

Guide to Requirements and Obligations Relating to French Language Health Services

Questions & Answers

Q1. What is the purpose of the Guide to FLHS?

A1. The Guide to FLHS is intended to help strengthen health system accountability and performance in support of access to linguistically and culturally appropriate services for Ontario's Francophone communities.

The Guide to FLHS outlines and clarifies expectations for the respective roles, responsibilities, and accountability of the Ministry of Health and Long-Term Care ("ministry"), Local Health Integration Networks (LHINs), French Language Health Planning Entities ("Entities"), and Health Service Providers (HSPs), as reflected in current legislation and accountability instruments.

The Guide to FLHS is also intended to inform the Boards and executive leadership teams of these organizations with regards to their French Language Health Services (FLHS) obligations. Each organization is expected to fulfill and adhere to the requirements and obligations that apply to them.

Q2: How was the Guide to FLHS developed? Did the Ministry of Health and Long-Term Care consult key stakeholders?

A2: In December 2016, Ontario passed the *Patients First Act, 2016*, reinforcing the expectation that LHINs respect the requirements of the *French Language Services Act* (FLSA) in the planning, design, delivery and evaluation of services, and emphasized the LHINs' responsibility to promote health equity and respect for diversity, including of Ontario's French-speaking community.

The ministry received feedback from key stakeholders, including the Entities who communicated the need for further clarification around the respective roles and responsibilities of the LHINs and Entities, as they relate to FLHS.

As such, the ministry, LHINs and Entities initiated a comprehensive review of existing legislative and accountability requirements and obligations, as they relate to the planning, funding and delivery of FLHS and developed the Guide to FLHS to clarify the obligations and requirements outlined in current legislation and accountability instruments.

During the drafting period, the ministry undertook extensive consultations with key Francophone stakeholders and legal services to ensure the requirements and obligations outlined in the Guide to FLHS are accurate, and reflect the feedback received from key stakeholders.

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Q3: How will the ministry ensure accountability for the provisions outlined in the Guide to FLHS?

A3: All parties will be required to report on FLHS activities and strategies. The ministry will address any concerns and/or non-compliance issues, as appropriate.

LHIN Compliance

The ministry is exploring opportunities to include provisions in the Ministry-LHIN Accountability Agreement (MLAA) addressing the requirements and obligations outlined in the Guide to FLHS.

Entity Compliance

The ministry in collaboration with the LHINs and Entities will be undertaking a review of the LHIN-Entity Funding and Accountability Agreement (LEFAA) to ensure alignment with the requirements outlined in the Guide to FLHS and other legislative, regulatory and accountability instruments.

Recommendations will be provided to the LHINs and Entities to include provisions in the LEFAA requiring adherence to the requirements and obligations outlined in the Guide to FLHS.

HSP Compliance

The LHINs are expected to share the Guide to FLHS with their HSPs and ensure compliance with their responsibilities as they pertain to FLHS.

Q4: What is the ministry's position on "Active Offer"?

A4: The Ministry of Francophone Affairs (MFA) defines the concept of "Active Offer" as the set of measures taken by government agencies and designated agencies acting on behalf of the government to ensure that French language services are clearly visible, readily available, easily accessible and publicized, and that the quality of these services is equivalent to that of services offered in English. This includes such measures as, all communications i.e. signs, notices, social media and other information on services, as well as the initiation of communication with French-speaking clients.

The ministry further notes that the principles associated with the concept of "active offer" include the identification of Francophone patients and the provision of information on local health services that are available in French. Dependent on FLS capacity, it also includes providing French language health services to Francophone patients or making a referral so that Francophone patients can obtain health services in French.

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Q5: What is the ministry's position on Ontario Regulation 284/11: Provision of French Language Services on behalf of Government Agencies, under the FLSA?

A5: In 2011, the Third Party Regulation was adopted. The regulation requires ministries and government agencies to ensure that services provided by third parties on behalf of government and government agencies are provided per the requirements under the FLSA and to report to the MFA on compliance.

As Crown agencies, LHINs are required to ensure that any service provided directly to the public by the LHIN, including home and community care services, is delivered in accordance with the FLSA.

In addition, contracted service providers delivering any service, including home and community care services, on behalf of LHINs have an obligation to provide services in accordance with the FLSA. As such LHINs will have to ensure that contracted service providers ("third parties") delivering any service, including home and community care services, on behalf of the LHIN are provided in accordance with the FLSA.

Q6: What is the ministry's position on the identification and designation of HSPs?

A6: Identified HSPs should continue to work towards designation under the FLSA. The ministry expects the LHINs, Entities and HSPs to work in collaboration and evaluate the HSP's FLHS capacity and determine whether it is suitable for designation.

While the designation process is managed by the MFA, the ministry recognizes that there are opportunities to improve and further clarify the processes for identifying and designating HSPs. As such, the ministry will continue to work with the MFA and provide feedback/recommendations on how these processes can be improved to further support access to FLHS.

Q7: What is the ministry's expectation for non-designated HSPs in relation to providing services in French?

A7: Non-designated and non-identified HSPs are expected to develop and implement a plan to address the needs of its local Francophone community including the provision of information on local health services available in French.

These HSPs are also expected to work towards applying the principles associated with the concept of "Active Offer" in the provision of health services in accordance with existing FLHS capacity.

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Q8: Going forward, how will the ministry support improved access to FLHS?

A8: The ministry is committed to improving access to FLHS across the province. The ministry will continue to apply a Francophone lens in the development of provincial and local strategic plans to ensure that the provision of health services meet the requirements of the FLSA.

To this end, the ministry has also established a FLHS Working Group to support LHIN Renewal Transformation initiatives. The Working Group will include membership from the ministry, LHINs and Entities and will focus on the following key projects over the next year:

1. Recommending FLHS indicators to support health system planning for FLHS and for accountability purposes.
2. Supporting the LHINs in assessing FLHS capacity and demand at the provincial level.
3. Conducting a review of the LHIN-Entity Funding and Accountability Agreement (LEFAA) to ensure the LEFAA aligns with updated legislative, regulatory, and ministry accountability requirements and expectations.

The Working Group will facilitate ongoing engagement and collaboration with key stakeholders and informants such as, the French Language Health Services Advisory Council, Entities, the FLS Commissioner, and the Ministry of Francophone Affairs.

In addition, the ministry is working to establish baseline FLHS data to support the LHINs and their Entities in better understanding the needs of their local Francophone communities and assist with planning for the delivery of FLHS.