. However, BPA can proceed to Federal Court on issues of interpretation that impact not just a single client, but an entire class of clients. In these cases, the applicant is not a specific Veteran, but the Chief Pensions Advocate.

## 2.0 Scope and Methodology

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This evaluation had been conducted in alignment with the 2016 Policy on Results where departments periodically evaluate organizational spending on the programs and services of the department.

In addition, this evaluation has been conducted as an identified area of risk/need. During the preparation of VAC's 2020-25 Departmental Evaluation Plan, there was interest from VAC Senior Management in having the Audit and Evaluation Division evaluate the review and appeal process. Furthermore, an evaluation of VAC's Ombud's Office (2019) noted complexities and challenges in the review and appeal process and recommended that VAC review the various complaint and redress streams available to Veterans.

### 2.1 Evaluation Scope and Questions

The evaluation focussed primarily on the time period of April 1, 2015 to March 31, 2020. However, with the onset of the global COVID-19 pandemic, the Evaluation team also looked at some of the impacts of the pandemic on redress processes.

Departmental Reviews can be initiated directly by the Veteran and/or with the support of the Bureau of Pensions Advocates or the Royal Canadian Legion. For the purpose of this evaluation, the evaluation team focussed on BPA's involvement in the redress process and not redress applications initiated by Veterans themselves or with the help of the RCL or with private representation.

Although Additional Pain and Suffering Compensation (APSC) decisions can now be reviewed and appealed at VRAB, they could not be for the majority of the time period covered by the evaluation, and have therefore been omitted from scope as the numbers would be too low to be significant at this time.

The objective of this evaluation was to ensure the Disability Benefits redress process is relevant, meeting Veterans' needs, while determining if there are opportunities to improve its effectiveness or efficiency.

Preliminary interviews, document review, and initial data analysis identified areas of priority and focus for this evaluation. Upon completion of an initial review, evaluation questions were developed to help assess program relevance, performance, efficiency and economy, and effectiveness in order to achieve the evaluation objective. Specific questions assessed during the evaluation are identified in Table 1.

**Table 1: Evaluation Questions**

<b>Evaluation Questions</b>
➤ <b>To what extent is the Redress Process responsive to the needs of its targeted population?</b>
➤ <b>To what extent does the Redress Process align with Government of Canada priorities and with federal roles and responsibilities?</b>
➤ <b>To what extent is the Redress Process achieving its objectives and contributing to the overall objectives of the Disability Benefits Program?</b>
➤ <b>Are there opportunities to improve efficiencies and effectiveness within the redress process?</b>
➤ <b>Are there any unintended impacts (positive or negative) of the redress process?</b>
➤ <b>Are there modifications, alternatives, or best practices regarding redress processes that can be adopted by VAC and VRAB?</b>

## 2.2 Multiple Lines of Evidence

Multiple lines of evidence have been used to support the evaluation findings. The methods undertaken to support these lines of evidence are identified in Table 2.

**Table 2: List of Methodologies**

<b>Methodology</b>	<b>Source</b>
Departmental Documentation and Secondary Research Review	Departmental documentation/information has been reviewed to understand the program objectives/intent, authorities and requirements, complexity, context and any key issue areas. Documents included departmental planning documents, policies, mandate letters, business processes, records of decisions, strategic documents, performance reports, research papers, survey results, and correspondence.
Non-Departmental Document Review	Various non-departmental documents were reviewed, including, Parliamentary reports, Budget Speeches/Plans, Speeches from the Throne, and documentation related to redress processes for other countries and jurisdictions.
Interviews	Interviews were conducted with staff in the following areas: <ul style="list-style-type: none"> <li>• VAC (Strategic Policy, Program Policy, Stakeholder Engagement and Outreach, Centralized Operations, Disability Adjudication, as well as other subject matter experts within the Department)</li> <li>• Veterans Review and Appeal Board</li> </ul>

	<ul style="list-style-type: none"> <li>• Bureau of Pensions Advocates</li> <li>• Office of the Veterans Ombud</li> </ul> <p>Note: For the purpose of conducting this evaluation, VAC or its interviewees did not attempt to collect, use or disclose personal information of Veterans.</p>
Statistical Analysis	<p>Statistical analysis included:</p> <ul style="list-style-type: none"> <li>• VAC Facts and Figures</li> <li>• financial and operational data collected by VAC, VRAB and BPA.</li> </ul>
File Review	<p>A file review was completed to assist in evaluating the performance and efficiency of the Disability Benefits Program – Redress Process. A random sample of 371 files with redress decisions were reviewed, providing a confidence level of 95% +/- 5%. No BPA client files subject to solicitor-client privilege were part of this review.</p>

### 2.3 Considerations, Strengths and Limitations

- The evaluation team initially identified the review period as April 1, 2015 – March 31, 2020, however, as a result of the global Covid-19 pandemic, the evaluation team has included some of the impacts of that pandemic on the redress process in an effort to provide a fulsome and updated review of the process.
- As a result of restrictions imposed by the global COVID-19 pandemic, the evaluation team relied on virtual interviews and observations in lieu of in-person meetings and discussions.
- The evaluation team did not speak directly with Veterans who accessed the redress process. As a mitigation strategy, the team spoke directly with BPA employees and VRAB Members and staff who communicate with Veterans. In addition, the team reviewed data received from BPA’s client satisfaction questionnaires<sup>5</sup> and VRAB’s Review Hearing Exit Surveys.
- The Redress process is currently undergoing a migration process from its existing system of the Client Service Delivery Network (CSDN) to a new system called GCcase. In addition, VRAB has their own client management system which is separate from the CSDN (the VRAB Scheduling Application). Furthermore, BPA has not been able to secure its own client management system and, prior to the pandemic, relied almost exclusively on paper files. As a result, it is a challenge to track the whole process from start to finish given the different systems involved.

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<sup>5</sup> Upon completion of a hearing, the BPA provides each Veteran with a client satisfaction questionnaire to complete. The questionnaire is provided immediately after the hearing and in advance of the decision in attempt to focus on client service and to avoid decision result bias in the response.

## 3.0 Need/Relevance/Reach

**The redress process is responsive to the needs of its targeted population and aligns with government roles and responsibilities.**

### 3.1 To what extent is the Redress Process responsive to the needs of its targeted population?

In support of assessing the responsiveness of the redress process, the evaluation team analysed operational and published data and obtained direct feedback from a number of key informants throughout the Department, the BPA, as well as through the VRAB.

#### 3.1.1 Operational and Published Data related to Redress

The ability to predict the continued need for redress services can be challenging as it is not easy to estimate the number of Veterans who may be dissatisfied with their Disability Benefits decision. Furthermore, a Veteran who may have received a favourable decision might not be satisfied with the level of assessment. There is also no time limit on when dissatisfied clients can come to the VRAB. With this in mind, one way to assess the continued need for redress services is looking at the ongoing demand and uptake for the Disability Benefits Program. The Disability Benefits Program includes Disability Pension recipients, Disability Award recipients and effective April 1, 2019, recipients of Pain and Suffering Compensation. The [Veterans Affairs Canada Facts and Figures](#) document provides official departmental forecasts for the Disability Program which show a continued, steady overall demand for the program, as displayed in Table 3.

**Table 3: Disability Benefits Program Forecast Recipients**

Disability Benefits	2020-21	2021-22	2022-23	2023-24	2024-25	Forecasted Increase % (2020-21 to 2024-25)
Disability Pensions	89,600	83,900	78,700	74,000	69,600	-22.3%
Disability Awards	90	80	60	50	30	-66.7%
Pain and Suffering Compensation	88,010	93,420	98,630	103,630	111,800	27.0%
Total	177,700	177,400	177,390	177,680	181,430	2.1%

In addition, data on applications processed as outlined in Table 4 show a continued steady demand for redress services. With the future projections for overall Disability

Benefits applicants, it is reasonable to conclude this trend will continue. Table 4 shows the number of first applications completed over the five year period have remained steady and trending up in the last two years. In addition, the number of redress applications that were processed over the same time remained steady.

**Table 4: Demand for Redress Services compared with Applications Completed at VAC <sup>6</sup>**

<b>Applications Completed</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
First Applications	20,719	18,725	21,212	22,859	25,329
Reassessments	15,114	16,235	13,842	16,063	14,752
Departmental Reviews	1,637	1,698	1,471	2,860	2,170
<b>Decisions Completed</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>
VRAB Reviews	2,507	2,116	2,020	1,405	1,428
VRAB Appeals	792	937	375	565	861
VRAB Review and Appeal Reconsiderations	88	120	79	70	159

In June 2020, the Department released a strategy called [Timely Disability Benefits Decisions](#) in an effort to address the high volume of the Disability Benefit application inventory. This included the hiring of more than 300 additional temporary full-time staff to increase decision making capacity. Although the evaluation team did not include the Disability Benefit application inventory in the scope of this evaluation, the increasing decision making capacity to reduce the inventory will lead to more decisions being made, which provides more opportunity for redress options to be used. It is expected that this will increase demand for the coming years at all levels of redress, thus impacting the volume of work at both BPA and VRAB.

Besides the increase in applications processed, the BPA has also seen an increase year after year of incoming inquiries which are handled by explaining decisions or providing advice and do not ultimately result in formal redress, which represents a considerable workload not captured in the applications processed.

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<sup>6</sup> Each application completed may include multiple decisions (one decision is issued per medical condition)

### **3.2 Demographic Information and GBA Plus Analysis**

Currently, the Department is limited in its ability to collect and analyze data with respect to GBA Plus. Indicators such as race, sexual orientation, indigenous status, gender and ethnicity have not been built into the Client Service Delivery Network (CSDN) which is currently where redress related decisions are recorded.

The evaluation team did, however, look at favourability rates of decisions among male and female recipients. With respect to First applications, Departmental Reviews and VRAB Appeals, the difference in the 5 year average favourability rate among males and females was less than one percentage point. When considering VRAB Reviews, female Disability Benefit recipients had a favourability rate slightly higher than males (approximately 3% higher favourability rate).

During the course of the evaluation, the team also reviewed an internal sex and gender based analysis of disability benefits adjudication at VAC prepared in February 2020. The analysis noted that for the years 2013-14 to 2017-18, female clients waited longer than male clients for decisions about disability benefits. Turnaround times for single condition dockets for females were on average one month longer than those for males. In addition, multiple condition docket conditions for females had turnaround times almost two months longer than males.

The same 2020 sex and gender based analysis found evidence of gender biases in the model of disability that frames adjudication of disability benefits as well as in some adjudication instruments and processes. This could be contributing to the gender gap in turnaround times. However, data limitations made it impossible to establish with certainty that gender biases are causing or contributing to gender inequities, or to confirm the existence of other gender inequities, or to map their nature and scope. The Department has taken steps to address some of the items identified in the analysis and will continue to use the analysis to inform decision making into the future.

**Table 5: Favourability Rates for Decisions Made by fiscal year<sup>7</sup>**

Decisions Made	Service Type	2015-16	2016-17	2017-18	2018-19	2019-20	Average Annual Favourable Percentage	Average # Completed by Year
First Application	CAF	82.3%	80.4%	82.5%	80.9%	80.1%	81.2%	18,676
	RCMP	90.7%	89.7%	91.3%	89.3%	90.4%	90.3%	2218
	WS	88.8%	89.2%	87.5%	86.7%	85.4%	88.0%	849
Departmental Reviews	CAF	67.2%	69.5%	76.1%	80.4%	78.0%	75.2%	1,684
	RCMP	79.1%	79.9%	85.8%	84.7%	84.4%	82.9%	187
	WS	76.1%	79.2%	51.9%	75.7%	72.3%	71.8%	99
VRAB Review	CAF	53.02%	42.10%	43.56%	58.40%	74.94%	52.64%	1,730
	RCMP	48.11%	41.42%	34.21%	66.67%	84.16%	55.05%	145
	WS	46.55%	26.03%	52.82%	53.33%	70.59%	39.30%	40
VRAB Appeal	CAF	40.49%	26.51%	29.00%	42.19%	80.13%	45.55%	631
	RCMP	38.98%	18.92%	30.56%	41.30%	81.08%	43.94%	58
	WS	13.16%	16.67%	*N/A	*N/A	58.33%	20.48%	17
VRAB Reconsiderations	CAF	40.58%	20.20%	6.35%	31.75%	73.88%	39.95%	86
	RCMP	*N/A	18.75%	*N/A	*N/A	61.11%	36.84%	11
	WS	10.00%	*N/A	*N/A	*N/A	*N/A	20.00%	5

\* N/A is used in instances where the volume of claims completed was less than 10

### 3.3 Alignment with Government priorities and federal roles and responsibilities

As noted in s. 4 (a) (1) of the *Department of Veterans Affairs Act*, the powers, duties, and functions of the Minister apply to the administration of Acts of Parliament, etc., that relate to:

“...the care, treatment or re-establishment in civil life of any person who served in the Canadian Forces or merchant navy or in the naval, army or air forces or merchant navies of Her Majesty, of any person who has

<sup>7</sup> The favourable percentage includes any applications that have had 1 or more conditions with a favourable result (entitlement, first award, increased assessment %).



otherwise engaged in pursuits relating to war, and of any other person designated by the Governor in Council...”

The authorities for the Disability Benefits program in particular are found in Part 3 of the *Veterans Well-Being Act* and the *Pension Act*.

Clients who are not satisfied with their Disability Benefits decision have a legislated right to appeal. Sections 82(1) of the *Pension Act* and 84 of the *Veterans Well-being Act* allow for a review of the decision to be made by the Department if there was an error of fact or in the interpretation of any law or if new evidence is presented. In these cases, the decision may be amended, confirmed or rescinded.

The VRAB mandate is to “to hear, determine and deal with all applications for review and appeal that may be made to the Board under the *Pension Act*, the *Veterans Well-being Act* the *War Veterans Allowance Act*, and other Acts of Parliament. All matters related to appeals under this legislation are authorized under the *Veterans Review and Appeal Board Act*. The Board also adjudicates duty-related pension applications under the authority of the *Royal Canadian Mounted Police Pension Continuation Act* and the *Royal Canadian Mounted Police Superannuation Act*.<sup>[4]</sup>

In addition, s. 6.1 of the *Department of Veteran Affairs Act* outlines the duties of the BPA:

“... to assist applicants and pensioners in the preparation of applications for review or of appeals...”

BPA lawyers are mandated to provide free legal advice and representation to Veterans who are having their disability benefit decisions reviewed or appealed. Although a part of the Department, the relationship between BPA and its clients is one of privilege, making lawyers subject to the rules and regulations of their respective law societies. Consequently, they take direction solely from their clients and not from the Government of Canada (*Department of Veterans Affairs Act*, sections 6.2(2) and (3)).

The evaluation finds that by providing redress processes to applicants to ensure they have the opportunity to present all available evidence in an effort to receive the benefits and services they are entitled to is aligned with Government of Canada priorities and federal roles and responsibilities. This is further highlighted in the December 2019 mandate letter to the Minister of Veterans Affairs and Associate Minister of National Defence stated that the Minister must:

“...continue to ensure that the Government lives up to its sacred obligation to our Veterans and their families. You will continue to ensure that Veterans receive the respect, support, care and economic opportunities that they deserve.”

## 4.0 Performance and Efficiency/Economy

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**There are opportunities to improve the effectiveness and efficiency with the Disability Benefits Program Redress process.**

### **4.1 To what extent is the Redress Process achieving its objectives and contributing to the overall objectives of the Disability Benefits Program?**

#### **4.1.1 Program governance**

The evaluation finds that governance of the Redress Process is challenging as there is not one specific area or division or even Department that is responsible for Redress. VAC, the BPA and the VRAB all have important roles to play in the process.

VAC Centralized Operations has a vital role to play in making the initial decision on the Disability Benefits First Application as well as the decision on a Departmental Review, should the Veteran chose to go that avenue for redress.

The BPA is uniquely positioned. The division exists within VAC and the Chief Pensions Advocate reports to VAC's Deputy Minister, yet BPA lawyers are tasked with representing Veterans who do not agree with a VAC decision. Key informant interviews suggested that one of the first steps that BPA staff must take is to explain the relationship between the BPA and VAC and establish trust with the client who has come forward for help.

The VRAB, however, is independent from VAC and has the role of hearing and deciding on Reviews, Appeals and Reconsiderations. Ultimately, there is not one specific area or division responsible for the full redress process.

Additionally, the Office of the Veterans Ombud (OVO) plays a role in ensuring that Veterans and their families are treated fairly and have access to the programs and services that contribute to their well-being, and raising systemic issues. However, the OVO does not have authority to review any departmental decisions that can be reviewed or appealed to VRAB, such as Disability Benefits.<sup>8</sup>

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<sup>8</sup> A systemic issue is a gap or problem with a program or service identified through a review of that program or service or the receipt of multiple individual complaints about that program of service.

#### **4.1.2 Review of current departmental guidance on redress**

The Department outlines [how to review or appeal a decision](#) on its departmental website. The evaluation team finds that the information contained on the departmental website relating to the Redress process is current, informative and good reference information outlining steps for clients who are not satisfied with a Disability Benefits decision.

The VRAB website and the Veterans Ombud website are also both informative.

#### **4.1.3 Performance Information**

In October 2020, VAC developed a revised Performance Information Profile (PIP) for the Disability Benefits program with updated indicators and performance targets. This document outlines the Program outputs and outcomes and identifies a number of indicators that will be used to measure those outcomes. The PIP also establishes targets indicating the level of performance that the Program plans to achieve within a specified time period.

The current PIP does not identify any specific indicators related to Departmental Review decisions and therefore the evaluation team was unable to assess the relevance of the indicators specific to DR decisions.

One of the ultimate outcomes of the program is that Veterans are satisfied with the services they receive. The evaluation team looked at the [2020 VAC National Survey](#) and noted that 80% of individuals are satisfied with the quality of the VAC programs and services they receive. The target for this outcome is 85% satisfied by March 31, 2023.

The VRAB provides some performance information in their [Departmental Plan](#).

Two service standards related to Redress are published online.

For BPA, there is a service standard for a case to be ready for hearing within 21 weeks 75% of time after initial contact with BPA. In 2019-2020, this target was met 54% of time, which is lower than the previous 4 year range (63 to 69%).

There is a service standard at VRAB to schedule a hearing, conduct the hearing and issue a decision within 16 weeks. In 2019-2010, this target was met in 95% of Review cases and 48% of Appeal cases. In 2020-2021, this target was met in 88% of Review cases and 66% of Appeal cases, as in-person Review Hearings were suspended for a period of time due to the pandemic, during which time VRAB focused more on Appeals.

#### **4.1.3.1 Client Surveys**

##### BPA Client Satisfaction Survey

BPA uses a client questionnaire as a tool for clients to contribute feedback on the quality of services they receive from the Bureau. Pre-pandemic, questionnaires were given, in person, to each client after their Review hearing. Appeal hearing clients received their questionnaires by mail. Clients were asked to complete the questionnaire and return it by mail to BPA. Client surveys ceased during the Covid-19 pandemic.

Generally, clients were very satisfied with the staff and service that the Bureau provides. One of the areas identified for improvement at the Appeal level was the amount of time to have a case heard.

Some of the highlights of the 2018-2019 Client Questionnaire results include:

- 97% of clients at Appeal and 99% of clients at Review responded very satisfied or satisfied with courtesy of BPA employees
- 90% of clients at Appeal and 99% of clients at Review responded very satisfied or satisfied with Advocate's ability to effectively communicate
- 79% of clients at Appeal and 96% of clients at Review responded very satisfied or satisfied with time to respond to requests for information
- 68% of clients at Appeal and 92% of clients at Review responded very satisfied or satisfied with amount of time to have a case heard

#### VRAB Exit Survey

VRAB administers a Review Hearing Exit Survey, which provides valuable insight on clients' experience. The feedback is generally very positive. Some of the highlights for the 2019-2020 fiscal year include:

- 98.7 % agree Board Members clearly explained how the hearing would proceed
- 96.3% agree Board Members gave my representative and me the opportunity to fully explain my case
- 96.1% agree Board Members listened to what I had to say
- 94.6% agree Board Members made efforts to put me at ease
- 98.1% agree Board Members treated me with respect
- 92.9% agree the hearing was conducted in a fair manner

#### **4.1.4 Collaboration and Trend Analysis**

##### ***Policy, Program, BPA, and VRAB collaboration***

Key informant interviews with multiple areas involved in the redress process have indicated that over time, there have been different iterations of working groups or consultative committees between respective areas to discuss issues regarding redress. Currently, BPA and VRAB have a regular monthly meeting to discuss issues of mutual concern which involves the Chair and Deputy Chair of VRAB, BPA's Chief Pensions Advocate, and BPA's Senior Director for Legal Operations. In addition to regular senior management meetings, there are regular operations meetings with VRAB/BPA/COD to discuss issues, changes and trends.

However, opportunity exists to renew and strengthen information sharing and collaboration among relevant parties. There is currently no formalized approach to communication and information sharing that encompasses the Service Delivery Branch, the Strategic Policy and Commemoration Branch, BPA and VRAB.

The evaluation team was not able to obtain any formal meeting minutes or records of actions taken as a result of the existing meetings. During interviews with key informants, the evaluation team was made aware of the importance of collaboration and how implementation of a policy or process change on the program side without collaboration can have significant impacts on the entire redress process. For example, a change in direction surrounding fractional entitlement<sup>9</sup> resulted in an unanticipated high volume of requests to BPA for VRAB Reviews coming forward that impacted their operations.

##### ***Trend Analysis***

The Department does not currently have a formal process in place to review and analyse decision making trends at the First Application, Departmental Review, VRAB Review, VRAB Appeal and Judicial Review levels. Further, although VRAB previously captured decision reasons, this process was discontinued in May 2019 after a review identified that the report was no longer providing meaningful, accurate information. VRAB plans to further expand its data collection in GCcase as this system begins to be used for redress in 2022-23, including tracking decision reasons.

Analysis of trends and decision reasons could provide insight to support changes or improvements earlier in the adjudication and/or redress process. For example, further analysis could be completed on:

- decisions for conditions most commonly brought forward for redress (e.g., Tinnitus, Hearing Loss and Post-Traumatic Stress Disorder make up 44% of all decisions made at the Departmental Review level)

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<sup>9</sup> Fractional entitlement refers to the level of entitlement for a Disability Benefit recorded in fifths.

- conditions or types of claims for which decisions are most commonly amended in redress, and why
- conditions or types of claims which have higher favourability rates in redress than in first application, and why.

Understanding the reasons that decisions are amended in redress could provide opportunity for changes to be made earlier in the process, and could reduce the administrative burden on both Veterans and Departmental and VRAB employees.

Delays in receiving approval for Disability Benefits impact the Veteran's gateway to other benefits and services such as Treatment Benefits. Key informant interviews suggest that Veterans see the whole process (initial decision to redress completion) as one complete turnaround time. In reality, there are many factors that impact the overall redress turnaround time such as:

- Length of time that passes between First Application decision and when the applicant decides to apply for redress<sup>10</sup>;
- Length of time to gain/acquire supporting documentation including medical documentation;
- Turnaround times for the BPA to have the case ready for a hearing;
- Turnaround times for Departmental Review decision making; and
- Turnaround times for a VRAB hearing to be scheduled and held.

To demonstrate from a Veteran perspective, consider the following example from the random sample of files used in the evaluation:

- First Application submitted September 17<sup>th</sup>, 2015
- First Application decision November 30<sup>th</sup>, 2016 (unfavourable)
- Departmental Review Decision October 31<sup>st</sup>, 2019 (favourable due to error in fact or law)

Overall, the evaluation team finds that for efficiency and effectiveness, there is significant need to establish a formal approach to information sharing between VAC (including both the Service Delivery Branch and Strategic Policy and Commemoration Branch), the BPA and the VRAB to share information on trends, policy changes, process challenges and other issues of mutual concern.

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<sup>10</sup> There is no deadline or specific timeframe for applying for redress for the Disability Benefits Program.

## **4.2 Are there opportunities to improve efficiencies and effectiveness with the redress process**

### **4.2.1 Quality assurance within the Redress Process**

When a new employee is hired to work as a decision maker within the Centralized Operations Division, they receive extensive training on the Disability Benefits Program and related processes to support them in their role as decision maker. In addition, they have access to senior decision maker “coaches” to support them throughout the process.

New decision makers start with files of certain conditions that are less complicated. As experience is gained, training is provided on additional condition types depending on organizational need. Throughout this initial training period, all files that are assigned to new decision makers are quality reviewed before receiving final approval.

The evaluation team found that upon completion of the initial training period, new decision makers are assigned files on their own and are no longer required to have their decisions reviewed for quality assurance purposes. It is, however, important to note that the decision makers still have access to the senior decision maker “coaches” beyond their initial training period.

In 2020, VAC engaged a contractor to support the development of a Quality Assurance / Quality Control framework for the Department’s Disability Benefits Program. The framework was completed in January 2021 and is anticipated to be implemented in fiscal year 2022-2023. This quality assurance framework encompasses quality control activities to support First Application decisions only.

**Observation:** There is a significant opportunity to improve effectiveness and efficiency of redress by COD establishing a Quality Assurance/Quality Control framework which encompasses Departmental Review decisions.

### **4.2.2 File Review of Departmental Review applications**

The evaluation team completed a file review on a random sample of favourable Departmental Review decisions. In total, the decisions for 371 Disability Benefits applicants were analysed for the time period of April 1, 2015 to March 31, 2020.

A summary<sup>11</sup> of the results shows that:

- 153 (41%) decisions were originally unfavourable as the decision maker did not have sufficient documentation with the file to establish a link between the condition and the applicant’s military service.

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<sup>11</sup> Some of the Departmental Review decisions reviewed in the file review had more than one reason which lead to the favourable decision, therefore the numbers do not add to 371.

- 43 (12%) decisions were originally unfavourable because the information submitted with the application did not include a medical diagnosis.
- 233 (63%) decisions were amended based on the review of additional evidence submitted.

In the following instances, the file review found that information was available and/or errors were made:

- 66 (18%) decisions were amended based on a review of available evidence already on file.
- 84 (23%) decisions were amended based on an administrative error in the initial decision.

In considering the results of the file review above it is reasonable to draw the conclusion that a broader reaching Quality Assurance framework would support more effective decision making earlier in the process.

### **4.2.3 Information and Data Systems**

Currently, the redress process involves the use of multiple systems to capture information and decisions. The Client Service Delivery Network (CSDN) is the main system of record for VAC where applications and decisions involving redress are captured and recorded.

The VRAB currently has its own client management system, the VRAB Scheduling App. This system allows the Board to track intake and prepare the statement of case for any hearings. However, upon completion of the statement of case<sup>12</sup>, it must be uploaded to the CSDN for the BPA to be able to access the information for hearings. Statements of case and decisions made by the board are sent to the Veteran via the secure My VAC Account<sup>13</sup>.

The BPA currently does not have an electronic client management system. Prior to the Covid pandemic, BPA processes were heavily paper based. Key informant interviews revealed that implementing a suitable client management system has been an ongoing challenge at BPA.

Initial work has been completed and future plans include integration of the redress process including functionality for BPA and VRAB in the Department's GCcase<sup>14</sup> system.

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<sup>12</sup> A statement of Case is all the relevant documentation and information that is used for a VRAB hearing.

<sup>13</sup> My VAC Account is a simple and secure way for Veterans to do business online with VAC.

<sup>14</sup> GCcase is the standard for case management and workload tracking in the Government of Canada.



#### **4.2.4 Published Service Standards**

##### VAC

The turnaround time for processing a first application Disability Benefit decision is a decision within 16 weeks, 80% of the time. As of 2019-20, this standard is being met 23% of the time.

VAC does not have a published service standard for Departmental Review decisions.

The evaluation found that VAC only publishes one service standard with respect to the Redress process on its external website; it is specific to the work of the BPA (for a case to be ready for hearing in 21 weeks 75% of the time).

##### VRAB

VRAB publishes and reports on a service standard to schedule a hearing, conduct the hearing and issue a decision within 16 weeks.

##### Considerations

The Department has made a significant investment to reduce the Disability Benefit application inventory to help meet the service standard. More than 300 new employees have been hired to reduce the inventory by 2022. As of March 31, 2021, the total number of pending Disability Benefit applications is approximately 6,900 fewer than it was as of March 31, 2020.

Similar to VAC, the BPA has hired temporary resources in an effort to achieve its service standards. The service standard for the BPA is to have a case ready for a hearing within 21 weeks, 75% of the time, after a client's initial contact with the bureau. As of 2019-20, this target was being met 54% of the time. This was lower than the previous 4 years which ranged between 63% and 69%.

These additional resources at VAC and BPA have had an impact on workload at VRAB, where additional funding was not received.

Overall, the evaluation team finds that there is an important need for VAC to proceed with the implementation of a quality assurance / quality control program to ensure efficient and effective decision making and the best possible outcomes for Veterans and to regularly evaluate its quality assurance/control program and expand it to include the redress process.

#### **4.2.5 Operating Costs and Level of Effort**

The Redress process is a highly involved process which includes the effort of three distinct areas: VAC Centralized Operations, BPA and VRAB.

For fiscal year 2019-20, VRAB had planned human resource and operational spending of approximately \$10.7M with 83 full-time equivalent employees. BPA had planned

spending of \$12.6M with 127 employees. For BPA, this represents a one-year boost in budget based on extra resources reallocated to the Bureau from within VAC for that one year. BPA's normal annual A-base funding is approximately \$9.5M.

The portion of the Department's costs associated with the Departmental Review process is not tracked or separated from the larger Disability Benefits Program expenditures.

As a result of Recommendation 1 (modifying the Disability Benefits Program Information Profile to include performance indicators related to redress), it is anticipated that more detailed reporting on the costs and resources dedicated to redress in particular will be necessary. This will facilitate further analysis of expenditures related to redress in the future.

#### **4.2.6 Opportunities for Standardization**

When a client first reaches out to BPA, the BPA advocacy officer and lawyer will review the case and provide the client with advice on how to proceed. This may include a recommendation to proceed with a Departmental Review application or to go straight to a VRAB Review hearing. This advice may also include a recommendation not to proceed with any application if it is felt that nothing will be gained by proceeding. This is referred to as being "counselled out".

Through interviews with BPA employees, the evaluation team attempted to understand the rationale behind recommending a Departmental Review case, a VRAB Review case and "counselling out<sup>15</sup>" a client. Some of the factors identified included:

- Disability Benefit application inventory, which impacts Departmental Review turnaround times
- Nature of the information or evidence required for a successful outcome
- Likelihood of success
- Disability Benefit Applicant preference
- Regional and/or lawyer preference
- Language of the case (fewer resources at VAC to process French cases)

Interviews with BPA employees and a review of operational data show a wide regional difference in the proportion of cases being referred to Departmental Reviews compared to VRAB Reviews. For instance, in fiscal year 2019-20, 80% of cases that went forward for redress in the Western Region, went through the Departmental Review process first. Similarly, the Ontario and Atlantic regions saw approximately 70% of cases follow this path. However, in the Quebec region, less than 40% of cases are directed to the departmental Review process with the majority being directed to VRAB. This variance may be partly explained by language (lawyers report delays in French cases).

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<sup>15</sup> Counselling out refers to a recommendation from BPA to the Veteran that there is little chance of succeeding if the Veteran decides to move forward in the redress process. It is important to note that it is ultimately the decision of the Veteran if they proceed or not.

The evaluation team was informed through the interviews that the current high disability benefit application inventory impacts the advice provided by BPA lawyers to their redress clients. For instance, part of the information provided to the redress client by BPA may be that they can have a VRAB Review hearing in less than half the time compared to a DR decision.

### **4.3 Are there any unintended impacts (positive or negative) of the redress process?**

#### **4.3.1 Impacts of the COVID-19 Pandemic**

The global outbreak of COVID-19 triggered a series of changes to the redress process for Disability Benefits. Of note, the shift to a virtual work environment and virtual delivery of services. This virtual shift included significant upgrades to redress operations including moving the Departmental Review process from an outdated paper-based system to digital administration and delivery.

The abrupt shift to a virtual work environment put Departmental Reviews on hold for five months from mid-March to September 2020 while processes were developed to send Department Review applications electronically from BPA to COD as opposed to via paper. This shift was particularly challenging for the BPA given their reliance on paper based processes and files and the continued need to respect solicitor client privilege while trying to adapt to digital. However, each area has been able to successfully pivot and continue providing the service to applicants. At the same time, key informants indicated that the pause on Departmental Reviews allowed BPA and VRAB to focus on Appeal hearings and tackle the existing inventory of cases.

VRAB also shifted to a virtual work environment and the virtual delivery of services to ensure client and staff safety during the pandemic. Review hearings moved quickly from face-to-face hearings to teleconference hearings, then eventually to videoconference hearings. Since January 2021, the process has evolved to include hearings over MS Teams, a collaboration application used by federal government Departments and agencies across Canada.

It is important to note that key informants highlighted that some Veterans and other clients have chosen to wait for a face-to-face hearing which will be reinstated once provincial and/or federal public health guidance for COVID-19 allows. Both key informants at VRAB and the BPA acknowledged the importance of face-to-face hearings, which are the client's legislated right. Some key informants spoke to the importance of first-hand testimony in a Review hearing and how sometimes this can be the most important piece of evidence provided.

The COVID-19 pandemic also impacted the delivery of training to VAC adjudicators who perform Departmental Reviews. Previously adjudicators travelled to VAC Head Office in Charlottetown, PEI to participate in training. Given travel restrictions during the pandemic, a virtual training strategy was adopted. It is anticipated that employee training for Departmental Reviews and other Disability Benefits decisions will continue to be delivered virtually into the future.

The evaluation team found evidence of excellent collaboration among VAC, the BPA and the VRAB as a result of the COVID-19 pandemic to ensure continued service to Veterans seeking access to redress.

#### **4.4 Are there modifications, alternatives, or best practices regarding redress processes that are being or can be adopted by VAC or VRAB?**

In carrying out the evaluation, a scan was completed of redress in other jurisdictions. The evaluation team reviewed Veterans disability benefits and redress systems in Australia, the United Kingdom, and the United States. The team also reviewed the Canada Pension Plan Disability Benefits, the Social Security Tribunal of Canada, and various Canadian Worker's Safety and Insurance Boards and Tribunals.

In completing this review, it was noted that the Australian Veterans Review Board (AVRB), was the most relevant comparison as it is also an independent tribunal that reviews decisions about Veterans' entitlements and compensation. Of note, the AVRB has implemented two approaches of interest:

- Australia's Alternative Dispute Resolution (ADR): ADR is an "alternative" process which helps parties to finalize a case, without the need for a Board hearing, so the expense and time of a hearing can be avoided. The ADR process is informal, flexible and its course depends on the assessment of a Conference Registrar as to what is appropriate for a given case. In 2015, the AVRB began a pilot whereby all new applications for review in one particular state to go to Alternative Dispute Resolution (ADR).
- Australia's Online Dispute Resolution (ODR): AVRB is now trialing online dispute resolution (ODR) to increase Veterans' access to justice. The initiative provides a modern, simple, efficient, user-friendly and accessible forum for Veterans, current serving Members and their families seeking review of decisions that affect their interests. ODR lets current serving Members, Veterans and their families resolve applications when and where it is convenient for them.

At the time of this evaluation report, there was no publicly available information on results or impact of these alternatives, however it may be of benefit for VAC or VRAB to engage Australian counterparts to determine the impacts of these novel approaches.

## **Simplified Hearing Process**

The VRAB Simplified Hearing Process was identified as a best practice.

In spring 2020, the Board developed a Simplified Hearing Process to adjudicate less complex claims to create greater access to justice and render more timely decisions.

VRAB introduced this new process in an effort to ensure decisions are made in a timely and efficient manner. The Simplified Hearing Process aims to reduce the amount of time it takes to process less complex claims and therefore create more capacity to adjudicate claims. The major change is that a formal hearing is not required to make a decision, and the resultant decision is less complex.

Examples of cases that may go to the Simplified Hearing Process include Reviews, Appeals or Reconsiderations of certain Hearing Loss cases as well as partial entitlement cases for other conditions. The evaluation team did not have any available data to analyse the results of this new process, however, it will be valuable to follow the progress of this change going forward and whether it can be expanded for other types of Reviews, Appeals or Reconsiderations.

## 5.0 Conclusion

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The evaluation team finds that the Disability Benefits Program Redress Process is an important component of the services provided to Canada's Veterans. Between the different areas involved, the process ensures all the recourse mechanisms provided in legislation are available to clients, with free legal advice and representation available. It allows the opportunity for a decision to be looked at multiple times to ensure appropriate decisions have been made and clients' concerns have been fulsomely reviewed and responded to.

With the current forecasts for the Disability Benefits program, it is reasonable to conclude the continued need for redress services now and into the future. There are opportunities to improve effectiveness and efficiency through an enhanced approach to communication and information sharing between VAC, the BPA and the VRAB to share information on trends, process/policy changes, and other issues of mutual concern.

It is also critical that VAC enhance performance measurement and quality assurance of redress decisions, through enhancing the Performance Information Profile and implementing a Quality Assurance framework which includes Departmental Reviews. VRAB can support VAC's quality assurance efforts by tracking and providing decision reasons.

# Annex A – Management Response and Action Plans

## Recommendation 1:

It is recommended that the DG, Centralized Operations Division work in collaboration with the Director, Strategic and Operational Support at the Bureau of Pensions Advocates to modify the existing Disability Benefits Program Performance Information Profile to include performance indicators (expected outcomes, targets and indicators to measure achievement) related to Departmental Reviews and BPA’s responsibilities in the VRAB Review, Appeal and Reconsiderations Processes.

<b>Management Response:</b>		
<ul style="list-style-type: none"> <li>The Centralized Operations Division and the Bureau of Pensions Advocates are in agreement with the recommendation.</li> </ul>		
<b>Action and Rationale</b>	<b>Expected Completion Date</b>	<b>OPI Accountable</b>
<p>The Performance Information Profiles (PIPs) outlines the Program outputs and outcomes and identifies a number of indicators that will be used to measure those outcomes. These profiles also establish targets indicating the level of performance that the Program plans to achieve within a specified time period. Service Delivery’s Centralized Operations Division adjudicates the first option in the redress process, Departmental Reviews (DRs). The Bureau of Pensions Advocates (BPA) regularly receives requests from Veterans for an ‘appeal’ of their first decision that is more appropriate to be reviewed by the Department (Departmental Review). The Bureau’s publicly communicated service standard to have a case prepared for the VRAB is 21 weeks from the date of first contact. Currently, the PIPs related to the Disability Benefits Program do not include indicators related to DRs, or BPA’s responsibilities in the VRAB Review, Appeal and Reconsiderations Processes.</p> <p>To rectify this, COD will work with BPA and other departmental partners to develop outputs, outcomes and indicators for DRs and BPA’s responsibilities in the VRAB Review, Appeal and Reconsiderations Processes which</p>	April 1, 2023	Assistant Deputy Minister (ADM) of Service Delivery

will be added to the PIPs for the Disability Benefits Program.		
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**Recommendation 2:**

It is recommended that the DG, Veterans Review and Appeal Board improve on the data collection at the Board, including the development of a standardized process and request required system changes (via VAC Systems Priority Committee) in order to improve tracking and reporting. Specifically, that the Board capture data on reasons for decisions and, upon availability of this data, share with VAC for potential opportunities for improved policies, processes, quality assurance, etc.

<b>Management Response:</b>		
<ul style="list-style-type: none"> <li>The Board agrees with this recommendation.</li> </ul>		
<b>Action and Rationale</b>	<b>Expected Completion Date</b>	<b>OPI Accountable</b>
<p>VAC is engaging with the Board in developing the redress GCcase system. Disability redress processing will be captured in this new system. The work is set to begin in April, 2022. Progress is dependent on VAC resources to develop and implement the system changes. Given limited resources and the move to GCcase by VAC, the Board has decided to focus on the development of this new system for redress, rather than invest in the legacy technology.</p> <p>As this system is developed, the Board will undertake to include, in the new GCcase redress system, indicators that will enable data capture of reasons for decisions. The Board will collaborate with VAC in determining the data decision points to be captured. Once implemented, the Board will regularly share the data reports with VAC.</p>	<p>April 1, 2024, is the anticipated date for the implementation of a fully functional disability redress system. Completion is dependent on VAC's decision to continue to prioritize the development of the GCcase system.</p>	<p>DG, Veterans Review and Appeal Board</p>



**Recommendation 3:**

It is recommended that the ADM, Service Delivery work in collaboration with the ADM, Strategic Policy & Commemoration, the Chief, Bureau of Pensions Advocates, and the DG, Veterans Review and Appeal Board to establish a formalized approach to communication and information sharing, which could encompass: changes to Disability Benefits policies and processes; trends and decision reasons relating to Disability Benefit redress claims; information sharing on system/tool changes and associated innovative solutions; and consultation regarding internal and external reviews related to the Disability Benefits Program. In addition, it is recommended that the committee request regular updates from the Veterans Ombud for information related to Disability Benefits systemic reviews and complaints.

<b>Management Response:</b>		
<ul style="list-style-type: none"> <li>The Centralized Operations Division is in agreement with the recommendation.</li> </ul>		
<b>Action and Rationale</b>	<b>Expected Completion Date</b>	<b>OPI Accountable</b>
<p>While the various areas involved in the Disability Benefits redress process have informal meetings, currently there is no formalized approach for communication and information sharing that encompasses the Service Delivery Branch, the Strategic Policy and Commemoration Branch, the Bureau of Pensions Advocates, and the Veterans Review and Appeal Board.</p> <p>To establish a more collaborative environment, Service Delivery will arrange more formalized meetings involving these areas that will take place three times per year. These meetings will include the Director General level and the applicable directors from each area, and will be documented through the use of agendas and records of decision. Periodically, these meetings will include updates from the Veterans Ombud regarding information related to Disability Benefits systemic reviews and complaints.</p>	<p>Meetings to commence by April 30, 2022</p>	<p>Assistant Deputy Minister (ADM) of Service Delivery</p>

**Recommendation 4:**

It is recommended that the Chief, Bureau of Pensions Advocates review the variance in cases sent for DR or VRAB review/appeal between regions to ensure standardized processes are in place across the country, where appropriate.

<b>Management Response:</b>		
<ul style="list-style-type: none"> <li>BPA agrees with this recommendation.</li> </ul>		
<b>Action and Rationale</b>	<b>Expected Completion Date</b>	<b>OPI Accountable</b>
<p>The Bureau of Pensions Advocates is structured regionally. This has created some regional variance in practices. To some degree this is necessary to allow lawyers to practice law as they deem appropriate. Departmental reviews represent an area of legal practice that overlaps between a lawyer’s personal preference, and administrative standardization in process.</p> <p>With respect to the differing numbers of Departmental Reviews in the western region, the main reason for this is the backlog of French Departmental Reviews at Centralized Operations Division, thereby moving non-western region files to hearing at VRAB instead for faster service to the client.</p> <p>However, The Bureau of Pensions Advocates agrees that there is room for improvement in standardizing the approach for which files move to Departmental Review, and which ones are heard by the Veterans Review and Appeal Board. Details are below.</p>	<p>April 1, 2022 and ongoing</p>	<p>Chief Pensions Advocate</p>