

Access, Equity and Human Rights Investment Funding Program Appeals Issues

Date:	June 25, 2012
To:	Community Development and Recreation Committee
From:	Executive Director, Social Development, Finance and Administration
Wards:	All
Reference Number:	

SUMMARY

On June 11, 2012, the Community Partnership and Invest Program Appeals Committee met to hear appeals from applicants to six of the City's community funding programs. In appealing their recommendations under the Access, Equity and Human Rights Investment Program (AEHR), a number of deputants raised concerns regarding changes they believed had occurred in the program's mandate, organizational eligibility criteria, and funding model; they also reported to the Committee that these changes had not been clearly communicated to them in advance of the application process.

In response to these concerns, the Appeals Committee directed the Executive Director, Social Development, Finance and Administration, to report to the Community Development and Recreation Committee's June 26, 2012 meeting on the issues raised by the deputants with respect to changes in the AEHR program.

This report responds to the Appeals Committee's direction of June 11, 2012, and provides an analysis of the concerns raised by deputants regarding the 2012 AEHR's mandate, organizational eligibility criteria and funding model. The report recommends a working group be established to:

1. Review the support provided to Toronto's community-based sector by the City's community funding programs to identify:
 - a. How the impact of this funding on the community-based anti-discrimination infrastructure can be enhanced;
 - b. How the Toronto Grants Policy's *Anti-Racism, Access and Equity Policy and Guidelines* can be enhanced to strengthen the community-based anti-discrimination infrastructure;

- c. How the impact of the City's community funding and *Anti-Racism, Access and Equity Policy and Guidelines* on the community-based anti-discrimination infrastructure can be demonstrated and measured; and
2. Review whether an ongoing working group would enhance the City's efforts to build an equity and anti-discrimination approach into all of its activities.

RECOMMENDATIONS

The Executive Director, Social Development, Finance and Administration recommends:

1. The Director, Community Resources and the Director, Equity, Diversity and Human Rights establish a *Working Group on City Funding Support for Toronto's Community-Based Anti-Discrimination Infrastructure* using the Terms of Reference provided in Appendix A of this report to review the key issues identified in the appeals to the 2012 Access, Equity and Human Rights Investment Program.

Financial Impact

The adoption of this report will have no financial impact beyond what has been included in the 2012 Operating Budget for Social Development, Finance and Administration.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting of June 11, 2012, the Community Partnership and Investment Program Appeals Committee considered the report titled *Access, Equity and Human Rights Investment Program (AEHR) – 2012 Allocation Recommendations* and considered deputations on this report from program applicants.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.CI2.4>

At its meeting of June 23, 2008, City Council adopted updates to the Toronto Grants Policy.

<http://www.toronto.ca/legdocs/mmis/2008/cd/bgrd/backgroundfile-13493.pdf>

At its meeting of April 12, 13, and 14, 2005, City Council adopted standards for the administration of its community funding programs.

<http://www.toronto.ca/legdocs/2005/agendas/committees/pof/pof050331/it001.pdf>

At its meeting of December 16, 1998, City Council adopted *Anti-Racism, Access and Equity Policy Guidelines* for grant-making.

<http://www.toronto.ca/legdocs/1998/agendas/council/cc/cc981216/sp26rpt/cl005.htm>

ISSUE BACKGROUND

The City's Access, Equity and Human Rights Investment Program was first launched in 1981 and now provides Investment funding to projects that strengthen Toronto's community-based anti-discrimination infrastructure. Originally launched to support anti-racism activities in communities, the program has evolved over time to recognize the positive changes that have resulted from past anti-discrimination efforts, incorporate new knowledge about the nature of discrimination, and reflect the growth in the number and types of organizations working to eliminate racism and other forms of discrimination.

The City draws upon the community-based anti-discrimination infrastructure to complement and inform its own equity and anti-discrimination work. The efforts of community-based advocacy and service organizations and of other community leaders have catalyzed much of the City's past work in equity and the City continues to have a significant interest in enhancing the breadth and strength of the community-based anti-discrimination infrastructure.

The AEHR program is just one of several tools used by the City to support this infrastructure. This Investment funding program is complemented by ongoing funding for community development, community engagement and advocacy in the area of anti-discrimination in the Community Service Partnerships program (CSP), and by funding from other programs to support the full participation of equity seeking groups in the life of the city.

The breadth of the community-based anti-discrimination infrastructure has also been expanded through the *Toronto Grants Policy* ("the Policy") and *Program Standards and Performance Measures* ("the Standards"), which together comprise the City's policy framework for grant-making. The Policy and Standards require that all funding programs integrate anti-racism, access and equity into their administration, and require that funding recipients adhere to the City's *Anti-Racism, Access and Equity Policy Guidelines* ("the Guidelines") as a condition of their funding. The Policy, Standards and Guidelines support the efforts of all funded organizations to build equity and anti-discrimination into their activities and ensure the City's and the community's equity and anti-discrimination efforts are mutually reinforcing.

Changes to the AEHR Program Mandate

The evolving nature of anti-discrimination work has resulted in two significant changes to the AEHR program: one to the program's mandate in 2004, and one to the program's administrative model in 2011 and 2012.

The first significant change in the program took place in 2004 when City Council expanded the program's mandate to address human rights issues related to the Aboriginal community, women and gender issues, disability issues, sexual orientation, literacy and language equity. This change aligned the program's mandate with the City's own anti-discrimination policies and practices, and allowed the City to support the work of organizations interested in addressing a broader and more complex set of discrimination issues than could be addressed within an anti-racism focus alone. This mandate change

has allowed the Community Development and Recreation Committee to consider recommended support for a wide range of complex community initiatives under the 2012 AEHR program, including:

- The Vietnamese Women's Association Toronto is recommended for funding to address racism and discrimination within the Vietnamese community, including discrimination based on ethnic background (Vietnamese, Chinese and French) and perceived political affiliation (based on the Northern/Southern divide of the Vietnamese war);
- Ethno-Racial People with Disabilities Coalition of Ontario is recommended for funding to address discrimination faced by people with disabilities within their own ethno-cultural communities and beyond;
- Friends in Trouble Youth Initiative is recommended for funding to address discrimination faced by LGBTQI youth within the Jane-Finch community, a highly racialized community;
- The Centre for Spanish Speaking Peoples is recommended for funding to address issues of homophobia within the Latin American youth community;
- Black Daddies is recommended for funding to identify and develop information about issues and barriers for fathers of the Black and Caribbean community; and
- Amadeusz is recommended for funding to address access to education for young men and women who have been remanded to custody for significant lengths of time while awaiting a court appearance.

Council has not approved any changes to the program's mandate since 2004.

Changes to the AEHR's Administration

The second change to the AEHR program began following the 2010 allocations cycle when the administration of the program was transferred to the Community Resources Section (CRS) of Social Development, Finance and Administration. Once the 2010 allocations process had been completed, CRS staff reviewed the AEHR program mandate, eligibility criteria, assessment process and allocation patterns in light of the City of Toronto's strategic goals, the mandates of other City funding programs, and the *Toronto Grants Policy* and *Program Standards and Performance Measures*. The review resulted in six conclusions:

1. The AEHR program's mandate continues to be relevant, remains appropriate as a focus for a City funding program, and does not require changes at this time;
2. The transparency of the AEHR program would be improved by fully aligning the program with the City's Standards, and ensuring it operated using either an Investment or Partnership model as required by the Standards;
3. An Investment program model would maximise the effectiveness of the AEHR program by allowing the City to support the development of new and innovative anti-discrimination activities and resources that strengthen Toronto's community infrastructure for all equity-seeking groups;

4. The effectiveness of AEHR as an Investment program would be improved by ensuring that the size of individual project allocations are appropriate to the scope, complexity and planned impact of the project;
5. The transparency and accountability of the City's funding portfolio would be improved by ensuring that funding for ongoing community development, community engagement and advocacy activities, including those in the area of anti-discrimination, was provided under a single Partnership program; and
6. The administrative efficiency of the City's funding programs would be enhanced for organizations receiving ongoing funding for community development activities, community engagement and advocacy activities in the area of anti-discrimination under the AEHR program by transitioning them to support under the Community Service Partnerships program.

Initial administrative changes were made in 2011 to the AEHR program guidelines, application and recommended allocations to reflect these findings, and the program was brought into full alignment with the Investment program model and the City's community funding Policy and Standards for the 2012 allocations cycle.

COMMENTS

At its June 11, 2012 meeting, the Appeals Committee heard depositions from 18 organizations and received one additional written submission regarding the AEHR program's recommended allocations. The issues raised in these depositions fell into four broad categories:

1. Depositions that exclusively addressed the merits of the project application;
2. Depositions that raised issues related to the AEHR program's mandate;
3. Depositions that raised issues related to the AEHR program's organizational eligibility criteria; and
4. Depositions that raised issues related to the AEHR program's funding model.

Depositions Regarding Project Merit

All deponents appealed to the Committee for consideration based on the merits and planned impact of their application. Some deponents also clarified information in their applications or proposed modifications to their application to enhance its impact and make it more competitive.

Community funding is a very competitive process, and Investment programs, which provide equal consideration to all applicants, irrespective of whether they were funded in a previous year or not, can be particularly competitive. The competitiveness of an Investment program varies from year to year, and depends both on the number of applicants and the quality of proposed projects. In a typical year, many fewer applications will be recommended for funding than will be not recommended, and in highly competitive years, it may be possible to recommend only a small percentage of applications for funding.

The 2012 AEHR program was particularly competitive, and the majority of eligible applications could not be recommended for funding, including three projects assessed as a priority against the program's mandate and criteria. Recommendation categories for the 2012 AEHR program are shown in Table 1.

Application Assessment Category	Number of Projects	Recommendation	Typical Summary Sheet Comment
High Priority for Funding	23	Recommended for funding.	No typical Comment – individual Summary Sheet comments provide additional information regarding the recommendation if this is required.
Priority for Funding	3	Not recommended for funding – insufficient AEHR program funds.	"Due to lack of available funding, this application is not recommended for funding. Other requests were identified as higher priority for support."
Not a Priority for Funding	54	Not recommended for funding – the project's capacity to impact the AEHR program's mandate was not clearly demonstrated in the application.	"Application would be strengthened by demonstrating how the proposed activities would contribute to the purpose of the funding program." "Insufficient information was provided in the application to demonstrate how the proposed activities would address the identified issue."
Ineligible Organization, Project or Application	6	Cannot be recommended for funding – one or more organizational or project eligibility criteria were not met; or the application was submitted substantially incomplete; or the application was submitted after the program deadline.	Individual Summary Sheet Comment identifies the specific criteria that the organization, project or application did not meet.

Although it is not always possible to identify the specific reason that a program's competitiveness increases in any particular year, the 2012 AEHR program received a greater number of applications to address discrimination against disability communities than it has in previous years. This increase in disability-related anti-discrimination work may be a result of the introduction of the Accessibility for Ontarians with Disabilities Act and the increasing awareness of this Act and its implications for the community services sector.

The competitiveness of the 2012 AEHR program has also increased as the program has been brought into full alignment with the *Program Standards and Performance Measures*

for grant-making. These Standards require all funding programs to assess the risk of applicants, and to monitor funded projects according to their level of assessed risk.

Within the context of Investment programs, "risk management" is used to describe a systematic approach to maximizing the likelihood that funded projects will significantly advance the Investment program's goals. As a part of a risk management approach, levels and kinds of acceptable risk are defined, and a range of strategies are applied to minimize acceptable risks.

The appropriateness of the size of a grant for the proposed project activities is one of the risk factors that can be managed in Investment funding programs to help maximize their impact. When grant sizes are too small to support essential project elements, project effectiveness can be compromised in several ways: activities critical to the project's success may be eliminated; turnover in key project staff may occur if wages are reduced to achieve unrealistically small budgets; and completed projects may not have the resources to share learnings and impact the broader community infrastructure.

The AEHR program has historically addressed issues of increasing demand and competition by reducing grant sizes to maximise the number of funded applicants. To align the AEHR with the City's funding Standards, the AEHR program focused in both 2011 and 2012 on allocating funding appropriate to the scope of proposed projects to manage risk, enhance the program's impact, and provide support to a range of complex, high priority projects. During this time, the program's average funding recommendation has risen from \$14,472.00 in 2010 to \$34,100.00 in 2012. This focus on impact and effectiveness cannot be accomplished within the program's available budget without a lesser focus on "quantity" and a reduction in the number of projects funded.

Deputations Regarding the AEHR's Program's Mandate

In addition to describing their project's merits, several deputants also indicated that they believed their application might not have been recommended because of a change in the AEHR program's mandate. Some of these deputants also felt that if the program's mandate had changed, this change had not been clearly communicated to them.

The concerns of this category of deputants appear to arise from the transitions underway to align the AEHR program with the City's funding Standards, and not from a change in the program's mandate, which has been in place since 2004. The concerns of these deputants are addressed below under "Deputations Regarding the AEHR's Funding Model."

Deputations Regarding the AEHR's Organizational Eligibility Criteria

In addition to describing their project's merits, several deputants also indicated that they believed their application might not have been recommended because of a change in the AEHR organizational eligibility criteria. They noted that the AEHR program had historically funded ethno-cultural and ethno-racial organizations, particularly at the "grassroots" level, and that it had not funded larger, more established organizations that did not have an ethno-cultural/ethno-racial community as their focus. These deputants

also expressed a concern that Toronto's anti-racism infrastructure would be undermined if more established, "mainstream" organizations were funded for anti-racism work, and were concerned that anti-racism work could not be effectively undertaken by these organizations.

The AEHR program includes a set of organizational eligibility criteria that limit the kind of organizations that can be funded under the program. These criteria were last updated in 2004 to reflect the program's Council-directed change in mandate, and are provided to all applicants as a part of the program guidelines¹. These criteria do not include restrictions based on the size, focus community, number of different communities supported, or types of services provided by applicant organizations. Limitations of this kind would not be aligned with the *Toronto Grants Policy's* principles of *Accessibility* (which ensures that all qualified applicants will have the opportunity to make an application), and *Fairness and Equity* (which ensures that no organization or individual will receive less favourable treatment on the grounds of race, nationality, age, religion, gender, sexual orientation, disability or ethnic origin).

The City remains firmly committed to supporting community-based anti-racism work as a part of its efforts to advance a just and equitable society. Historically, anti-racism work was almost exclusively undertaken by small, ethno-cultural/ethno-racial groups that provided critical supports to their communities, spearheaded advocacy and other leadership efforts, and established a fledgling anti-racism infrastructure in Toronto.

The diligence of these groups strengthened the foundation on which other anti-discrimination work has been built, and their efforts have helped to catalyze changes in larger organizations and institutions. It is in part due to the success of their efforts that the infrastructure that supports anti-racism and anti-discrimination in Toronto has greatly expanded and diversified. Toronto's anti-racism and anti-discrimination infrastructure can no longer be described in terms of a particular set of organizations; instead, it now includes the activities of a wide variety of organizations, has become a core element of diverse programs and services, and transcends the boundaries of the city's neighbourhoods and communities.

All City funding programs must respond to changes in the state of Toronto's community infrastructure if they are to continue to strengthen it. Within the AEHR program, this responsiveness has not been achieved with changes to the program's organizational eligibility criteria; it has been achieved by ensuring that the program's recommended allocations reflect the evolving nature of the city's community-based anti-racism and anti-

¹ Consistent with the *Toronto Grants Policy*, the AEHR program requires that all organizations be not-for-profit, based in the City of Toronto, and in good standing with the City. The program also includes additional eligibility criteria that maximize the impact of the program, and that are a part of the program's risk management approach: organizations must be accountable to the community through a representative, elected board of directors; organizations must have existed for at least one year; have a recent audited financial statement; they must collaborate with other service providers; demonstrate a clear separation between religious and community service functions; comply with the City of Toronto Grants Policy's Anti-Racism, Access and Equity Policy and Guidelines; and demonstrate the reasonableness of their unrestricted reserves.

discrimination infrastructure. The more diverse set of organizations recommended for funding under the program in recent years is one indicator of the program's responsiveness.

Deputations Regarding the AEHR's Funding Model

Finally, several deputants indicated that they believed their application might not have been recommended because of a change in the AEHR's funding model. They noted that the AEHR program had historically provided "core" funding, and that they had not been told of any change in this practice. Many of these deputants noted their ongoing, long-term efforts to build an anti-racist society, and indicated the critical nature of the ongoing support that they have provided to their communities.

Most deputants in this category are among the 25 organizations that had received Partnership funding under the AEHR up until the end of the 2010 allocation cycle, and many also receive funding through the Community Service Partnerships program to support activities for marginalized communities that are similar to those proposed within their AEHR application.

During their 2010 review of the AEHR program, CRS staff concluded that the transparency, accountability and administrative efficiency of the City's funding portfolio would be improved by ensuring that funding for ongoing community development, community engagement and advocacy activities, including those in the area of anti-discrimination, was consolidated under the CSP. However, the CSP program was closed to new applications in 2012 in anticipation of significant reductions to the program's 2012 budget. Consequently, organizations that previously received Partnership funding under the AEHR in 2010 were not able to apply to the CSP for ongoing program support in 2012.

Some of the deputants that have identified a need for Partnership funding to support ongoing community needs also indicated that they did not believe the CSP was the appropriate funding program to support organizations with an anti-racism mandate or with an ethno-racial or ethno-cultural community focus. In fact, the CSP's organizational eligibility criteria do not restrict eligible organizations on this basis, and in 2012, 12 organizations serving people with disabilities, 3 organizations serving the Aboriginal community, 68 organizations serving ethno-specific or multi-ethnic communities, 23 organizations serving women and 2 organizations serving the Lesbian, Gay, Bisexual, Transgender, Transsexual and Two Spirited community have been recommended for ongoing funding.

The 2012 CPIP Appeals Recommendations report, which is also before the Community Development and Recreation Committee at its June 26, 2012 meeting, recommends funding for several organizations that have not yet transitioned to the AEHR's Investment model or to a Partnership program. Staff will continue to work with these organizations over the remainder of the year to assist them in completing this transition.

Enhancing City Support for the Anti-Discrimination Infrastructure

The depositions made by AEHR program applicants to the Appeals Committee highlighted a number of issues that are of central importance to the City's efforts to build a just and equitable society. In particular, depositions highlighted the need to understand the evolving nature of Toronto's community-based anti-discrimination infrastructure, the ways in which the City's funding programs contribute to the strength of this infrastructure, and the ways in which this infrastructure complements the City's other anti-discrimination efforts.

Because these issues transcend the AEHR program, this report recommends that the Director, Community Resources, and the Director, Equity, Diversity and Human Rights, establish a working group with a two-fold mandate:

1. Review the support provided to Toronto's community-based sector by the City's community funding programs and advise the City on:
 - a. How the impact of this funding on the community-based anti-discrimination infrastructure can be enhanced;
 - b. How the Toronto Grants Policy's *Anti-Racism, Access and Equity Policy and Guidelines* can be enhanced to strengthen the community-based anti-discrimination infrastructure;
 - c. How the impact of the City's community funding and *Anti-Racism, Access and Equity Policy and Guidelines* on the community-based anti-discrimination infrastructure can be demonstrated and measured; and
2. Review whether an ongoing working group would enhance City's efforts to build an equity and anti-discrimination approach into all of its activities.

The proposed Terms of Reference for the Working Group are included in Appendix A of this report.

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ATTACHMENTS

Appendix A: Terms of Reference – Working Group on City Funding Support for Toronto's Community-Based Anti-Discrimination Infrastructure

APPENDIX A TERMS OF REFERENCE WORKING GROUP ON CITY FUNDING SUPPORT FOR TORONTO'S COMMUNITY-BASED ANTI-DISCRIMINATION INFRASTRUCTURE

Purpose

The purpose of the *Working Group on City Funding Support for Toronto's Community-Based Anti-Discrimination Infrastructure* (the "Working Group") is to provide advice on ways in which the City's support for Toronto's community-based anti-discrimination infrastructure can be strengthened.

Composition and Membership:

A diverse array of institutions and organizations play a role shaping Toronto's community-based anti-discrimination infrastructure. The Working Group's composition has been designed with this diversity in mind, and is intended to ensure that the results of the Working Group's efforts are informed by a variety of perspectives.

The Working Group's membership will be developed with the following composition:

- The Working Group will include one representative from each of the City's community funding programs;
- The Working Group will include one representative from all funders of Toronto's community-based infrastructure that have a significant funding or policy focus on equity and/or anti-discrimination;
- The Working Group will include one representative from all community-based planning organizations and networks that have a significant focus on equity and/or anti-discrimination;
- The Working Group will include four representatives from community-based networks that have a primary focus on a geographic area such as a neighbourhood or group of neighbourhoods. These four representative will be drawn across Toronto; and
- The Working Group will include two representatives of research institutions. One of these representatives will have expertise in the measurement of the impact of community funding, and one representative will have expertise in the practices required to embed equity and anti-discrimination in the work of organizations and institutions.

Goals

The Working Group has two distinct sets of goals.

1. The Working Group will review the support provided to Toronto's community-based sector by the City's funding programs and advise the City on:

- a. How the impact of this funding on the community-based anti-discrimination infrastructure can be enhanced;
 - b. How the Toronto Grants Policy's *Anti-Racism, Access and Equity Policy and Guidelines* can be enhanced to strengthen the community-based anti-discrimination infrastructure;
 - c. How the impact of the City's community funding and *Anti-Racism, Access and Equity Policy and Guidelines* on the community-based anti-discrimination infrastructure can be demonstrated and measured; and
2. Review whether an ongoing working group would enhance City's efforts to build an equity and anti-discrimination approach into all of its activities.

Objectives

The objectives of the Working Group are to advise the City on:

1. Actions it can take to enhance the impact of its community funding on the community-based anti-discrimination infrastructure;
2. Changes that can be made to the Toronto Grants Policy's *Anti-Racism, Access and Equity Policy and Guidelines* to strengthen the community-based anti-discrimination infrastructure;
3. Ways in which the impact of the City's community funding and *Anti-Racism, Access and Equity Policy and Guidelines* on the community-based anti-discrimination infrastructure can be demonstrated and measured; and
4. Whether an ongoing working group would enhance City's efforts to build an anti-discrimination approach into all of its activities, and what the mandate and composition of such a group would be.

Roles and Procedures

The Working Group will be convened, supported and co-chaired by the Director, Community Resources and the Director, Equity, Diversity and Human Rights.

The Working Group will establish a work plan and meeting schedule that will allow the Working Group to fulfil its mandate, goals and objectives in 2012.

Working Group members may send an alternate representative to meetings of the Working Group. Each Working Group member is responsible for ensuring that their alternate representative is briefed about past meetings in advance of their attendance.