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Via Email

Our File Number: LEX-500166425

March 7, 2025

Canadian Human Rights Tribunal
240 Sparks Street, 6th Floor West
Ottawa, Ontario K1A 1J4

Dear Members Marchildon and Lustig,

**Re: First Nations Child and Family Caring Society of Canada et al. v.
the Attorney General of Canada et al.
Tribunal File: T1340/7008**

We write on behalf of Indigenous Services Canada (ISC) to report on and to update the Tribunal on ISC's processing of backlogged requests further to Canada's report dated January 17, 2025 (**January 17 Report**).

At the February 5, 2025 Case Management Conference, the Tribunal suspended all February reporting deadlines and asked Canada to provide a further report on the backlogs in approximately one month. While the Tribunal did not specify an exact date for Canada's report, we are pleased to provide this progress update on ISC's efforts to address the backlog of requests.

Overall, ISC's work to address the backlog has been aided by the Tribunal's clarification and interim definition of urgent in the Summary Ruling and Written Reasons.

In addition, the parties continue to meet for Tribunal-assisted mediation with the next session scheduled for March 21, 2025.

Update on ISC's progress to address the backlog

ISC is making significant progress on addressing the backlog of urgent requests. Since January 17, 2025, ISC has reduced pending urgent requests by half (see Annex A). Since December 10, 2025, Jordan's Principle received 50,000 new requests (15,000 urgent and 35,000 non-urgent). As of this update, the overall backlog has not continued to grow. This could signal that ISC has stopped the ongoing backlog growth and that ongoing efforts will now work to reduce it. However, monitoring over several months is needed to assess if this trend continues and is sustained.

As reported on January 17, 2025, and since the Summary Ruling, ISC has implemented a number of operational changes to address the backlog of requests. As reported, ISC has updated its website to provide the interim definition of urgent as set out in the Summary Ruling for interested parties

and requestors.¹ Work has continued since ISC's previous update to implement the interim definition. This work includes technical modifications to the Jordan's Principle Case Management System to facilitate applying the interim urgent definition and supporting triaging of backlogged requests, updated training for Jordan's Principle staff, and new delegated and accelerated decision-making processes.

On February 10, 2025, ISC provided information to the public on changes to operating procedures, including processing requests to Jordan's Principle. ISC is responding to the increase in Jordan's Principle requests by implementing new ways to process requests and expedite decision-making. The changes to operating procedures also ensure the long-term sustainability of Jordan's Principle. These changes provide further clarity and consistency on the services available for First Nations children through Jordan's Principle, as well as the required documentation that is needed when processing requests. ISC has confirmed that Jordan's Principle will continue to be assessed on a case-by-case basis. This information is also available on the ISC website: (<https://sac-isc.gc.ca/eng/1739222520301/1739222546551>)

Update on backlog requests

Attached to this letter as Annex A is a status report on ISC's progress on backlogged requests. This updates the information filed with Canada's January 17 Report. Annex A provides information on the total number of backlogged Jordan's Principle requests at both the national and regional levels as of February 20, 2025. This includes intake backlogs, requests in progress, appeals, and payment/reimbursement. The backlog volumes presented in the Annex A report are at the request level, not at the cases or requestor level. For example, it is possible that one requestor might have three cases, and each case might have three items requested. The backlog associated with this requestor would appear as nine requests. Annex A also provides the monthly trends associated with the specific volumes of backlog, where data is available.

As previously reported, ISC is tracking the backlogs set out in Annex A. However, the complex nature of requests and the nature of tracking incoming and existing requests means that daily or weekly tracking with real-time monitoring is challenging. Therefore, trends are more accurately observed over longer periods of time, either monthly or after a period of months, which will more accurately reflect impacts of operational changes.

On January 17, ISC reported that internal review and data cleaning of open requests were underway. Through this process, ISC has identified duplicate records. Approximately 2,000 urgent requests were confirmed as duplicate requests, data errors or as withdrawn by the requestor. Of these requests, 50% have now been removed from the backlog following review. This work to clean up any duplicates or errors will continue over the coming weeks.

Currently, ISC follows up with requestors when information is missing but does not suspend or close these requests. A data review identified 17,000 requests that have been awaiting information from the requestor for more than two years. While these are not counted as part of the backlog, they remain unresolved in the system. ISC intends to establish clear criteria for closing such

¹ Indigenous Services Canada, "Jordan's Principle" (5 March 2025), online: <sac-isc.gc.ca/eng/1568396042341/1568396159824>.

requests, ensuring a defined approach to their resolution. This work will follow priority tasks, including managing the urgent backlog and staff training.

Update on progress on the reduction of the backlog and next steps

As of February 20, 2025, there are approximately 8,000 urgent requests in the backlog (see table below). This total includes requests that remain as part of the approximate 26,000 urgent requests as reported in Canada's December 10 Report, as well as new self-declared urgent requests that have been received since. Based on the Tribunal's clarifications and interim definition, ISC has conducted a review of the backlogged urgent requests and reclassified approximately 25,000 requests.

The following table provides the progress on urgent backlogged Jordan's Principle requests, as of February 20, 2025:

Urgent requests - backlog (as of Dec 4, 2024)	New self-declared urgent requests (from Dec 4, 2024 to February 20, 2025)	Reclassified - as non-urgent requests	Duplicate request or withdrawn by requestor	Urgent requests determined	Urgent requests – pending information	Remaining backlog - urgent requests³
26,000	15,000	25,000	1,000	5,000	2,000	8,000

Note: Requests reclassified to non-urgent did not meet the interim definition of Urgent. Requests pending information require additional information from requestors who have been contacted. The backlog considers the total urgent requests (backlogged and new), minus those reclassified, determined and those contacted and pending information. Values rounded to nearest thousand.

Update on the application of the interim definition

Operationally, requestors may continue to self-identify requests as urgent, however as reported on January 17, ISC now reviews and re-assigns the request according to the interim definition of urgent and reclassifies them as non-urgent, if appropriate. This applies to both requests in the backlog and incoming requests. This differs from the Back-to-Basics approach where a requestor could self-declare a request as urgent and ISC would not re-assign the request, regardless of the circumstances.

On February 1, 2025, ISC released an update of the Jordan's Principle Case Management System which included technical updates to support managing the urgent requests triage, facilitate processing requests and to allow for increasing the number of decision makers at the regional level.

Over the next six months, ISC will continue to make operational changes to support fulsome regional processing of requests. Given the continuing high volume of requests being received, the operational improvements will be iterative, on an ongoing basis.

Operational changes require time to implement and to monitor their impact on reducing or preventing the backlog. It is anticipated that the cumulative effect of these individual changes will improve timelines for determining requests; however, it will require time to achieve such results consistently.

Updated training for ISC staff

In the January 17 Report, Canada indicated that ISC was continuing to retrain staff to support the implementation of the interim definition across all Jordan's Principle operations. This effort has continued. Staff are being trained on how to apply the interim urgent definition and triage requests within the Jordan's Principle Case Management System. ISC has set up peer support and information sharing groups to allow staff to support each other.

Update on Accelerating Decision-Making

On January 17, Canada reported that it would shift from the decision making process where denials were all escalated to HQ which may contribute to further delays in determination of a request, to delegate decision making for denials to regional offices which could reduce delays and to improve efficiencies. ISC has now identified regional employees, who have been trained as decision-makers to determine urgent requests, to undertake this function. These staff are tasked with reviewing their respective regional backlogs of urgent requests to identify and decide, in a timely manner, the requests that align with the Tribunal's interim definition.

In addition, a surge team from the Jordan's Principle national headquarters (NHQ), including a Director General, was mobilized for in-person focused sessions in two regions to provide training and support on reviewing and determining group requests in the backlog. Full day training sessions on group requests resulted in determinations of over 110 high-value, complex group requests in the backlog. This NHQ surge team will continue to work with regions to focus on a standardized approach to managing group requests.

Once the urgent requests backlog is further reduced, NHQ surge teams will begin to focus on the non urgent backlog requests. ISC will continue to reassess targeting staff to various aspects of the backlog as progress is made.

This is an interim progress report of the ongoing effort to address the backlog within Jordan's Principle. Since the previous report, Canada continues to work through specific measures, and to consult with other parties on topics through Tribunal-assisted mediation. Canada remains committed to efforts to manage the growing volume of requests and improving clarity for requestors on the services available through Jordan's Principle and documentation requirements. ISC continues to refocus Jordan's Principle on its original intent—addressing discrimination against First Nations children in accessing public services and ensuring that support is directed to those who need it most. These efforts will help ensure the long-term sustainability of Jordan's Principle, safeguarding its ability to serve children effectively in the years to come.

Sincerely,


Kevin Staska
Senior Counsel

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Status Report on Operational Backlogs

Jordan's Principle

February 2025 Update



Indigenous Services
Canada

Services aux
Autochtones Canada

Canada

Scope

This report presents data on the status of the three operational backlogs associated with the implementation of Jordan's Principle. More specifically, it provides the total number of backlogged requests, nationally and in each region, including the intake pending backlog, requests in progress backlog and the appeal backlog. It also includes an update on the reimbursement payment times. It presents monthly trends associated with specific backlog volumes where data is available.

Definitions & Methodology

Overall Request Backlog (A + B)

Definition: The number of active requests (items) received by Jordan's Principle that do not have a decision, excluding requests where one or more contact attempts have been made to the requestor for additional information.

Methodology: The overall request backlog is comprised of two parts – ***Intake pending (A)*** and ***Requests in Progress (B)***. (See Table 1)

Intake Pending (A)

Definition: The number of requests (items) received by Jordan's Principle that have not yet been entered into the CMS.

Methodology (A): The number of emails received by Jordan's Principle that contain one or more requests that have not yet been entered into the CMS. Email is the primary medium in which new requests are received by Jordan's Principle, accounting for ~85% of all initial communication. Therefore, it has been used as a proxy indicator for the intake pending backlog. The email count is restricted to specified inbox folder(s) used by regions to sort and triage emails pending intake into the CMS to minimize the risk of including emails not directly associated with new requests like follow-ups, invoices, and general inquiries. For the purposes of estimating backlogged requests it is assumed that each email represents one active request (See Table 2).

Requests in Progress (B)

Definition: The number of active requests (items) entered in the CMS that do not have a decision, excluding requests where one or more contact attempts have been made to the requestor for additional information.

Methodology: The number of active requests in the CMS that 1) are not appeals 2) do not have a decision, and 3) are not requests where one or more contact attempts have been made to the requestor. (See Table 4)

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Appeal Backlog

Definition: Appeal requests received by Jordan's Principle that do not yet have an appeal decision to uphold or overturn the original decision, excluding requests where one or more contact attempts have been made.

Methodology: The number of active requests in CMS that 1) are appeals 2) do not have a decision to uphold or overturn the original decision, and 3) are not requests where one or more contact attempts have been made to the requestor. (See Table 5)

Considerations

- The data within this report differs from backlog analyses submitted to the Canadian Human Rights Tribunal (CHRT) prior to December 10, 2024, in two ways:
 1. The previous methodology could not differentiate between backlogged Jordan's Principle and ICFI requests. This analysis excludes ICFI requests from the backlog data in the Request system (B).
 2. Earlier analyses presented backlog data as both high and low estimates. This analysis uses a methodology consistent with the high estimate approach.
- New requests are submitted to Jordan's Principle during backlog clearing efforts. The influx of these requests tempers the overall impact of ISC's efforts to clear the backlog.
- Data cleaning exercises performed during the week of January 5th, 2024 resulted in approximately 15,000 requests flagged as having had contact attempts made to the requestor for additional information. and excluded from backlog statistics. As such, the number of requests where one or more contact attempts have been made since the previous report may appear higher than expected.
- ISC is unable to determine if unopened emails contain Jordan's Principle requests or Inuit Child First Initiative requests, as such, data for unopened emails (A) is assumed be an *overestimate* of the emails associated with Jordan's Principle.
- The backlog volumes presented in this report are at the request level, not at the cases or requestor level. For example, it is possible that one requestor might have three cases, and each case might have three items requested. The backlog associated with this requestor would appear as 9 requests, not the 3 cases or 1 requestor.
- The definition of request backlog used for this report does not consider the compliance timelines or service standards. Thus, a proportion of the backlog may still meet the compliance service standards outlined by the CHRT.
- Due to the live nature of the CMS, backlogged requests are generally incomplete records, constantly evolving and are not readily available for reporting purposes
- The functionality enabling identification of dormant pending contact attempts was not implemented in the CMS until March 2021. Prior to this functionality, dormant requests would remain as pending or in progress and have not been updated since, and thus still appear in the backlog figures provided in this report. Moreover, not all system users update the status of requests in the system when a contact attempt is made to the requester. As a result, these dormant requests are included in the backlog figures provided in this report.

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Summary

Request Backlog

- As of February 20, 2025, it is estimated that Jordan's Principle has nearly 135,000 backlogged requests (Table 1); a decrease from nearly 140,000 in December 2024.
 - Approximately 10,000 backlogged requests were pending intake based on email volumes (Table 1).
 - The remaining roughly 125,000 backlogged requests were in progress, of which 8,000 were urgent (self-declared urgent pending reassessment or reassessed as urgent; Table 2).
- Since the December 10, 2024 report and as of February 21, 2025 in the "In progress backlog":
 - Approximately 50,000 new requests were entered into the Jordan's Principle CMS.
 - 15,000 were self-declared urgent
 - 35,000 were non-urgent
 - Approximately 25,000 self-declared urgent requests were reassessed as not meeting the definition of urgency and moved to the non-urgent backlog.
 - Approximately 21,000 requests were adjudicated
 - 5,000 from the urgent backlog
 - 16,000 from the non-urgent backlog
 - Approximately 27,000 requests were moved into a pending additional information from requestors state where one or more contact attempts have been made.
 - 2,000 from the urgent backlog
 - 24,000 from the non-urgent backlog

Appeal Backlog

- As of February 20, 2025, there were 727 requests in the appeal backlog (Table 3).

Outstanding payments/ Reimbursements update

- Data on the volume of outstanding payments/reimbursements is not available at the time of compiling this report. However, efforts are underway to identify solutions and develop the mechanisms necessary to systematically track and report this information in the future. Initial estimates may be available within 6 to 12 months.

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- Between April 1st and January 31, 2025, ISC processed 26.2% of all invoices within 15 business days, and 50.9% within 30 business days

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Results

Table 1: Estimated Request Backlog by Region as of February 20, 2025

Region	Intake Pending Backlog (A)*	In-Progress Backlog (B)	Total Estimated Request Backlog
	Emails for new requests not yet in the CMS	Undetermined Requests in the CMS	(A+B)
Alberta	2,199	15,654	17,853
Atlantic	683	12,016	12,699
British Columbia	1,539	13,458	14,997
Manitoba	1,130	24,333	25,463
Northern	0	4,223	4,223
Ontario	216	34,255	34,471
Quebec	1,425	2,948	4,373
Saskatchewan	3,147	17,667	20,814
National Teams	0	4	4
Total	10,339	124,558	134,897

1) Intake pending backlog (A) includes requests under Jordan's Principle and ICFI; 2) In progress backlog (B) limited to Jordan's Principle requests; 3) Includes service coordination requests; 4) "National Teams" refer to requests which have yet to be assigned to a region within the CMS; 5) In-progress requests were collected through the Jordan's Principle Case Management System (extracted 2025-02-21) and may not align with other analyses; 6) Email volume collected during the week of 2025-02-16.

Table 2: In Progress Backlog by Urgency and Region as of February 20, 2025

Region	Estimated Request in Progress Backlog		
	Urgent	Non-urgent	Total (B)
Alberta	1,163	14,491	15,654
Atlantic	229	11,787	12,016
British Columbia	409	13,049	13,458
Manitoba	2,120	22,213	24,333
Northern	159	4,064	4,223
Ontario	3,446	30,809	34,255
Quebec	173	2,775	2,948
Saskatchewan	777	16,890	17,667
National Teams	0	4	4
National	8,476	116,082	124,558

1) Limited to Jordan's Principle requests; 2) Includes service coordination requests; 3) "National Teams" refer to requests which have yet to be assigned to a region within the CMS; 4) Requests were collected through the Jordan's Principle Case Management System (extracted 2025-02-21) and may not align with other analyses.

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Table 3: In Progress Backlog by Urgency and Work Unit as of February 20, 2025

Work Unit	Estimated Request in Progress Backlog		
	Urgent	Non-urgent	Total (B)
Alberta	980	11,758	12,738
Atlantic	19	9,165	9,184
British Columbia	34	11,867	11,901
Manitoba	1,279	19,039	20,318
Northern	17	2,227	2,244
Ontario	355	23,110	23,465
Quebec	102	2,452	2,554
Saskatchewan	576	16,001	16,577
HQ (Escalations)	5,114	20,459	25,573
National Teams	0	4	4
National	8,476	116,082	124,558

1) Limited to Jordan' Principle requests; 2) Includes service coordination requests; 3) "National Teams" refer to requests which have yet to be assigned to a region within the CMS; 4) Requests were collected through the Jordan's Principle Case Management System (extracted 2025-02-21) and may not align with other analyses.

Table 4: Estimated Appeal Backlog as of February 20, 2025

Region	Appeal Backlog
Alberta	106
Atlantic	84
British Columbia	67
Manitoba	47
Northern	75
Ontario	72
Quebec	51
Saskatchewan	25
National	727

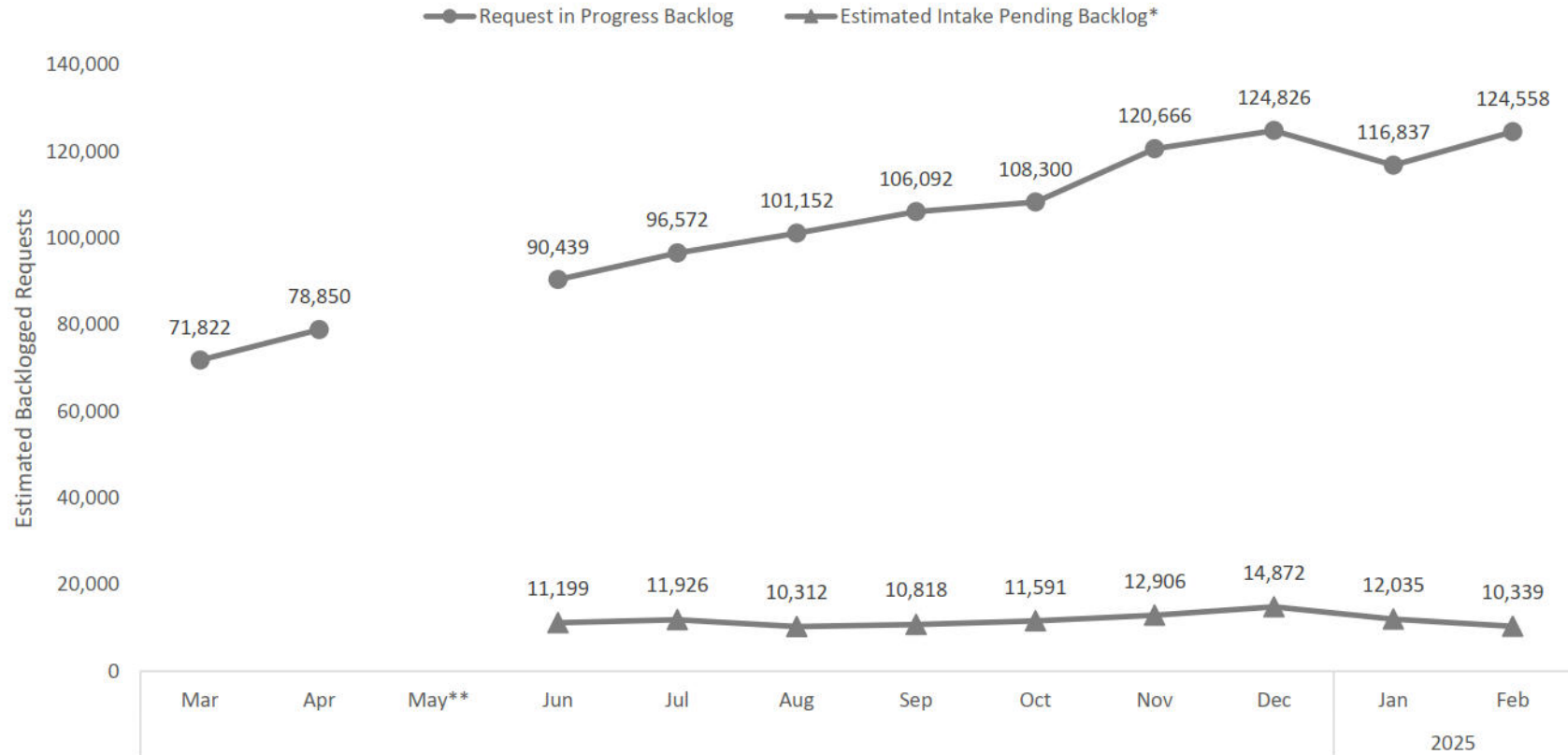
1) Limited to Jordan' Principle requests; 2) Requests were collected through the Jordan's Principle Case Management System (extracted 2025-02-21) and may not align with other analyses.

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Historic Trends in Operational Backlogs

Figure 1. Estimated Request Backlog (Intake Pending and In Progress), February 2024 to February 2025



* Data on the intake pending backlog is only available for the last 6 months.

**Data on the request in progress backlog is not available for May 2024.

1) Intake pending backlog (A) includes requests under Jordan's Principle and ICFI and 2) email volumes were collected during specific periods each month (June 2024, collected week of 2024-06-23; July 2024, collected week of 2024-07-28; August 2024, collected week of 2024-08-025; September 2024, collected week of 2024-09-22; October 2024, collected week of 2024-10-20; November 2024, collected week of 2024-11-17; December 2024, collected week of 2024-12-05); 3) Request in progress backlog is limited to requests under Jordan's Principle, and includes service coordination requests; 4) Request in progress were collected through the Jordan's Principle Case Management System (February 2024, extracted 2024-02-09; March 2024, extracted 2024-03-11; April 2024, extracted 2024-04-10; June 2024, extracted 2024-06-10; July 2024, extracted 2024-07-11; August 2024, extracted 2024-08-09; September 2024, extracted 2024-09-10; October 2024, extracted 2024-10-08; November 2024, extracted 2024-11-19; December 2024, extracted 2024-12-05; January 2025, extracted 2025-01-13; February 2025, extracted 2025-02-21) and may not align with other analyses.

Table 5. Estimated Intake Pending Backlog (A) by Region by month, June 2024 to January 2025*

Region	2024							2025	
	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
Alberta	2,176	1,975	2,000	2,297	2,563	2,830	2,881	2,335	2,199
Atlantic	1,816	1,947	2,242	2,498	2,344	1,620	1,464	785	683
British Columbia	1,131	1,213	1,259	1,277	1,400	1,593	3,318	1,691	1,539
Manitoba	2,733	3,030	1,347	843	995	1,220	1,436	1,574	1,130
Northern	0	0	0	4	15	5	0	0	0
Ontario	1,556	1,554	1,306	1,412	1,527	1,434	1,407	1,024	216
Quebec	0	16	7	24	224	1,590	1,569	1,464	1,425
Saskatchewan	1,787	2,191	2,151	2,463	2,523	2,614	2,797	3,162	3,147
National	11,199	11,926	10,312	10,818	11,591	12,906	14,872	12,035	10,339

* Data on the intake pending backlog is only available from June 2024 onwards.

1) Intake pending backlog (A) includes requests under Jordan's Principle and ICFI and 2) email volumes were collected during specific periods each month (June 2024, collected week of 2024-06-23; July 2024, collected week of 2024-07-28; August 2024, collected week of 2024-08-025; September 2024, collected week of 2024-09-22; October 2024, collected week of 2024-10-20; November 2024, collected week of 2024-11-17; December 2024, collected week of 2024-12-05; January 2025, collected week of 2025-01-05; February 2024, collected week of 2025-02-16).

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Table 6. Estimated Request in Progress Backlog (B) by Region, February 2024 to February 2025

Region	2024											2025	
	Feb	Mar	Apr	May*	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
Alberta	7,320	7,670	8,597		10,511	12,238	13,412	14,381	14,104	14,000	14,142	15,133	15,654
Atlantic	4,100	4,069	4,460		4,243	5,570	5,729	6,029	6,272	8,506	9,104	10,453	12,016
British Columbia	3,284	3,871	6,579		8,221	8,823	9,304	9,749	10,141	10,777	10,991	11,697	13,458
Manitoba	12,131	12,878	13,241		14,879	16,329	16,979	18,198	18,724	22,390	23,908	24,069	24,333
Northern	6,043	6,373	6,683		7,153	6,139	5,978	6,004	5,619	5,322	4,867	4,762	4,223
Ontario	11,563	12,810	14,070		18,217	19,667	21,066	22,164	23,074	27,617	29,296	31,419	34,255
Quebec	844	857	621		648	673	739	799	896	1,455	1,723	2,532	2,948
Saskatchewan	22,095	23,294	24,599		26,567	27,133	27,945	28,764	29,466	30,595	30,795	16,768	17,667
National Teams	0	0	0		0	0	0	4	4	4	0	4	4
National	67,380	71,822	78,850		90,439	96,572	101,152	106,092	108,300	120,666	124,826	116,837	124,558

* Data on the request in progress backlog is not available for May 2024.

1) Limited to requests under Jordan's Principle; 2) Includes service coordination requests; 3) Requests were collected through the Jordan's Principle Case Management System (February 2024, extracted 2024-02-09; March 2024, extracted 2024-03-11; April 2024, extracted 2024-04-10; June 2024, extracted 2024-06-10; July 2024, extracted 2024-07-11; August 2024, extracted 2024-08-09; September 2024, extracted 2024-09-10; October 2024, extracted 2024-10-08; November 2024, extracted 2024-11-19; December 2024, extracted 2024-12-05; January 2025, extracted 2025-01-13; February 2025, extracted 2025-02-21) and may not align with other analyses.

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Table 7: Estimated Appeal Backlog by Region, February 2024 to February 2025

Region	2024											2025	
	Feb	Mar	Apr	May*	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
Alberta	31	66	4		6	16	2	21	16	50	60	60	106
Atlantic	3	6	4		27	34	41	24	27	21	24	79	84
British Columbia	8	12	27		39	55	32	23	34	54	55	59	67
Manitoba	1	7	19		27	23	14	20	24	18	23	34	47
Northern	3	0	5		12	21	22	19	16	44	50	65	75
Ontario	67	54	52		87	115	92	92	125	185	158	217	272
Quebec	2	5	14		12	14	29	20	33	18	18	49	51
Saskatchewan	1	15	25		6	9	5	5	6	5	16	16	25
National	116	165	150		216	287	237	224	281	395	404	579	727

* Data on the request in progress backlog is not available for May 2024.

1) Limited to Jordan's Principle requests; 2) Includes service coordination requests; 3) Requests were collected through the Jordan's Principle Case Management System (February 2024, extracted 2024-02-09; March 2024, extracted 2024-03-11; April 2024, extracted 2024-04-10; June 2024, extracted 2024-06-10; July 2024, extracted 2024-07-11; August 2024, extracted 2024-08-09; September 2024, extracted 2024-09-10; October 2024, extracted 2024-10-08; November 2024, extracted 2024-11-19; December 2024, extracted 2024-12-05; January 2025, extracted 2025-01-13; February 2025, extracted 2025-02-21) and may not align with other analyses.

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Jordan's Principle and Inuit Child First Initiative Reporting and Analytics
 Indigenous Services Canada - First Nations and Inuit Health Branch